

Ankara-Nigde Motorway Project Resettlement Action Plan



ERG Otoyol Yatırım ve İşletme A.Ş.

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Social
Risk
Management

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Abbreviations

ANM	Ankara Nigde Motorway
AVC	Asset Valuation Commission
BOT	Build-Operate-Transfer
CDP	Community Development Program
CLO	Community Liaison Officers
DSI	State Hydraulic Works
EIA	Environmental Impact Assessment
EP	Equator Principles
ERG	ERG Otoyol Yatirim ve Isletme A.S.
ESAP	Environmental and Social Action Plan
ESIA	Environmental and Social Impact Assessment
GDAR	General Directorate of Agricultural Reform
GHI	General Health Insurance
HR	Human Resources
IFC	International Finance Corporation
KGM	General Directorate of Highways
LC	Land consolidation
LRP	Livelihood Restoration Plan
M&E	Monitoring and Evaluation
MoEU	Ministry of Environment and Urbanization
MoFAL	The Ministry of Food, Agriculture and Livestock
MoTI	Ministry of Transport and Infrastructure
NTS	Non-Technical Summary
PAH	Project Affected Household
PAP	Project Affected Person
PS	Performance Standards
RAP	Resettlement Action Plan
SEP	Stakeholder Engagement Plan
SSI	Social Security Insurance
TEM	Trans-European Motorway
TRY	Turkish Lira
UEP	Urgent Expropriation Procedure

Glossary

Involuntary Resettlement: Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term ***“involuntary resettlement”*** refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

Project Affected Households (PAHs) refers to the households that are affected by the Project. The surveys for the field study in are done at household level.

Project-affected persons (PAPs) refers to all persons impacted by the involuntary resettlement, including all members of a household (women, men, girls, boys, incl. several generations in the case of extended households); tenants; informal settlers (i.e. lacking formal titles); holders of customary land-rights.

1. Introduction

1.1. Project Overview

Ankara Niğde Motorway (ANM) is a key national transportation project planned and developed by the General Directorate of Highways (KGM), a governmental organization operating under the body of the Ministry of Transport and Infrastructure (MoTI) (which was recently re-named after an organizational restructuring in the government). The Ankara-Nigde Motorway Project (herein after the “Project”) is one of the complementary sections of the United Nations Economic Commission for Europe (UNECE) Trans-European Motorway (TEM) Project, which is a regional transportation infrastructure project. The Project, being one of the core sections of the TEM, constitutes the missing section of the TEM network in southern Turkey

As the owner and developer of the Project, KGM initiated a full Environmental Impact Assessment (EIA) process in line with the Turkish EIA Regulation during May 2015, covering the motorway, the quarries and borrow sites that are planned to be used for the construction activities. Based on the EIA Report prepared, the Ministry of Environment and Urbanization (MoEU) issued an EIA Positive Decision for the Project in September 2016 (Decision Date: September 5, 2016; Decision No: 4280) in accordance with the Turkish EIA Regulation.

In April 2017, ERG Otoyol Yatirim ve Isletme A.S., a joint venture of two companies; ERG Construction Trade and Industry Co. Inc. and Seza Construction (herein after “ERG”) was appointed to implement the Project. The Project will be implemented by ERG, through a Build-Operate-Transfer (BOT) model. The concession period in the scope of the BOT Contract covers 11 years 10 months 17 days, including the 3 year-construction phase, which starts with the financial close in the scope of the international financing process.

The Turkish government issued a Prime Ministry Circular specifically for the Project to emphasize and legalize Project’s priority on all consents and all bureaucratic procedures as the Project is part of Turkey’s Vision 2023 and listed as an important global project by the KGM.

The Motorway will cross the provinces of Ankara, Aksaray, Konya, Kirsehir, Nevsehir and Nigde, which are located in Central Anatolia. The Project will consist of the following three sections:

- a) Section 1: Ankara Golbasi-Acikuyu Intersection,
- b) Section 2: Acikuyu-Alayhan Intersection, and
- c) Section 3: Alayhan-Golcuk Intersection.

According to the current design (as of January 2017), the Project will be a dual carriage way (2 x 4 lanes in the first 30 km part of the main route; 2 x 3 lanes for the remaining part) with a total length of approximately 330 km including the main route and connection roads.

The main components of the Motorway will consist of the engineering structures including the intersections, viaducts, underpasses, overpasses, bridges and culverts, as well as the operational facilities including the services areas, park areas and maintenance centers. General layout of the Project is presented in Figure 1 below.

