

Land Acquisition Plan

October 2020

PROJECT “RECONSTRUCTION OF FLIGHT ZONE №2”

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Abbreviations

BIASE	Boryspil International Airport State Enterprise (the Project Promoter)
ICAO	International Civil aviation Organization (a specialized agency of the United Nations)
KBP	Kyiv Boryspil International Airport (IATA code KBP)
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework (this document)

Definitions (from EIBs Environmental and Social Standards)

Resettlement Action Plan (RAP) is the document in which the promoter of a project or other responsible competent authority describes the impacts of the involuntary resettlement, specifies the procedures that will be followed to identify, evaluate and compensate the impacts and defines the actions to be undertaken during all phases of the resettlement.

Resettlement Policy Framework (RPF) is a document similar to a RAP carried out when the exact physical and/or economic displacement is unknown due to the nature (existence of multiple components or sub-projects) and/or stage of development of the project. This is typically the case for linear infrastructures. The document should include a commitment for the later implementation of a RAP, outline the general principles of resettlement that shall apply to the (sub-)project(s) and establish the criteria that shall make it necessary to develop a RAP for the underlying (sub-)project(s).

1. Introduction

Project background and rationale

In May 2018 by the Cabinet of Ministers of Ukraine approved The National Transport Strategy of Ukraine 2030. It sets an agenda for an infrastructure development. For KBP the strategy states the goal of enhancing competitiveness of the airport and sets the goal to harmonize of the airport infrastructure with international standards through its modernization.

In May 2019, the Cabinet of Ministers of Ukraine approved the Development Concept of the Boryspil International airport until 2045 i.e. the airport masterplan. Under this plan, the main priorities are the development of the existing infrastructure, the improvement in the level of service to passengers, airlines and third parties and the compliance with the most recent safety and security measures. This project corresponds to the initial phase of the masterplan.

Reconstruction of Flight Zone №2 as a component of the DEVELOPMENT CONCEPT will allow air route network expansion, growth of transfer and point-to-point flows (passengers and cargo) with consequent grows in revenue of the airport and other service companies performing their activity in and around the airport area.

Reconstruction of the flight zone №2 of the Kyiv/Boryspil airport envisages construction of a new runway, new taxiways, expansion of existing apron, installation of the newest engineering and technological equipment (lightning, radio-navigation, meteorological, emergency, etc.) facilities necessary for safe and technological operation of the airport. The purpose of the reconstruction of Flight Zone №2 is to ensure compliance of the Kiev / Boryspil airport with the requirements of international standards and ICAO recommended practice for civil aerodromes that satisfy the conditions of safe operation of code F aircraft i.e. the largest aircraft in operation.

The works will be located mostly within the existing airport site. Additional agricultural land plots of about 50 hectares at the thresholds of the runway will be required.

