

# GAS STORAGE EXPANSION PROJECT

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**BOTAŞ**  
**PETROLEUM PIPELINE CORPORATION**



**CINAR**  
**CINAR Engineering  
Consultancy Inc.**

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## **ABBREVIATIONS**

**BOTAŞ** – Petroleum Pipeline Corporation

**BIMER** - Prime Ministry Contact Center

**CRF** – Complaint Register Form

**EIA** – Environmental Impact Assessment

**EPC** – Engineering Procurement Construction

**ESIA** – Environmental and Social Impact Assessment

**GLAC** – Guide to Land Acquisition and Compensation

**GRM** – Grievance Redress Mechanism

**GSEP** – Gas Storage Expansion Project

**IFC** – International Finance Corporation

**LAP** – Land Acquisition Plan

**MoEU** – Ministry of Environment and Urbanization

**NGO** – Non-Governmental Organization

**OP** – Operational Policy

**PAC** – Project Affected Community

**PAP** – Project Affected Person

**PM** – Project Management

**PS** – Performance Standard

**RPF** – Resettlement Policy Framework

**RAP** – Resettlement Action Plan

**SEP** – Stakeholder Engagement Plan

**TBD** – To be Determined

**UGS PROJECT** – Underground Gas Storage Project

**WB** – World Bank

## GLOSSARY

**Compensation** refers to payments made by those causing specified and agreed loss to those who suffer the impairment of access to land, waters and other critical natural resources and livelihoods, or damage to, or destruction of, community members' individual or collective assets of any kind, whether accidental or planned.

**Cut-off date** refers to the date of the census of persons and inventory of assets affected by the Project. If (a) person(s) should occupy the project area after the cut-off date, they will not be eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the cut-off date will not be compensated. Before the census, BOTAŞ will publish information about the cut-off date in local newspapers, informing all owners and users of the initiation of the expropriation process. The cut-off date will also be publicly disclosed on notice boards in local communities and relevant municipalities and at consultation meetings, with an accompanying explanation. The public announcement will also be posted, as necessary, on frequently visited locations throughout the affected areas

**Expropriation** refers to a dispossession or a limitation of ownership rights on property with compensation pursuant to market value of the property.

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

**Eligibility** refers to criteria identifying which affected persons are entitled to receive compensation, resettlement assistance and/or other benefits as a result of resettlement. Usually established either by law or via policies of International Financial Institutions (IFIs).

**Household** refers to community consisting of one or more people who live in the same house or in a part of the same house, whether they have a kinship tie or who meet basic needs together.

**Informal User** refers to people who have no recognizable legal right or claim to the land they are occupying for residential, business and/or other purposes. They are not eligible for land compensation but qualify for compensation for loss of structures and improvements, loss of crops and transitional livelihood support.

**Involuntary resettlement** includes all cases with social and economic impact in which, because of the Project implementation, land or assets are taken in a legal process without owners consent or power of choice, resulting in relocation or loss of shelter, loss of assets or access to assets, or loss of income sources or means of livelihood.

**Livelihood restoration** includes all efforts to be undertaken to assist PAPs impacted by physical or economical displacement to improve their livelihoods and standards of living, or at least to restore to level before displacement or to level prior to the beginning of project implementation, whichever is higher. Assistance in livelihood restoration will continue in a transition period, based on a reasonable estimate of the time likely needed.

**Mitigation measure** refers to the measures to be taken in order to minimize the negative effects of impacts on livelihoods of the affected people.

**Project** refers to BOTAŞ Gas Storage Expansion Project, including all its sub-projects, components and phases.

**Project-Affected Person (PAP)** refers to any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

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

**Replacement Cost** refers to a method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs as defined by WB OP 4.12. “Replacement cost” is defined as follows: for agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors’ fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard.

**Resettlement** relates to all cases of land acquisition and compensation for loss of assets, whether it involves actual relocation, loss of land, shelter, assets, economic displacement or other means of livelihood and includes all the measures taken to mitigate any and all adverse impacts of the Project on PAPs’ property and/or livelihood, including compensation,

relocation (where relevant), and rehabilitation. Resettlement impacts include the loss of crops and incomes, in addition to physical relocation.

**RAP (Resettlement Action Plan)** refers to the document consistent with the principles and objectives of OP 4.12 and with the RPF in which responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by the Project in certain area.

**RPF (Resettlement Policy Framework)** refers to this document which describes overall resettlement policy structure for the Project.

**Stakeholder** refers to individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

**Vulnerable group** refers to below the poverty line, the landless, the elderly, women and children, and those who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others or who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

## EXECUTIVE SUMMARY

Gas Storage Expansion Project (GSEP) is planned within the borders of Aksaray province, Sultanhanı, Sarıyahşi, Ağaçören, Ortaköy, Eskil and Central districts, Konya province, Emirgazi district and Ankara province, Evren district in the middle of central Anatolia Region of Turkey same as the Underground Gas Storage Project. Main and auxiliary facilities and structures are generally covered with agricultural and pasture land areas and also water intake structure will be installed near the Hirfanlı Dam. Project will establish a 400% more capacity than the Underground Gas Storage Project. Affected lands will be expropriated temporarily or permanently according to the requirements of Project component and therefore, economic and physical displacement impacts are anticipated as potential impact categories.

The World Bank is considering financing the Gas Storage Expansion Project and as part of complying with World Bank's safeguard policies; BOTAŞ is required to prepare this Resettlement Policy Framework (RPF) to mitigate the impacts associated with proposed land acquisition activities. In accordance with the OP 4.12, preparation of a RPF is required if the extent and locations of resettlement are not known at the time of Project appraisal. The objective of this document is to provide guiding principles for Project implementation, financed by a World Bank Loan, intended to ensure timely, adequate and efficient actions, specified by priority, in order to avoid, minimize and compensate all adverse impacts during resettlement. RPF is prepared in accordance with the national legislation and in conformity with OP 4.12 provisions.

In this context, this RPF sets out the policies and legal framework, principles and procedures, and institutional arrangements that will administer the land acquisition and resettlement process as well as defining the eligibility criteria for identification of PAPs and entitlements.

The following Project activities can potentially affect land ownership, land use and livelihoods in PACs;

- The construction, commissioning and operation of natural gas pipeline, energy transmission lines, fresh water lines, brine water lines
- Construction, commissioning and operation of surface facilities and well areas

Anticipated impacts that can be caused by these two types of facilities are; temporary loss of land for agricultural cultivation, loss of standing crops and trees due to construction activities, damages to crops in plots neighboring the pipeline construction corridor due to, for example, spillover of earth or intrusion of equipment, temporary disruption to grazing activities and/or reduced access to agricultural land and pastures, physical displacement of houses or other structures, loss of land and agricultural income, loss of standing crops and trees, loss of grazing and pasture lands etc. All PAPs who meet the eligibility criteria provided in this RPF will be entitled to compensation or livelihood support as detailed in Entitlement Matrix (Chapter 11) and some mitigation measures are also identified for the impacts that can be mitigated prior to the construction works start. RAP activities will be completed prior to the start of civil works activities.



## 1. INTRODUCTION

Gas Storage Expansion Project intends to construct a complete facility according to the international standards capable of storing a working gas volume of about 4 billion m<sup>3</sup> of natural gas which will be composed of the following project components but not limited to:

- Construction of water and brine pipelines, construction of subsurface facilities
- Construction of surface facilities
- Gas pipeline interconnection between Kayseri–Konya–Seydişehir sections (at app. 23 km north of the Project site) of the existing Eastern Anatolia Natural Gas Main Transmission Line to the Project site
- Electricity transmission lines
- Access roads and road up-grading

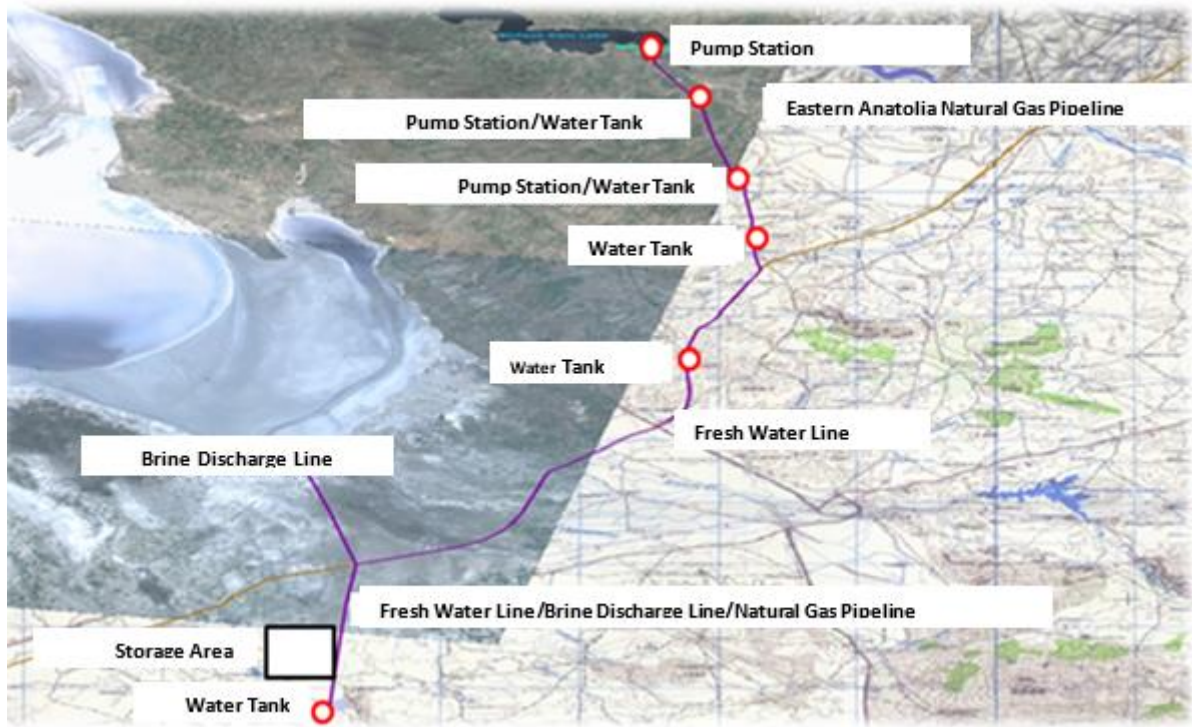
Underground Gas Storage Project (UGS Project) is located 39 km south of Tuz Gölü at Tömü Plateau within the boundaries of Sultanhanı district of Aksaray province in Turkey. The land requirements of the above mentioned components of the Project will be considerable and are anticipated to result both in physical and economical displacement. Land affected by the Project is arable agricultural lands and pasture lands, which are in the ownership of both public and private entities.

This Resettlement Policy Framework has been prepared by BOTAŞ, as required by the World Bank's OP 4.12, because specific locations of Project components are not known at the time of Project appraisal. Had the locations been known in advance, a Resettlement Action Plan would have been required prior to appraisal of the Project. This Resettlement Policy Framework describes anticipated project impacts, the legal framework for expropriation, types of project-affected persons, entitlements and compensation, and the steps that BOTAŞ will take to ensure that Resettlement Action Plans are developed during implementation in compliance with the World Bank's OP 4.12.

The RPF will be consistent with the World Bank's Operational Policy on Involuntary Resettlement (OP 4.12) and other applicable Turkish Government's policy provisions. In the event of any conflict between Turkish Government policies and procedures and the provisions of RPF / WB's OP 4.12, the provisions of OP 4.12 will prevail. This framework will serve as a guide for preparing the RAP(s) that will address land based impacts of each Project component once their locations and specific impacts are defined. If the exact routes of the pipelines are determined before the well areas and surface facilities, it is envisaged to prepare two separate RAPs first for pipelines and then for well areas and surface facilities.

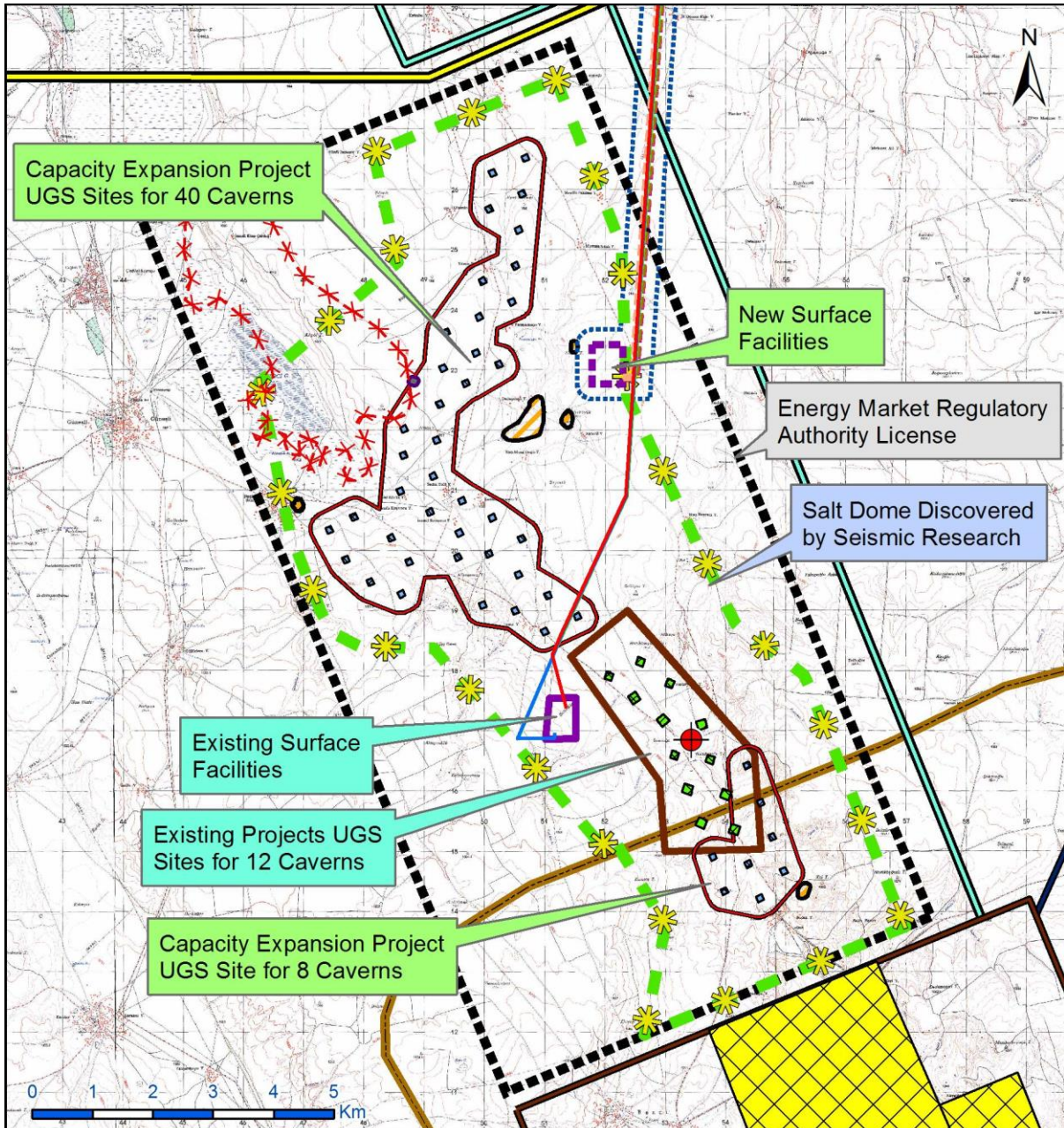
## 2. PROJECT DESCRIPTION

Underground Gas Storage Project (UGS Project) aims to regulate seasonal natural gas fluctuations, fulfilling purchase and sale commitments, ensuring flexibility in gas purchase-sale agreements and thus raising the bargaining power, ensuring uninterrupted gas supply and efficient pipeline operation, meeting the excessive demand during summer months due to electricity generation, creating a strategic reserve against unforeseeable technical disruptions in gas supply and providing service to all consumers in the natural gas system of Turkey.



**Figure 3.1.** Activity Units Planned within the Scope of Underground Gas Storage Project (UGS Project) – Gas Storage Expansion Project (GSEP)

Gas Storage Expansion Project considers the construction of an additional 48 caverns plus associated facilities in the same project location (an area of 36 km<sup>2</sup>) to store an additional 4 bcm of gas, bringing the total storage capacity of Tuz Gölü to 5 bcm with a deliverability rate of 80 million m<sup>3</sup> per day from 60 caverns.



**LEGEND**

- |                                    |                                      |   |
|------------------------------------|--------------------------------------|---|
| Underground Water Observation Well | Atlas Planned Freshwater Supply Line | Planned Project Well Impact Area                                |
| Existing Natural Gas Branch Line   | Atlas Planned Brine Line             | Existing Project Well Area                                      |
| Existing Freshwater Supply Line    | 1. Degree Archaeological Site        | Existing Surface Facility                                       |
| Existing Brine Discharge Line      | Existing UGS Locations               | EMRA License Border   |
| Planned Natural Gas Branch Line    | Planned UGS Locations                | Planned Pipelines and Auxiliary Surface Facilities Impact Areas |
| Planned Brine Discharge Line       | Planned Surface Facilities           | Cultural Heritage   |
| Planned Freshwater Supply Line     | Planned Station Areas                | Provincial Borders  |
| Atlas Project Area                 | Salt Dome                            |   |
| Atlas Operation Area               | Tuz Gölü SEPA                        |   |

**Figure 3.2.** Boundaries of well area and license area, existing surface facilities and UGS sites

The first 3 caverns of UGS Project, consisting of 12 caverns, each has a physical volume of 630.000-780.000 m<sup>3</sup>, were opened and commissioned on February 10, 2017. In October 2018, a second group of three caverns is planned to be commissioned. The last 6 caverns will be completed in 2020-2021, aiming to reach a storage capacity of 1.2 billion Sm<sup>3</sup> in total.

The Gas Storage Expansion Project is anticipated to have both environmental and social impacts. A national EIA has recently been prepared (during the last quarter of 2016) in line with national legislation that also includes a Social Impact Assessment (SIA) presenting possible social impacts and certain mitigation measures. As part of the national EIA process, two public consultations were held in Ankara and Konya on November 21 and 22, 2016, respectively. The national EIA finalized on March 10, 2017.

In addition to the national EIA report, an Environmental and Social Impact Assessment (ESIA) Report has been prepared to meet the safeguard requirements of the potential international lenders.

All the activities included in the Project components specified above, irrespective of co-financing from other agencies, are expected to be part of a single contract to which the World Bank's policies will apply. The currently ongoing World Bank-financed Underground Gas Storage Project has triggered OP 4.12 already. There are no other non-World Bank financed integrally linked activities, i.e. activities that may be supported by the proposed project components, that are currently ongoing.

### **3. LEGAL FRAMEWORK**

This section outlines the legislative framework that pertains to land acquisition, expropriation and involuntary resettlement in Turkey as it applies to BOTAŞ. It provides a summary of the relevant Turkish legislations and WB/IFC policies.

#### **4.1. Review of the National Legislation Governing Land Acquisition and Resettlement**

The Turkish Constitution, Article 46, under Subsection 3 of the Section 3 with the heading of “Social and Economic Rights and Responsibilities”, addresses expropriation issues. The article states that whenever a development project serves public interest, the government is authorized to initiate and execute an expropriation process. All hydropower, airport, highway and other roads, and similar large scale infrastructure projects are considered to be in public interest and provide the basis for Article 46. The Article refers to the Expropriation Law.

##### **4.1.1. Expropriation Law**

The specific article of Constitution states that except special cases the compensation value and the decreed increased value will be paid in full and cash to the users. The compensation of the farmers farming the acquired land is paid in full and cash, in any case. Private users cannot benefit from the expropriation of public lands and assets without paying compensation to the public at large. Even when land is acquired for public interest, expropriation agencies cannot benefit from the expropriation of private lands and assets without paying into a private bank account, in advance of actual land appropriation and project construction, the value of the expropriated assets.

Expropriation Law sets the procedures to be followed during; if and when it is required for public interest;

- the expropriation of immovable owned by real persons or legal identities subject to private law,
- the calculation of the expropriation fee,
- registration of the immovable asset and its appurtenances in the name of the expropriation administration,
- reclamation of the unused immovable assets, mutual rights and obligations as well as the procedures and methods for the settlement of the conflicts pertaining to them.

##### ***Article 3 - Requirements for Expropriation***

For the implementation of large projects that concern issues such as energy, irrigation and afforestation etc., administrations may expropriate by paying the fee for the immovables, resources and their easement rights in cash or as down payment in equal instalments, as required for the conduct of public services or interventions they are obliged to provide according to laws.

##### ***Article 7 - Initial Procedures to be performed for Expropriation and Administrative Annotation***

The administration that is to perform the expropriation prepares or commissions a scaled plan indicating the borders, surface area and type of the immovable assets of resources on which expropriation is to be constituted or appurtenances is to be constituted by way of expropriation, enables that the owners of the expropriated immovable asset, the ownerships if no title deed registrations are present and their addresses by binding them to documents through an inquiry it would conduct on the land registry, tax and population registry records as well as additional inquiries. After the administration takes the decision on expropriation, the related annotation of the expropriation in the title deed is notified to the title deed administration where the mentioned immovable asset is registered. If the owner changes after the notification date, the title deed administration is obliged to notify the administration of any changes to occur in the ownership or in the rights in kind that are separate from the ownership. If the document to be obtained from the court indicating that a request for the identification of the expropriation fee and the registration in the name of the administration as per the Article 10 is not submitted to the title deed administration within six months starting on the annotation date, this annotation is ex officio deleted from the title deed records.

#### ***Article 8 – Procurement Procedure***

According to Article 8, after the expropriation decision is made, the administration will appoint one or more valuation commissions (consisting of at least 3 people) to identify the value of immovables. Additionally, one or more negotiation commissions (again consisting of at least 3 people) will be assigned for negotiations. After the administration has notified the owner of its intent to take over the immovable, shall the owner or its representative apply to the administration (within 15 days after notification) with the intent of selling the immovable, negotiation meetings are held on the date identified by the commission and if an agreement is reached on an amount that is not more than the estimated value, an official report is signed. The administration prepares the amount stated in the report within forty days and asks the owner to transfer the ownership rights in the name of the administration on the date specified in the title deed. The expropriation fee is paid as soon as the transfer of rights is realized. In cases where an agreement is not reached or transfer is not realized, action is taken as per the Article 10 of this Law.

#### ***Article 10 – Identification of the Expropriation Fee by Court and Registration of Immovable in the Name of the Administration***

Article 10 states that, if the expropriation cannot be realized through procurement, the administration applies to the court of first instance in the locale of the immovable and requests that the expropriation fee for the immovable asset be identified and decision be made for its registration in the name of the administration in return for the payment of this fee. Within 30 days of the application of the administration, the Court notifies the owner of the immovables through an annotated invitation on the date of hearing. To those whose addresses could not be found after inquiries an announcement is made according to Notification Law (No. 7201) inviting them to attend the hearing. The Court also publishes information on the expropriation at least once in a local newspaper (if there is any) issued in the location of the immovable and in one of the newspapers circulated across Turkey. On the day of the hearing, the judge

invites the parties to reach an agreement on the value of the immovable. If an agreement is reached, the judge considers this fee to be the expropriation fee. In cases where an agreement is not reached, the judge schedules an expedition (within ten days) to identify the value of the immovable asset and a date for the second hearing (within thirty days after the expedition). On the second hearing, if the parties fail to agree on the value once again, the judge will assign a new expert commission for the valuation within fifteen days and then identifies a fair and equitable expropriation fee by referencing both the reports and statements of the parties and experts. The identified fee is the expropriation fee of the immovable, resource or its easement rights. The Court grants fifteen days to the administration for the fee to be deposited in a bank on behalf of the owner. In cases where the right holder could not be identified, the court decides on the registration of the immovable in the name of the administration under the circumstances that the bank receipt indicating the amount was blocked to be given to the right holder to be revealed in the future and that this decision is notified to the title deed department and the bank where the fee was deposited. The provision on registration is definitive and the parties reserve their rights for appeal pertaining to the fee.

### ***Article 27 – Urgent Expropriation***

The Expropriation Law (Article 27) states that, subject to a Council of Ministers Decree for national defence or in case of emergency, any immovable property may be expropriated by the administration undertaking expropriation for public interest. Such a Council of Ministers Decree has already been obtained by BOTAŞ with respect to the Project. To apply the emergency clause of the law and to urgently acquire land through this mechanism, the value of the immovable property and asset (crop values are determined and paid prior to land entry) in question must be appraised by the valuation commission (established within the expropriation agency consist of relevant discipline experts) according to the article 11 of the Expropriation Law within seven days. The expropriation shall be made after the appraised value of the immovable is fully deposited by the administration in the name of the owner.

Article 27 of the law allows the expropriation body to enter the field earlier as compared to the timing of entry under the standard expropriation procedures, but the article does not limit the claims of the owner on valuation of land and fixed assets. The valuation process is done by the court or court nominated experts within one week. This article will only be used when other avenues have failed.