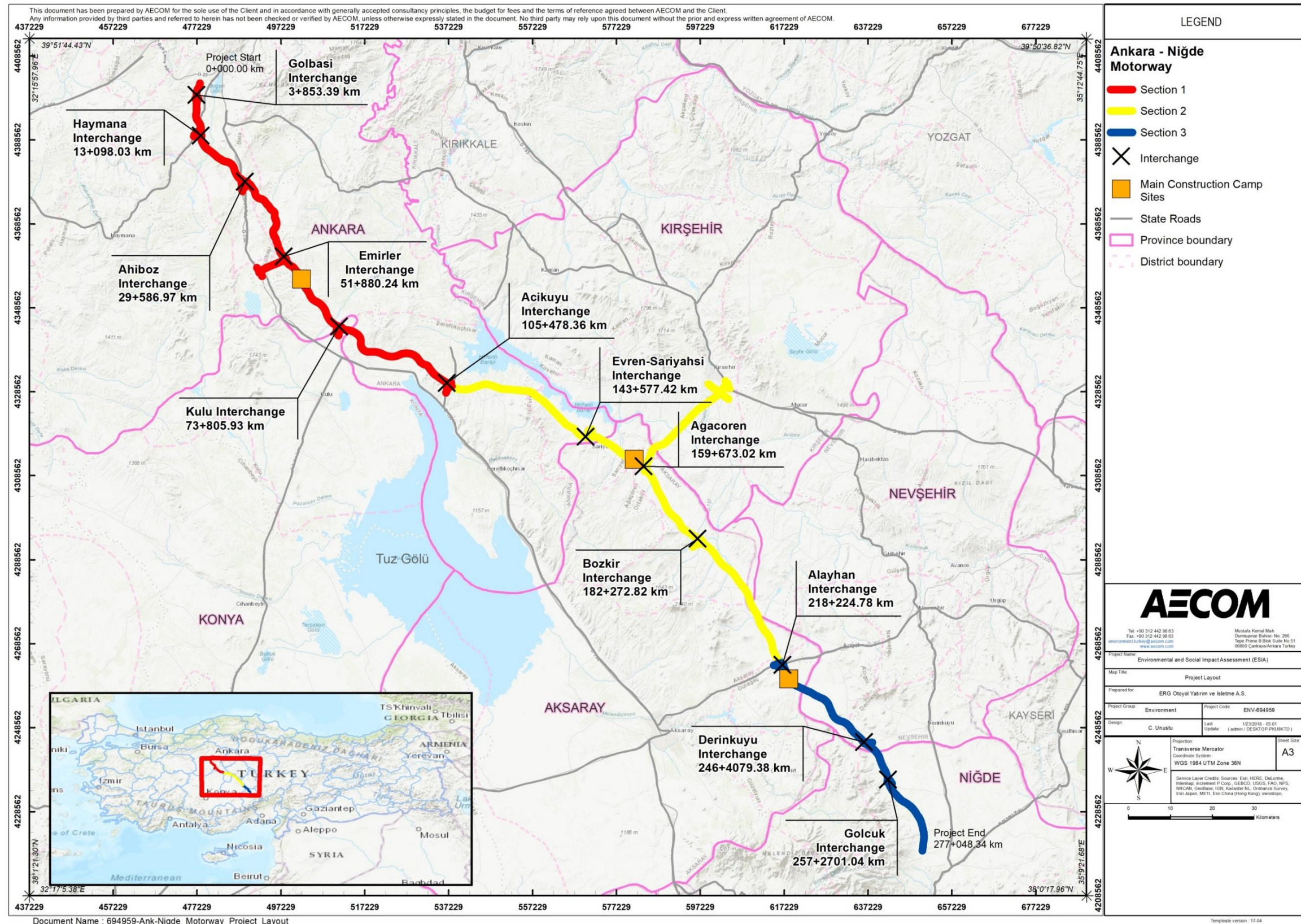


Figure 1. General Layout of the Ankara-Nigde Motorway

The length of the main route and connection roads in each Motorway section is summarized in below table. Final design and engineering studies are currently on-going, thus length of the connection roads (e.g. Kirsehir connection road) may be revised as necessary.

Table 1. ANM Road Lengths per Motorway Section (as of March 2018)

Section	Description	KM Chainage		Route Length (km)		
		Start	End	Main Route	Connection Roads	Total
Section 1	Ankara Golbasi-Acikuyu Intersection	0+000	105+478	105.4	16.5	121.9
Section 2	Acikuyu-Alayhan Intersection	105+478	218+224	112.7	35.5	150.0
Section 3	Alayhan-Golcuk Intersection	218+224	277+048	56.7	3.2	59.9
Total				274.8	55.2	331.8

Source: ERG, 2018

ERG is considering international and national finance for the implementation of the Project, which has been assessed as a “Category A” Project by the Lenders and Export Credit Agencies involved. Hence, a fit-for purpose Environmental and Social Impact Assessment (ESIA) Disclosure Package has been prepared by AECOM Turkey Consultancy and Engineering Limited Company (herein after the “ESIA Consultant”) in line with Equator Principles (EP) III, International Finance Corporation (IFC)’s Performance Standards (PSs), Recommendation of the Council on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence (“OECD Common Approaches”, 2016) and relevant Environmental, Health and Safety Guidelines. The ESIA Package including the ESIA Report, Non-Technical Summary (NTS), Stakeholder Engagement Plan (SEP), Resettlement Action Plan (RAP), Livelihood Restoration Plan Framework (LRPF), and an Environmental and Social Action Plan (ESAP) was disclosed at the websites of the ERG and the Lenders/ECAs on April 30, 2018 for 30-days.

The Project’s construction activities will require land take which is expected to result both in physical and economic displacement. The physical displacement related impacts and mitigation measures and entitlements are the subject of this RAP prepared for the Project whereas impacts resulting in loss of land based livelihoods have been discussed in the LRP

Though project design has considered minimizing land acquisition induced impacts; the nature of the Project inevitably necessitates land take. KGM, with the awareness to minimize land take impacts of the Project and to reduce expropriation costs, has made use of land consolidation (LC) practices.

Land required for the Project is acquired through two methods; LC and expropriation. LC is the primary method of acquisition and is being implemented by the General Directorate of Agricultural Reform (GDAR)¹, which is under the body of Ministry of Agriculture, Food and Livestock. The public interest decisions for the route were taken in 2011 and 2017. The LC process in the region has been initiated by GDAR approximately 6 years ago, separately from the Project.