Project scope

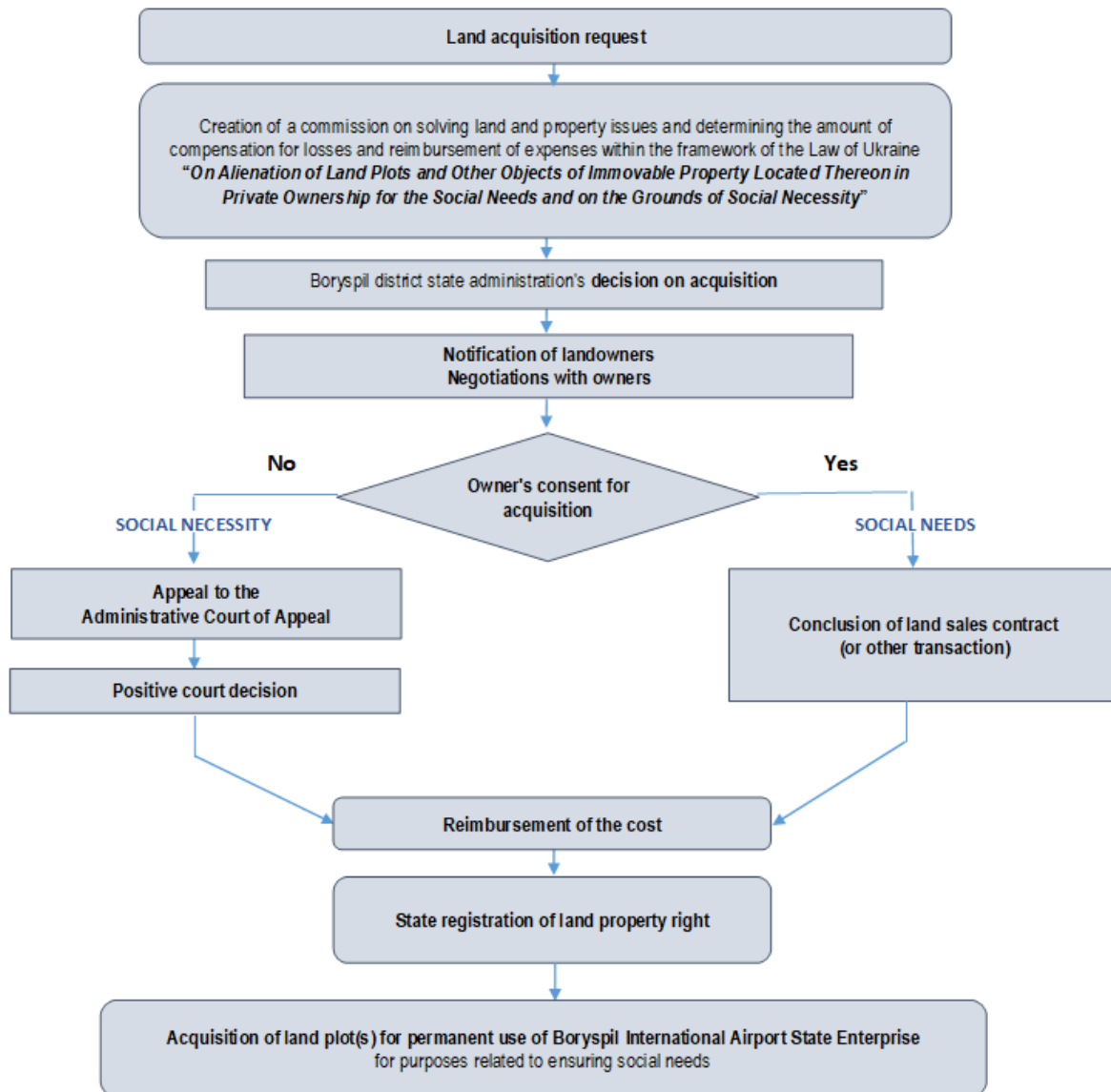
The key component of the project is the construction of a new 3,800 meter runway, to be located 80 meters to the west of the runway 18R-36L. In particular, it is planned to extend the length of the new runway with artificial cover to 3800 m (current 3500 m) and equip it with a light signal system according to the ICAO III-B category.

Putting into operation of Reconstructed Flight Zone №2 will (1) boost passenger and cargo flows which will consequently cause further integration of Ukraine into World Economy; (2) create up to 100 direct jobs at Boryspil International Airport (up to 3000 indirect jobs including other service companies performing their activity in and around the airport area; up to 300 temporary jobs for the construction period).

The Project involves land acquisition and the RPF will regulated the land acquisition process.

2. Description of land acquisition process

The Figure below depicts the process for land acquisition from private individuals in the RPF.



3. Calendar for land acquisition

This chapter describes the process and calendar for land acquisition from private individuals in the RPF. This is a sequential process.

3.1 In case of acquisition for social needs:

- Adoption by Boryspil District State Administration of the decision on acquisition (30 days from the moment of registration of the appeal);
- Involvement of licensed organizations to create documentation on expert monetary assessment of land plots (approximately 60 calendar days from the moment of decision of Boryspil District State Administration taking into account the procedure of tender purchases);
- The State Authority sends written notices to the owners about the decision to buy the land for social needs (within 5 days from the date of the decision of the Boryspil District State Administration, but not later than 3 months before the acquisition);
- Time to make a decision by the owners on the possibility of negotiating the terms of acquisition, or refusal of such acquisition (within 30 days from the date of receipt by the owners of the information on acquisition);
- Conduction of negotiations with the owners on the acquisition price, terms and other conditions of acquisition (30 days from the date of receipt by the owner of the decision to buy the land for social needs);
- Approval of the acquisition price by the decision of the Boryspil District State Administration (30 days from the date of completion of negotiations with the owners);
- Conclusion of sales contracts subject to notarized certificate (14 days from the date of adoption by the decision of the Boryspil District State Administration regarding the amount of the acquisition price);
- Reimbursement of the cost (in accordance with the terms of the contract);
- State registration of land plot property right by the owner (Boryspil District State Administration) (15 days from the date of application to the State Registrar);
- Development of the land management project on the integration of land plots into one land plot (approximately 3 months taking into account the tender procurement procedure);
- Obtaining the order of the Kyiv Regional State Administration (as the administrator of land plots outside the inhabited area) on the provision of the land plot for permanent use of Boryspil International Airport State Enterprise (within 30 calendar days from the date of submission of the package of documents);
- State registration of the right of permanent use to the land plot by land user (Boryspil International Airport State Enterprise) (10-30 days from the date of application to the State Registrar).