### **4.1.2. Resettlement Law**

Resettlement activities are regulated by Resettlement Law no 5543 and Regulation for the Execution of Resettlement Law<sup>1</sup>. Resettlement Law deals with the families applying to related governmental agencies in the project region and requesting government assisted resettlement. Resettlement assistance of the government is provided for entitled families while expropriation compensation payments are paid to all individuals possessing immovable properties in the project area. According to the Article 3 of the Law, three types of

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<sup>1</sup> This Regulation has been issued in accordance with paragraph (d) of paragraph (c) of Provisional Article 1 of Law No. 4629 dated 21/02/2001 and Law No. 2510 dated 14/06/1934. Published in Official Gazette numbered as 24849 on 17/08/2002.

resettlement can be applied as for that the choices and requests of affected families. Article 3 of the Law reads this point as follows;

*“ARTICLE 3 – (1)*

*a) Agricultural resettlement: Agricultural resettlement is implemented through providing a family with the following; agricultural land at the amount of envisaged in special resettlement project prepared by Ministry of Environment and Urbanization (MoEU), house, management building, animal, agricultural devices and tools, workbench and credits one or more.*

*b) Non – agricultural resettlement: This type of resettlement is implemented through providing a family with the following: building plot at the amount provisioned in special resettlement project, house, devices, tools, workbench and loans one or more.*

*c) Physical settlement: This type of resettlement is implemented through providing construction credit support to a family within the amount of loan determined by the Ministry (MOEU) for the aim of re-building (moving) of villages because of unsuitability of a village centers or consolidating of villages because of dispersed settlement or villages which are fragmented as a result of disasters; after selling land (house plot) from village development areas to people in need”.*

Article 12 of the Law refers to the resettlement of persons whose immovable assets are expropriated, and specifies eligibility criteria for government assisted resettlement as follows:

*“(1) Due to the construction of a dam, an area adjacent to the dam, an area under protection, airport, highway, railway, plant and other facilities related to national economy and defense will be erected by public institutions and organizations; and due to the implementation of special laws and in order to protect historical and natural valuables;*

*a) The families who have to leave their locations/places as a result of partial or full expropriation of their immovable properties,*

*b) The families who do not own any immovable property, but who reside in the expropriation area at least for three years before the beginning of the calendar year, in which the resettlement planning studies were commenced, will be resettled to the locations/places indicated by the Ministry (MoEU) according to the provisions of this Law, provided that they request.*

*(2) However, the families who own immovable properties to be expropriated but left their places before the commencement date of resettlement planning studies shall not be resettled. Within the last three years as of this date, the families who sold their immovable properties without any compulsory situation and did not purchase immovable property with the equal or higher value shall not be resettled even if they did not leave their places. The compulsory situations mentioned above shall be determined by the regulations.*

*(3) Among the families residing in the expropriation area, those who are affected from the expropriation implemented by the public institutions and organizations, can be resettled by*



*the Ministry to a location indicated within their village boundaries upon their written application if they do not want to be resettled by the government in any other place, provided that the suggestion of relevant Governorate and the approval of the Ministry of Interior are obtained.*

*(4) Among the families included in the scope of this article, and requested to be resettled by the Government;*

- the families who do not apply within the ninety-day following the ending date of the announcement of resettlement, and*
- the families who do not commit to deposit the amount determined by the Ministry (MoEU) from their expropriation compensation they received or will receive, or their full expropriation compensation and additional increase awarded by court in the case that the amount of expropriation compensation is lower than the amount (determined by the Ministry) into the account of the Central Account Unit of the Ministry, shall not be resettled.*

This article states that the affected family (entitled to expropriation compensation) requesting government assisted resettlement has to commit to deposit a certain amount of this compensation to the Ministry of Environment and Urbanization. The Regulations/Instructions for implementation of Resettlement Law defines this amount as 120 times of the gross monthly (30 days) minimum wage of any worker who is older than 16 years. If the affected household requesting government assisted resettlement is not entitled to expropriation compensation, then they are not required to pay down payment (as deposit) to the Ministry. Upon the completion of resettlement construction process the cost of resettlement shall be paid by the household to the Ministry within 15 years after a 5 year grace period and without interest. Naturally, the amount of down payment shall be taken into account (deducted). The amount of down payment is updated as of this netting date. Furthermore, according to regulations of the Law, if there are workers or persons with pension from any social security organization in the family, total annual amount of their wage/pension should be less than 18 times of monthly minimum gross wage.

Resettlement Assistance; Article 9 of Resettlement Law explains the resettlement assistance (which is similar to WB Standards) as follows:

- a) “At first, house and its’ house - plot (for building),
- b) For craftsmen, artisans and tradesmen: work place and its’ building plot and operation credit to enable them providing for their livelihood,
- c) For farmers, land, necessary agricultural inputs, agricultural structures or plot of structure, and in kind and in cash operation and equipment credits as envisaged in agricultural resettlement project (specific),
- d) In case of the request of the right holder families (entitled to resettlement), resettlement credits can be given to the families collectively or individually, if the house, work place and agricultural land are found by themselves and their suggestions are approved by MoEU.”

Other assistances can be summarized as follows;

“Transportation (moving) of those entitled families to the resettlement areas (sites) shall be provided free of charge by the government according to the “Transportation (moving) Project” to be prepared (specifically) by the Ministry,”

In sum, landless families, renters of houses and/or work places, tenant users of the land, formal/informal users of treasury or forest areas and artisans including itinerant peddlers without immovable property but living in that area can be entitled to government assisted resettlement for which they might be eligible.

The Resettlement Law and Regulation for the Execution of Resettlement Law provides for government-assisted resettlement in the rural and urban areas. For now, no residential areas or units are present in the 48m study corridor of fresh water, brine water lines and natural gas pipeline. However, since the well locations are not exactly determined yet, it is not possible to say whether there will be impacted residential areas/units or not. It is quite likely that a residential area or unit to be found on the well points since there are many scattered and small settlements within the Project area. If found, the Project will need to act according to the Resettlement Law and to entitle those who are forced to relocate as a result of land acquisition for investments in public interest. In addition to compliance with national law, BOTAŞ will also comply with the World Bank’s OP 4.12 on Involuntary Resettlement in order to address any gaps that are found in Section 3.3 regarding resettlement entitlements.

### ***Consultation Requirements for Land Acquisition of the Legal Instruments***

The key legal instruments that regulate land expropriation and resettlement require different levels of consultation with the affected populations; the consultation requirements of these laws and their reference to stakeholder engagement do not correspond to international standards. The Expropriation Law focuses primarily on the provision of information to the affected owners of immovable assets. The Law also requires consultations and negotiations for the valuation of the expropriated assets; this requirement instructs the expropriation agency to work together with all relevant local institutions, including branches of the Ministry of Food, Agriculture and Livestock, other government departments and real estate firms, as well as with the affected populations.

The Resettlement Law incorporates a level of consultation with affected persons and communities that goes beyond mere information provision. These concern the choice of resettlement sites rather than on encompassing broader aspects of the resettlement process, such as house design, community layout, etc. Consultation with the affected people is essential in the framework of Government assisted resettlement since the compensation payments for residential structures, together with other immovable assets on them, are kept by the resettlement agency to finance the new resettlement arrangements. Because the resettlement homes are often more costly than the traditional homes the affected people reside prior to the project, the difference between the value of affected assets and the actual costs of new residential units are paid by the affected people over a period of time. Thus, the concept of replacement cost that is privileged by the WB and IFC is not used in Government assisted

resettlement arrangements. As a result, owners of affected assets often reject Government assisted resettlement; only those families that use (but not own) the Project affected homes consider participation in such arrangements. Regulation for the Execution of Resettlement Law states that the disclosure shall be held by written notification and be posted for 30 days at an apparent place (such as schools, mosques, cooperative buildings etc.)

The Cadastral Law (No. 3402) determines the boundaries and legal status of immovable assets based on the national coordinate system and the cadastral or the topographic cadastral maps in order to register land and to constitute the basis of the spatial information system as the Civil Law (No. 4721) stipulates. In accordance with the Cadastral Law, the regions to be surveyed shall be notified via the Official Gazette, radio, television and local newspapers and other traditional ways, 30 days prior to the beginning of cadastral works. At least 15 days prior to the cadastral surveys, the Cadastral Manager shall notify the village to be surveyed and the adjacent village and municipalities by traditional ways. The Cadastral Technicians shall inform the villagers by the traditional ways, about the place to be surveyed, seven days before they start the cadastral survey.

#### **4.2. World Bank Policies**

Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the World Bank's policy on involuntary resettlement are the following:

- Involuntary resettlement should 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 should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- Displaced persons should be 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, whichever is higher.

To address the impacts covered under involuntary settlements of this policy, the borrower (BOTAŞ) prepares a resettlement plan or a resettlement policy framework that covers the following:

- The resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
  - informed about their options and rights pertaining to resettlement;
  - consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and

- provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.
- If the impacts include physical relocation, the resettlement plan or resettlement policy framework includes measures to ensure that the displaced persons are
  - provided assistance (such as moving allowances) during relocation; and
  - provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site, compensation for their losses at full replacement cost and assistance in improving their former living standards, income earning capacity and production levels or at least restoring them.

OP 4.12 requires that no land shall be acquired or assets be lost before compensation is paid in full to the affected people and, where applicable, resettlement sites and moving allowances have been provided.

Moreover, OP 4.12 requires the Project to create and implement a resettlement plan, the preparation of which involves the involuntary resettlers and hosts in planning. In this regard, OP 4.12 requires the Project to systematically inform and consult resettlers about their options and rights during the preparation of the resettlement plan.

“Replacement cost” is the method of valuing assets endorsed by OP 4.12, and entails the following:

- Paying special attention to the adequacy of the legal arrangements concerning land title, registration, and site occupation;
- Publicizing among people to be displaced the laws and regulations on valuation and compensation;
- Establishing criteria for determining the resettlement eligibility of affected households; and
- The grievance procedures available for dispute over land acquisition.

OP 4.12 also recognizes that some types of loss, such as access to public services, customers and suppliers, grazing or forest areas, cannot easily be compensated for in monetary terms and, therefore, requires the Project to attempt to identify alternative ways to fully restore pre-project levels of livelihoods.

While OP 4.12 covers all affected people, it calls on the Project to pay particular attention to the needs of the poorest groups to be resettled and specifically states that the absence of legal title to land should not bar compensation to the population adversely affected by the Project, indigenous groups, ethnic minorities and pastoralists who may have usufruct or customary rights to the land or resources taken for the project.

According to the OP 4.01, Environmental and Social Management Framework (ESMF) examines the issues and impacts associated when a project consists of a program and/or series of sub-projects and the impacts cannot be determined until the program or sub-project details

have been identified. Such issues and impacts may include those that are not addressed under the OP 4.12. The ESMF sets out the principles, rules, guidelines and procedures to assess the environmental and social impacts. As such, it contains measures and plans to reduce, mitigate and/or offset adverse social impacts that are not addressed under this RPF, and enhance positive impacts. The ESIA Report also include provisions for estimating and budgeting the costs of such measures, and information on the agency or agencies responsible for addressing project impacts. Therefore, this RPF should be read in conjunction with the ESIA Report.

#### **4.3. Gap Analysis between National and International Policies**

There are several gaps between international and local standards in regard to the preparation of Resettlement Action Plan (RAP). First, under Turkish law, RAP is not a requirement for investments that cause economic and physical displacement. Similarly, an Environmental and Social Impact Assessment is a requirement under international policy, but only an Environmental Impact Assessment is required under Turkish law. In addition, within the national legal framework, there is a lack of specific requirements for consultation and disclosure of RAP and SIAs. The activities relevant to RAP consultations and disclosure are less explicit in Turkish national legislation, thus requiring the application of WB policies.

The main gaps between Turkish Law and World Bank Group Policies are summarized in the table below.

Gap Subject	World Bank Group Policies	Turkish Legislation	Measures to bridge the GAPS
Identification of Potentially Adverse Impacts of Land Acquisition	<p>Adverse direct and indirect livelihood impacts of the land acquisition and other immovable assets identified and minimized.</p> <p>Lost livelihoods and decreased living standards are restored and improved.</p>	<p>There is no provisioning in the Turkish Law for livelihood restoration.</p>	<p>BOTAŞ commits to apply international requirements through a Resettlement Action Plan.</p> <p>In cases where land based livelihood impacts are found to be major a Livelihood Restoration Plan will be developed and implemented.</p>
	<p>Affected populations and impacts should be:</p> <ul style="list-style-type: none"> <li>• identified through thematic maps, a census,</li> <li>• an inventory of affected assets,</li> <li>• socio-economic surveys and studies,</li> <li>• analysis of surveys and studies,</li> <li>• consultation with affected populations.</li> </ul>	<p>Inventory of assets are required by Turkish Law.</p> <p>Land acquisition through expropriation requires the preparation of a census of affected immovable assets, and a list of their owners.</p> <p>No studies, surveys and consultations are required. Consultations for negotiated purchase of immovable assets are required by Article 8 of Expropriation Law.</p>	<p>An assets inventory is prepared.</p> <p>Representative socio-economic household survey is conducted for the lands affected by the lines (fresh water, brine water and gas) and a full census is conducted for the licensed area where the lands will be taken permanently.</p> <p>Surveys, GIS and Corine database are analyzed.</p> <p>Consultations in line with the SEP document are carried out in different stages with a range of stakeholders.</p> <p>Extensive consultations will form the basis of negotiated settlements.</p>
Physical Displacement	<p>Involuntary resettlement should be avoided or minimized where feasible.</p>	<p>There is no provision regarding the minimization of resettlement in Turkish Laws.</p>	<p>All project specific alternatives are evaluated and the alternative that would result in a minimal level of physical resettlement is selected.</p>
	<p>All PAPs losing homes are entitled to resettlement</p>	<p>Resettlement entitlements are limited to certain categories of PAPs.</p> <p>Each nuclear family within affected dwellings is entitled to a resettlement home; this provisioning exceeds international standards.</p>	<p>Effect on dwellings will be eliminated through design. If dwellings are affected, will be handled individually for each case in accordance with this RPF and WB OP 4.12.</p> <p>BOTAŞ has established a RAP Fund to compensate physical and economic displacement of all PAPs</p>

Gap Subject	World Bank Group Policies	Turkish Legislation	Measures to bridge the GAPS
		<p>Article 12 of Resettlement Law states that the families who do not own any immovable property, but who reside in the expropriation area at least for three years before the beginning of the calendar year, in which the resettlement planning studies were commenced, will be resettled to the locations/places indicated by the Ministry (MoEU) according to the provisions of this Law, provided that they request.</p> <p>According to The Turkish Civil Law No. 4721, Article 713; "A person who holds an immovable property that is not registered in the title deed and who has possession of the immovable property for two decades without any trial and ownership as an owner may request that the right of ownership on the whole, one part or one part of the immovable property be registered in the title deed".</p> <p>In accordance with this provision, possession by usucaption is only for immovable property which is not registered in the title deed.</p>	<p>including informal users who are not entitled to resettlement in Turkish legislation.</p> <p>All PAPs will be entitled to different types of compensation in accordance with this RPF and WB OP 4.12.</p>
	<p>Resettlement plans should be developed in cases where displacement is unavoidable.</p>	<p>No legal provisioning forces the project proponents to prepare social impact assessment and/or resettlement action plan under Turkish Law.</p> <p>Resettlement Law 5543 provides resettlement options to displaced PAPs by asking their preferences for urban versus</p>	<p>Resettlement Policy Framework has been prepared by BOTAŞ since the specific locations of Project components are not known at the time of project appraisal. Resettlement Action Plan(s) will be prepared in accordance with WB policies once the specific locations are determined.</p>

Gap Subject	World Bank Group Policies	Turkish Legislation	Measures to bridge the GAPS
	<p>Homes and residential land will be compensated by use of replacement value.</p> <p>Amortization is not allowed.</p> <p>Rural, urban and residential land is compensated by use of market prices.</p>	<p>rural resettlement.</p> <p>Lost homes are not compensated by use of replacement value.</p> <p>Homes are compensated by use of their cost of construction with high quality material in the market.</p> <p>Amortization is taken into account.</p> <p>Residential land is compensated by its market prices, by using net capitalization method.</p>	<p>Cash compensation will be provided at unit price which covers all transaction costs as defined by WB OP 4.12 plus the cost of any registration and the transfer taxes.</p> <p>Depreciation of the asset will not be taken into account.</p> <p>In brief, the compensation for lands and structures will be at replacement cost as defined in the OP 4.12.</p>
Economic Displacement	<p>The loss of assets or access to assets that results in loss of income or other means of livelihood should be restored.</p>	<p>Economic displacement is implicit in the Expropriation Law that allows compensation for lost assets based on discounted net income.</p> <p>Valuation of agricultural land, trees, vineyards etc. is based on net income capitalization method and will consider additional factors that may have an impact on the immovable asset.</p>	<p>International requirements will be applied through Resettlement Action Plan(s) and where necessary via a Livelihood Restoration Plan.</p>
	<p>Economically displaced (loss of income as a result of land acquisition) PAPs and/or communities should be compensated and offered other assistance where required.</p>	<p>No legal provisioning is made in the Turkish legislation except for those that opt for State-Assisted Resettlement.</p>	<p>Entitlements for economically displaced PAPs are identified as transitional livelihood support, crop payment for orphan lands, cash compensation for loss of structures, water wells, and livestock pens, transportation costs, title deed costs and payments regarding the loss of common lands such as grazing lands.</p> <p>Those entitlements will be paid from RAP Fund since</p>



Gap Subject	World Bank Group Policies	Turkish Legislation	Measures to bridge the GAPS
	<p>Project related losses of the affected people should be compensated in full and in cash prior to the actual acquisition of immovable assets.</p> <p>All transaction costs should be paid.</p> <p>Not only title deed holders, but also customary owners, tenants, public land users and squatters are entitled to compensation.</p>	<p>Only the legal owners can receive monetary compensation (via the expropriation of lands).</p> <p>Users rights on public and private property are recognized due to recent changes in the Turkish Law.</p> <p>Traditional rights are recognized (with the exception of forest lands that do not recognize user rights).</p>	<p>there is no legal provisioning made in Turkish legislation.</p> <p>All PAPs will be entitled to compensation.</p> <p>Owners as well as users will be compensated for assets and standing crops.</p> <p>Compensation measures that exceed provisions of national law will be covered by BOTAŞ through RAP Fund.</p>
Common Property Resources	International policies require compensation for livelihood losses of individuals and communities that result from acquisition of pasturelands.	<p>No legal provisioning is made in the Turkish legislation.</p> <p>The pasture and meadow losses of the families or the associated income losses of villages cannot be compensated.</p>	Compensation payments regarding the economic livelihood losses arising from not being able to use common lands for grazing purposes will be elaborated in a LRP and provided by RAP Fund.
Monitoring and Evaluation	Procedures to monitor and evaluate the implementation of a Resettlement Action Plan will be established.	No legal provisioning is made.	<p>BOTAŞ will retain an independent, recognized expert/consultant to verify its monitoring efforts shortly after the completion of the RAP.</p> <p>BOTAŞ will also internally monitor its RAP implementation process regularly.</p> <p>A final RAP completion audit will be conducted by the independent expert/consultant.</p>

Gap Subject	World Bank Group Policies	Turkish Legislation	Measures to bridge the GAPS
Grievance Resolution	<p>A grievance mechanism will be established to receive and facilitate resolution of concerns and grievances of affected people and communities about the Project.</p> <p>In order to resolve concerns promptly, an understandable and transparent consultative process that is culturally appropriate and readily accessible should be used.</p> <p>Affected Communities and people will be informed about the grievance mechanism in the course of the stakeholder engagement process.</p>	The use of a grievance mechanism is not provisioned.	BOTAŞ has established a Grievance Mechanism to receive and facilitate resolution of concerns in accordance with WB policies.
Consultation / Participation	All people affected by land acquisition activities and other key stakeholders should be consulted and involved in resettlement planning.	There is no provision regarding to public participation in Turkish Laws. There is no requirement for Stakeholder Engagement Plan.	<p>Current international standards of Stakeholder Engagement will be met by BOTAŞ.</p> <p>BOTAŞ has prepared a Stakeholder Engagement Plan for the implementation of all consultations throughout Project. BOTAŞ will conduct physical consultation meetings with all people affected by land acquisition activities.</p>
	The resettlement site must be chosen through consultation with all displaced people and host communities.	The Resettlement Law allows consultation in the process of selecting the resettlement sites to those who opt for State-Assisted Resettlement.	<p>Resettlement will be avoided as much as possible.</p> <p>Consultations with PAPs, who will be physically impacted by the Project, will be carried out according to internationally accepted principles.</p>

Gap Subject	World Bank Group Policies	Turkish Legislation	Measures to bridge the GAPS
Vulnerable Groups	Particular attention is to be paid to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly woman and children.	Living standards are not specifically considered.	<p>Vulnerable groups in the Project-affected area are identified in Chapter 7.4.</p> <p>Vulnerable people will be precisely found out to evaluate their losses in terms of livelihood restoration during the negotiation and land acquisition process.</p> <p>Livelihood impacts on these vulnerable groups will be assessed and compensation will be provided by RAP Fund where necessary.</p> <p>Special effort will be made to encourage female owners and users to attend to negotiations and to register their entitlements.</p>
Gender	<p>International policies address gender-differentiated aspects of impacts and opportunities, as well as gender-responsive consultation processes.</p> <p>The use of land and natural resources affected by the Project should be assessed in gender inclusive manner and specifically consider women's role in the management and use of these resources.</p>	<p>Customary law in the Project areas may deny women the right to ownership and management of cultivated lands.</p> <p>These customs are not recognized by the Civil Law, which states that all siblings and extended family members, regardless of gender and age, have similar inheritance rights.</p>	<p>BOTAŞ will ensure that compensation arrangements should be issued in the names of both spouses or heads of households.</p> <p>Project's consultation process will capture both men's and women's views, if necessary through separate forums or engagements.</p>
Human Rights	<p>Human rights issues are embedded in resettlement planning.</p> <p>The sponsor should ensure that the safeguarding of personnel and property is carried out in accordance with relevant human rights principles and in a manner that avoids or minimizes risks to the Affected Communities.</p>	There are no provisions in the Turkish laws.	BOTAŞ will recognize Human Rights principles.

## **5. OBJECTIVES AND BASIC TERMS OF PREPARATION OF THE RPF**

The main objective of the RPF is to establish the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the Project. It is inevitable that Gas Storage Expansion Project's construction activities will lead to either land acquisition and/or denial of, restriction to or loss of access to economic assets and resources and therefore, ultimately to the land acquisition and compensation and, possibly, resettlement of people.

In line with the World Bank OP 4.12, this RPF will cover the following issues:

- A brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a Resettlement Action Plan cannot be prepared by Project appraisal
- Principles and objectives governing resettlement and compensation preparation and implementation
- A description of the process for preparing and approving Resettlement Action Plans
- Land acquisition requirements and likely categories of impact
- Eligibility criteria for defining various categories of project affected persons
- A legal framework reviewing the fit between the national laws and regulations and World Bank policy requirements (i.e. gap analysis) and measures proposed to bridge any gaps between them
- Methods of valuing affected assets
- Organizational procedures for the delivery of entitlements
- A description of the implementation process, linking resettlement and compensation to implementation to civil works
- A description of grievance redress mechanism
- A description of mechanisms for consultations with, and participation of, relevant stakeholders, including displaced persons in planning, implementation, and monitoring
- Arrangements for monitoring both by BOTAS and, independent monitoring experts
- Brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a Resettlement Action Plan cannot be prepared by Project appraisal

## 6. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

### 6.1. Basic Principles of the Resettlement Program

The impacts due to involuntary resettlement from development projects, may give rise to economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive assets or income sources are lost, people being relocated to environments where their productive skills may be less applicable and the competition of resources increases; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help being diminished or lost.<sup>2</sup>

Any part of the land to be taken, the people who have a structure on that land, who use that land for agriculture activities, for grazing of animals and irrigation purposes, etc. may be adversely affected. It is therefore important that the losses that may occur to the affected persons are addressed and compensated through means developed in consultation with and based on the meaningful participation of the affected people. Resettlement program will be adhered to both the country's laws for land acquisition and resettlement and WB OP 4.12. Where gaps exist between the country's laws and the WB OP 4.12, gap filling measures provided in this RPF will prevail.

The objective of the RPF is to ensure the adequate management of land acquisition and easement required for the project in accordance to international standards including in particular WB OP 4.12, and also to provide guidance for the preparation and implementation of Resettlement Action Plan(s) for the construction of the project in line with WB OP 4.12. The RPF establishes a standard approach for the treatment of land acquisition and easements, as well as livelihood restoration in all Project activities in line with Turkish regulations and the WB OP 4.12, and considering the IFC PS5 as reference of good practice. It identifies procedures and requirements to guide BOTAŞ in dealing with people who experience land and property losses or economic displacement due to the Project-related land requirements.