According to a protocol signed between the GDAR and the KGM on March 8, 2017, in settlements where LC is not applicable due to limited Treasury land, regular expropriation will be implemented by the KGM in line with the Expropriation Law. Currently (as of January 2019) the expropriation plans are

¹ With the new legislative rearrangement, the roles and responsibilities of GDAR in land consolidation process have been transferred DSI in March 2018. However the regulation of implementation of existing land consolidation tasks and duties is not published yet. Therefore in this document GDAR is referred as the main implementation agency of land consolidation.

under preparation by technical consultants retained by ERG on behalf of KGM. Following completion, plans will be approved and implemented by KGM as part of the expropriation process.

The Project has also been given the right to urgent expropriation according to Law on Expropriation 2942 Article 27, as announced on Official Gazette Decree no 196 on 23 October 2018² in order to accelerate the initiation of civil works.

1.2. Objective of the RAP

The aim of this document is to set the principles that allow for avoiding, minimizing, or mitigating the Project induced physical displacement impacts that may result in the loss of residential houses.

This RAP was prepared in line with the Livelihood Restoration Plan (RAP) and Resettlement Action Framework documents that were prepared for the Project and disclosed in May 2018. The RAP is founded on both national legislation and internationally accepted standards and requirements. The objectives of this RAP are to:

- To identify the Project's potential implications for physical displacement;
- To define the procedures to be followed by ERG in parallel to the acquisition of immovable assets and resettlement processes conducted by related governmental agencies;
- To provide compensation framework for loss of assets at replacement cost;
- To ensure that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- To improve, or restore, the livelihoods and standards of living of displaced persons;
- To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites;
- To illustrate the valuation framework;
- Introduce the legal framework applicable to the Project,
- Provide information on the socio- economic background on livelihoods in the Project affected households,
- Establish the eligibility framework for diverse types of compensation,
- Outline the monitoring and evaluation approach for RAP implementation,
- Describe the consultation and engagement process that will be adopted by ERG to include all impacted and involved groups and individuals,
- Set a grievance redressal mechanism and to describe the grievance procedures for the Project,
- Summarize the institutional arrangements and organizational structure for resettlement
- Specify an implementation schedule and budget for the proposed activities and programs,

This RAP provides recommendations for implementation and identifies the roles and responsibilities of participating actors.

1.3. Scope of the RAP

This RAP describes the nature and extent of the Project's land acquisition impacts and the eligibility and entitlements of affected persons or communities with respect to compensation for the physical

² Urgent expropriation decision was taken after field studies were completed. Detailed information on urgent expropriation was unavailable during preparation of this LRP.

resettlement. It also outlines the specific procedures which will be used to determine and award compensation using methods which are transparent, consistent and equitable.

This Plan covers only physical displacement and economic displacement is covered by the Livelihood Restoration Plan (LRP), which has been developed as a separate document as part of the ESIA studies.

This RAP includes socio-economic baseline information to determine who will be eligible for compensation and assistance, identification of assets, houses and their owners and users, vulnerable groups and compensation methods.

This RAP is the expanded version of the disclosed RAP Framework. The framework document has been enhanced to include a socio-economic baseline for PAPs categories, needs assessments and impacts on physical displacement and mitigations. Implementation arrangements including the RAP budget and specific timeline have been presented.

ERG will designate adequate financial and human resources for the proper implementation of RAP. The senior management of ERG will be responsible for the implementation of the RAP in consultation and collaboration with KGM.

2. RAP Methodology

The RAP methodology is founded on desktop and field studies. Information used for the preparation of this RAP is based on primary data collected through field studies and secondary data sources that were readily available.

The primary data was generated through household surveys and in-depth interviews carried out with PAPs living in Project affected settlements. The information collected through these in-depth interviews were analyzed to generate social and economic data of the affected community members.

2.1. Desktop Study

The desktop study compiled available secondary information on the number of houses/structures expected to be affected by the project, as well as their ownership status, and information about the owners and shareholders prior to fieldwork. May 2018 RAP had identified 29 structures impacted from Project's land acquisition, yet desktop study revealed one of the residences was no longer affected by the project due to the changes in the Project design, hence decreasing number of impacted houses to 28.

Moreover, district based data on agricultural production and livestock production was gathered from settlements impacted by physical displacement. Thereby, agricultural activities and livestock production activities that are prominent in the districts were identified.

Finally, field tools, and daily planning was developed during desktop study. Household socio-economic survey was prepared for PAPs impacted from involuntary physical resettlement. A separate mukhtar survey form was also developed to address settlement based baseline information, and depict impacts of displacement.

To summarize, the following were carried out within the scope of desktop study;

- Identification of agriculture and livestock production information at district level
- Information on affected residences and their owners
- Recent information on the status of land/asset acquisition, review of parcel data and asset inventory
- Review of available information from ERG regarding grievances, social support, compensations provided, and number of consultations carried out for land acquisition and resettlement
- Preparation of the survey form
- Planning of the fieldwork

2.2. Field Study

28 residences and their owners and users - identified for visits under the desktop study - were visited through 17th to 27th September 2018.

The field study revealed that the number of buildings affected in Kümbet is 16 instead of 13, information was gathered on a total of 31 buildings (28+3).