3.2 In case of acquisition for social necessity:

- Involvement of licensed organizations to create documentation on the market value of selected land plots (approximately 60 calendar days);
- Adoption of the decision on acquisition by Boryspil District State Administration (30 days from the moment of application);

- The State Authority sends written notices to the owners on the decision to buy the land for social necessity (within 5 days from the date of the decision, but not later than 3 months before the acquisition);
- Time to make a decision by the owners on the possibility of negotiating the terms of acquisition, or refusal of such acquisition (within 30 days from the date of receipt by the owner of the information concerning the acquisition);
- Conducting negotiations with the owners on the acquisition price, terms and other conditions of acquisition (30 days from the date of receipt by the owner of the decision to buy the land for social necessity);
- In case of non-reaching agreements with landowners on the acquisition of land plots, according to Article 15 of the Law of Ukraine "On Alienation of Land Plots and Other Objects of Immovable Property Located Thereon in Private Ownership for the Social Needs and on the Grounds of Social Necessity" Boryspil District State Administration sues the Court of Appeal for forced alienation of land plots on the motives of social necessity. (60 days from the date of filing the claim);
- Obtaining a positive court decision. (The owner of the land plot may file an appeal in case of his/her non-consent with the court decision);
- Reimbursement of market value for land plots on the decision of the court is carried out by the way of compensation to the landowner of the land plot in accordance with the market value specified in the documentation developed by the licensed organization and approved by the executive body (terms are determined by the court decision);

4. Legal requirements

This chapter sets out the legal framework and requirements of BIASEs Resettlement Policy Framework. It also clarifies the principles that BIASE will adhere to in the context of the RPF.

Legal framework for the acquisition of land plots in the context of the project:

- Boryspil International Airport Development Concept (i.e. the airport masterplan) for the period until 2045, approved by the Cabinet of Ministers of Ukraine on 08.05.2019 by the Ordinance №293-p;
- Order of Boryspil District State Administration dated 13.11.2019 No 657 *"On approval of the location of the construction "Flight Zone No2" of Boryspil International Airport State Enterprise on land plots to be bought for social needs within the administrative boundaries of Martusivska Village Council of Boryspil District of Kyiv Region"*;
- Order of Boryspil State Administration *"On acquisition of land plots located on the territory of Boryspil District of Kyiv Region for social needs"*.

Legal framework has a legal precedence in accordance with:

- Law of Ukraine *"On Local State Administrations"*;
- Law of Ukraine *" On Alienation of Land Plots and Other Objects of Immovable Property Located Thereon in Private Ownership for the Social Needs and on the Grounds of Social Necessity "*;
- Resolutions of the Cabinet of Ministers of Ukraine as of April 19, 1993. No. 284 *"On the procedure for determining and reimbursement of losses to land owners and land users"*;
- Land Code of Ukraine.

Note that the award of the building permit is possible only after the land acquisition issues have been settled.

Principles to be adhered to

The RPF document takes into account the needs of project-affected individuals and is drafted in accordance with the social and environmental standards of the EIB¹ Boryspil International Airport State Enterprise (BIASE) will adhere to the following principles:

- i. Should a need be necessary for the acquisition of land plots or other privately owned assets, the Resettlement Action Plan will be delivered by BIASE for each plot or asset. The Resettlement Action Plan will be elaborated in compliance with the requirements of EIB and national legislation, and will comprise a complete registry of the project affected individuals,

¹ Link to the European Investment Bank Environmental and Social Standards:
https://www.eib.org/attachments/strategies/environmental_and_social_practices_handbook_en.pdf

a cut-off date² and include the comprehensive description of mitigation measures aimed at minimizing the adverse impacts of the Project.