The following principles will govern land acquisition and easement to be conducted under the Project:

- BOTAŞ will aim to achieve negotiated agreements on land acquisition with all PAPs based on the principles set out in this RPF. BOTAŞ will negotiate fairly and openly with all PAPs to reach mutually acceptable agreements on compensation. Expropriation or easement imposition will only be undertaken as a last resort where negotiation fails.
- All land acquisition and resettlement activities will be managed through RAPs, including when there is physical displacement which means relocation or loss of shelter or structure and/or when there is loss of economic displacement which means

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<sup>2</sup> Resettlement Policy Framework, Regional Communications Infrastructure Program (RCIP) Phase 1

loss of income or livelihood. Implementation results will be documented, monitored and, after completion, evaluated.

- Involuntary resettlement will be conceived as an opportunity for improving the livelihoods of the affected people and undertaken accordingly.
- Engagement and compensation will be carried out with equal consideration of women and men.
- Particular attention will be paid to households headed by women and other vulnerable groups, and appropriate assistance will be provided to help them improve their status.
- Land acquisition and RAP will be conceived and executed as a part of the Project, and the full costs of compensation will be included in Project costs and benefits.
- Draft land acquisition and resettlement plans will be consulted with affected people and other stakeholders, and their inputs will be taken into account in finalizing them.
- Compensation for lost assets will be at full replacement cost.
- Compensation and resettlement subsidies will be fully provided prior to clearance of right of way / ground levelling and demolition.
- Upon completion of construction, land will be restored as best as possible to its original condition in the event of temporary disruption so as to enable landowners/users/lessees to resume their pre-project activities.
- All PAPs, without regard to legal status of property, will receive support of various kinds, as per the principles set out in the Entitlement Matrix included in this RPF. Lack of legal title will not be a bar to compensation and/or rehabilitation.
- BOTAS will provide and prepare the plans for grievance redress and monitoring in line with WB policies and guidelines.

## **6.2. Objectives of the Resettlement Policy**

The main objective of the resettlement policy is to ensure that the people affected by land acquisition and resettlement under this project are able to improve or at least restore their incomes and standards of living after land acquisition/resettlement.

The other objectives of the resettlement policy are as follows:

- Involuntary resettlement and land acquisition will be avoided or minimized.
- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing sufficient investment resources and ensuring that the procedures and requirements outlined in this RPF will be followed. RAP(s) will be designed to minimize adverse impacts.
- Assets and properties belonging to affected people will be compensated at their replacement value, if it is not possible to compensate them legally, resettlement assistance will be provided.
- Affected people will be assisted to improve their livelihoods and standards of living or at least to restore them, in real terms, to levels prevailing prior to the beginning of project implementation.

- All PAPs will be meaningfully consulted and be active participants in the negotiated settlements and will have access to adequate and accessible grievance redress mechanisms. Consultations will consider gender issues and take into account the needs of stakeholders who may be considered vulnerable.

PAPs, according to the World Bank's OP 4.12, refer to people who are directly affected socially and economically by World Bank-assisted investment projects caused by:

- relocation or loss of shelter
- loss of assets or access to assets
- loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
- the involuntary restriction or access to common resources such as pasturelands that result in adverse impacts on the livelihood of the displaced persons.

The policy applies to all affected persons regardless of

- the total number affected,
- the severity of the impact and
- whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups such as but not limited to: those below the poverty line, the landless, the elderly, women and children, single women-headed households, disabled, elderly, illiterate, ethnic minorities, or other affected persons who may not be protected through national land compensation legislation.

## 7. LAND ACQUISITION REQUIREMENTS

### 7.1. Land Acquisition and Resettlement Process

#### 7.1.1 Land Acquisition

The expropriation process of private and public lands within the scope of the Underground Gas Storage Project started in 2005.<sup>3</sup> The stages followed in the land acquisition process are as follows;

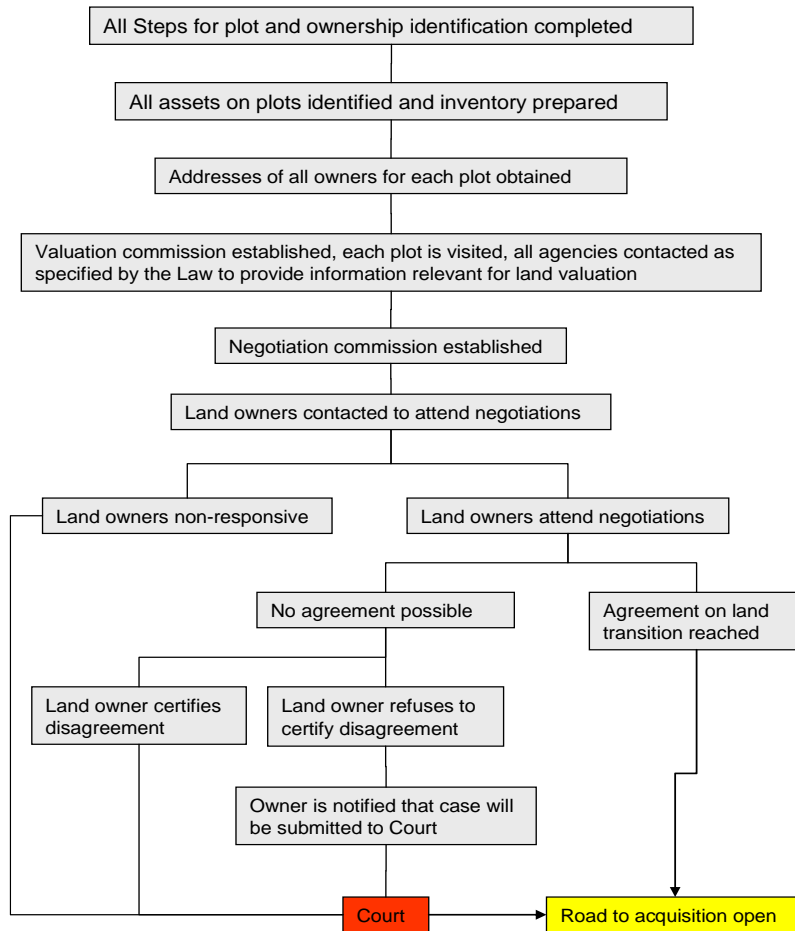
- Taking the decision of Public Interest by the Ministry of Energy for the Tuz Gölü Natural Gas Storage Project (the decision allows the application of the Expropriation Law)
- Identification of affected plots, assets and owners (asset inventory study)
- Identification of landowners and title deed records
- Land valuation process
  - Establishment of the valuation commission
  - Letter of notification
  - Official reply period
  - Establishment of the negotiations commission
- Mutual agreement / non-agreement (in case of non-agreement between Negotiations Commission and landowners, BOTAŞ applies to the Court for land appraisal and registration of the land in the name of BOTAŞ with rights of use. Urgent expropriation will only be used when other avenues have failed. As per OP 4.12, the taking of land and related assets may only proceed if the Borrower sets aside funds equal to the amount offered plus 10 percent in an escrow or other interest-bearing account.)
- Payments after agreements were reached and legal proceedings for title deed registrations have been concluded
- Access to land (either by negotiated settlement or through court) has been confirmed prior to the start of construction.

Steps followed for the preparation of land acquisition for private lands and legal procedures followed after a court case is filed is provided in Figure 7.1.1 and 7.12 respectively.

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<sup>3</sup> A Land Acquisition Plan (LAP) was prepared for the Underground Gas Storage Project in June 2005 which describes the framework and procedures that the Project will follow for the acquisition and compensation of land and assets, both for permanent and temporary uses. The 2005 LAP was disclosed in BOTAŞ's web page and World Bank's info shop in June 2005.





**Figure 7.1.1.** Preparation and Steps Followed for Acquisition of Private Lands (Turkey Context)

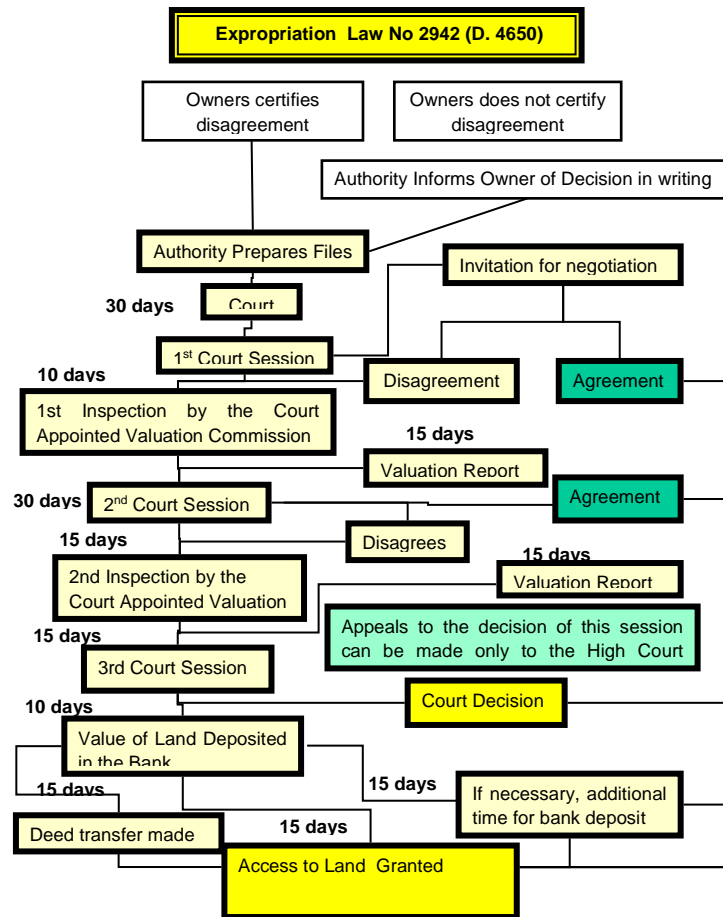


Figure 7.1.2. Court Process (Article 10) Followed for Acquisition of Private Lands

In line with the above described process, land acquisition and resettlement process of BOTAŞ GSEP will also follow the same procedure in terms of national requirements and on top will comply with WB policies both in term of land acquisition and resettlement.

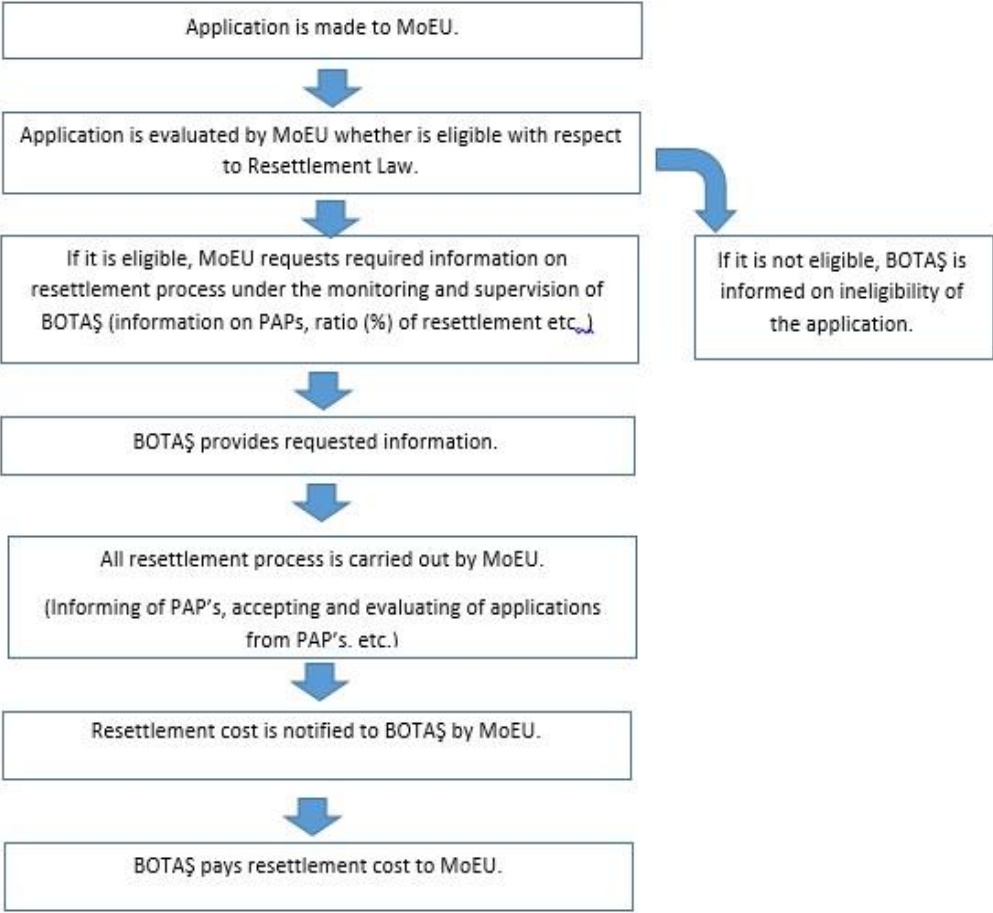
Lands will be acquired and made available for the Project before the construction begins. No construction can take place unless the valuation is completed, certified attempts are made to negotiate the transfer of ownership rights, temporary and permanent easement rights from the private owners, and full payment is made to the accounts of owners.

### 7.1.2. Resettlement Process

Resettlement Process is implemented according to Resettlement Law (5543) by Resettlement Department of Ministry of Environment and Urbanization (MoEU). In case of resettlement of PAP's BOTAŞ will apply to this public institution in order to implement "state opted resettlement" process. Process flow is as shown in Figure 7.1.2.1.

The first stage of the process will be identification of the PAPs subject to resettlement by BOTAŞ during the asset inventory and social baseline studies carried out for the RAP preparation. Then, the second stage of process will be receiving and evaluating applications by the MoEU according to the eligibility criteria specified by Resettlement Law. If the

applications are determined as eligible, MoEU will request information from BOTAŞ on resettlement process which monitored and supervised by BOTAŞ (information on PAPs, ratio of resettlement etc.). If the application is not determined as eligible, MoEU will inform BOTAŞ on the ineligibility. Upon the information provided by BOTAŞ to MoEU, all resettlement process will be carried out by MoEU. After the evaluation and calculation process, MoEU will inform BOTAŞ on the resettlement cost and finally BOTAŞ will pay the resettlement cost to MoEU.



**Figure 7.1.2.1.** Resettlement Process Flow

**7.2. Land Rights to Established**

The project requires four different types of land rights to be established (Table 7.1.1).

**Table 7.1.1.: Types of Land Rights**

<b>Project Component</b>	<b>Land Right</b>	<b>Provision</b>	<b>Duration</b>	<b>Responsibility</b>
Surface facilities, well areas, pole locations of energy transmission lines	Ownership Rights	Land acquisition is permanent and ownership right is registered in the name of BOTAS. As permanent facility shall be constructed on the referred land, it shall not possible for the former land owner to use the land.	Permanent	BOTAS
Natural gas pipeline, fresh water lines, brine water lines	Temporary Easement Rights	BOTAS will hold the right to use land during construction, while the ownership rights will remain with the landowner(s). Once construction is complete the land is handed back to landowner. When the construction is completed, the land shall be reinstated and shall be returned to the land owner with limitations (see Section 8.3)	2 years	
Natural gas pipeline, fresh water lines, brine water lines, connection lines between UGS sites, energy transmission lines	Permanent Easement Rights	The ownership rights remain registered in the name of landowner(s). The land owner recovers its right to use the land, upon completion of the construction and restoration of the land, with specific limitations such as not to build structures, buildings or to plant trees (see Section 8.3)	Permanent	
Temporary Facilities (Camp and Stock Areas)	Contractual Rights through Rental Agreements	Subject land is rented for a certain duration under mutually agreed terms and rates. Once the contract expires, land is handed back to owner after being reinstated to former conditions.	During Contract Period	Contractor

*Ownership Rights (Permanent land acquisition):* Ownership rights refer to permanent acquisition of land and are established by BOTAS on privately owned lands, where permanent Above Ground Facilities will be installed onto the land surface. This includes all

Above Ground Facilities such as Surface facilities, well areas and pole locations of energy transmission lines as specified in the Project design.

*Temporary Easement Rights:* The temporary easement right applies to natural gas pipeline, fresh water lines and brine water lines. Temporary easement rights are established by BOTAŞ for areas of the construction corridor and other workspaces and areas required for the performance of the construction works. Temporary easement rights can also be established by BOTAŞ for additional areas that are temporarily needed for the performance of the construction activities. Temporary easement rights will be obtained for a period of 2 years. Once the construction is over in the corridor, the construction area will be reinstated to its original condition and handed back to the initial owner(s) with limitations.

*Permanent Easement Rights:* The permanent easement rights will apply to natural gas pipeline, fresh water lines, brine water lines, connection lines between UGS sites and energy transmission lines. After the completion of the construction activities (including the full reinstatement of the land surface) the areas for which permanent easement rights have been established will be handed back to the initial owners. The re-use of the land will be permitted with limitations on agriculture practices (i.e. depth of ploughing), the planting of trees and shrubs, the building of houses and other structures, the performance of excavations, pile driving, the passage of heavy vehicles and others as specified by BOTAŞ.

*Contractual Rights through Rental Agreements:* Rental agreements are concluded between the Contractors or sub-contractors and individual landowners for the temporary use of areas required for construction activities. Rental agreements may be concluded for any duration and are typically established for intermediate camp sites, storage areas, additional work spaces and others. After the termination of the rental agreements the land will be fully re-instated and handed back to the land owner(s). Rental agreements are subject to Project specific requirements with regard to the site selection, i.e. engineering and geo-hazard assessment, environmental assessment, as well as with regard to the implementation of rules, regulations and policies for land compensation and interaction with third parties and Project.

*Anticipated land requirements of the project:* Parcel identification studies have been carried out from February 2017 up to today by geographical survey company. The total number of parcels to be expropriated within the scope of the Gas Storage Expansion Project is not yet known since the exact locations of well areas are not determined yet. The worst case scenario would be to assume that all area within the salt dome is expropriated because of the uncertainty of exact well locations. Assuming that well area (salt dome) is expropriated completely, it is known that there are 669 parcels and 1165 ha in total. Table 7.1.2 represents the worst case scenario in which all lands are expropriated within the salt dome area.

**Table 7.1.2.** Number of parcels and area hectares in the worst-case scenario

PROJECT COMPONENT	NUMBER OF PARCELS			AREA (Ha)	# OF LANDOWNERS
	TOTAL	PUBLIC	PRIVATE	OWNERSHIP RIGHT	
Well Locations <sup>4</sup>	669	96	573	1165	1292

In the real case however, ownership rights of a maximum of 48 ha will be permanently acquired (100x100 mt area for each of the 48 planned wells) within the salt dome and permanent easement rights will be established for 50 mt along the connection lines between UGS sites.

Total of 1502 parcels will be affected by the land acquisition of fresh water, brine water, gas pipeline and surface facilities. 1209 parcels in total are private land and remaining 293 parcels are registered as public land. Distribution of total number of parcels according to project components is given in the table below.

**Table 7.1.3.** Number of parcels and area hectares according to project components in real case

PROJECT COMPONENTS	NUMBER OF PARCELS <sup>5</sup>			AREA (Ha)		# OF LANDOWNERS
	TOTAL	PUBLIC	PRIVATE	TEMPORARY EASEMENT	PERMANENT EASEMENT	
Fresh Water Pipeline (120km)	1057	73	984	72	264	3457
Brine Water Pipeline (40km)	216	110	106	24	88	312
Gas Pipeline (20km)	210	109	101	12	40	306
<b>SUB TOTAL-1</b>	<b>1483</b>	<b>292</b>	<b>1191</b>	<b>108</b>	<b>392</b>	<b>4075</b>
PROJECT COMPONENTS	NUMBER OF PARCELS			AREA (Ha)		# OF LANDOWNERS
	TOTAL	PUBLIC	PRIVATE	OWNERSHIP RIGHT	PERMANENT EASEMENT	
Surface Facilities	19	1	18	59,5	0	10
Well Locations <sup>6</sup>	TBD	TBD	TBD	48	150	TBD
Other Areas <sup>7</sup>	TBD	TBD	TBD	2,05	0	TBD
<b>SUB TOTAL-2</b>	<b>19</b>	<b>1</b>	<b>18</b>	<b>109,55</b>	<b>150</b>	<b>10</b>
<b>GENERAL TOTAL</b>	<b>1502</b>	<b>293</b>	<b>1209</b>	<b>N/A<sup>8</sup></b>	<b>542</b>	<b>4085</b>

<sup>4</sup> If the entire well area would be expropriated (worst case scenario).

<sup>5</sup> The number of parcels given may be subject to changes during the basic engineering studies as the Project footprint will be made definite.

<sup>6</sup> Due to the uncertainty of exact locations of well areas, no parcel or owner information is given. (Area information is calculated as 100x100 mt for 48 wells and for 50 mt along the connection lines between UGS sites).

<sup>7</sup> Pump Stations, Water Storage Tanks, Energy Transmission Line pole locations, valve chambers etc.

<sup>8</sup> Not applicable.

For the fresh water pipeline, a total of 984 parcels are registered as private land within the 1057 parcels that will be subject to permanent and temporary easement. Among all components of the project, fresh water pipeline is the component that passes through the most private lands and affects the most landowners. Brine water pipeline passes through 216 parcels, 106 of them is registered as private land. Natural gas pipeline is 20 km long and passes through 210 parcels.

No residential areas or units are present in the 48 m study corridor of fresh water, brine water and natural gas pipeline. However, since the well locations are not exactly determined yet, it is not possible to say whether there will be impacted residential areas or units or not.

### **7.3. Eligibility Criteria for Defining Various Categories of PAPs**

The World Bank's OP 4.12 suggests the following three criteria for eligibility;

- a) Those who have formal rights to land,
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the national law,
- c) Those who have no claim to land they are occupying or using.<sup>9</sup>

Those covered under first and second category are entitled to be either compensated or resettled for their losses according to the national legislation, and will be compensated as per this RPF and future RAPs. Those covered under third category do not have legal rights according to national legislation but they will also be provided with livelihood supports as stated in the RPF to achieve the objectives set out in OP 4.12 through a RAP Fund established for this purpose. The RAP Fund will cover additional supports such as; transitional livelihood support, occupational educational support, crop payment for orphan lands, cash compensation for loss of structures, water wells, and livestock pens of informal users, transportation costs, title deed costs etc. All project affected persons, irrespective of their status or whether they have formal titles, legal rights or not, will be eligible for some kind of assistance, if they occupied the land before the entitlement cut-off date.

### **7.4. Cut-Off Date**

The entitlement cut-off date will be established to a time when the census is carried out. Practically, the cut-off date will be the date at which the census and asset inventory is completed. Since the Project consists of different components which are anticipated to be administered by separate RAPs, the cut off dates for the well locations and the pipelines may be different. BOTAŞ will make sure that cut-off dates for different components are well communicated prior to the realization of assets inventory and census. The cut-off date will be set to prevent un-rightful claims and discourage encroachers.

People who settle in the project area after the designated cut-off date will be ineligible for any compensation or assistance. To ensure that all project affected persons (regardless of their legal status of ownership) are informed BOTAŞ will adopt an effective and proactive public

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<sup>9</sup> World Bank OP 4.12 - Involuntary Resettlement

consultation and engagement approach for the dissemination of information on the cut-off date.

Information regarding the cut-off date will be well documented and disseminated within the Project impacted area through BOTAŞ's community relations experts, local community leaders, village heads and routine community meetings. Before the census, BOTAŞ will publish information about the cut-off date in local newspapers, informing all owners and users of the initiation of the expropriation process. The cut-off date will also be publicly disclosed on notice boards in local communities and relevant municipalities and at consultation meetings, with an accompanying explanation. The public announcement will also be posted, as necessary, on frequently visited locations throughout the affected areas.

## **7.5. Identification of Project Affected Persons**

### **7.5.1. Land Owners**

People who have legal title to land and other assets (such as structures, trees, crops etc.) on subject land will be identified in the early stages of land acquisition process through official records obtained from the local and national Registry Offices. By law, all land owners are eligible for the compensation of their immovable assets. There is no provisioning for the compensation of livelihood losses for land owners in national law. Such losses will be covered through the RAP Fund.

### **7.5.2. Land Users (Formal and Informal)**

Land users can be categorized under two groups; formal and informal. Formal land users can exist both on private and public lands and will have a rental agreement with the owner of land (private entity or state) setting the duration and conditions to use the subject land. Such users will be identified both from land registry records (for public lands) and during the census and assets inventory surveys carried out with land users. During the consultations with landowners, the presence of formal or informal users, tenants, seasonal workers or any structure/shelter will also be questioned. Such users are compensated for their assets on both public and private lands by law. There is no provisioning for the compensation of livelihood losses for formal users in national law. Such losses will be covered through the RAP Fund.