The ESIA study was used as the baseline for desktop study and the initial data of number of houses was obtained from the ESIA. However updated information before visiting the field and field study revealed that the actual number of affected houses is 31. The details on the affected houses can be seen in Appendix A.

2.2.1. Field Study Results

The aim of fieldwork was to interview the user and/or owner of every house that was prone to physical displacement identified in the desktop study. Initially 28 household surveys were planned for RAP. However, the number of surveys conducted in the field study was 16 due to the following reasons;

- 2 buildings affected in Hasaköy were not residential buildings, but were simple huts used for seasonal agricultural activities. The owner and user of one of these huts was interviewed, and

the other hut was being used seasonally and user was not in the village at the time of the field study. Land acquisition of the Project, will not induce physical resettlement for these two structures, since the users/owners have a full time residence. Expropriation of structures that are used for livelihood purposes will be addressed in the LRP.

- The number of affected buildings in Kümbet was 16 instead of 13. One of structures is an ongoing construction, whereas one was in ruins (not usable), while the remaining 14 were completed, residential buildings. No meetings were conducted with the owners of the building that is under construction or the ruined structure. The owner of one of the remaining 14 buildings was a seasonal resident. Since he was already in his winter home, he was interviewed through a phone call. Owners or users of all of the remaining buildings were interviewed face-to-face. As one of the PAPs had more than one affected building, the number of households interviewed from Kumbet was **11**.
- There were no interviews held with owners/users of the Project affected buildings in Ankara Gölbaşı Yakacık because these buildings were ruined and uninhabited³. One of the buildings identified in the desktop study was a simple annex to a main building. The main building and its owner will not be impacted by the Project. Since the owner was not residing in the building during the survey period; and his seasonal residence is not impacted; it was not possible to conduct interviews. Again, in Ankara Gölbaşı Gökçehüyük, 1 building was removed from the study because it was no longer affected by the project. Compensation for non-residential buildings will be provided, including for buildings that are ruined and not currently used for farming or other livelihood activity, as a part of LRP

In conclusion, all of the affected buildings were visited; their statuses of residence and use were identified; households affected from the resettlement were identified; and a complete inventory was prepared. At the end of the field study, information was gathered about every structure targeted within the scope of the RAP.

The following table provides detailed information about the structures affected by the project as well as the survey status. The information about every structure, its type, status of use, ownership and user identification is presented in Appendix A House Inventory Report in details. The map of affected houses in Kümbet can be found in Appendix F. Below table shows that structures affected by the project and conducted surveys.

Table 2. ANM Road Lengths per Motorway Section (as of March 2018)

No	Province	District	Settlements	Number of Buildings Affected by the Project	Number of conducted surveys	Description
1	Niğde	Centre	Hasaköy	2	1	It was identified that the affected buildings are huts used for agricultural activities. Both owners live there seasonally. A survey was conducted with one of them, but the owner of the other structure could not be reached.

³ All buildings identified during desktop studies were visited, RAP team investigated status of ownership and usage. An additional report on structures is prepared to provide a baseline condition of each structure with pictures and maps. The buildings in wreckage

2	Aksaray	Ortaköy	Kümbet	16	11 ¹	The field study revealed that the number of affected buildings was 16. However, two buildings were non-residential. One of them was a ruin, and the second one was a construction site. The remaining 14 were residential buildings ⁴ . One person lives there seasonally and was interviewed through a phone call. The remaining 13 residences have 11 owners/users, and all of them were interviewed. Among these, the owner and user of 1 residence is not the same person. Since the owner does not reside in the village, only the user could be interviewed.
3	Aksaray	Sarıyahşi	Centre	1	1	The affected structure is a two-storey vineyard house. Its owner was interviewed.
4	Ankara	Evren	Centre	2	2	The affected structures are not residential buildings but one is a vineyard house and the other one is an empty stable. The owners are a father and son. Surveys were conducted with these households.
5	Ankara	Gölbaşı	Gökçeöyük	1	1	It is no longer physically affected due to the change in the project design
6	Ankara	Gölbaşı	Yavrucuk	5	0	It was identified that one of the affected structures is an annex to a villa while the other 4 are ruined structures. The ruined structures have no users. The other affected structure is an empty outbuilding of a villa and it is not affected by the resettlement impact of the project.
7	Nevşehir	Derinkuyu	Yazıhüyük (Bozkır)	3	0	It was identified that the affected structures are huts with no doors or windows that are used for agricultural activities. It was found out that the owners rent out these structures every year and that they do not reside in the settlement. The owners could not be reached during the field study.
8	Niğde	Centre	Yıldıztepe (İnli)	1	1	Affected building is a hut used for agricultural activities. Its owner and user is the same person. Survey was conducted
Total				31	16	

Source: Socio-economic Household Survey 2018

⁴ The owners of the ruined structure or the building that is under construction were not available during field studies because they do not reside permanently in Kümbet.

3. Regulatory Framework

National laws and regulations in addition to relevant international standards and requirements pertaining to the land acquisition and land consolidation applications of the Project are discussed under this chapter.

3.1. National Legislation Applicable to the Project

3.1.1. Land Acquisition and Resettlement

National legislation for land acquisition in Turkey is governed through several regulations among which are, but not limited to, the Turkish Constitution, Land Registry Law, Cadastral Law, Expropriation Law and the Settlement Law.