- ii. During project (runway) design, BIASE and the design consultant will undertake measures to minimize the alienation of assets and the resettlement of individuals within the framework of the project implementation. This task achieved through optimizing design solutions and giving priority to the assets, which are in state or communal ownership. Nonetheless, it is recognised that the new runway design is at an advanced stage and little flexibility is expected.
- iii. The preparation and implementation of Resettlement Action Plan(s) will be carried out in a transparent manner and by involving the project-affected individuals through consultations and disclosing the related documents in publicly available sources.
- iv. The main principle of the resettlement process will is to maintain and if possible improve the living conditions of the project-affected individuals at least to the levels prior to the start of the Project.
- v. The project-affected individuals will not incur any material losses when being paid compensation for expropriated assets, re-registering the respective rights in favour of the local authorities and during implementation of resettlement arrangements.
- vi. The compensation for expropriated assets will be fully paid to the project-affected individuals, with allowances made for the respective investments. Determination of the compensation amount will be carried out exclusively by licensed assessment entities in accordance with the methodologies approved by regulatory acts in Ukraine. The transaction and relocation costs will be evaluated by regional road services and will be added to full compensation package.
- vii. The provisions of this document extend to all project-affected individuals, regardless of their number and the degree of impact.
- viii. When elaborating and implementing the RAP, particular attention will be paid to the needs of vulnerable groups, women and minorities, people who lives below the poverty line, ethnic minorities and displaced persons. The vulnerable PAP's will be identified and their special needs will be assessed during RAP preparation.

² Cut-off date – the date on which the census for identification of the project-affected individuals is finished and disclosed to the public, and their eligibility for compensation is documented. In the event that the right to assets was acquired after the cut-off date had been set and publicly disclosed, such assets shall not be eligible for compensation.

5. Land use of plots to be acquired, potential impacts and RAP

According to the preliminary estimations, the additional 50 hectares of land needs to be acquired for the construction of the Project. This land is privately owned (according to the preliminary estimation all of them for agricultural usage).

According to the public cadastral map, land plots that are planned for acquisition may be used according to the following intended purposes:

- 01.01 - For commodity production;
- 01.03 - For personal farming;
- 01.04 - For maintenance agriculture;
- 02.01 - For the construction and maintenance of a residential building.

In accordance with the classification of intended purposes approved by the Order of the State Committee of Ukraine on Land Resources of 23.07.2010 No 548, land plots with intended purposes 01.01, 01.03, 01.04 should be used exclusively for agriculture.

Land plots to be acquired

On land plots with intended purpose 02.01 (cadastral numbers: 3220885000:02:006:0018; 3220885000:02:006:0013; 3220885000:02:006:0004) no any buildings are allocated, these land plots are located in one massif of land plots (fields), and are exclusively used for agriculture and processed by one tenant (farm). As on 27.10.2020, based on the Order of the Boryspil District State Administration, the involved contractor has already commenced development of Detailed Plan of the Territory covering the land plots that are planned for acquisition. This will avail use of purchased land for construction of transport infrastructure of Boryspil International Airport SE.

Note that **BIASE confirms that no households will be demolished or impacted by the land acquisition necessary for this Project** (included in the 50 hectares required for the project).

Potential impacts

In this context and during preparation of this RPF some potential impacts were determined:

- Permanent loss of private agricultural and residential land and structures by persons who has a title deeds;
- Loss of annual and perennial crops and trees;
- Loss of non-residential structures (fences, barns, sheds) and infrastructure (irrigation or other utilities).
- Loss of sources of livelihood (economical displacement);
- Temporary or permanent loss of access to public infrastructure;
- Temporary or permanent loss of access to private land or structures;
- Temporary or permanent loss or limitation of access to business along the road;

The presence and intensity of these impacts will be assessed during RAP preparation. In case the impact is identified, the mitigation measures will be taken according to the entitlement matrix below.

Eligible project-affected individuals may be classified as follows:

- i. persons who have formal legal rights to the land or fixed assets;
- ii. persons who do not have formal legal rights to land at the time of the census of project-affected individuals, but claim to it and declared accordingly, provided that such claims are recognized under the national law;
- iii. persons who have the old type of land ownership documents and are not registered in the state land cadastre;
- iv. persons who do not have formal legal rights to the land or other assets, but use them.