Informal users however, do not hold a legal document (title deeds, contractual agreements) to the private or public land they use. Such PAPs were identified during the ESIA baseline studies. Depending on the type of public land they use (with the exception of pasture and forest lands), informal users are compensated for some of their assets by prevailing law. Informal users occupying pasture and forest land are not entitled to compensation and therefore are very likely to be affected adversely by the Project. Herders, who use pasture land in the project area, without formal rights, are also considered to be informal users. Such informal users will be identified during the census and assets inventory surveys as well as during the negotiation process carried out by BOTAŞ with land owners. During the consultations with landowners, the presence of formal or informal users, tenants, seasonal workers or any structure/shelter will also be questioned. There is no provisioning for the



compensation of livelihood losses for informal users in national law. Such losses will be covered through the RAP Fund.

### 7.5.3. Vulnerable Groups

Some vulnerable groups have been identified during the social baseline studies of ESIA and the definition is informed by an understanding of the study area. However, during RAP preparation, additional categories of vulnerable people may be identified and added to the list provided below:

- Women, in particular female-headed households
- Elderly
- People with disabilities
- Seasonal workers
- PAPs whose land will be expropriated for the second time

**Women:** Women are considered vulnerable for several reasons. Women have less and sometimes no formal education in the study area. Women are not empowered to make significant decisions in their households, as men and the elderly are the main decision makers in the home. Women typically enter into marriages arranged by their families; however their consent is received prior to formalizing the arrangement. The women are often financially dependent on the men in the household and it is only the relative independence of involvement in animal husbandry and some other basic subsistence economic activity that provides women a stake in the economic power relations within the community.

**Elderly:** The minimum age defined for being an elder is accepted as the retirement age in Turkey, which is 65. Elderly people are considered as vulnerable since they are more likely to leave their livelihood if they are economically or physically displaced.

**People with disabilities:** People with disabilities may come across in the area of influence and they may be more likely to have difficulties in access to information, raising their grievances or concerns, finding other jobs to sustain their livelihoods etc.

**Seasonal workers:** The settlements located in the study area receive seasonal workers predominantly from the southern side of Turkey or Syria for harvesting or other agricultural work. The majority of the seasonal workers come from Hatay, Kilis, Şanlıurfa provinces of Turkey or from Syria to work between July and September, and the majority of these workers are Syrian immigrants. They are working in agriculture as uninsured and low-paid. The seasonal workers coming to the region usually stay in their own tents and do not pay for their accommodation. Seasonal workers on agricultural lands may be indirectly affected in terms of livelihood loss by the Project's land acquisition and other construction activities.

**PAPs whose land will be expropriated for the second time:** Although the parcels to be affected by project components are known to a certain extent, it is not yet defined how much of these parcels will be expropriated. Therefore, the persons whose land has been expropriated

within the scope of the Underground Gas Storage Project, and will be expropriated for the second time in the Gas Storage Expansion Project could not be identified at this stage. However, those PAPs whose land will be expropriated for the second time, if any, are considered as vulnerable since they may not have enough land left to continue agricultural activity or the residual lands may not be economically viable anymore.

Vulnerable groups will be identified in detail during the RAP preparation study of the census of persons and inventory of assets affected by the Project. Elderly, women and PAPs whose land will be expropriated for the second time will also be identified during the negotiations with landowners and through additional inquiry with village heads and community leaders.

**8. ANTICIPATED CATEGORIES OF IMPACTS**

Most of the land affected by the multiple components of the Project is owned by individuals and mostly used for agricultural production. The affected lands are registered as arable land, pasture land, vineyard, trashing field, road, marshy land, fountain, garden, cemetery, raw earth, drilling area, pole location, grass land, grove or willow grove in the Cadastral records. As indicated in the figure below, about 76% of the lands affected by the Project are arable lands, followed by pasture lands (14%) and vineyards (2%). Grain production is predominant in arable lands in the region. Wheat and barley are the mostly cultivated products in the region. Irrigated agriculture has been observed to increase along the pipeline route and within the license area; products such as corn, beet, and clover are produced commonly in the irrigated lands. There are titles of affected agricultural lands, but informal uses are especially common on the pasture or public lands within license area for the purposes of building residential area or livelihood stocks. PAPs were identified, who reside in rural settlements within the license area that do not have titles to land where they have residential houses.

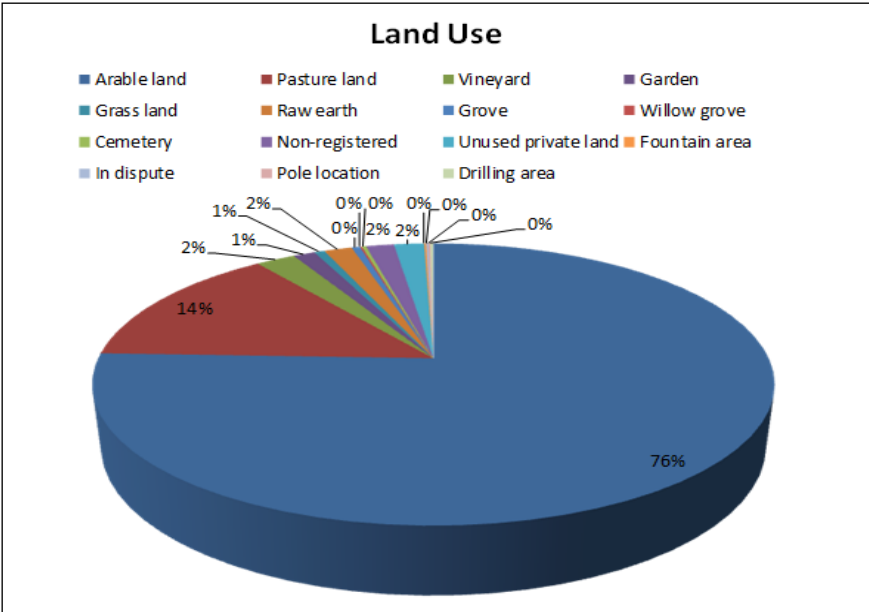


Figure 8.1. Land Use Information of Project Affected Area

The following Project activities can potentially affect land ownership, land use and livelihoods in PACs;

- The pre-construction, construction, operation and post-operation of natural gas pipeline, energy transmission lines, fresh water lines, brine water lines
- The pre-construction, construction, drilling and leaching, operation and post-operation of surface facilities and well areas

These two types of facilities entail different modalities of land access and different types and durations of impacts as a result. Anticipated categories of impacts for each project component are detailed under the titles below.

### **8.1. Impacts of Natural Gas Pipeline, Energy Transmission Lines, Fresh Water Lines, Brine Water Lines**

Temporary and permanent easement rights will be established for these Project components in which BOTAŞ has a right to use land during construction while the ownership rights will remain registered in the name of landowner(s). Although the linear nature of these project components is expected to create minimal impacts (low to negligible and short term) on affected parcels, several impacts born from land acquisition requirements can be listed as follows:

- *Temporary loss of land for agricultural cultivation:* Landowners and users will not be able to temporarily use the land they use in these lines during construction. But it is identified that there are very few settlements in the region (which are quite far from the construction area) where the fresh water, brine water and natural gas pipelines pass, and that these lines mostly pass by arid lands. Therefore, it is expected that the impacts of these project components will be lower than that of the well area. However, some agricultural lands which are far from settlements remain within the construction area of lines (brine water, freshwater, natural gas), so the agricultural activities and agricultural income are expected to decline in these areas due to the expropriation of land.
- *Loss of standing crops and trees due to construction activities:* It is expected that crops and trees planted on land will be lost due to construction activities, but this impact will be low as owners/users will be compensated based on the market value of the crops and trees on long term easement acquired land after valuation by a specialized commission.<sup>10</sup>
- *Damages to crops in plots neighboring the pipeline construction corridor due to, for example, spillover of earth or intrusion of equipment:* During operations, and in addition to restrictions upon land discussed previously, the most likely potential impact would be damages to crops in the pipeline corridor or nearby resulting from maintenance activities or vehicular access.

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<sup>10</sup> On the lands to be acquired, if the crops identified in, it is recorded first indicating its type and status and then production value of crops and the crop loss is determined by a commission composed by BOTAŞ, head of village (muhtar) and experts from official agricultural institutions. Payment for compensation is done in accordance with this assessment and valuation record.

- *Temporary disruption to grazing activities and/or reduced access to agricultural land and pastures:* Pasture areas above the lines may be temporarily unavailable due to construction work, or access to pasture areas may be restricted which are both important impacts for livestock activities. Leaving the transition points at certain intervals during the construction will ensure that this impact on grazing activities is low.
- *Permanent restrictions on land use under ETLs or above pipelines:* Restrictions will be made for the protection of all lines. Property owners and users will continue to carry on their agricultural activities on the grounds, but will not be able to having activities that will damage the pipeline, building any structure or outbuilding on the corridor, to plant rooted trees, to construct irrigation and drainage channels on the corridor, drill holes for any reason, make any changes to the surface profile, make changes that will affect the material of the soil surrounding the line, reducing land covering pipeline, including archaeological activities and pouring materials such as garbage, waste, sand and rubble on the corridor.

In addition to impacts within the designated and compensated corridor, pipeline construction may cause disruption, severance and damage to neighboring, uncompensated pieces of land, in the following situations:

- Interruption of irrigation or drainage affecting crops in uncompensated plots
- Severance of access to cultivated plots during construction, impeding farmers' access to a plot and resulting in total or partial loss of crop
- Loss of agricultural productivity of the land during the Project construction period and the reinstatement period can be both a primary and secondary impact (agricultural lands will be reinstated before handover to the landowner in accordance with the Reinstatement Plan (Appendix-7.9 of ESIA)
- Accidents to livestock as a result of Project activities resulting in livelihood loss

## **8.2. Surface Facilities and Well Areas**

In the subject lands of well areas, ownership rights will be established for the 100x100 mt area around the well and permanent easement rights will be established for 50 mt along the connection lines between UGS sites. Ownership rights will be acquired for surface facilities. Owners of the land to be expropriated for these project components will probably be affected to a greater extent than the landowners to be expropriated for the pipeline. Unlike the construction of the pipeline, the surface facilities and well areas will not be in line with the linear principle, and will therefore significantly affect a higher proportion of parcels than the pipeline. Owners of the parcels, that surface facilities and well areas will be established on, will be fully compensated at replacement cost.

The possible impact categories could be loss of their lands and livelihoods (cultivated lands, grazing lands for animals), loss of structures (such as houses, outbuildings, etc.) which may lead to physical or economic displacement or both.

- *Physical displacement of houses; relocation of livestock pen(s):* Although the exact location of surface facilities and well areas are not known at this stage, the rural settlements are identified within the salt dome during ESIA studies. Some PAPs were identified who do not have the title deed of the houses or barns and thus who have no right to claim according to the national law when the structures or shelters are required to be relocated. National expropriation law compensates informal users' assets on treasury land but there is no such provision for pasture lands. According to the provision of Turkish Civil Code No. 4721, Article 713, possession through usucapion is only for immovables not registered in the title deed.
- *Loss of land and land-based income:* According to the data obtained from baseline studies carried out in the ESIA stage, irrigated and dry farming is common in the region and is the most important livelihood source. The affected plots are used primarily for cultivation and most landowners use all their land, including the portion affected, for direct income generation. Baseline data shows that in recent years in the region, farmers have taken irrigation pipes by borrowing credits to do irrigated agriculture. Therefore, losing their lands will directly cause a reduction in their agricultural income.
- *Loss of standing crops and trees:* Crops and trees planted on lands which are subject to acquisition for well areas and surface facilities will be lost.
- *Loss of grazing and pasture lands:* Grazing and pasture lands, which are located within the license area of Gas Storage Expansion Project, will be permanently lost due to the construction of well areas and surface facilities these project components. However, this impact is considered as insignificant; as detailed in ESIA Report Section 4.10.2. Use of Pasture Lands, pasture lands within the license area have quite large areas and have the capacity to meet current livestock grazing exceedingly. There are also alternative pasture lands used by PAPs which are not affected by the Project components or less likely to be affected.

### 8.3. Mitigation Measures

- Land acquisition for BOTAŞ shall be carried out in compliance with Turkish law and will be supplemented by World Bank - OP 4.12 requirements set out in this RPF.
- Residential areas will be avoided to the extent possible in determining the locations of well areas. The no-go areas specified in the following section will be considered during the location decision process.
- Gaps will be left in pipe strings where safe to do so and necessary to allow people, wildlife and livestock to cross the RoW.
- The Project will provide a substitute for watering holes used by livestock that cannot be used due to Project-related actions. The substitute will be of a type, and in a location, to be agreed with herders or livestock owners.
- Vehicle movements will be restricted to defined access routes and demarcated working areas in order to prevent possible damages to the lands outside the RoW and working areas.

- The Contractor will maintain the integrity and viability of functional irrigation and drainage systems throughout construction. Any disrupted irrigation or drainage system will be reinstated by the Contractor to a standard at least equal to their original condition. Related crop damages will be compensated at market value.
- Agricultural land will be reinstated before handover to the landowner in accordance with the Erosion, Reinstatement and Landscaping Plan (see Appendix-7.9 of the ESIA Report). All contractors will fulfill the requirements defined in the Erosion, Reinstatement and Landscaping Plan in order to minimize the land based impacts such as decrease in agricultural productivity by adapting them to their own activities. The lands will be reinstated to a sufficient extent in order to allow the affected area to be returned to its pre-project use and productivity.
- Contractor will identify any beekeepers whose hives are within 300m of the pipeline and facility construction, camp and pipe storage areas or access routes before the start of the honey production season. Contractor will be in contact with the producer and beekeeper unions (especially for mobile beekeeping) to find agreed additional solutions which can include finding areas to move beehives during construction activities, planning construction activities during bee hibernation, reducing dust emissions in specific areas and identifying enhancement measures.
- The Project will consult with local government authorities, landowners and land users, including grazers, before restricting access to land.
- The Project will seek to identify whether any herders use the construction areas and aim to consult with them on potential restrictions during construction.
- Vulnerable people will be identified during the negotiation and land acquisition process using interviews with Muhtars in communities which will include questions specifically addressing vulnerability categories identified in Chapter 7.4.
- Easily accessible Grievance Mechanisms will be put in place that allow individuals to express grievances about project-related activities and employees. The mechanism is described in details in this RPF and SEP.
- Finally, BOTAŞ will contract qualified consultant to ensure that unavoidable economic and physical impacts on PAPs are assessed in advance and mitigated in line with this RPF.

The anticipated impacts, which groups will be affected by these impacts and entitlements to be implemented to compensate these impacts are detailed in the Entitlement Matrix (Chapter 11).

### **8.3. Usage Limitations after Reinstatement**

Restrictions will be made for the protection of all lines (natural gas, fresh water, brine water pipelines and connection lines between UGS sites) where permanent and temporary easement rights will be established. Such restrictions will also be processed in the land registry of immovables subject to expropriation. Property owners and users will continue to carry on their agricultural activities on the grounds, but will not be able to carry out the following actions throughout the operation (project life) of the Project:

- Having activities that will damage the pipeline
- Building any structure or outbuilding on the corridor
- To plant rooted trees
- To construct irrigation and drainage channels on the corridor
- Drill holes for any reason
- Make any changes to the surface profile
- Make changes that will affect the material of the soil surrounding the line
- Reducing land covering pipeline, including archaeological activities
- Pouring materials such as garbage, waste, sand and rubble on the corridor

## **9. RAP PREPARATION PROCESS**

As mentioned before, this RPF will serve as the framework for preparing the RAP(s) that will take into account the land based impacts of each Project component once their locations and specific impacts are defined. First stage will be a screening process to identify land-based impacts of all project components. Second stage will be collecting socio-economic baseline data and conducting a census survey which will come right after the screening process that will allow to better understand physical and economic losses of various PAPs including formal/informal users and vulnerable groups. In the third stage; public consultations will take place to ensure the participation and involvement of all project-affected stakeholders. Having completed all three stages, the RAP(s) will be prepared and disclosed prior to its implementation.

### **9.1. Screening Process to Identify Project's Land Based Impacts**

The first stage in the process of preparing resettlement and compensation plans is the screening process to identify the land/areas that are being impacted. It is used to identify the types and nature of potential impacts related to the activities proposed under the Project and to provide adequate measures to address the impacts. Main and subsidiary units to be established within the scope of the project are within the borders of Aksaray province, Sultanhanı, Sarıyahşi, Ağaören, Ortaköy, Eskil and Central districts, Konya province, Emirgazi district and Ankara province, Evren district. These project facilities and structures are generally covered with agricultural land and pasture lands. The storage wells and surface facilities are located about 17 km south of Sultanhanı Municipality.

Fresh water, brine water and natural gas lines are very close and parallel to the previous lines, so the area to be expropriated is approximately determined. Temporary easement will be established within the working area of approximately 28 m; however minor route changes (a few meters) can be made. According to the ESIA Report, approximately 28 m of working width is foreseen for each route of the planned lines, but this width will be increased up to 50 meters where the lines (fresh water line, brine water line, natural gas line and well connection lines) are parallel.

Areas that will require ownership rights to be established are not clearly known since the exact well locations have not been determined yet. In addition to the 12 wells under construction in the Underground Gas Storage Project, 48 wells are planned to be opened with Gas Storage Expansion Project. Detailed engineering studies on the well locations given in the ESIA Report are continuing and there may be changes in these planned well locations.

To analyse the potential land acquisition impacts and accordingly describe the proposed land acquisition process and compensation levels for loss of land and other assets, relevant departments of BOTAS (Project Implementation Unit, Department of Expropriation) and its local expropriation teams will be engaged with during discussions.

As a part of the screening process several engagement activities (mentioned earlier) with PAPs will also take place to announce the cut off date for entitlements.

## **9.2. Socio-Economic Baseline Data and Census**

Collecting baseline socio-economic data and census to identify the persons who will be affected by the project is very important during the RAP preparation process. That way, the persons who are eligible for compensation and assistance among all affected people will be identified.

Social impacts will be determined after data is gathered through a census (including an asset inventory) and socio-economic survey of the potentially affected households. Consultations will be carried out with various impact groups and other stakeholders. The census and socio-economic survey will provide baseline information that will help evaluate the scale of impacts and what measures and compensations may be implemented to mitigate the adverse impacts. The results will provide basis for preparation of RAP. Also, the baseline socio-economic data presented in ESIA Report will be used as an additional source.

The census survey will focus on quick collection of affected families identification details and detail of land and assets to be lost due to proposed land acquisition. The census results will identify different impact categories and magnitude of losses. The census survey will also determine the poor and vulnerable category of people. The census survey will be conducted with the direct participation of affected people themselves, so that there will be mutual concurrence in writing on the scale and scope of impact. The socio-economic surveys to be carried out with various impact categories will include:

- Details of private lands required for various Project components:  
In addition details of public lands to be used and details of current uses of those lands and its impacts on those (formally or informally) using those lands.
- Inventory of private assets that will be affected
- Social status of the affected families/persons:  
Education, gender, demographic profile, skills, etc.
- Economic status of the affected families/persons:  
Source of livelihood, monthly incomes, number of bread earners in family and types of incomes, land ownership, household assets, indebtedness, etc.



- In case of physical displacement, if any, details related to characteristics of current housing need to collections in terms of area, type of houses and facilities available in the houses etc.
- List of the common properties to be affected (grazing fields, community land, cultural properties, ponds, and any other properties etc.)
- List of vulnerable persons/families (poor, women headed, aged/infirm, physically or mentally challenged) with socio-economic profile
- Gender disaggregated data collection
- View of people on impacts and their expectations towards compensation and type of assistance needed to improve their livelihoods
- Any other information considered important in the local context

After the assets inventory is complete and the census has been carried out, the cut off date will expire. Thus, no claim after this date will be eligible unless BOTAŞ decides to further evaluate and consider the rightfulness of the claim.

### **9.3. Public Consultation and Participation**

Besides the census and socio-economic survey, consultations will be carried out with various impacted groups and other stakeholders such as village heads (Muhtar), BOTAŞ's local office representatives, Contractor, local public authorities, potential PAPs, NGOs, etc. as needed to seek their views on the impacts, which will provide inputs to RAP on developing mitigation measures. BOTAŞ Social Team will work closely with BOTAŞ land acquisition teams on site and Construction Contractors to ensure that the requirements on stakeholder engagement are met throughout the Project lifetime.

Projects involving the community owe their success to community participation and involvement from the planning stage to implementation. All consultation activities will be in line with the SEP prepared by BOTAŞ. During screening there will be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons will be informed about project activities and facilities and areas of impact. Public consultations will provide information to affected persons about their options and rights pertaining to resettlement and compensation for each entitlement. Consultations will provide detailed information on the process of and proposed dates for land acquisition/resettlement and construction schedule valuation method of affected assets, compensation rates for loss of assets and services, other proposed measures and costs to maintain or improve their living standards, contact persons for each issue and grievance redressal. BOTAŞ will be in active communication with the stakeholders as determined in SEP throughout the life of the project. The methods and materials clarified in SEP (public participation meeting, consultation meetings, focus group discussions, presentations, local media announcements, brochures, grievance mechanism, free hotline etc.) will be used within the scope of the engagement starting from the scoping stage of the project until the operation and closure stages.

During the RAP preparation process, consultation meetings will be performed in each project-affected settlement (estimated 12 separate consultation meetings for directly and indirectly

affected settlements) to introduce the RAP process to PAPs and receive their feedbacks and concerns by using sample grievance forms. Consultation and participation will be held in an accessible and meaningful manner. During the consultation meetings, visual material will be used and project brochures will be presented to PAPs. Consultation meetings will be continued for the disclosure of RPF and then for each RAP prior to the land acquisition starts. A simplified Guideline to Land Acquisition and Compensation (GLAC) brochure will be shared with all PAPs in consultation meetings prior to land acquisition. The brochure should include at a minimum the following information: projects land requirements; legal process and rights of PAPs under the project; their entitlements, RAP Fund, information on the grievance mechanism; and contact information of contractors and relevant BOTAŞ officials.

#### **9.4. Preparation and Review of RAP**

RAP examples which are available on the World Bank's website ([www.worldbank.org](http://www.worldbank.org)) and World Bank's Involuntary Resettlement Sourcebook and IFC's Handbook for Preparing a Resettlement Action Plan will be benefited to prepare an advanced RAP.

The basic elements of a RAP, as outlined in the OP 4.12, are provided below:

- Identification of project impacts and affected populations
- Baseline socio-economic data and census
- Legal framework for land acquisition and compensation
- Compensation framework
- Description of resettlement assistance and restoration of-livelihood activities
- Detailed budget
- Implementation schedule
- Description of organizational responsibilities
- Dramework for public consultation, participation, and development planning
- Description of provisions for redress of grievances
- Framework for monitoring, evaluation, and reporting

The final RAP will be subject to final review and approval by the World Bank in order to ensure compliance with World Bank safeguard policies.

## 10. METHODS OF VALUING AFFECTED ASSETS

Valuation is the process of identifying the value placed on an asset for the purpose of calculating compensation. This is often regulated by national legislation but sometimes needs to be aligned with WB OP 4.12.<sup>11</sup> In acquiring affected immovable assets BOTAŞ will devote maximum effort to negotiate willing/buyer arrangements. BOTAŞ will adopt the valuation procedure that is compliant with both the Court's valuation methodology (legal requirements) and with international standards. By considering these two methodologies and standards, BOTAŞ ensures that the valuation results will comply with local procedures and international standards.

Under the Turkish legal framework, a valuation commission consisting of a minimum of three persons internally appointed by the agency responsible for land acquisition determines the estimated value of the immovable property to be expropriated, having regard to the information and documents to be obtained from expert persons, institutions and authorities (such as Provincial Directorate for Food, Agriculture and Livestock), the Ministry of Science, Industry and Technology, where necessary, and from local real estate agencies as per Article 8 of the Expropriation Law. Number of commissions can be more than one. The valuation commission determines the estimated ceiling values of immovable properties in the expropriation area. During the valuation of immovable assets or resources, valuation commission (and the expert commission designated by the Court) has to take into account the following valuation criteria, which are mentioned in Article 11 of the Expropriation Law:

- The nature of the immovable property or resource
- The size of the immovable property or resource
- All the characteristics and elements, which could affect the value of the immovable property or resource, including the individual value of each element
- Tax declaration, if any
- Previous values of property determined by official bodies at the date of expropriation
- For lands, the net income that could be derived from the immovable property or resource (without undertaking any changes, using the immovable property or resource in the same conditions as of the expropriation date)
- For house plots, the amount for which equal (similar) house plots have been sold without any special purpose, prior to the date of expropriation
- For structures, official unit prices (annually issued by the Ministry of Environment and Urbanization) at the expropriation date, calculations of the cost of building, and depreciation for wear and tear, and
- Any other objective criteria that could affect the value of the property or resource<sup>12</sup>

The legal framework protects the affected people in particular by ensuring that:

- No land will be used until compensation is paid

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<sup>11</sup> Operational Manual, OP 4.12-Involuntary Resettlement, December 2001.