Article 46 of the Turkish Constitution explains that state and legal public entities, in cases of public benefit, are entitled to entirely or partially expropriate immovable properties in private possession, on condition that the real value of those immovable properties are paid in advance and in cash; and to establish easement rights on these immovable properties in compliance with the procedures and principles set by the Expropriation Law. While expropriation is compulsory, expropriation price must be paid prior to land entry by law. Moreover, the owner and occupant of the immovable property subject to expropriation and other concerned parties may file actions against the expropriation procedure or appraised values and errors of fact before judicial courts.

Land Registry Law No. 2644 is the main land title regulation which was amended by Law No. 6302, that entered into force on 18 May 2012. Land registration in Turkey is based on the Cadastral Law No. 3402. The Cadastral Law also defines the process for the identification of land owners without registered title deeds or where there is confusion over land ownership.

All expropriation related works are regulated by the Expropriation Law No: 2942. According to Article 8, the designated expropriation authority (KGM) appoints one or more valuation commissions (consisting of at least 3 people) for the valuation of subject lands. After valuation is complete, another commission for negotiations (again consisting of at least 3 people) is assigned to negotiate the fee for the acquisition of land. All land owners are notified of the decision for acquisition of their land through an invitation for negotiations.

Within 15 days after notification, negotiation meetings are held. In cases where agreement cannot be reached or for owners with unidentified addresses, or for cases with ownership disputes; as per Article 10 of the Law, a lawsuit is filed with the relevant court for valuation and registration. The court then assigns a valuation commission to determine an expropriation fee for subject immovable. The fee set by the court's valuation commission is deposited in a bank account by the expropriation authority to be paid to the owner of the expropriated property. Expropriation fees are determined according to the criteria set out in Article 11 of the Law.

In cases of need or urgency, Article 27 of the Law allows for the expropriation authority to confiscate subject lands by depositing the amount for the value of the said immovable asset identified by the court as per the principles set in Article 10. Again, a valuation commission assigned by the court performs a valuation study within 7 days to determine the expropriation fee for subject immovable. The application of this process does not prevent challenges of the property owners against the determined expropriation fee. Detailed information on the application of Article 27 has been provided in Appendix G.

All state owned lands subject to acquisition are acquired through the application of Article 30 of the Law. The article depicts that a fee is identified by the expropriation agency according to Article 8 of the Law and is presented through a written application to the relevant state authority owning the subject immovable. Similar to private lands, if negotiation is reached, rights for the subject property is transferred, if not, a court process is initiated as per Article 10 of the Law.

In summary, the Expropriation Law sets out the procedures for the expropriation of immovable assets in possession of private and public legal entities in circumstances where there is public interest by the

State. The law states procedures and methods for calculation of the expropriation price, registration of the immovable property and the right of way in the name of the authority, and settlement of related disputes. While expropriation is compulsory, the expropriation price must be paid prior to land entry by law. Moreover, the owner and the occupant of the immovable property subject to expropriation and other concerned parties may file actions against the expropriation procedure or appraised values and errors of fact before judicial courts.

Resettlement activities are regulated by Resettlement Law no 5543. This 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 resettlement can be applied as for that the choices and requests of affected families. These are; agricultural, non-agricultural and physical settlements. Article 12 of the same Law refers to the resettlement of persons whose immovable assets are expropriated, and specifies eligibility criteria for government assisted resettlement.

Execution of expropriation works for the Project in line with the Expropriation Law (No: 2942) is under the responsibility of KGM based on the public interest decision (No. 146 dated 07.04.2017) issued by the Council of Ministers. Consequently, the acquisition of the immovables has been realized through expropriation. An Asset Valuation Commission (AVC) established within KGM has identified and verified impacted immovable on the spot and accordingly has determined a value based on the missing production and depreciation rates.

Prices determined for each asset were then proposed to rightful owners in accordance with Article 8 of the Expropriation Law no 2942. The negotiated and agreed expropriation fees were deposited by KGM in the account of the legal holder, followed by the transfer of the title deed to KGM resulting in the completion of subject land's acquisition. Cases where negotiations failed, KGM resorted to the application of Article 27 of the Expropriation Law.

3.1.2. Use of Publicly Owned Land

The use of state-owned lands (pastureland, forestry land, treasury land) by citizens is rule-bound. Citizens can rent pastureland after receiving the required permissions from the relevant Pastureland Commission which is a sub-unit of the MoFAL. Citizens can also rent treasury lands for agricultural, commercial, sports and social activities.

The use of forestry and pastureland is regulated by the Forest Law No.6831 and the Pasture Law No. 4342. Registration of the ownership or easement rights will be carried out in accordance with the Cadastral Law No. 3402, and Land Registry Code (Official Gazette No. 28738).

3.1.3. Land Consolidation

LC is carried out according to the provisions of two different laws, and the procedural steps of implementation are generally similar. These laws are the Law No 3083 "Agricultural Reform Law on Land Rearrangement in Irrigated Areas" and Law No. 5403 "Law on Soil Conservation and Land Use". Until recently, MoFAL was the responsible institution for all the implementations (or projects) related to LC under the provisions of both of these above-referenced laws. The relevant department within MoFAL to carry out LC is general Directorate of Agricultural Reform (GDAR).

LC follows a replacement approach, whereby land owners are provided with consolidated land parcels up to a maximum loss of 10% of total land size. Land loss is kept at maximum 10% of the parcel size. Land loss of LC is triggered by infrastructural investments due to irrigation and access roads to new parcels. Any immovable assets, such as trees, buildings are exempt from land consolidation.