The persons belonging to the first three categories (i), (ii) and (iii) will be paid compensation for the expropriated assets and, as necessary, will get assistance during resettlement. The persons belonging to the fourth category (iv) will get assistance during resettlement. In the event that the representatives of all the above listed categories grow agricultural crops on the land plots required to be expropriated for the purposes of the Project, such persons will be given the opportunity to harvest or receive the respective compensation. In case if informal users of residential assets need to be resettled, the adequate alternative housing with security of tenure will be provided.

A comprehensive rights matrix for compensation is presented in the table below.

Type of impact	Category of Project Affected Person (PAP)	Type of compensation
Permanent loss of agricultural and residential land	Owner of land	<ul style="list-style-type: none"> - Monetary compensation for loss of land, which is the market value of land (all administrative charges for lots division and title fees are covered by project costs) - Land-for-land compensation, equivalent in area and fertile characteristics (if suitable land is available). - In case where the part of land plot will be acquired and the rest of land plot cannot be used rationally according to land purpose, upon request of land owner, whole land plot should to be acquired;
	Formal users (tenant) of land	<ul style="list-style-type: none"> - The tenants will be preliminarily notified (one agricultural season before acquisition) of the project implementation to avoid loss of harvest or modernization losses and leasing payments for acquired land. The lease agreements will be amended in accordance with the law to indicate the land areas to be expropriated for the purposes of the project. - The user will be given an opportunity to harvest the crop or compensation for the crop will be provided.
	Informal users of land	<ul style="list-style-type: none"> - Assistance to identify replacement land/resources for use prior to land entry. - The informal users will be given an opportunity to harvest the crop or compensation for the crop will be provided.
Loss of one-year crop	Land owner, land user, informal user	<ul style="list-style-type: none"> - The crop owners will be given a possibility to harvest. When conducting public consultations in the RAP preparation stage, the owners will be notified of the planned activity and recommended to abandon sowing of the land plots required for the project needs. - In case when the opportunity to harvest the crop was not ensured, the crop owners will be paid compensation. The methodology of calculating the compensation for lost crop will be presented in RAP. In case when owners of the crop was notified about civil works in advance but planted the crop, the compensation for crop loses will not provided.

Loss of perennial plants		The owners will be paid compensation for loss of perennial plants based on their age and value, including the costs for the restoration of plantings. The methodology of calculating the compensation for lost perennial plants will be presented in RAP.
Temporary or permanent loss of access to public infrastructure (hayfields, pastures, recreation areas, etc.)		Creating alternative access routes to these facilities.
PAP with vulnerabilities		The RAP will define vulnerability criteria and identify affected vulnerable persons. Identified PAPs with vulnerabilities will receive additional assistance (assistance in registration of title deeds, searching alternative location for business, moving assistance, etc).

Resettlement action plan

A Resettlement Action Plans for the Projects will be drafted prior the land acquisition. The first step, obtaining a detailed list of land plots within the construction area of the airport including the affected individuals, including asset owners, tenants and asset users has been completed.

The purpose of Resettlement Action Plans will be to verify the list of the project-affected individuals (including tenants and informal asset users), determine the type and amount of compensation for loss of assets or income sources in order to ensure preserving the living standards and income of all affected persons.

The Project's RAP will have the following structure:

- v. General description of the Project for which a specific RAP applies, description of the objectives of RAP preparation
- vi. Information on the potential impacts (both positive and negative) that were identified during RAP preparation, including: a description of the impacts that will directly or indirectly affect the need for land acquisition; a description of the location of impacts; a description of the alternatives having been assessed to minimize the land acquisition (if existing);
- vii. Disclosure of the results of socio-economic research, which is a necessary procedure in RAP preparation, including: a description of the census to record the project-affected individuals; the assets (land) to be acquired); the characteristics of the project-affected households, including employment, living standards, income level, economic and social activity of household members, access to social infrastructure, information on vulnerable groups.
- viii. A review of the Ukrainian legislation and EIB requirements regarding organisational arrangements guiding the alienation of assets for public purpose;
- ix. Institutional framework. A review of the stakeholders involved in the Project implementation, including their responsibilities;
- x. Rights Matrix (eligibility). Identification of the groups that might be adversely affected by the project implementation and types of envisaged compensation and livelihood restoration measures.
- xi. Description of the Methodology for assessing the loss of assets depending on the nature of losses;

- xii. Description of resettlement measures that will be envisaged to provide appropriate assistance to ensure that the resettlement process is in line with EIB requirements;
- xiii. Description of the measures aimed at involving communities in RAP implementation, including a grievance mechanism;
- xiv. Timetable for RAP implementation;
- xv. Indicative budget;
- xvi. Arrangements for RAP implementation monitoring.