<sup>12</sup> Resettlement Policy Framework for the Turkey Geothermal Development Project, 2016

- Compensation is paid to a national bank account, or a trust account to be paid in three monthly periods in the event of disputed ownership to be paid to the person proved the ownership
- Market-based interest rates are charged for the value of the compensation if for any reason payment of compensation is deferred
- All ownership is recognized, including customary and traditional ownership
- Costs of due process are borne by BOTAŞ, not by the affected people

Value of compensation for easement right establishment corresponds to the decrease in the value of asset or resource stemming from this expropriation. The easement value (compensation) of the land includes income losses. This compensation is determined by expropriation experts of responsible organization.

The Law requires that potential income that can be generated from the affected immovable assets is taken into consideration in the valuation process; however, the concept of “replacement cost” is not reflected and depreciation is taken into account. Therefore, BOTAŞ will explicitly allow for full replacement cost for buildings and will ensure that lost income is fully restored through the compensation process. For those vulnerable and with meager assets, additional income restoration measures may be designed, including provision of employment in construction works.

### 10.1. Calculations for Compensation Payments

**Appraisal for Expropriation:** Appraisal can be defined as a branch of science that teaches principles and criteria regarding properties, incomes and rights, to be followed on the basis of scientific methods.

The measures used for appraisal are called appraisal criteria. Appraisal criteria vary according to the type, purpose and marketing status of the property subject to appraisal. There are 2 criteria used for appraisal:

- Market price criterion
- Income capitalization criterion

Both criteria are jointly used for appraisal during expropriation and partial expropriation proceedings.. The appraisal expert will use a direct comparison method and take account of the latest purchasing/sales prices of plots similar to that subject to appraisal.

Factors affecting the value of a plot include:

- location
- shape
- physical structure of the soil
- road frontage
- width of the road by the plot
- restraining provisions of the city plan

A price survey is done by keeping in mind all the criteria listed above. A site visit will be conducted by a committee and will determine the prices. Agricultural engineers, civil engineers and property experts shall be assigned every year to form the committee. Appraisal experts will evaluate the average price per square metre – to be calculated on the basis of purchasing/sales prices of similar plots- by taking account of all the positive and negative features affecting the value of the plot subject to appraisal. In addition to the land market price, the committee will take into account the crop on the land and compensates crop loss without seed expense.

The formula used during valuation of the agricultural lands is  $K = R / f$ , where;

$K$  = value (expropriation compensation)

$R$  = net income (gross income-production costs) and

$f$  = the capitalization rate (risk related to the capital invested in agricultural land)

After the market value is determined, additional fees for buying land will be considered and included before reaching the final replacement cost.

Going forward, each land owner will be surveyed and assessed for severity of impact and vulnerability. If land owner states that he/she will be vulnerable / not be able to maintain income after land acquisition, additional measures will be taken in line with the entitlement matrix to help them restore their income. This could include finding replacement land if they are farmers and claim to need help to get comparable land or other measures to help restore lost income.

A key factor determining land prices in small towns and city centers is their proximity to the city centre or a road. Land or land parcels close to the city center or a road are more expensive than the others. In metropolitan areas, the value of a plot will be influenced by its location and, in particular its visibility and exposure to traffic. A plot situated at an intersection or featuring a broader angle of vision will be more valuable. Shape is also important, on the basis that well-shaped plots are more convenient for construction and soil characteristics will influence costs associated with preparing the land for foundations. Soil characteristics will also determine the need for the construction of an entrance floor and basement.

**Income Capitalization Criterion:** According to this criterion, the value of a property is calculated as the accumulation of the capitalization of net income or the total of average future incomes from that property up until the time of appraisal. Income capitalization criterion is often used for appraisal of agricultural lands. The most significant issue in conjunction with this criterion is the accurate determination of the yield of the land (net income) subject to appraisal and of the capitalization interest rate.

**Net income (yield)** is generally defined as the financial returns gained from the use of production items having a natural characteristic over a defined period of time. In other words, it is the revenue from a certain amount of money invested in works or rented lands over a defined period of time.

During the calculation of net income from agricultural lands, production value is determined on the basis of the yield of cultivated crops per declare and unit price of the crop. Net income is calculated by deducting total expenses necessary for the production of that crop from the resulting production value.

According to the existing rotational cultivation system applied in the land subject to appraisal; gross production value is calculated by multiplying crop output with the prices prevalent in the relevant year; net income is calculated by subtracting expenses associated with the product (annual operating expenses + 10% unknown expenses + 3% administration share + agricultural capital interest provision) from gross production value; annual net income is calculated by dividing the total net income by number of crops in the rotational cultivation system and the bare land value is calculated by capitalizing the net income (dividing by capitalization interest rate).

Since expropriation proceedings are realized over each parcel, land yield is calculated instead of farm yield. In relation to annual plants, land expropriation value is calculated over annual yield, and over total periodical yield gained throughout their economic lives for perennial plants.

- The formula used for capitalizing the net income from annual plants is,  $S_o = s / f$
- The formula used for capitalizing perennial periodical fixed income is,  $P_o = p / qn-1$

The right to use unit capital invested in the land is called capitalization interest rate.

In order to determine the actual land yield; data on crop output, unit prices and costs should be collected from the producers in the region and Official Institutions. This way, after the land prices and yields close to actual values are determined, average capitalization interest rate will be calculated by dividing land yields by land sales prices (the same number of yields and land sales prices). Since land value and capitalization interest rate are in inverse proportion, land value will increase as capitalization interest rate decreases, provided that yield is stable. According to the Decision of Court of Appeals 18<sup>th</sup> Civil Panel, of July 01, 1993 No: 1993/262-531, capitalization interest rate ranges from 3% to 15% nationwide.

Land capitalization interest rate is significantly lower than the interest rates of industrial and commercial investments due to the fact that land is more reliable in yielding long-lasting revenue.

In order to determine a healthy, reliable and accurate capitalization interest rate, sales prices and yields of many lands should be known.

The calculated capitalization interest rate is the average interest rate and the appraiser will decide on increases or decreases by taking account of the positive and negative effects on capitalization interest rate of the land. Positive aspects of the land will decrease the capitalization interest rate while negative aspects will increase the same.

Factors positively affecting capitalization interest rate and therefore decreasing the interest rate are as follows:

- Proximity to a city or town
- Proximity to access roads (land, railway, airport)
- Favourable health conditions
- Favourable transportation conditions
- Buildings (if any) in good condition
- Undivided land
- Geometrically well-shaped land
- Property safety
- Ease of purchasing and selling
- Safety of landowner
- Land registered before the cadastral office
- High population densities
- Easily changeable rotational cultivation system
- Favourable irrigation conditions if it is an irrigated land
- Small surface area

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

For long term easement, the plot price determination for compensation is 35% of value of the market price if the land were sold. This represents the top allowable price according to Turkish law and seems reasonable given the fact that applicable restrictions will not affect the dry land cultivation going on in these areas. There is no change in ownership and restrictions are removed when the use of the area ends.

In order to ensure that valuation of assets is in compliance with OP 4.12, in addition to the Turkish legal requirements listed above, BOTAŞ will follow the Entitlement Matrix in Chapter 11 which details the entitlements that will be necessary for each type of loss that can be suffered by project affected persons.

#### **Valuation for Temporary Easement:**

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

The temporary usage rights are acquired during construction period. The offered compensation value offered constitutes 20% of the value determined for permanent land expropriation of equivalent land parcels. Hence, the land is evaluated according to the methodology described for permanent land evaluation and 20% of

the final value is proffered to the landowner for the temporary acquisition. This level of compensation is consistent with current court decisions, which have been issued during the acquisition process for the easement rights for a natural gas pipeline in Turkey.

The 20% compensation factor has been determined on the basis of the following:

- Loss of long term land productivity: 10%
- Usage right during construction: 7%
- Future Restrictions: 1%
- Loss of net income for two years: 2% (first year's crop is paid upon land entry)

The 20% factor does not include the additional evaluation and indemnification for assets and seasonal crops that are destroyed or damaged during each land entry in the process of opening the Construction Corridor, or for the performance of additional works after initial reinstatement and return of the land to the landowner.

**Methods of valuing crops/trees etc.:** Annual average net income of the land; will be the difference between the average gross production value calculated according to the alternation systems and the production costs excluding land rent. The average annual net income of the land is divided by the capitalization interest rate adjusted according to the properties of the parcel, and the bare value of the land is calculated. This value is added to the values of the complementary parts on the land, if any.

The value of the crop, including the value of time needed to reproduce such a crop, and the replacement cost for any investment made (input, labour etc.) will be considered for all requiring crop compensation. On the lands to be acquired, if the crops identified in, it is recorded first indicating its type and status and then production value of crops and the crop loss is determined by a committee composed by BOTAŞ, headman of village (muhtar) and experts from Official agricultural Institutions. Payment for compensation is done in accordance with this assessment and valuation record. Owners/users will be compensated based on the market value of the crops on permanently and long term easement acquired land.

Valuation of trees are made according to the Junge method which considers the type/age of trees, rest of their economic lives, productivity, price, annual total income and coefficient according to income.

Orchards and vineyards are not frequent, but individual fruit trees are more likely to come across on the affected lands. In such cases, the value found for the trees will need to be added to the bare value of the land. Payments for trees, vineyards, etc. are made based on a calculation of the expected income from these for the rest of their lives; with the recent changes, the Turkish law allows the payments to be made to both to the owners and users except in forest areas. As per international policies and the recent private sector practice in Turkey, people who have encroached to public and/or private land and planted trees and crops (or built immovable assets) are compensated for these assets (but not for the land).



The rental or easement payments are considered to compensate for the inability of affected people to plant for the duration of the lease period. When permission is obtained to enter land, either through willing buyer/seller arrangements or through the court process, there may be standing crops on land. Standing crops may also be damaged from construction activity on land which was not included in the land acquisition process.

## **11. ENTITLEMENT MATRIX**

Some of the entitlements included in the matrix below, that are included under national legislation will be covered through Project budget. The remaining entitlements such as transitional livelihood support, crop payment for orphan lands, cash compensation for loss of structures, water wells, and livestock pens of informal users, transportation costs, title deed costs and payments regarding the loss of common lands such as grazing lands will be paid from the RAP Fund to be established.

**Table 11.1.** Entitlement Matrix

No	Impact Category	Entitled Person	Entitlements (Compensation, Assistance, Support)
1.1.	Loss of land for Permanent Land Acquisition (Surface facilities and well areas <sup>13</sup> )	Private landowners	<ul style="list-style-type: none"> <li>• Cash compensation at full replacement cost for loss of land due to permanent land acquisition in surface facilities and well areas</li> <li>• If the remaining portion of the permanently acquired land becomes economically unfit, these sections are also expropriated<sup>14</sup></li> <li>• Real Estate Transaction Tax to be paid at the title deed offices in case a new immovable property is purchased with the expropriation amount collected (up to 2% of the expropriation amount, by submission of bank receipt, from RAP fund)</li> </ul>
1.2.	Loss of land for Temporary and Permanent Easement Rights (Energy transmission lines, natural gas pipeline, fresh water, brine water lines and other components <sup>15</sup> )	Private landowners	<ul style="list-style-type: none"> <li>• Easement value for permanent and temporary easement right which is determined in accordance with criteria specified by law (as specified on page 49)</li> </ul>
1.3.	Loss of structures (physical displacement of house; movement of livestock pen(s))	Private landowners	<ul style="list-style-type: none"> <li>• Cash compensation at full replacement cost for loss of residential houses, livestock pens, water wells etc.)</li> <li>• Compensation for transportation costs</li> </ul>
		Formal users on private or public land	
		Informal users on private or public land	<ul style="list-style-type: none"> <li>• Cash compensation at full replacement cost to be paid from the RAP Fund or by national law (depending on the type of land; such as Treasury) for loss of residential houses, livestock pens,</li> </ul>

<sup>13</sup> Permanent access roads may also be required after the final design of the Project.

<sup>14</sup> In cases where a portion of the expropriated property is not available for utilization, it is obligatory in cases where the administrative court is not sued for expropriation to expropriate the remaining property upon the written application within thirty days following the notification of the expropriation decision of the property owner. Permanent acquisition of remaining portion is not applicable for the temporarily affected parcels along the right of way of the pipeline.

<sup>15</sup> Other components which may be required after final design such as temporary access roads, soil, and material storage areas, etc.

No	Impact Category	Entitled Person	Entitlements (Compensation, Assistance, Support)
			<p>water wells etc.)</p> <ul style="list-style-type: none"> <li>• Compensation to be paid from RAP Fund for transportation costs</li> </ul>
1.4.	Loss of crops, trees, water wells etc.	Private landowners	<ul style="list-style-type: none"> <li>• Cash compensation for lost annual/perennial crops or plants (based on the market value of the crops and trees after valuation by a specialized commission)</li> <li>• Payments in relation with misidentification of the actual land owner</li> </ul>
		Formal users on private or public land	<ul style="list-style-type: none"> <li>• Cash compensation for lost annual/perennial crops or plants (based on the market value of the crops and trees after valuation by a specialized commission)</li> <li>• Payments in relation with misidentification of the actual land user (crop owner)</li> </ul>
		Informal users on private or public land	<ul style="list-style-type: none"> <li>• Cash compensation for lost annual/perennial crops or plants to be paid from RAP Fund (based on the market value of the crops and trees after valuation by a specialized commission)</li> <li>• Payments in relation with misidentification of the actual land user to be paid from RAP Fund (crop owner)</li> </ul>
4.2.	Temporary or permanent loss of livelihoods that may be caused by loss of land, access to land, physical relocation of residential areas and other livelihood related structures, lands being unviable due to expropriation etc.	Formal and informal users on private or public lands	<ul style="list-style-type: none"> <li>• Transitional Livelihood Support equaling to minimum wage the provided by RAP Fund for duration of six (6) months to formal and informal land users, who do not have regular wage based income with a job at which they work more than one (1) year and whose livelihood depends on agriculture or other income</li> </ul>

No	Impact Category	Entitled Person	Entitlements (Compensation, Assistance, Support)
			<p>activities such as livestock, beekeeping, seasonal works etc.(only for lands subject to permanent land acquisition for above ground installations)</p> <ul style="list-style-type: none"> <li>• Support for participation in occupational educational courses held by governmental agencies</li> <li>• Crop payments to be paid from RAP Fund for “unviable lands” (where farming activities cannot be carried out in the area outside the Construction Corridor due to construction activities during the construction of pipelines)</li> <li>• Livelihood restoration assistance in the form of permanent and temporary employment opportunities during the construction and operation phase particularly in job positions such as housekeeping, driving, security, cooking, etc.</li> </ul>
		Private landowners	<ul style="list-style-type: none"> <li>• Transitional Livelihood Support equaling to minimum wage to be provided for a duration of six (6) months, to the land owners who do not have regular wage based income with a job at which they work more than one (1) year, whose livelihood depends on agriculture or other income activities such as livestock, beekeeping, seasonal works etc.and whose land take amount is more than 20% of the entire land (only for lands subject to permanent land acquisition for above ground installations)</li> <li>• Support for participation in occupational educational courses hold by governmental agencies</li> <li>• Crop payments for “unviable lands” (where farming activities cannot be carried out in the area outside the Construction Corridor due to construction activities during the construction of pipelines)</li> <li>• Livelihood restoration assistance in the form of permanent and temporary employment opportunities during the construction and operation phase particularly in job positions such as</li> </ul>

No	Impact Category	Entitled Person	Entitlements (Compensation, Assistance, Support)
			housekeeping, driving, security, cooking, etc.
4.3.	Loss of Common property resources (community lands)	Village Legal Entity	Payments regarding the economic livelihood losses arising from not being able to use common lands for grazing purposes (In this case payment is made to Village Legal Entity)
4.4.	Unidentified Impacts	-	<p>If any new category of impact is encountered, they will be mitigated as per principles of the RPF</p> <p>Vulnerable people will be precisely found out to evaluate their losses in terms of livelihood restoration during the negotiation and land acquisition process. Livelihood impacts on these vulnerable groups will be assessed and compensation will be provided by RAP Fund where necessary</p>

Livelihood impacts will be identified by BOTAŞ and compensated accordingly. Initiation of the livelihood restoration process may be either through GRM or directly by BOTAŞ.

Transitional Livelihood Support to formal and informal land users, who do not have regular wage based income with a job at which they work more than one year and whose livelihood depends on agriculture or other income activities such as livestock, beekeeping, seasonal works etc. , will cover providing minimum wage for duration of 6 (six) months. Transitional Livelihood Support to private land owners, who do not have regular wage based income with a job at which they work more than one year, whose livelihood depends on agriculture or other income activities such as livestock, beekeeping, seasonal works etc. and whose land take amount is more than 20% of the entire land, will cover providing minimum wage for a duration of 6 (six) months. Transitional livelihood support, will be provided through applications made to BOTAŞ Headquarters or DTP by means of a letter or via BİMER System (see Appendix 2- Application form of Transitional Livelihood Support). The above land users will also be supported to participate in occupational educational courses hold by governmental agencies.

Crop payment on unviable lands will be based on eligibility criteria which will be evaluated after submitting the Evaluation Form of Crop Payments on Orphan Lands (see Appendix-3). The eligibility criteria defined in the evaluation form is as follows:

- If the subject land can no longer be used for agricultural purposes since the remaining area of the land after the expropriation is less than 1000 m<sup>2</sup>
- If the remaining area can not be plowed due to its geometric shape and can not be harvested
- If access to subject land is blocked due to pipe stringing and trenching activities
- If irrigability of subject land is blocked during construction activities
- Inability to use the land for agricultural purposes due to more than 10% slope during project construction
- If the land is sensitive to the risk of flood and erosion
- If the land is rented to the third person by the landowner (directly affecting the land user in means of harvesting the land and indirectly affecting the landowner's rent / profit ratio)
- In case the Project construction disrupt the production of the products, the application for the state incentive can not be done or limited (this will be proved by the presentation of the claim)
- If the subject land can not be used for agricultural purposes due to a reason that is not stated above, it will be recorded by mutual negotiation of landowner/user, settlement head and BOTAŞ authorities

The remaining area of expropriated land shall be paid based on crops' current market value, provided that at least 2 (two) of the above criteria are covered.

Compensation for transportation costs of people who are physically displaced, who have to move livestock pen or other livestock stuff, will be paid by BOTAŞ from the RAP Fund by

submission of transportation bill. BOTAŞ will coordinate with the affected parties and assist them in submitting a transportation bill which will be reimbursed. Likewise, Real Estate Transaction Tax to be paid at the title deed offices in case a new immovable property is purchased with the expropriation amount collected will be paid up to 2% of the expropriation amount by submission of bank receipt.



## 12. RESETTLEMENT CONSULTATION STRATEGY

Stakeholder consultations are a necessary step to obtain the views of people who may be affected by development projects or may otherwise have an interest in their outcomes, and to inform them about changes that could affect them. Such feedback assumes greater significance in the case of people who may be adversely affected. Since these stakeholders usually do not have a direct role in decisions about projects that affect them, consultations are an important mechanism to ensure that their concerns are taken into account while these decisions are made. Consultations are the primary tool to promote participation of stakeholders in the process of project design and implementation, and disclosure of information is a key prerequisite for ensuring effective consultations. Consultations, participation, and disclosure are directly addressed by two of the World Bank's Operational Policies: OP 4.01, Environmental Assessment and OP 4.12, Involuntary Resettlement. Several other policies, such as OP 4.11, Physical Cultural Resources, OP 4.36, Forests, OP 4.04, Natural Habitats and OP 4.00, Piloting the Use of Borrower Systems, also underscore the need for consultations. Finally, The World Bank's 2010 Policy on Access to Information establishes that as a development institution, the World Bank strives to be transparent about its projects and programs (particularly with groups affected by its operations), to share its global knowledge and lessons of experience with the widest possible audience, and to enhance the quality of its operations by engaging with a broad range of stakeholders.<sup>16</sup>

It is required to determine the stakeholders at the first stage of the project to be able to equally and justly realize the stakeholder participation. It will ensure the formation of an effective RAP to correctly identify all the stakeholders of the project including the people and groups that are related/have interest in the project, which are directly and indirectly affected. The stakeholders (identified in SEP) that expected to be directly or indirectly affected by the project are listed below and additional stakeholders will be recorded throughout the life of the Project:

- National and local state institutions and organizations (The Ministry of Environment and Urbanization, Aksaray Governorship, Sultanhanı Municipality etc.)
- PAPs including non-organized groups with particular areas of interest or that may be vulnerable (i.e., elderly, people with disabilities, ethnic minorities, etc.). PAPs include land owners and residents that may formally and/or informally use communal/state/treasury land
- Seasonal workers and herders
- Interest groups, such as universities and their foundations, cooperatives, local business establishments, business associations, chambers of commerce and others (i.e., labor, youth, religious, businesses etc.)
- Project and contractors' employees and
- Media

The detailed list of stakeholders is presented in Appendix-5. The principal goal of the consultation is to assist in managing negative impacts of the project on affected people.

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<sup>16</sup> Stakeholder Consultations in Investment Operations, Guidance Note, World Bank, November 2011

Therefore, full participation of all affected communities and landowners will be ensured (by conducting separate interviews with women etc.) and consultation with other stakeholders and government will be carried out. Consultations will start early in the development process and take place throughout the RAP process in a highly participatory manner with ongoing feedback to stakeholders.

Some stakeholder engagement activities have already been carried out during the ESIA process of the Project and the continuity of these activities will be ensured throughout construction and operation phases. First, public participation meetings were held to comply with the requirements of national EIA legislation on 22<sup>nd</sup> November 2016 and national and local institutions / organizations, local authorities, BOTAŞ officials and affected local people participated in the meeting. Public disclosure and consultations of the ESIA will also be carried out as it is finalized.

After that, the RAP processes, land acquisition requirements and dates of first consultation and disclosure meetings will be announced in each settlement to increase the awareness of PAPs regarding the land acquisition process. A presentation on the Project and its land acquisition requirements, the land acquisition process to be followed, and Project's grievance system and contact persons will be made by BOTAŞ Representatives and social consultants. The cut off date for entitlements will be announced via various communication tools prior to the assets inventory works and census. A census and socio economic survey will be conducted to gather baseline information on the affected settlements. Also, a Guide to Land Acquisition and Compensation will be prepared by BOTAŞ and distributed to PAPs during the initial consultations.

Following the census, surveys and initial consultation, a Site-specific Findings Presentation will be made by BOTAŞ Representatives and social consultants to communities introducing the general findings in the broader area, affected communal assets and future resettlement related activities. This findings presentation is important for informing the public about the general findings before the negotiations with the households separately and informing about the affected communal assets if any.

After presenting the general findings to affected communities, negotiations will be held with land owners to disclose specific and relevant household findings, explain compensation calculation process, resettlement support and other entitlements relevant to the household. Focus group discussions are extremely useful to obtain the views different categories of stakeholders. There will be separate meetings with women and possible vulnerable groups (if any) to ensure that they are also aware of that process and supports. The consultation findings will feed into the RAP to be disclosed at a later stage.

Finally the site-specific RAP will be made available to the affected communities. During this process all consultation, issues and responses will be recorded. Consultations will continue during the implementation, monitoring and evaluation of compensation payment and resettlement.

### 13. INSTITUTIONAL AND IMPLEMENTATION ARRANGEMENTS

The Project’s land acquisition activities will be performed in compliance with the national Expropriation Law and World Bank’s OP 4.12. National Laws and international safeguard policies will guide the Project’s land acquisition activities. The decision of Public Interest has been taken by the Ministry of Energy for the UGS Project. The decision allows the application of the Expropriation Law.

There will be several parties that will take place in the preparation, implementation and monitoring of RAP activities. With respect to the Turkish legislation, BOTAŞ is responsible for the implementation of all land acquisition and resettlement activities of the Project. BOTAŞ has a separate expropriation unit in Konya that will be in charge of the land acquisition works carried out on site. The social team of BOTAŞ (comprising of 3 staff at Head Office and 2 staff at site) will work closely with this unit and monitor land acquisition activities to ensure that land acquisition activities are executed in line with all relevant national legislation and international policies. Other key responsibilities of social team will be ensuring that necessary mitigation measures/actions are implemented for the implementation of RPF/RAP, ensuring that proper approaches and tools are being used to conduct site activities in compliance with BOTAŞ RPF/RAP as well as other Project requirements, coordinating stakeholder engagement activities as specified in Project’s Stakeholder Engagement Plan (SEP), coordinating interface and reporting to/from World Bank in relation to implementation of RAP, measuring and reporting RAP performance of the Project as defined under related Project plans, procedures and requirements, providing support for coordination of RAP related programs as deemed necessary. The social team, in collaboration with the Consultants’ and the Contractor’s social team will ensure the completion of all resettlement activities in relevant sections prior to the start of civil works. Detailed roles and responsibilities for the issues related with RAP management are provided in table below.