Land acquisition for the Project abides by Turkish legal requirements on LC and expropriation. LC is the primary method for land acquisition used in the Project. LC process has been carried out by GDAR and was initiated approximately 6 years ago. LC was also preferred to reduce the need to expropriate land.

Where LC could not be applied, expropriation was a last resort for KGM in accordance with national Expropriation Law.

3.2. International Standards Applicable to the Project

3.2.1. IFC Performance Standards

IFC's Policy on Environmental and Social Sustainability (2012) includes the Performance Standards (PSs) aiming to manage social and environmental impacts and risks and to enhance the opportunities in private sector financing. All investment and advisory clients whose projects go through IFC's initial credit review process are expected to meet these standards. The PSs are also applicable for other financial institutions willing to apply them. IFC has a specific PS targeted to involuntary economic displacement and livelihood restoration.

PS 1: Assessment and Management of Environmental and Social Risks and Impacts

PS 1 establishes the importance of integrated assessment to identify the environmental and social impacts, risks and opportunities of the Project; also for effective community engagement through disclosure. Objectives of PS 1 are:

- To identify and evaluate environmental and social risks and impacts of the Project.
- To adopt a mitigation hierarchy to anticipate and avoid, or where avoidance is not possible, minimize, and, where residual impacts remain, compensate/offset for risks and impacts to workers, Affected Communities, and the environment.
- To promote improved environmental and social performance of clients through the effective use of management systems.
- To ensure that grievances from Affected Communities and external communications from other stakeholders are responded to and managed appropriately.
- IFC Performance Standard 1 establishes the importance of effective community engagement through disclosure of project-related information and consultation with local communities on matters that directly affect them. Performance Standard 1 aims to identify and evaluate environmental and social risks and impacts of the project; to adopt a mitigation hierarchy to anticipate and avoid, or where avoidance is not possible, minimize, and, where residual impacts remain, compensate/offset for risks and impacts to workers, affected communities and the environment; to promote improved environmental and social performance of clients through the effective use of management systems; to ensure that grievances from affected communities and external communications from other stakeholders are responded to and managed appropriately; and to promote and provide means for adequate engagement with affected communities throughout the project cycle on issues that could potentially affect them and to ensure that relevant environmental and social information is disclosed and disseminated.

A key aspect of PS1 is stakeholder engagement. Stakeholder engagement is viewed as “the basis for building strong, constructive, and responsive relationships that are essential for the successful management of a project’s environmental and social impacts”⁵. PS1 affirms that the nature of engagement relies on the Projects’ risks and impacts, and usually involves “stakeholder analysis and planning, disclosure and dissemination of information, consultation and participation, grievance mechanism, and ongoing reporting to Affected Communities”.

PS 5: Land Acquisition and Involuntary Resettlement

⁵ IFC Sustainability Framework, 2012, 21

PS 5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. Objectives of PS 5 are:

- To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs.
- To avoid forced eviction.
- To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.
- To improve, or restore, the livelihoods and standards of living of displaced persons.

Paragraph 16 of IFC PS 5 states that;

“Where the exact nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown due to the stage of project development, the client will develop a Resettlement and/or Livelihood Restoration Framework outlining general principles compatible with this Performance Standard. Once the individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific Resettlement Action Plan or Livelihood Restoration Plan”.

Paragraph 30 of IFC PS 5 under “Private Sector Responsibilities under Government-Managed Resettlement” states that;

“Where land acquisition and resettlement are the responsibility of the government, the client will collaborate with the responsible government agency, to the extent permitted by the agency, to achieve outcomes that are consistent with this Performance Standard. In addition, where government capacity is limited, the client will play an active role during resettlement planning, implementation, and monitoring, as described below.”

ERG will collaborate with the KGM in order to achieve the objectives of IFC PS 5 and IFC Guidance Note 5.

3.1.1. Equator Principles (EP) III

The (EP) is a risk management framework, adopted by financial institutions, for determining, assessing and managing environmental and social risk in projects. It is primarily intended to provide a minimum standard for due diligence to support responsible risk decision-making. EPs have been officially adopted by most of the large private international banks and are applicable globally to all industrial sectors. The EP also evaluate compliance with the applicable IFC Performance Standards on Environmental and Social Sustainability. EP III (June 2013) comprises 10 principles; EP 5 on stakeholder engagement and EP6 Grievance Mechanism are relevant for RAP such that:

Principle 5 (EP5): Stakeholder Engagement

For all Category A and Category B Projects, the finance institution will require the client to demonstrate effective Stakeholder Engagement as an ongoing process in a structured and culturally appropriate manner with Affected Communities and, where relevant, Other Stakeholders. For Projects with potentially significant adverse impacts on Affected Communities, the client will conduct an Informed Consultation and Participation process. The client will tailor its consultation process to: the risks and

impacts of the Project; the Project's phase of development; the language preferences of the Affected Communities; their decision-making processes; and the needs of disadvantaged and vulnerable groups. This process should be free from external manipulation, interference, coercion and intimidation.

Principle 6 (EP6): Grievance Mechanism

For all Category A and, as appropriate, Category B Projects, the finance institution will require the client, as part of the Environmental and Social Management System, to establish a grievance mechanism designed to receive and facilitate resolution of concerns and grievances about the Project's environmental and social performance. The grievance mechanism is required to be scaled to the risks and impacts of the Project and have Affected Communities as its primary user.