During the RAP preparation, public consultations will be organized in localities where the project will have negative impact and resettlement issues. The information on conducting public consultations will be preliminarily disseminated in local mass media, local authorities and in public places. During consultations all interested parties will be informed about purpose Project activities, purpose of the RAP and about its content in clear non-technical terms on language which will be available for stakeholders. The elaborated RAPs will be disclosed on BIASE official website. The hard copies of RAP on will be available in each community which affected by the Project. Upon EIB approval, the RAP will be published on the official websites of the Bank and BIASE in Ukrainian and English.

Note that due to the small size of land acquisition a number of the steps propose above might be simplified.

6. Livelihood restoration strategy framework

In the process of project implementation, there may be a need to apply livelihood strategies to affected people. This strategy covers owners of assets, tenants and informal users of assets. The main goal of this strategy - to restore the quality of life of project affected persons as minimum to the pre-project level or even increase it. The compensation for loss of assets will be paid according to the entitlement matrix but, in some cases compensation may not guarantee of full livelihood restoration and some additional measures may be required. The livelihood restoration may be needed as at individual level as on the level of community (in case if the level of community and public services were decreased or access to them became harder; if some community recreation areas were affected by project, etc).

For community level the project design will be updated or special plans for restoration of community services will be undertaken. The restoration of community affected infrastructure will be consulted with local authorities and users. Livelihood restoration of project affected persons may applicable in such situations as:

- Physical resettlement;
- When the land to be acquired or restricted is an only source for income;
- When persons will lose the job or business as result of project implementation.

The Livelihood restoration measures might be necessary will be identified during socio-economic study within the framework of RAPs preparation. RAPs will be contain the livelihood restoration plan applying the following principles:

- Livelihood restoration measures will be developed taking into account not only physical persons but also community sustainable development;
- The elaborated livelihood restoration measures will be consulted with Project affected peoples and communities members;
- The livelihood restoration measures will be implemented prior start of resettlement process for avoiding of period when resettlement or economical displacement have been done but the livelihood restoration measures not provided yet;
- During implementation of livelihood restoration the gender differentiated approach will be followed because as usual women and girls are more vulnerable to displacement. The livelihood restoration activities will take into account women`s needs and preferences.

7. Grievance Mechanism

Whilst there will be no displacement of population BIASE will set up a grievance mechanism in the context of this RPF. Land acquisition processes can raise several grievances and complaints on the part of the persons affected by the project. They include grievances related to land acquisitions, entitlements and compensation, disruptions to livelihoods, services and facilities, issues, etc..

A person (or a group of persons) may apply to the BIASEs Administration with a written request describing a problem or a proposal, in any format. BIASEs Administration will address the grievance and respond to the complainant within the timeframe established by the Law of Ukraine "*On Citizens' Appeal*". Grievances can be either signed by persons (group of persons) or anonymous.

Grievances will be addressed and resolved during 30 days. If the grievance / appeal don't require additional measures (i.e. request for information) the response will be given during 15 days. In case if grievance resolving is impossible during 30 days, the complainant will be informed about terms extension (in case if complainant mentioned his contact information). The total term of resolving the issues may not exceed 45 days. The grievances, received from persons with vulnerabilities will be considered first and as soon as possible.

The postal address for correspondence is:

Boryspil International Airport State Enterprise,

Boryspil-7, Hora village, Boryspil district, Kyiv region, 08300,

Fax +380 44 281 71 22.

Or via the feedback page of the airport: <https://kbp.aero/en/feedback/>

8. Budget

To the date of this RPF (October 2020) the design for civil works is at concept design and although the plots of land to be acquired have been identified it is not yet possible to determine the exact budget for land acquisition, compensations payments and implementation of mitigation measures. The budget for compensations and mitigation measures will be specified during RAP preparation.

9. Location of land plots

The picture below shows the land plots to be acquired in the context of the project – highlighted in red