**Table 13.1. Organizational Arrangements for RAP Management**

Staff		Responsibility
BOTAŞ Head Office (Storage Department)	QHSE Manager	<ul style="list-style-type: none"> <li>• Implements and improves processes related to grievance mechanism, RAP Fund management, RAP and stakeholder engagement issues</li> <li>• Expedites, monitors, follows up social team for proper implementation of processes related to grievance mechanism, RAP Fund management, RAP and stakeholder engagement issues</li> <li>• Coordinates with parties for proper implementation of processes related to grievance mechanism, RAP Fund management, RAP and stakeholder engagement issues</li> </ul>
	Social Expert	<ul style="list-style-type: none"> <li>• Receives and records the RAP Fund applications/complaints/request from the entitlement person under grievance mechanism regarding social issues and reports these to relevant units. Helps relevant units in taking required actions</li> <li>• Follows up and is informed about disclosure activities carried out within the scope of the RAP Fund applications/complaints/request received regarding social issues</li> </ul>

Staff		Responsibility
		<ul style="list-style-type: none"> <li>• Participates in interviews with environmental and Social Monitoring Consultant social team staff, and others involved in land acquisition, compensation disbursement or livelihood restoration activities to review progress and identify critical issues</li> <li>• Prepares RAP Monitoring Plan</li> <li>• Monitors and reports on progress made with regards to commitments defined in RAP(s)</li> <li>• Does any other activities required to realize the objectives of RAP implementation</li> <li>• Examines whether RAP Fund applications are eligible or not</li> </ul>
	Community Relations Specialist	<ul style="list-style-type: none"> <li>▪ Consults with affected households and with community leaders through brief questionnaires to ascertain their feedback on compensation payment, livelihood impact and delivery of other R&amp;R assistance. Also interacts with various stakeholders to hear their views on RAP implementation</li> <li>▪ By submitting required materials, informs the entitled person defined within the scope of RAP Fund in a planned way or in case of need</li> </ul>
Site (BOTAŞ)	QHSE Chief Engineer	<ul style="list-style-type: none"> <li>▪ Takes actions to resolve land acquisition induced grievances in coordination with land acquisition experts.</li> <li>▪ Monitors activities of the construction contract and administers payments made for overspill and additional land rentals</li> <li>▪ Participates in interviews with environmental and Social Monitoring Consultant social team staff, and others involved in land acquisition, compensation disbursement or livelihood restoration activities to review progress and identify critical issues</li> <li>▪ Examines whether RAP Fund applications are eligible or not</li> <li>▪ Studies community level responses to loss of community resources</li> <li>▪ Verifies that livelihood restoration measures are implemented and assess their effectiveness</li> </ul>
	Community Liaison Officer	<ul style="list-style-type: none"> <li>• Gives information to the Project affected community about grievance mechanism, entitlements, construction works and schedule, community safety, compensation of economic losses, RAP Fund management</li> <li>• Implements processes related to grievance mechanism, RAP Fund management, RAP and stakeholder engagement issues</li> <li>• Receives and records the RAP Fund applications/complaints/request from the entitlement person under grievance mechanism regarding social issues</li> <li>• Helps filling application form samples that are created in case the entitled person wishes to apply</li> </ul>
	Land Acquisition Experts of BOTAŞ Konya Provincial Directorate	<ul style="list-style-type: none"> <li>• Communicate regularly with land owners/users to inform about their rights</li> <li>• Identify informal land user on Public Lands</li> <li>• Collect and records grievances pertaining to land acquisition</li> <li>• Hand over any grievances associated with RAP Fund to RAP Fund Evaluation Committee</li> <li>• Perform all processes regarding land acquisition</li> </ul>

Staff		Responsibility
		<p>(BOTAŞ Land Acquisition Department manages and executes all land acquisition activities in conformity with the relevant Turkish Legislation)</p> <ul style="list-style-type: none"> <li>• Provide regular land acquisition data including grievances and logs of negotiation meetings etc.</li> <li>• Conduct regular internal monitoring activities in line with RAP Monitoring Plan and report to social team</li> </ul>
Site (Environmental and Social Monitoring Consultant)	Community Relations Specialist	<ul style="list-style-type: none"> <li>▪ Holds interviews with BOTAŞ social team staff, and others involved in land acquisition, compensation disbursement or livelihood restoration activities to review progress and identify critical issues</li> <li>▪ Consults with affected households and with community leaders through brief questionnaires to ascertain their feedback on compensation payment, livelihood impact and delivery of other R&amp;R assistance. Also interacts with various stakeholders to hear their views on RAP implementation</li> <li>▪ Reviews grievance records to illustrate significant non-compliance issues or recurring problems regarding the land acquisition activities and coming up with actions</li> <li>▪ Monitors and reports on progress made with regards to commitments defined in RAP(s)</li> <li>▪ Performs any other activities required to realize the objectives of RAP implementation</li> <li>▪ Examines whether RAP Fund applications are eligible or not</li> </ul>
	Resettlement and Livelihood Restoration Specialist	<ul style="list-style-type: none"> <li>▪ Monitors all the resettlement activities of the Project as specified in the RAP</li> <li>▪ Reviews internal monitoring activities, records and reports to verify compliance with commitments in RAP(s) and identify problematic areas in RAP implementation and suggest ways of resolving those</li> <li>▪ Holds interviews with BOTAŞ social team staff, and others involved in land acquisition, compensation disbursement or livelihood restoration activities to review progress and identify critical issues</li> <li>▪ Consults with affected households and with community leaders through brief questionnaires to ascertain their feedback on compensation payment, livelihood impact and delivery of other R&amp;R assistance. Also interact with various stakeholders to hear their views on RAP implementation</li> <li>▪ Examines whether RAP Fund applications are eligible or not</li> <li>▪ Studies community level responses to loss of community resources</li> <li>▪ Monitors RAP Fund implementation and assess the appropriateness of Fund financed activities, including community based programs</li> <li>▪ Verifies that livelihood restoration measures are implemented and assess their effectiveness</li> <li>▪ Provides advice on corrective actions and measures to improve the implementation of RAP</li> <li>▪ Reports on the progress in key result indicators related to social impacts outlined in the World Bank's PAD and RAPs</li> <li>▪ Monitors and reports on progress made with regards to commitments defined in RAP(s)</li> </ul>

Staff		Responsibility
		<ul style="list-style-type: none"> <li>▪ Performs any other activities required to realize the objectives of RAP implementation</li> <li>▪ Prepares and submits a RAP Completion Report at the end of the resettlement activities</li> <li>▪ Provides all relevant materials, documents and data collected from implementation of RAP(s) to the External Auditors, who will be appointed by BOTAŞ and will be responsible of doing an External RAP Progress Audit and an External RAP Completion Audit. The External RAP Progress Audit will cover all RAP(s) that are in progress by then and the timing of this will be decided by BOTAŞ and the World Bank. The External RAP Completion Audit, is a separate document from the RAP Completion Report. The latter will be conducted by the ESIA and RAP Monitoring Consultant to summarize all resettlement activities undertaken and completed in the Project. The former assignment will be undertaken by external independent auditors (to be appointed by BOTAŞ) to carry out a third-party independent audit</li> </ul>

The geographical survey company (contracted by BOTAŞ) will prepare documentation for all affected parcels required for land acquisition, including identification of resident and/or absentee owners and/or other land users (both formal and informal) and their addresses and ensure that data submitted to BOTAŞ accords with the Project schedule. The geographical survey company will also ensure that the documentation prepared complies with national legislation, international policies and WB requirements.

After identification of affected plots, assets and owners, the geographical survey company will also identify the landowners and land users (e.g. renters) and cadastral title deed records to be presented to BOTAŞ. Once all steps have been completed for identification and location of affected plots, assets and owners, a valuation commission will be established within BOTAŞ. This commission will gather information to determine the value of each plot of affected land. After valuation, a notification letter will be sent to landowners by BOTAŞ to inform them about the decision to expropriate their lands. The letter will specify the date when a Negotiations Commission (BOTAŞ Representatives and Consultants' Experts) will visit the village of the affected landowner to disclose the principles of the valuation and to seek agreement with the landowner. As described by law, the landowner has a 15-day period during which he/she may contact the expropriation agency (the local BOTAŞ branch office) to express his or her opinion, rejection or willingness to negotiate in view of the communicated expropriation decision. To facilitate discussions, the relevant BOTAŞ officers will visit each affected village after sending the letter of notification. After that, a Negotiations Commission established by BOTAŞ, will begin negotiations with landowners based on the range of land values established by the Valuation Commission. The negotiations will also be used to further identify or verify the formal and informal users of land subject to land acquisition.

The implementation of entitlements, which are not covered by national law and will be covered by RAP Fund, will require several parties to involve in different steps of application and evaluation process. RAP Fund Management Procedure prepared by BOTAŞ (see Appendix-6) covers the implementation steps and responsible parties.

### **13.1. Monitoring and Evaluation**

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan will be required. This RAP Monitoring Plan will cover the entire RAP implementation process for all project components, indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions to carry out the monitoring activities. The plan will be prepared by BOTAŞ Social Department in the beginning of the Project before the land acquisition works are commenced.

*Internal Monitoring:* An internal monitoring will be managed by the social team of BOTAŞ continuously and reported on a frequency of quarterly or semi annual as required by WB. The social team will be responsible of evaluating periodically and reporting the development process of resettlement, the grievance received by affected people regarding the resettlement process, whether the PAPs have been paid in full or not, whether the PAPs enjoy the same or higher standard of living than before or not. The social team will also; in collaboration with the Consultant's social experts ensure the completion of all resettlement activities in relevant sections prior to the start of civil works. Consultant will have a Community Relations Specialist and Resettlement/Livelihood Restoration Specialist at site that will be responsible of monitoring and reporting on progress made with regards to commitments defined in RAP(s), reviewing internal monitoring activities, recording and reporting to verify compliance with commitments in RAP(s), identifying problematic areas in RAP implementation and suggesting ways of resolving those. They will also be responsible of verifying that livelihood restoration measures are implemented, assessing their effectiveness and providing advice on corrective actions and measures to improve the implementation of RAP. Consultant's experts will prepare and submit a RAP Completion Report at the end of the resettlement activities.

Supported by data acquired in the baseline survey of PAPs, a number of indicators will be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socioeconomic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- The local communities remain supportive of the Project

In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. For example, the following parameters and

verifiable indicators will be used (but not limited to) measure the resettlement and compensation plan's performance:

- Number and types of project components requiring preparation of a RAP
- Number of households and individuals physically or economically displaced by each project component
- Number of public discussions and consultations on RAPs
- Number of completed compensation payments
- Amount and percentage of payments made for negotiated settlements and payments made through court cases
- The number of open court cases out of the total cases
- The number and type of grievances related to land acquisition process and time and quality of resolution
- Number of unresolved grievances
- Number of households resettled and provided transitional livelihood support or other compensation before construction
- Number of PAPs that have been provided transitional livelihood support or other compensation
- Percentage of feedback from consultations incorporated into RAP(s)
- Number and type of assistances provided to vulnerable groups of PAPs
- Status of individuals and families in re-establishing their pre-displacement activities, land and crops or other alternative incomes

*External Monitoring:* An independent third party will be contracted to conduct external RAP monitoring semi annually or annually as required by WB. The overall purpose of the external evaluation will be to determine whether the RAP and its implementation comply with the requirements of WB OP 4.12. The external evaluation for all the Project resettlements will place special attention on livelihood restoration (both measures and effects) as this is potentially complex and adverse while at the same time beneficial. The basic external evaluation process will include the following:<sup>17</sup>

- Verifying internal RAP implementation reports by a field check of payment of compensation, transition allowances, and resource access claims etc.
- Interview a random sample of the affected people in open-ended discussion to assess their knowledge and concerns regarding the compensations, their entitlements and rehabilitation measures
- Observe public consultations with affected people
- Review formal grievances and the functioning of grievance redress; and
- Survey the standards of living of the affected people, considering baseline data and descriptions of pre-displacement and post-displacement conditions

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<sup>17</sup> Papua New Guinea LNG Project Environmental and Social Management Plan Appendix 26: Resettlement Policy Framework



*RAP Completion Audit:* A RAP completion report will be prepared by the Consultant of BOTAŞ at the end of RAP implementation to provide external assessment by measuring outputs such as productivity gains, livelihood restoration and development impact against baseline. The External RAP Completion Audit, is a separate document from the RAP Completion Report. The latter will be conducted by the ESIA and RAP Monitoring Consultant to summarize all resettlement activities undertaken and completed in the Project. The former assignment will be undertaken by external independent auditors (to be appointed by BOTAŞ) to carry out a third-party independent audit. BOTAŞ representatives and Consultant’s staff will support the preparation of the RAP Completion Audit. The timing of this audit will be agreed between BOTAŞ and WB.

### 13.2. Grievance Redress Mechanism

A grievance mechanism will be established to receive and address in a timely fashion specific concerns about compensation and relocation that are raised by displaced persons, including a recourse mechanism designed to resolve disputes in an impartial manner. This mechanism will be functional throughout resettlement planning and implementation. It is essential for the grievance management mechanism to be in place at the time the census is undertaken so that all affected persons can respond if any findings from the census are incorrect.

Establishing project level Grievance Redress Mechanism (GRM) within the body of BOTAŞ, which is open to the usage of all stakeholders that may be affected directly or indirectly by the Gas Storage Expansion Project, is very important to solve all worries and complaints of the stakeholders regarding the project in time, to prevent misunderstandings and to prevent material and non-material losses which are hard to compensate for. The Grievance Redress Mechanism is established as the following table illustrates.

**Table 13.2.1. Grievance Redress Mechanism**

Level	Authority	Form of Application	Activities	Duration
1	<p><b>Local BOTAŞ Office</b></p> <p>Phone: 0(382) 242 40 04            Address: Tuz Gölü Doğal Gaz Depolama Tesisi, Besi Köyü Yolu 18. km, Sultanhanı-AKSARAY</p>	Face to face application, phone call, correspondence	<p>The question or complaints are assessed.</p> <p>The person is provided with feedback.</p> <p>If not resolved, it is directed to legal ways.</p>	30 days
2	<p><b>BOTAŞ Head Office</b></p> <p>Hakan ERTEN            Phone: (0312) 297 2991            E-mail: <a href="mailto:hakan.erten@botas.gov.tr">hakan.erten@botas.gov.tr</a></p> <p>Asrim AKKAŞOĞLU            Phone: (0312) 2972964            e-mail: <a href="mailto:asrim.akkasoglu@botas.gov.tr">asrim.akkasoglu@botas.gov.tr</a></p> <p>Address: Bilkent Plaza A-1 Blok 06800 Bilkent/Ankara - Turkey)</p>	Phone call, correspondence, e-mail, online application	<p>The question or complaints are assessed.</p> <p>The person is provided with feedback. If not resolved, it is directed to legal ways.</p>	15-30 days

	Online application: <a href="https://www.bimer.gov.tr">https://www.bimer.gov.tr</a>  Toll free number: 152			
3	Civil Court of First Instance	With correspondence	It takes place within the framework of legal legislation.	On the Legal Process Framework

Recording and follow up of grievances (including environmental issues) will be the primary responsibilities of the BOTAS's social team. The social team will follow the Grievance Redress Mechanism established by BOTAS to record and resolve all complaints from the stakeholders and follow up corrective actions taken. Contact information of toll free number (152) will be provided via Project website, through public information meetings, consultation meetings and Project brochures to raise awareness and offer transparency of how stakeholders can voice their grievances. Project staff (social team) has the primary role in resolving complaints as part of their day to day activities as they interact with community members. Staff members who receive complaints verbally must put them in writing for them to be considered. Various channels for stakeholders to vocalize their grievances formally include:

- Telephone (Stakeholders can call BOTAS's Head Office on 0312 297 2991 - 0312 297 29 64 or Local Office 0382 242 40 04 and request to speak to a contact officer)
- E-mail (Grievances can be sent to [info@botas.gov.tr](mailto:info@botas.gov.tr))
- Face to face (Stakeholders can voice their grievance to social team of BOTAS at local office)
- Complaint register form (CRF) (Stakeholders can fill the forms that will be distributed to them in advance to voice their grievances) (see Appendix-4)
- Online application (Stakeholders can fill the forms online at <https://www.bimer.gov.tr>)

Grievance mechanism established by BOTAS includes both environmental and social issues as well as grievances of workers. Workers may transmit their grievances by means of grievance mechanism.

The steps to be followed during the grievance management will be as follows;

#### **Receiving & Registering of Grievance:**

- All Grievances received by all level of Project Staff; Contractor and sub-contractors of Project, are registered by using Complaint Register Form (CRF) and a hard copy of the form is provided to Complainant. The completed form is delivered to BOTAS social team within the same business day. Other hard copies of the CRF are distributed by BOTAS social team to relevant disciplines, if needed.
- If the CRF cannot be filled out, following basic information is recorded and provided to social team by e-mail or by an acceptable correspondence:
  - Name and surname of the Complainant
  - Subject of the Grievance
  - Location of the Grievance
  - Contact details (phone/mobile number, address, e-mail etc.)
  - Organization name (if related)
  - Date and time
- BOTAS social team completes the CRF according to given information and registers the complaint.
- All corrective actions suggested by Complainant are taken under registration via CRF.

- Grievance Monitoring Table is filled out by BOTAŞ social team according to the received information.

#### **Assessment of the Grievance:**

- All Grievances are reviewed to be classified whether they are genuine and related to Project activities or not. If the issues/disputes raised are not related to Project, guidance is provided to the Complainant to contact relevant party. Eligible complaints are responded according to Project social and environmental requirements which are identified in ESMPs and ESIA Report.
- All Grievance received through the Toll Free Number (152), direct phone calls, e-mails and face-to-face meetings/communications are taken under registration and BOTAŞ social team gets contact with the Complainant within two (2) business days following registration in order to explain the Project response process to Grievance.
- BOTAŞ has ten (10) business days to investigate and respond the Complaints. If the case requires a more complex investigation, updated information is provided to the Complainant explaining the actions required to resolve Grievance, and the likely timeline.
- Responses aligning with the Project social mitigation measures and compensation items are defined beforehand according to the Project standards.

#### **Resolving the Grievance:**

- Necessary corrective actions shall satisfy the Complainant.
- All parties get an agreement on the corrective actions during solution process.
- BOTAŞ social team aims to solve each complaint within thirty (30) business days after response, and this period is subject to extend upon written consent of Head of Department. If mutually agreed with PAPs, Consultation Committee will be established and responsible of providing a mechanism to feedback to the BOTAŞ social team on the concerns/grievances of the community. It will support the social team in receiving grievances and finding resolutions that are mutually agreed with all parties.
- When the Complainants are not satisfied with the decision of BOTAŞ and/or Contractors on their complaints, they may apply to court.

#### **Close Out of the Grievance:**

Proof documents of the corrective actions taken (photos from Site in subject or other evidence documents) are collected and a "grievance closure protocol" is signed by BOTAŞ and the complainant.

#### **Monitoring of Grievances:**

Monitoring of grievances is made by filling out Grievances Monitoring Table including following headings:

- complaint register number
- how complaint is received (grievance form, community meeting, telephone, other)
- level at grievance (contractor level, local BOTAŞ office level, through BOTAŞ Headquarters)
- date of complaint received
- location of complaint received
- name of person in charge
- coordinates of the area subject to complaint
- land parcel number (if complaint is related to land)

- complaint information
  - name, surname
  - telephone/e-mail
  - village-district-province
  - gender
- project component related to complaint
- grievance category
  - expropriation/land acquisition related grievances
  - environmental issues
  - damages to crops and structure etc.
- complaint summary
- grievance status
  - open
  - closed and
  - pending/in process
- action taken
  - responsible person/department
  - action planned
  - due date of the addressing the grievance
  - date of action taken
- supporting documents for grievance close out (bank receipt for compensation, grievance closure protocol)

The flow sceme of the grievance mechanism will be as follows:

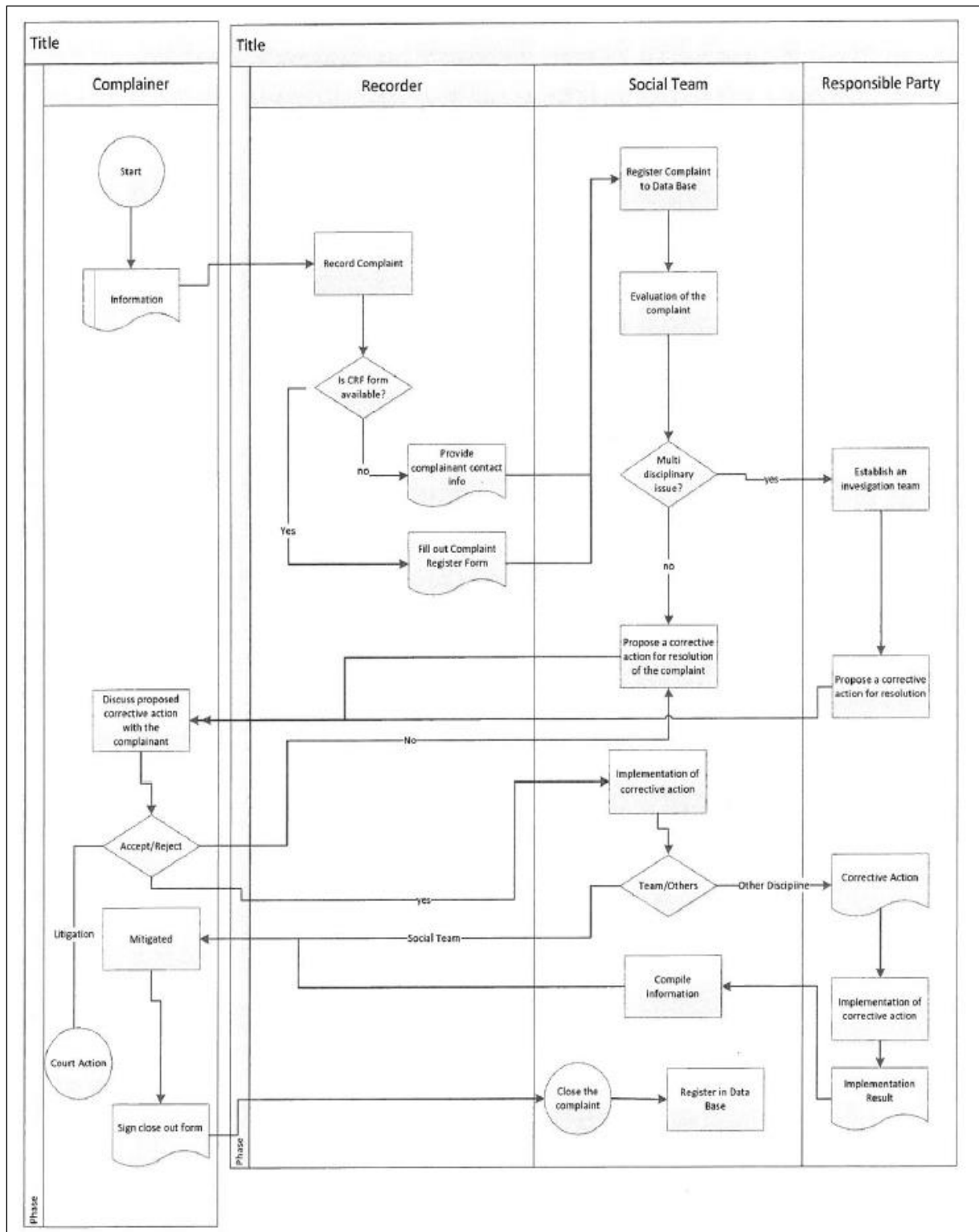


Figure 7.4.1. The Flow Scheme of the Grievance Mechanism of Underground Natural Gas Storage Projects

### 13.3. Budget and Implementation Schedule

An itemized budget will be prepared for the implementation of resettlement activities including compensation. Thus the specific RAPs prepared for the project components will provide a budget as this will be crucial for planning and implementation purposes. Since the specific locations of the project components and the number of PAPs are not yet determined and the technical designs have not been completed, it is not possible to provide an exact budget for the total costs of land acquisition/resettlement that will be associated with the implementation of the Gas Storage Expansion Project. The breakdown of estimated budget for all land acquisition/resettlement costs will be included in RAP.

For land take and easement, estimated budget is approximately 2-2,5 million USD. The real land take and easement cost will be determined after final design and RAP preparation.

For RAP Fund, 100,000 USD is reserved from 2018 Operating Budget of BOTAŞ. This budget will be revised annually according to information provided during RAP preparation.

For RAP Preparation and RAP Monitoring, estimated budget is approximately 500,000 USD. The real cost will be determined after final design.

Project timeframes and RAP preparation and implementation stages are defined in the table below. The detailed activity schedule for the resettlement activities will be finalized during the preparation of the RAP when specific start and end dates are known.