3.3. Gap Analysis

This table presents the gap analysis between national legislation and international performance standards. The table also states mitigations that will be placed in order to address these gaps. The table provides a framework for entitlements matrix and the gaps – mitigations defined in this table are addressed in the eligibility framework and entitlements matrix. Detailed mitigations can be found in the entitlement matrix

3.3.1. Gaps Regarding the Application of Expropriation and Land Consolidation Process

Topic/Issue	Key IFC PS Requirement	National Requirements	Gap	Mitigation
Avoidance and Minimization	According to IFC PS 5 involuntary resettlement should be avoided where feasible or minimized.	<p>There is no provision regarding avoiding and minimization of resettlement in Turkish expropriation law. However, as good practice, KGM considers avoidance and/or minimization of the crossing of residential and industrial areas and keeping sufficient distance to the borders of the residential areas to the extent possible in order to minimize potential social impacts and associated expropriation costs.</p> <p>On the other hand, as LC is the primary method for land acquisition, expropriation has already been minimized by the KGM. LC brings several additional potential positive economic and social impacts, such as active stakeholder consultation and continuous participation, improvements in livelihood, respect for inheritance rights of women, less pressure on water resources, etc.</p>	Land acquisition and involuntary resettlement has been minimized by the KGM at the feasibility stage of the Project to the extent possible.	Land acquisition and involuntary resettlement are minimized by KGM during construction phase as well as feasibility stage of the Project. ERG has prepared a LRP and a RAP to define Project's impacts and entitlements.
Census and Baseline information	PS 5 states, where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits.	<p>Turkish Law requires preparation of inventory of assets.</p> <p>Land acquisition through expropriation requires the preparation of a census (full count) of affected immovable assets, and a full list of their owners.</p>	<p>National requirement is limited to census of immovable assets and legal titleholders.</p> <p>Census and baseline information on Project affected populations as defined by IFC PS5, including tenants, users of communal land, land holders/occupants without legal or customary title is not required.</p>	Census baseline information is compiled by a third party ERG technical consultant.

Cut-Off Dates	<p>PS 5 states that, in conjunction with the census, the Borrower will establish a cut-off date for eligibility.</p> <p>Information regarding the cut-off date will be well documented and will be disseminated throughout the project area</p>	<p>There is no provisioning for cut off dates for PAPs that use public/private lands.</p> <p>Compensation for expropriation is provided to legal titleholders according to Law on Expropriation 2942. In order to avoid new comers settling to expropriation site, public interest decision announcement posted in village headmen's office is used for large-scale investment projects as the cut-off date. Digital cadastre and population registry system that depends on current address of persons is used to prevent fraudulent claims.</p>	<p>IFC requires a census study for establishing a cut-off date (the date of completion of the census and assets inventory as per IFC Guidance Note on PS 5) whereas Turkish resettlement law includes a three-year residency time limit for eligibility for non-owner PAPs. Asset inventory and PAPs notifications studies are conducted by the responsible governmental agencies in line with national standards.</p> <p>Prevention of fraudulent claims is broadly in line with IFC PS5.</p>	Census baseline is the cut-off date for Project's eligibilities.
Valuation Methodologies – Full Replacement Value and Compensation for Loss of Buildings	<p>According to PS 5, when land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods</p> <p>PS 5 states that the Borrower will offer the choice of replacement property of equal or higher value, with security of tenure, equivalent or better characteristics, and advantages of location, or cash compensation at replacement cost. Compensation in kind should be considered in lieu of cash.</p>	Buildings are compensated by use of their cost of construction and market value. However, depreciation is deducted from market value.	<p>Buildings are not compensated by use of replacement value.</p> <p>In-kind compensation is not offered except for state led resettlement according to Turkish Resettlement Law 5543.</p>	Project compensates residential buildings/houses at full replacement cost.
Requirement to prepare a	According to PS 5, in the case of physical displacement, the Borrower will develop a	No legal provisioning forces the Project proponents to prepare resettlement action plan under Turkish Law.	Resettlement planning is a key gap, since resettlement related documentation only includes cadastral information, asset list and compensations. Livelihood	Project prepare a Resettlement Action Plan to address physical displacement in line with IFC PS5

Resettlement Action Plan	Resettlement Action plan that will include compensation at full replacement cost for land and other assets lost and is designed to mitigate the negative impacts of displacement; identify development opportunities; develop a resettlement budget and schedule; and establish the entitlements of all categories of affected persons (including host communities). Particular attention will be paid to the needs of the poor and the vulnerable. The client will document all transactions to acquire land rights, as well as compensation measures and relocation activities.		impacts and losses are not addressed. There is no planning to improve or restore PAPs livelihoods to pre-Project levels.	RAP has been designed to include full compensation measures for affected residential buildings/houses.
Preparation of Resettlement Sites	According to PS5, if there is physical displacement the Borrower will offer feasible resettlement options, including adequate replacement housing or cash compensation; and provide relocation. If new resettlement sites are being prepared the planning process should include consultations with displaced persons and the resettlement sites should offer living conditions "at least equivalent to those previously enjoyed, or consistent with prevailing minimum codes or standards,	Government led resettlement offers preparation of resettlement sites in projects where there are more than 30 applicants that are accepted. If fewer than 30 applicants are accepted, a loan could be made (the amount to be determined by the approval of the Minister) separately for the construction of residential and agricultural building, provided that there are at least five families.	Expropriation is based on cash compensation; hence there is no provision of resettlement planning for PAPs that do not opt for government led resettlement.	Prepare and implement a Resettlement Action Plan. Engage with public authorities for availability of resettlement sites and consult with PAPs for their preferences.