**Table 13.3.1.: Project Timeframes and RAP Preparation&Implementation Stages**

Project Timeframe	Resettlement Planning
<u>The Planning Phase</u> <ul style="list-style-type: none"> <li>➤ This phase involves the identification of stakeholders and preparation of the RPF.</li> <li>➤ BOTAŞ will complete the feasibility studies during this period.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Preliminary identification and consultation with PAPs.</li> <li>✓ BOTAŞ will conduct a full census of the project-affected area.</li> <li>✓ Completion of the RPF outlining the plan going forward.</li> <li>✓ Appointment of independent third party by BOTAŞ</li> <li>✓ Valuation of assets belonging to PAPs</li> <li>✓ Land acquisition for natural gas pipeline, fresh water, brine water lines</li> <li>✓ Land acquisition of energy transmission lines, surface facilities and well areas*</li> <li>✓ RAP preparation and approval</li> <li>✓ Disclosure of RAP</li> </ul>
<u>Implementation Phase</u> <ul style="list-style-type: none"> <li>➤ This phase involves the identification of stakeholders and negotiation to establish eligibility and compensation.</li> <li>➤ BOTAŞ will complete detailed design and commence the Construction Phase.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Implementation of the RAP.</li> <li>✓ Negotiations with PAPs for compensation payments with independent overview.</li> <li>✓ Establishment of grievance mechanism and RAP monitoring organisation.</li> </ul>
<u>Execution Phase</u> <ul style="list-style-type: none"> <li>➤ BOTAŞ will complete construction and move to operations</li> </ul>	<ul style="list-style-type: none"> <li>✓ Monitoring of the RAP and addressing grievances</li> </ul>

\* Energy transmission line routes are not yet clear as information such as the number of pumping stations and the transformer station from which the energy will be taken is not yet known.

#### **13.4. Disclosure of Documents**

This RPF will be disclosed during the public consultations that will be held in March 2018, together with the disclosure of the ESIA in compliance with relevant Turkish regulations and The World Bank Operational Policy 4.12. Any feedback received during this consultation will be integrated to the RPF and submitted for final approval of the World Bank. After the approval of the World Bank, BOTAŞ will share RPF with all other relevant Ministries, Local Governments and Institutions as well as disclosing both Turkish and English versions of the document on its official website. The final RPF will also be disclosed on the external website of World Bank. Subsequent RAPs developed in further stages of the Project will also be approved by the World Bank and be disclosed both on BOTAŞ's official and World Bank's external websites. The RAPs shall also be presented through public consultation meetings to PAPs prior to the commencement of the land acquisition process, particularly to vulnerable groups in order to inform on the land based impacts of the project, legal rights and entitlements, RAP Fund and Project GRM.

#### **13.4. Linking Resettlement Implementation to Civil Works**

For each Project components (anticipated as one for the pipelines and one for the well areas and surface facilities), the land acquisition/resettlement schedules will be coordinated with construction schedules. Before any project civil works activity is implemented, PAPs will have to be compensated in accordance with the laws, regulations and guidelines as set in this RPF. In other words, no individual or affected household should be displaced due to civil works activity before compensation is paid. The land acquisition should be completed within the preparatory stage of the engineering construction and before the beginning of relevant engineering works. The social team of BOTAŞ, in collaboration with the Consultants' and Contractors' social teams will ensure the completion of all land acquisition/resettlement activities in relevant sections prior to the start of civil works. The schedule is thus expected to ensure that all PAPs, prior to their physical or economic displacement will;

- have been adequately consulted about the project, its impacts and compensation entitlements
- have received compensation entitlements in a timely manner
- have been provided with means to establishing livelihoods

## 14. APPENDICES

### Appendix 1: Reporting Format for Full Resettlement Action Plan

#### 1. INTRODUCTION

- Briefly describe the project.
- List project components including associated facilities (if any).
- Describe project components requiring land acquisition and resettlement; give overall estimates of land acquisition and resettlement.
- Attach project site plan or map from screening form, showing land acquisition impacts.
- Attach land ownership, land use map as Annex

#### 2. MINIMIZING RESETTLEMENT

Indicate any design changes made to minimize physical or economic displacement of people.

#### 3. PROJECT IMPACT AND AFFECTED PEOPLE

- What type of impacts will the Project and/or its component(s) have?
- Are these impacts temporary or permanent?
- What will be the types of acquisition for land; permanent, temporary, easement, rental etc.?
- Are there any anticipated impacts on livelihood? Or just land?
- Who are the PAPs?
- How and in which way are they affected?
- Are there any vulnerable groups (women, elderly, youth etc.) among PAPs? If so, provide info on vulnerable groups

#### 4. CENSUS, INVENTORY AND SOCIO-ECONOMIC SURVEYS

- Provide additional socio-economic data, needed to develop appropriate remedies for impacts on income streams for affected persons / families or businesses
- Provide brief explanation of inventory or any fixed assets to be acquired for the Project, provide as Annex a complete list of subject inventory (if available).
- Identify any cases of vulnerable people, or people in need of special assistance.

#### 5. LEGAL FRAMEWORK

##### 5.1. National Laws and Procedures for Land Acquisition

Brief information on national law (only relevant laws/regulations that apply to the Project)

##### 5.2. World Bank Policies and Required Measures Under OP 4.12

Summary of World Bank Policies and OP 4.12

##### 5.3. Gap Analysis

Presentation of over exceeding or inadequate regulations that govern the land acquisition process and remedies to overcome them.

#### 6. RESETTLEMENT SITES



If land-for-land is given, provide details of location, size, capacity of compensating the lost income derived from taken land and any salient features of replacement land. If not, remove heading.

7. ENTITLEMENTS AND INCOME RESTORATION

- Using socio-economic data on affected party, describe income restoration remedies provided.
- Describe any additional economic rehabilitation measures; such as transition and moving allowances, temporary housing, or other measures.
- Describe any special assistance given to vulnerable people or households.
- Describe method of valuation used for affected structures, land, trees or other assets, (recall that OP 4.12 provides for replacement cost of lost assets).
- Summarize all types of impacts and entitlements provided in a matrix form; (as provided below)

Entitlement Matrix

<i>Project Component</i>	<i>Project Impact</i>	<i>Category of Affected Person</i>	<i>Entitlement</i>	<i>Additional Provisions</i>

8. INSTITUTIONAL ARRANGEMENTS

Describe the institution(s) responsible and project level organizational arrangements to ensure preparation and implementation of the RAP.

9. PARTICIPATION AND CONSULTATION

- Describe the stakeholders and the process of consultation and stakeholder participation in preparation and implementation of the RAP.
- Keep records and summarize consultations with affected parties: key issues, how addressed etc. Also report the feedback indicators.
- Describe arrangements (personnel, site offices, etc) to ensure open communications with local stakeholders.

10. GRIEVANCE REDRESS MECHANISM

- Describe the process of registering and addressing grievances related to land acquisition, resettlement or other project impacts on the local community.
- Ensure that this process is cost-free with a reasonable response in short time.
- Involve an independent mutually-respected third party in resolving grievances.
- Prepare sample grievance registry (logging) forms and close out forms.
- Keep records of all grievances or issues raised and how resolved or managed to minimize affected parties resorting to the law courts, also report beneficiary feedback indicators.

**11. MONITORING AND EVALUATION**

- Describe the monitoring and closure arrangements for the RAP.
- Describe the monitoring system in line with WB documents such as performance monitoring, external monitoring by third party.
- Describe the frequency of reporting and key elements of the monitoring plan.  
Describe content of reports including beneficiary feedback indicators.

**12. IMPLEMENTATION SCHEDULE AND BUDGET**

List the chronological steps in implementation of the RAP; ensure that entitlements are given before civil works.

Key Implementation Issues	20..				20..				20..				20..		
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3

Provide the budget for the RAP, showing financial responsibility and authority with regard to all land acquisition and resettlement activities including contingencies. Add or remove budget items as applicable, please note that costs are anticipated lumpsum figures and are not binding.

Budget Item	Anticipated Cost
Costs of Permits/Licences	Xxx
Compensation Payments	Xxx
Costs for Additional Social Support and Resettlement Assistance	Xxx
Cost for Monitoring	Xxx
Cost of RAP implementation staff/ consultants	
Contingency	xxx
<b>TOTAL BUDGET</b>	<b>Xxx</b>

## Appendix 2: Application form of Transitional Livelihood Support



### GEÇİŞ SÜRECİ GEÇİM DESTEĞİ BAŞVURU DİLEKÇESİ

.../.../20...

Sayın İlgili,

.....İli, .....İlçesi, .....Köy/Mahallesi, .....ada .....parselde bulunan kullanıcı/maliki olduğum taşınmazın mülkiyeti BOTAŞ Doğal Gaz Yer Altı Depolama Tesisi Kapasite Artırımı Projesi Kapsamında kamulaştırılmıştır. BOTAŞ YYEP Destek Fonu kapsamında mülkiyet kamulaştırılması yapılan arazilerde ana geçim kaynağı bu arazilerden elde edilen gelir olan kişilerin toplam arazi varlıklarının %20'sinden fazlasını kaybetmeleri ve bir yılı aşkın süredir düzenli gelir getiren bir işte çalışmıyor olma durumunda sağlanacak Geçiş Süreci Geçim Desteği'ne başvurmak istiyorum.

Ekli dosyada yer alan belgeler ile başvuru dilekçemin BOTAŞ'ın ilgili birimleri tarafından incelenmek ve değerlendirilmek üzere iletilmesini arz ve talep ederim.

Saygılarımla,

Başvuru Sahibi

BOTAŞ Personeli


Başvuru Sahibi İletişim Bilgileri:

Adı Soyadı	
Baba Adı	
TC Kimlik No	
Telefon	
Adres:	

Belgeler:	Alındı
İkametgah belgesi (muhtarlıktan veya e-devlet üzerinden)	
Tüm arazi varlığını gösterir tapu kayıtları (Tapu Müdürlüğü veya e-devlet üzerinden)	
SGK hizmet dökümü (Muhtarlıktan veya e-devlet üzerinden)	
Destekleyici dokümanlar*	

\*Mülkiyeti kamulaştırılan alanlarda kalan hazine, orman, mera, köy tüzel kişiliği veya diğer kamu kurum ve kuruluşlarına ait araziye uzun süredir tanımsal amaçlı kullanıldığına dair Muhtar ve azaların imzaladığı tespit tutanağı veya beyanı, varsa eşrimişil ya da kiralama belgesi

### Appendix 3: Evaluation Form of Crop Payments on Orphan Lands

	BOTAŞ BORU HATLARI İLE PETROL TAŞIMA A.Ş.	BOT-FRM-KKB-xxx-xxx	
	LAND INVESTIGATION FORM	Date	16.04.2010

General Information	
Land Owners/Land Users Name/Surname: ID Number: Telephone:	Village: Block/parcel number:
Drawing	
Explanations	
Result:	
Accepted <input type="checkbox"/>	Rejected <input type="checkbox"/>
Prepared by Name: Signature:	Approved by Name: Signature:

#### **Appendix 4: Sample Grievance Form**

Complaint Register Form should be shared in the project site and village head's office in order to collect written complaints from the locals.

If the complaint is received via phone or verbally through meetings and visits to BOTAŞ (either in headquarters or site) grievance form must be filled by the BOTAŞ representative.

If the complaint is received via mail or e-mail, grievance form can be filled by the BOTAŞ representative, or the e-mail print-out or mail can be attached to the close-out form.

**BOTAŞ GAS STORAGE EXPANSION PROJECT****ŞİKÂyet KAYIT FORMU / COMPLAINT REGISTER FORM**

<b>Şikayetin Alındığı Yer /</b> Location of Complaints Received		<b>Tarih /</b> Date
<b>Alan Yetkilisinin Adı /</b> Name of Person In charge		<b>Şikayet Kayıt No /</b> Complaint Register Number
<b>Şikayete Konu Alanın</b> <b>Koordinatları /</b> Coordinates of the area subject to complaint		
<b>Arazi parsel numarası</b> <b>(Şikâyet arazi konulu ise)</b> / Land Parcel Number (If complaint is related to land)		

**ŞİKAYET SAHİBİ HAKKINDA BİLGİ / COMPLAINANT INFO**

<b>Ad Soy ad /</b> Name Surname		<b>Şikayetin Geliş Yolu /</b> Form of Complaint:
<b>TC Kimlik No/</b> Identification Number		<input type="checkbox"/> <b>Telefon hattı/</b> Phone line
<b>Telefon / E-posta</b> Telephone / E-mail		<input type="checkbox"/> <b>Halk Toplantısı /</b> Community meeting
<b>Köy- İlçe- İl /</b> Village - District - Province		<input type="checkbox"/> <b>Dilekçe /</b> Petition

**ŞİKAYET DETAYLARI / DETAILS OF COMPLAINT**

<b>Şikayet Konusu /</b> Complaint	
<b>Şikayet sahibi tarafından talep edilen çözüm /</b> Solution requested by the Complainant	
<b>Şikâyeti Alan Yetkilinin Ad Soyad ve İmzası /</b> Name Surname and Signature of the Registerer	<b>Şikâyet Sahibinin Ad Soyad ve İmzası /</b> Name Surname and Signature of Complainant

Grievance Close-out Form must be filled by BOTAŞ representative.

<b>ŞİKÂYET KAPATMA FORMU / GRIEVANCE CLOSE-OUT FORM</b>	
<b>ŞİKÂYETİN DEĞERLENDİRİLMESİ /</b> <b>ASSESSMENT OF THE GRIEVANCE</b>	<b>Haneye veya geçim kaynaklarına zarar /</b> Damages to households or livelihoods <input type="checkbox"/>
	<b>Çevresel ve sosyal /</b> Environmental and social <input type="checkbox"/>
	<b>Kamulaştırma /</b> Expropriation <input type="checkbox"/>
	<b>İşe alım /</b> Employment <input type="checkbox"/>
	<b>Diğer /</b> Other <input type="checkbox"/>
<b>Tazminat Gerekli mi? /</b> Compensation Required: <input type="checkbox"/> <b>YES</b> <input type="checkbox"/> <b>NO</b>	
<b>SONUÇ /</b> <b>RESULT</b>	
<b>KAPATMA /</b> <b>CLOSE OUT</b>	
This part will be filled in and signed by the complainant and the company responsible when he/she receives the compensation or file is closed-out. (Instead of taking the signature of the complainant, bank receipt can be documented with the form)	
<b>Yetkili /</b> Responsible	<b>Şikâyet Sahibi /</b> Complainant

<b>Adı Soyadı / Name-Surname</b>	<b>Adı Soyadı / Name-Surname</b>
<b>Tarih ve İmza / Date and Signature</b>	<b>Tarih ve İmza / Date and Signature (If possible. Reasons of non-signing should be explained)</b>



## Appendix 5: Stakeholder List

<p>National state institutions and organizations</p>	<ul style="list-style-type: none"> <li>- Ministry of Environment and Urbanization</li> <li>- Ministry of Culture and Tourism</li> <li>- Ministry of Food, Agriculture and Livestock</li> <li>- Ministry of Energy and Natural Resources</li> </ul>
<p>Local state institutions and organizations</p>	<ul style="list-style-type: none"> <li>- Governorships of Aksaray, Ankara and Konya</li> <li>- General Directorate of Land Registry and Cadastral of Aksaray, Ankara and Konya</li> <li>- District Governorships of Sarıyahşi, Ağaçören, Ortaköy, Eskil and Central District of Aksaray</li> <li>- District Governorships of Emirgazi District of Konya Province and Evren District of Ankara Province</li> <li>- Municipalities of Sarıyahşi, Ağaçören, Ortaköy, Eskil and Central District of Aksaray</li> <li>- Municipalities of Emirgazi District of Konya Province and Evren District of Ankara Province</li> <li>- Provincial Directorates of Environmental and Urbanization of Ankara, Konya and Aksaray Provinces</li> <li>- Provincial Directorates of Culture and Tourism of Ankara, Konya and Aksaray Provinces</li> <li>- Provincial Directorates of Food, Agriculture and Animal Husbandry of Ankara, Konya and Aksaray Provinces</li> <li>- Provincial Directorates of Public Health of Ankara, Konya and Aksaray Provinces</li> </ul>
<p>PAPs including non-organized groups with particular areas of interest or that may be vulnerable (i.e., elderly, people with disabilities, ethnic minorities, etc.)</p>	<ul style="list-style-type: none"> <li>- Settlements; Besci Quarter, Bucak Plateau, Mağrul Plateau, Bezirci Village (Güneşli quarter), Tömü Plateau, Enver Kara Plateau, Cülcülü Plateau, Gazi Quarter (Sultanhanı Town), Eminleryurdu Plateau, Büyükekeşi Plateau, Bekmezci Plateau, Sapmaz village</li> <li>- Landowners in the project area</li> <li>- Common land users, both formal and informal, in the project area</li> <li>- Seasonal workers and herders</li> </ul>
<p>Interest groups, such as universities and their foundations, cooperatives, local business establishments, business associations, chambers of commerce and others</p>	<ul style="list-style-type: none"> <li>- Aksaray University, Konya Selçuk University</li> <li>- Aksaray Chamber of Commerce and Industry</li> <li>- No. 753 Aksaray Agricultural Credit Cooperative</li> <li>- No. 0845 Sultanhanı Agricultural Credit Cooperative</li> <li>- No. 1162 Eskil Agricultural Credit Cooperative</li> <li>- No. 1392 Sarıyahşi Agricultural Credit Cooperative</li> <li>- Association of Aksaray Livestock Cooperatives</li> <li>- Aksaray Civil Society Platform</li> <li>- Aksaray Social Assistance and Solidarity Foundation</li> </ul>

## Appendix 6: RAP Fund Management Guideline

### 1. GENERAL

#### 1.1. Purpose and Scope

The scope of this document is to set forth the entitlement criteria and methods of payment to be made under RAP Fund to land owners/users and legal entities who are affected from pipeline RoW, Energy Transmission Lines (ETL) and Above Ground Installations (Above Ground Facilities).

#### 1.2. Custodian of the Document

The custodian of this Guideline is the Quality, Health and Safety and Environment (QHSE) Manager. The custodian is responsible for organizing regular review of this document in addition to ensure updating of identified improvements. The custodian is to be contacted for any reasons of changes.

#### 1.3. Abbreviations, Acronyms

<b>BOTAŞ</b>	Boru Hatları ile Petrol Taşıma Anonim Şirketi
<b>ELCO</b>	Expropriation Local Contact Office
<b>ESIA</b>	Environmental and Social Impact Assessment
<b>ETL</b>	Energy Transmission Line
<b>GSEP</b>	Gas Storage Expansion Project
<b>OP 4.12</b>	Operational Policy 4.12 - Involuntary Resettlement
<b>QHSE</b>	Quality, Health and Safety, Environment
<b>PAP</b>	Project Affected People
<b>RAP</b>	Resettlement Action Plan
<b>RoW</b>	Right of Way
<b>RPF</b>	Resettlement Policy Framework
<b>TL</b>	Turkish Lira
<b>WB</b>	World Bank

#### 1.4. Definitions

The following definitions may appear within the text of this document and shall have meaning as described below for the purpose of this document.

<b>Definitions</b>	<b>Meaning</b>
<b>Above Ground Installations</b>	Include surface facilities, well areas, pumping & storage stations, valve chambers
<b>BOTAŞ Departments</b>	BOTAŞ Departments described under BOTAŞ Organizational Chart
<b>Compensation</b>	Payments made by those causing specified and agreed loss to those who suffer the impairment of access to land, waters and other critical natural resources or livelihoods, or damage to, or destruction of community members' individual or collective assets of any kind, whether accidental or planned due to Project related works
<b>Contract</b>	The contract established by and between BOTAŞ and the contractor to provide materials/goods/services to BOTAŞ
<b>Common Lands</b>	State owned land used collectively by a number of persons
<b>Economic Displacement</b>	Loss of assets or access to asset that leads to loss of income sources of other means of livelihood as a result of Project related land acquisition and, or restrictions on land use

<b>Eligibility/Eligible</b>	Those who are entitled for any described compensation type in BOTAS RAP(s) and its complementary documents (LRP documents) in compliance with BOTAS's commitment to the WB policies.
<b>Eligibility Criteria</b>	Criteria for determining eligibility for land acquisition and livelihood restoration entitlements
<b>Energy Transmission Lines</b>	Structures used in electric power transmission and distribution to transmit electrical energy along large distances
<b>Entitlement</b>	The range of measures comprising cash or in-kind compensation, transaction cost, income restoration, livelihood assistance, and various other allowances such as transportation assistance
<b>Expropriation Local Contact Office (ELCO)</b>	Office of BOTAS working in Konya that is responsible to execute all land acquisition activities of GSEP in line with Land Acquisition Law (Law No: 2942 and amended with Law No:4650) and other relevant national legislations
<b>e-Devlet System</b>	The electronic offering of services normally rendered to citizens by the Government
<b>Finance Department</b>	The Finance Department of BOTAS
<b>Grievance Mechanism</b>	The Grievance Mechanism of BOTAS (A grievance mechanism is constituted by instruments, methods and processes by which a resolution to a grievance is sought and provided)
<b>Grievance</b>	A concern or complaint raised by an individual or a group within communities/stakeholders affected by the Project
<b>General Manager</b>	The General Manager of BOTAS
<b>Head Office</b>	The Head Office of BOTAS located in Ankara
<b>Land User</b>	Those who are the actual users of the Project affected lands for any land based livelihood activity
<b>Land Consolidation</b>	Land Consolidation is the reallocation of parcels with the aim the landowners to obtain larger parcels at one or more places in exchange of their former smaller and fragmented land plots
<b>Land Acquisition</b>	Refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easement or rights of way (Land may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible) ('Land' includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies)
<b>Livelihood Restoration</b>	The measures required to ensure that project affected persons have the resources to at least restore, if not improve their livelihoods
<b>Pasturelands</b>	Land used to feed livestock such as cattle, horses, and sheep by means of grazing
<b>Project</b>	Gas Storage Expansion Project of BOTAS
<b>QHSE Manager</b>	The Quality, Health and Safety and Environmental Manager of BOTAS
<b>Resettlement Action Plan (RAP)</b>	The document which specifies the procedures that will be followed and the actions that will be taken to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project

<b>RAP Fund</b>	The RAP Fund of BOTAS established by BOTAS's Board of Directors to cover land acquisition-induced impacts of Project on livelihoods that are not covered by national law but should be covered in compliance to WB standards that apply to BOTAS
<b>RAP Fund Application Monitoring Table</b>	A tailor-made register table developed by BOTAS for keeping all records (complaints, applications or notification) related to RAP Fund Payment Items and monitoring the evaluation process in a written form
<b>RAP Monitoring Consultant</b>	Company that monitors RAP and gives support for evaluation of eligibility of the applicant
<b>RAP Quarterly Internal Monitoring Report</b>	The report prepared on a quarterly basis to present progress on RAP implementation with respect to BOTAS's commitments made under its RAP(s)
<b>Replacement Cost</b>	The market value of the assets plus transaction costs
<b>Real Estate Transaction Tax</b>	Tax born from the purchase and sale transactions of an immovable
<b>Resettlement Policy Framework (RPF)</b>	Document that sets forth the policy of BOTAS regarding resettlement of PAPs within the scope of GSEP
<b>Site</b>	The land areas where topographic works, site survey, soil investigations, archaeological works, earthworks, material storage, social areas, accommodation, dormitories, offices, construction, erection, commissioning activities are executed for realization of the BOTAS facilities/system
<b>Title Deed Directorate</b>	The authority that carries out all procedures relating to title deed issue in accordance with the applicable laws
<b>Turkish Legislation</b>	Mean the Turkish Laws, regulations, decrees, circulars and others officially issued in Turkish Official Gazette
<b>Transitional Livelihood Support</b>	Support provided to economically displaced persons who are eligible for additional monetary support (transitional payment) as defined in the RAP(s)
<b>Treasury Lands</b>	State owned land (The Treasury may have land registered with land registry offices and land, which are not so registered, mountains, hills, rocks, lakes, rivers, and streams are also deemed to be owned by the Treasury) (Registered land is classified as land subject to the Treasury's general ownership)
<b>Unviable Lands</b>	Pieces of land which remain on a property after a portion of the property has been acquired for the project and are of considerable importance in communities' and/or household's livelihoods

## 1.5.References

- Turkish Expropriation Law
- RAP Fund Management Directive of BOTAS
- World Bank's OP 4.12 on Involuntary Resettlement
- RPF

## 2. DESCRIPTION

RAP Fund's principles of usage and establishment have been determined in the light of requirements of the "World Bank's OP 4.12 on Involuntary Resettlement". The RAP Fund is implemented taking into consideration the following principles:

- Fair and transparent evaluation

- Compensation of loss at replacement cost
- Method of compensation of economic loss not regulated under applicable Turkish Legislation
- Timely information through the proper method with sufficient content
- Open communication and easy access
- Accountability

RAP Fund is a supplementary fund formed by BOTAŞ based on international standards and good practices in order to compensate economic losses sustained and to be sustained by persons who are affected from Project’s acquisition activities but who are not eligible as per Turkish legislation. The purpose of this RAP Fund is to compensate various economic losses of the entitled persons who are affected from pipeline RoW and Above Ground Facilities in different ways, but those losses are not compensated under applicable Turkish Legislation, and to help facilitate economic transition from pre-Project period to commencement of commercial operation period.

BOTAŞ will carry out a pro-active approach in informing the PAPs and impacted settlements through active engagement tools such as the GLAC (Guide to Land Acquisition and Compensation) and ensure that all impacted people are aware and informed timely of their rights to compensation which are not covered by Law.

A person who asks to be compensated from the RAP Fund for their economic losses, first applies to BOTAŞ’s relevant social experts and convey the issue via grievance mechanism. BOTAŞ may also initiate the compensation process directly by the social team if the eligible PAPs do not apply for compensation. Received applications (complaint record) and supportive reports are gathered in QHSE Management and whenever required, by relevant experts, to decide whether applicant/complainant is eligible or not. If it is considered eligible, necessary supports from RAP Fund are provided to the entitled person as described in “Entitlement Matrix” in the RPF Document. Application is closed upon the release signed by parties verifying that economic loss compensated and consent of the applicant/complainant is received. Should the application/complaint be rejected, necessary explanation is given to the applicant/complainant in an appropriate way. All concerns should be kept in RAP Fund Application Monitoring Table.

## 2.1.Roles and Responsibilities

Entity		General Role & Responsibility
Head of Storage Department		<ul style="list-style-type: none"> <li>• Ensure that the process mentioned in this guideline is implemented</li> <li>• Provide necessary resources for proper implementation of the process mentioned in this guideline</li> </ul>
Expropriation Department of BOTAŞ		<ul style="list-style-type: none"> <li>• Manages and executes all land acquisition activities in conformity with the relevant Turkish Legislation</li> <li>• Provides regular land acquisition data including grievances and logs of negotiation meetings etc.</li> </ul>
ELCO		<ul style="list-style-type: none"> <li>• Communicate regularly with owners/users to inform about their rights</li> <li>• Identification of informal land users on public lands</li> </ul>
QHSE Management (Head Office)	Manager	<ul style="list-style-type: none"> <li>• Works together with the social experts in head office</li> <li>• Checks the works performed by Social Experts working at head office</li> </ul>
	Social Experts	<ul style="list-style-type: none"> <li>• Enters the applications made to QHSE Management to RAP Fund Application Monitoring Table</li> <li>• Evaluate applications received via grievance mechanism regarding RAP Fund</li> <li>• In some cases, receives support from RAP Monitoring</li> </ul>

		<p>Consultant in order to determine that the application is eligible or not</p> <ul style="list-style-type: none"> <li>• Exchanges letters with related Public Institutions</li> <li>• Sends letter to Finance Department to pay the estimated compensation amount</li> <li>• Send letter to the applicant about the result of the application</li> <li>• Follows up and disclosure activities carried out within the scope of RAP Fund and applications received and relevant results</li> </ul>
<b>QHSE Chief Engineering (Site)</b>	<b>Chief Engineer</b>	<ul style="list-style-type: none"> <li>• Works together with the social experts at site</li> <li>• Checks the works performed by Social Experts working at site</li> </ul>
	<b>Social Expert</b>	<ul style="list-style-type: none"> <li>• Helps filling application form samples that are created in case the entitled person wishes to apply</li> <li>• Enters the applications made to QHSE Chief Engineering to RAP Fund Application Monitoring Table</li> <li>• Informs QHSE Management about the applications</li> </ul>
<b>Related Public Institutions</b>		<ul style="list-style-type: none"> <li>• They are Aksaray Provincial Directorate of Food, Agriculture and Livestock and Aksaray Provincial Directorate of Environment and Urbanization</li> <li>• Determine the value of assets regarding application, like structures, tress etc. and notifies QHSE Management</li> </ul>
<b>BOTAŞ Finance Department</b>		<ul style="list-style-type: none"> <li>• Makes payments for compensation to related bank account</li> </ul>
<b>RAP Monitoring Consultant</b>		<ul style="list-style-type: none"> <li>• Examines whether the application is eligible or not according to eligibility criteria (Appendix 1) by visiting site</li> </ul>

### 3. BOTAŞ RAP FUND MANAGEMENT PROCESSES

RAP Fund is the source allocated to cover economic losses that arise in connection with pipelines RoW and Above Ground Facilities and cannot be compensated within the scope of Legal Legislation of Turkey (Expropriation Law no. 2942). Rap Fund under the Project is used to compensate such cases whenever required for compensation of economic losses within the scope provided below.

#### 3.1.BOTAŞ Fund Management Process in case of temporary economic loss resulting from easements of pipelines and energy transmission lines

##### 3.1.1. Fund Payment Items

- A) **Crop payment for unviable lands:** Compensation for crop and other assets losses on the remaining portions of the divided land for construction activities as the remaining part becomes economically unviable. Relevant criteria are given in Appendix 1.
- B) **Payments for Public Lands (Treasury Lands, Forest Lands, Pasturelands and Lands owned by Village Legal Entity) used for agricultural activities by informal land users:** Compensation of loss related to crops and trees or other immovables such as houses, water wells, animal shelters to users who are not legal entitled person, which is paid in case Treasury Lands, Forest Lands, Pasturelands and land that belong to Village Legal Entity is used for agricultural activities without making legal payment.
- C) **Payments in relation with misidentification of the actual land user (crop owner):** Compensation of any losses that may arise from any improper identification of actual land user is carried out.

- D) **Transportation Costs where consent agreement is reached:** Payment made to cover travelling costs that land owner, with whom an agreement is reached during land acquisition process.
- E) **Payments regarding the common lands used for grazing:** Payments made to compensate livelihood loss arising from not being able to use publicly owned land for grazing purposes during construction activities.
- F) **Payments for seasonal income losses of the person of the entity carrying out seasonal economic activities in areas nearby the project area:** Payments made to compensate income losses of persons or organizations that carry out seasonal economic activities, who are located within the Project impact area which is defined in ESIA Report and RPF.
- G) **Payments regarding change of parcel and land owner depending on land consolidation:** Compensation paid for losses that arise due to change of owners and land area as the result of land consolidation.

### 3.1.2. Entitled PAPs/Entities

- A) Land users/land owners of unviable lands, who meet the eligibility criteria stated in Appendix 1.
- B) Informal land users on public lands, who carry out agricultural activities on treasury lands, forest lands, pasturelands and land that belong to village legal entity without legal rental or making legal payment as required by applicable Turkish Legislation.
- C) People who were underpaid due to misidentification of crop or who could not be compensated as there was a mistake in identifying the actual land user.
- D) Land owners with whom an agreement on the expropriation amount is reached during land acquisition process.
- E) The villages that incur economic loss as they cannot temporarily use a part of pastureland and other land that they had been using for grazing because of the Project activities. The entitled party here is the Village Legal Entity.
- F) People/entity that carry out seasonal economic activities such as beekeeping, within the Project impact area which is defined in ESIA Report and RPF.
- G) The new land owners that emerge as the result of land consolidation activities carried out in villages in the project area where changes in ownership or land area occurs.

### 3.1.3. Implementation

- A) **The land outside the construction area becomes unviable for agricultural activity throughout the construction period:** Whether or not the applicants (actual land user) that apply via grievance mechanism for payment of compensation for crops on unviable lands, meet eligibility criteria or not, are kept in RAP Fund Application Monitoring Table by QHSE Management. Afterwards, applications are sent to RAP Monitoring Consultant to decide whether the applicant/complainant is entitled or not with respect to Eligibility Criteria (Appendix 1). The result of the evaluation is entered on the “Land Investigation Form” (Appendix 2). Monitoring consultant informs QHSE Management whether the application is eligible or not.
  - o If the application is considered eligible, QHSE Management sends a letter to the related public institution in order to calculate the amount of economic loss incurred due to crops that the person could not cultivate. Related public institution sends the calculated amount to QHSE Management by means of a letter. QHSE Management submits a letter to Finance Department for the payment of the calculated amount. Payment is deposited to the applicant’s bank account by Finance Department. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the applicant is informed formally.

- If the application is considered ineligible, applicant is informed on the ineligibility of the application. Application is entered in “RAP Fund Application Monitoring Table” as rejected. The reasons for rejection are communicated to the applicant.
- B) Payments made to informal users who have crops, trees and structures on public lands:**
- Whether or not an informal land user of public lands identified during identification works or through a grievance registered to grievance mechanism is eligible per this guideline for its standing crops, trees and structures are determined through an identification document issued by ELCO. The identification works are kept in RAP Fund Application Monitoring Table and sent to QHSE Management to be evaluated.
- For requests approved, loss of crops or other assets, QHSE Management sends a letter to the related public institution in order to calculate the amount of economic loss. Related public institution sends the calculated amount to QHSE Management by means of a letter. QHSE Management submits a letter to Finance Department for the payment of the calculated amount. Payment is deposited to the applicant’s bank account by Finance Department. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the applicant is informed formally.
  - If the application is considered ineligible, applicant is informed on the ineligibility of the application. Application is entered in “RAP Fund Application Monitoring Table” as rejected. The reasons for rejection are communicated to the applicant.
- C) Payments in relation with misidentification of actual land user (crop owner):**
- Applications collected via grievance mechanism is sent to QHSE Management. QHSE Management evaluates the complaint that arise as a result of the payment made for standing crops to the wrong person.
- For requests approved by QHSE Management regarding loss of crops, QHSE Management sends a letter to the related public institution in order to calculate the amount of economic loss. Related public institution sends the calculated amount to QHSE Management by means of a letter. QHSE Management submits a letter to Finance Department for the payment of the calculated amount. Payment is deposited to the applicant’s bank account by Finance Department. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the applicant is informed formally.
  - For requests not approved by QHSE Management, applicant is informed on the ineligibility of the application. Application is entered in “RAP Fund Application Monitoring Table” as rejected. The reasons for rejection are communicated to the applicant.
- D) Transportation costs:** Applications collected via grievance mechanism is sent to QHSE Management with related documents. (Payment for transportation costs is limited to 1000 TL and submission of invoice is needed) QHSE Management evaluates the application.
- For requests approved, QHSE Management submits a letter to Finance Department for the payment of the calculated amount. Payment is deposited to the applicant’s bank account by Finance Department. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the applicant is informed formally.



- If the application is considered ineligible, applicant is informed on the ineligibility of the application. Application is entered in “RAP Fund Application Monitoring Table” as rejected. The reasons for rejection are communicated to the applicant.

**E) Payments regarding the common lands used for grazing:** These losses that are sustained by settlements with village status are identified during activities carried out on site by ELCO. Identification documents are sent to QHSE Management.

- QHSE Management sends a letter to the related public institution in order to calculate the amount of economic losses. Related public institution sends the calculated amount to QHSE Management by means of a letter. QHSE Management submits a letter to Finance Department for the payment of the calculated amount. Payment is deposited to the bank account of Village Legal Entity by Finance Department. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the Village Legal Entity is informed formally.

**F) Payments for loss of seasonal Income:** A person or an entity that used to carry out seasonal activities within the Project impact area, which is defined in ESIA Report and RPF, that incurred economic loss as they had to change their location of activity temporarily or that can no longer carry out economic activities for other reasons due to construction activities, claim for compensating their income losses via grievance mechanism.

Claims for compensation are kept in “RAP Fund Application Monitoring Table” (Appendix 3) and evaluated case by case.

- For requests approved by QHSE Management, QHSE Management sends a letter to the related public institution in order to calculate the amount of economic losses. Related public institution sends the calculated amount to QHSE Management by means of a letter. QHSE Management submits a letter to Finance Department for the payment of the calculated amount. Payment is deposited to the applicant’s bank account by Finance Department. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the applicant is informed formally.
- If the application is considered ineligible, applicant is informed on the ineligibility of the application. Application is entered in “RAP Fund Application Monitoring Table” as rejected. The reasons for rejection are communicated to the applicant.

**G) Payments for change of parcel and land owner depending on land consolidation:** Application collected via grievance mechanism is sent to QHSE Management with related documents. QHSE Management evaluates the application. In order for BOTAS to identify the losses in areas that are subject to land consolidation, the status ownership and the land area prior to and after consolidation is compared.

- For requests approved by QHSE Management regarding economic loss arising from land consolidation, QHSE Management sends a letter to the related public institution in order to calculate the amount of economic loss. Related public institution sends the calculated amount to QHSE Management by means of a letter. QHSE Management submits a letter to Finance Department for the payment of the calculated amount. Payment is deposited to the applicant’s bank account by Finance Department. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the applicant is informed formally.

- If the application is considered ineligible, applicant is informed on the ineligibility of the application. Application is entered in “RAP Fund Application Monitoring Table” as rejected. The reasons for rejection are communicated to the applicant.

### 3.2.BOTAŞ Fund Management Process in case of permanent economic loss resulting from land take for Above Ground Facilities

#### 3.2.1. RAP Fund Payment Items

All RAP Fund payment items listed in Section 3.1.1, with the exception of part (A) **Crop payment for unviable Lands**, are valid. Furthermore, following payments are within the scope of RAP Fund.

- A) **Payments for public lands (treasury land, forest land, pasturelands and lands owned by Village Legal Entity) used for agricultural activities by informal users:** Compensation of loss related to crops and trees to users who are not legal entitled person, which is paid in treasury land, forest land, pasturelands and lands owned by Village Legal Entity is used for agricultural activities without making legal payment. Also, transitional livelihood support equaling to minimum wage to be provided for a duration of six (6) months to land users in case these lands are affected from construction activities.
- B) **Real estate transaction tax to be paid at the title deed offices in case a new immovable property is purchased with the expropriation amount collected:** Land owners whose lands used for agricultural activities, who have been expropriated permanently due to construction of Above Ground Facilities are able to buy a new land using the expropriation amount paid to them, in order to continue their agricultural activities.
- C) **Transitional Livelihood Support and other livelihood restoration assistances to be provided to PAPs whose livelihood depends on the permanently acquired land and therefore, may face with economic difficulty:** In areas where Above Ground Facilities of the Project are built, significant and permanent loss of income and accordingly, difficulty in land based livelihoods are arisen when the land owners’ or users of public lands (whom main source of income are the agricultural activities they carry out on these lands but may be supplemented by other income activities such as livestock, beekeeping, seasonal works etc.) and when they lose all or major portion of their land due to expropriation. In such cases, such people are supported to participate to the vocational training programs in order to restore their livelihood. In addition, cash support equal to minimum wage is provided to these people for six (6) months and this support is referred to as “Transitional Livelihood Support”.

#### 3.2.2. Entitled PAPs/Entity

All RAP Fund payment items listed in Section 3.1.2, with the exception of part (A) **Land users/land owners of unviable lands**, are valid. Furthermore, following entitled PAPs/entities are within the scope of RAP Fund.

- A) Persons that carry out agricultural activities on public lands like treasury land, forest land, pastureland and lands that belong to village legal entities, without paying a legal rent or legal payment as required by applicable Turkish Legislation and persons not having regular wage based income with a job at which they work more than one (1) year;
- B) Land owners whose lands for agricultural activities have been expropriated permanently due to construction of Above Ground Facilities
- C) Entitlements for land users that benefit from Transitional Livelihood Support and Vocational Training Programs differ depending on land affected from Above Ground Facilities being private or public land.

- Entitlements for users of the **private lands** are as follows:
  - Being owner of lands that are subject to permanent and land acquisition due to Above Ground Facilities, this is not applicable for land acquisition where easement rights are established.
  - Land users whose significant portion of livelihood depends on the land acquired for Above Ground Facilities
  - Land users not having regular wage based income with a job at which they work more than one (1) year.
  - Land take for the Above Ground Facilities amounts to be more than twenty percent (20%) of the entire land by area in agricultural production including animal husbandry of the concerned land user, thus the land take for Above Ground Facilities has the potential to affect his livelihood.
- Entitlements for users of the **public lands** are as follows:
  - Informal land users of public lands affected by Above Ground Facilities
  - Land users whose livelihood depends mainly on agricultural activity income generated from the land
  - Land users not having regular wage based income with a job at which they work more than one (1) year.

### 3.2.3. Implementation

**A) Payments for public lands (treasury land, forest land, pasturelands and lands owned by Village Legal Entity) used for agricultural activities by informal users:** Crops and trees payments are made as explained under article 3.1.1 (A). In addition to this, persons that carry out agricultural activities on public lands apply to QHSE Chief Engineer or social experts working on site, together with below documents and filling the form attached in “Appendix 4”, and describing their current conditions with a reasonable fact:

- Certificate of residence to be obtained from “muhtar” office or “e-devlet system”
- Title deed registry obtained from Title Deed Directorate or “e-devlet system” showing the total number of areas of parcels belongs to him/her in the same location
- Social Security Institution service scheme
- Identification document signed by “muhtar” and his/her associates, or legal payment or rent document if proclaimed, provided that land affected by the Above Ground Facilities and used for agricultural activities purposes.

This application and relevant documents that are entered into records via grievance mechanism and sent to QHSE Management for investigation and evaluation after keeping them in RAP Fund Application Monitoring Table. Along with this documents, QHSE Management also examines the current status of RAP studies in order to evaluate whether main source of livelihood of the applicant in connection with the public land to be used for the Project is highly impacted from the Project or not and if necessary, it carries out investigation to obtain additional data.

- If the application is eligible, QHSE Management submits a letter to Finance Department for the payment of the amount equal to minimum wage for the next six (6) months. Payment is deposited to the applicant’s bank account by Finance Department. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the applicant is informed formally.

- If the application is considered ineligible, applicant is informed on the ineligibility of the application. Application is entered in “RAP Fund Application Monitoring Table” as rejected. The reasons for rejection are communicated to the applicant.

**B) Real estate transaction tax to be paid at the title deed offices in case a new immovable property is purchased with the expropriation amount collected where there is permanent acquisition:**

A person whose land is expropriated and who purchases a new land with the expropriation value paid, applies for compensation of the real estate transaction tax that arises when a new land is purchased, with bank receipt of real estate transaction tax payment. Applications collected via grievance mechanism is sent to QHSE Management with related documents. QHSE Management evaluates the application.

- If the application is approved, QHSE Management submits a letter to Finance Department for the payment of the amount written in receipt. Payment is limited to 2% of the expropriation amount paid. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the applicant is informed formally.
- If the application is not approved, applicant is informed on the ineligibility of the application. Application is entered in “RAP Fund Application Monitoring Table” as rejected. The reasons for rejection are communicated to the applicant.

**C) Transitional Livelihood Support and other livelihood restoration assistances to be provided to PAPs whose livelihood depends on the permanently acquired land and therefore, may face with economic difficulty:**

Land owners/land users who claim that they meet the criteria stated under “Section 3.2.2.(C)” and who request this additional Transitional Livelihood Support applies to QHSE Chief Engineer or social experts working on site, together with below documents and filling the form attached in “Appendix 4”, and describing their current conditions with a reasonable fact:

- Certificate of residence to be obtained from “muhtar” office or “e-devlet system”
- Title deed registry obtained from Title Deed Directorate or “e-devlet system” showing the total number of areas of parcels belongs to him/her in the same location
- Social Security Institution service scheme
- Identification document signed by “muhtar” and his/her associates, or legal payment or rent document if proclaimed, provided that land affected by the Above Ground Facilities, and used for agricultural activities purposes.

This application and relevant documents that are entered into records via grievance mechanism and sent to QHSE Management for investigation and evaluation after keeping them in RAP Fund Application Monitoring Table. Along with this documents, QHSE Management also examines the current status of RAP studies in order to evaluate whether main source of livelihood of the applicant in connection with the public land to be used for the Project is highly impacted from the Project or not and if necessary, it carries out investigation to obtain additional data.

- If the application is eligible, QHSE Management submits a letter to Finance Department for the payment of the amount equal to minimum wage for the next six (6) months. Payment is deposited to the applicant’s bank account by Finance Department. After payment is made, together with the transaction receipt, the complaint is closed and entered in “RAP Fund Application Monitoring Table” (Appendix 3) and the applicant is informed formally.

- If the application is considered ineligible, applicant is informed on the ineligibility of the application. Application is entered in “RAP Fund Application Monitoring Table” as rejected. The reasons for rejection are communicated to the applicant.

### **3.3. BOTAŞ Fund Management Process in case of temporary economic loss resulting from construction of temporary installations.**

All payment items listed under Section 3.1., all entitlement categories and relevant steps of implementation are valid for the temporary installations (camp, pipe stockyards etc.).

### **3.4. Monitoring and Reporting:**

QHSE Management prepares a RAP Quarterly Internal Monitoring Report. This report is prepared in English and shared with World Bank and consultants that monitor RAP externally as well as relevant units and management of BOTAŞ. Additionally, all relevant issues are kept by QHSE Management in the RAP Fund Application Monitoring Table.

### **3.5. Deliverables**

In cases where RAP Fund is used, following documents will be recorded by BOTAŞ as evidence for payments and expenditure

- Release: Document signed by parties verifying that economic loss compensated and consent of the applicant/complainant is received.
- Identification Document: Document prepared by ELCO during identification process of land users/land owners and their crops/assets etc.
- Land Investigation Form: Form filled out by RAP Monitoring consultant in order to record and support the evaluation of the eligibility of the relevant land for RAP Fund.
- Application Form for Transactional Livelihood Support: Form filled out and signed by the person who applies to Transactional Livelihood Support.
- RAP Quarterly Internal Monitoring Report: Report prepared by BOTAŞ on a quarterly basis to present progress on RAP implementation with respect to BOTAŞ’s commitments made under its RAP(s)

## **APPENDICES**

Appendix 1. Eligibility Criteria for Crop Payments on Unviable Lands

Appendix 2. Land Investigation Form

Appendix 3. RAP Fund Application Monitoring Table

Appendix 4. Transitional Livelihood Support Application Form

## Appendix 1. Eligibility Criteria for Crop Payments on Unviable Lands

- Remaining area during construction activities is not viable for agricultural purposes due to the fact that the conditional area has less than 1000sqm area
- Geometric condition of the remnant area is not viable for agricultural purposes such as ploughing or harvesting
- Land loses its accessibility capacity throughout the construction
- The remnant area loses its irrigation capacity throughout the construction
- The remnant area, during construction, cannot be used for agricultural purposes due to a high slope (more than 10%) with respect to certain construction activities
- Remnant area is susceptible to flood, high water risk or erosion potential
- While the remnant area is rented for agricultural purposes by its owner and used by third party, potential direct loss of the user in terms of crop harvesting in direct loss of the owner in terms of rent/profit from harvest due to construction activities
- Limited or no incentive application capacity for government supplied promotions due to prevented agricultural activities with regard to construction (to be verified with documentation)
- Any other impact that is not listed here but may prevent agricultural implementation due to construction activities on remnant areas; where the condition is undersigned by the BOTAŞ Team, beneficiary and the village headmen

Cases that qualify any two of them at the same time will be considered to be an agricultural loss on the remnant land and compensated in accordance with prevailing crop unit value.

Appendix 2. Land Investigation Form

	BOTAŞ BORU HATLARI İLE PETROL TAŞIMA A.Ş.	REV.0	
	LAND INVESTIGATION FORM	Date	

<b>General Information</b>	
Land Owners/Land Users Name/Surname: ID Number: Telephone:	Village:  Block/parcel number:
<b>Drawing</b>	
<b>Explanations</b>	
<b>Result:</b>	
Accepted <input type="checkbox"/>	Rejected <input type="checkbox"/>
Prepared by Name: Signature:	Approved by Name: Signature:

Appendix 3. RAP Fund Application Monitoring Table



## Appendix 4: Transitional Livelihood Support Application Form



### GEÇİŞ SÜRECİ GEÇİM DESTEĞİ BAŞVURU DİLEKÇESİ

.../.../20...

Sayın İlgili,

..... İl, ..... İlçesi, ..... Köy/Mahallesi, ..... ada ..... parselde bulunan kullanıcı/maliki olduğum taşınmazın mülkiyeti BOTAŞ Doğal Gaz Yer Altı Depolama Tesisi Kapasite Artırımı Projesi Kapsamında kamulaştırılmıştır. BOTAŞ YYEP Destek Fonu kapsamında mülkiyet kamulaştırması yapılan arazilerde ana geçim kaynağı bu arazilerden elde edilen gelir olan kişilerin toplam arazi varlıklarının %20'sinden fazlasını kaybetmeleri ve bir yılı aşkın süredir düzenli gelir getiren bir işte çalışmıyor olma durumunda sağlanacak Geçiş Süreci Geçim Desteği'ne başvurmak istiyorum.

Ekli dosyada yer alan belgeler ile başvuru dilekçemin BOTAŞ'ın ilgili birimleri tarafından incelenmek ve değerlendirilmek üzere iletilmesini arz ve talep ederim.

Saygılarımla,

**Başvuru Sahibi**

**BOTAŞ Personeli**

Başvuru Sahibi İletişim Bilgileri:

Adı Soyadı	
Baba Adı	
TC Kimlik No	
Telefon	
Adres:	

Belgeler:	Alındı
İkametgah belgesi (muhtarlıktan veya e-devlet üzerinden)	
Tüm arazi varlığını gösterir tapu kayıtları (Tapu Müdürlüğü veya e-devlet üzerinden)	
SGK hizmet dökümü (Muhtarlıktan veya e-devlet üzerinden)	
Destekleyici dokümanlar*	

\*Mülkiyeti kamulaştırılan alanlarda kalan hazine, orman, mera, köy tüzel kişiliği veya diğer kamu kurum ve kuruluşlarına ait araziye uzun süredir tarımsal amaçlı kullanıldığına dair Muhtar ve azaların imzaladığı tespit tutanağı veya beyanı, varsa sözleşmesi ya da kiralama belgesi