	whichever set of standards is higher.			
Compensation for Loss of Land	<p>Economically displaced persons who face loss of assets or access to assets will be compensated for such loss at full replacement cost</p> <p>Economically displaced persons who are without legally recognizable claims to land (iii)) will be compensated for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at full replacement cost.</p> <p>The client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date for eligibility.</p>	<p>Turkish law provides cash compensation to persons with legal rights/claims recognized.</p> <p>Valuation of agricultural land depends on capitalization of annual net income calculated by taking market prices into account.</p> <p>Customary users rights on public and private property are recognized only for Treasury land, and compensation is provided for crops/trees and structures but not for land.</p>	<p>Gap exists for compensation of displaced persons without legally recognizable claims to land such as tenants, squatters.</p> <p>There is no compensation for displaced people benefiting from pasture land, or forest land. Compensation is given only for crops/trees on treasury land.</p> <p>There is no livelihood restoration and/or transitional support provisioned in Turkish law except for government led resettlement.</p>	<p>Project compensated displaced PAPs with legal titles at full replacement cost.</p> <p>User PAPs are compensated for loss of standing crops.</p> <p>All PAPs (user/owner) impacted from economic displacement can benefit from LRP programs.</p> <p>Land for land option is provided in land consolidation. PAPs impacted by expropriation are compensated at full replacement value according to Turkish law.</p>
Compensation for Loss of Communal Assets	<p>For persons whose livelihoods are natural resource-based and where project-related restrictions on access envisaged, implementation of measures will be made to either allow continued access to affected resources or provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where appropriate, benefits and compensation associated with</p>	<p>Communal assets are compensated according to Article 30 of Expropriation law. The article 30 of Expropriation law No. 2942 articulates that immovable, resources and easement rights owned by public legal persons and agencies may not be expropriated by another public legal person or agency. Properties owned by public institutions cannot be expropriated but only can be a subject to transfer. If there is no transfer in question allowed the dispute is solved in the Supreme Court.</p> <p>There is no compensation for displaced persons benefiting from pasture lands.</p>	<p>Communal users of public land such as pastures, forestry land are not recognized and/or compensated.</p>	<p>As part of the on-going land acquisition process, on behalf of KGM technical consultants (retained by ERG as per the BOT Contract requirements) collaborate with the relevant district agricultural authorities to determine the market value; ERG then checks/verifies eligibility of crops for compensation and provides compensation to the users for the existing crops from the LRP fund. This procedure will</p>

	natural resource usage may be collective in nature rather than directly oriented towards individuals or households.			continue throughout the land acquisition process.
Land for Land Option	PS5 states that where livelihoods of displaced persons are land-based, or where land is collectively owned, the Borrower will offer the displaced persons an option for replacement land, unless it can be demonstrated to the Bank's satisfaction that equivalent replacement land is unavailable.	Land acquired by expropriation can only be compensated by cash compensation according to Law on Expropriation. LC offers land for land option for land acquisition whereby similar land is offered to PAPs impacted by land acquisition.	Turkish legal system emphasizes cash compensation over land for land option for expropriation. Land for land is used for land consolidation, with up to maximum loss of 10% of land. In practice land loss for consolidation ranges between 3-5%.	Land for land option is provided in land consolidation. PAPs impacted by expropriation are compensated at full replacement value according to Turkish law.
Compensation prior to land take/displacement	IFC PS5 states that "displacement or restriction of access does not occur before necessary measures for resettlement are in place".	According to Expropriation law compensations need to be deposited into titleholders account prior to land take.	Except for urgent C:\Users\gokhan\Desktop\MU\ERG RAP Çİş 12 04 19\LRP çİş.docx - msocom ⁹ expropriation ⁶ under national Expropriation Law, regular expropriation law is in line with IFC standards.	Urgent expropriation right is granted to the Project; yet ERG will ensure that payment is made prior to land entry for civil works. Gaps and mitigations related to urgent expropriation is presented in section 3.3.2 .
Treatment of squatters / informal land users	IFC PS5 states that Project related losses of the affected people should be compensated in full and in cash prior to the actual acquisition of immovable assets.	Renters of houses and/or work places, tenant users of the land, legal/illegal users of forest areas and merchants without immovable property are not entitled to expropriation compensation	There is no compensation in Turkish law for informal users/squatters on pasture land and forestry. Eligibility for LC is based on legal ownership of land. Users of land are not compensated. Moreover, public land such as Treasury land is used when available for LC especially for common areas or infrastructure. Users of public land are not eligible for LC since they are not legal owners. Users of public land need to be identified prior to LC, in	As part of the on-going land acquisition process, the ERG identifies actual users (may be formal or informal; by verifying with landowners and Mukhtars). This procedure will continue throughout the land acquisition process.

⁶ "Article 27 of the Expropriation Law, states that; the immovable property subject to expropriation may be seized through urgent (immediate) expropriation under three circumstances; (i) in situations for which President takes decision regarding the need for national defense in the scope of the implementation of the Law on National Defense Obligations (Law No: 3634); (ii) in situations of emergency determined by the Presidential decision, or (iii) in extraordinary situations as envisaged by special laws. In such cases/situations, upon the request of the relevant administration, a court may decide on the seizure of the immovable property under the principles set forth in Article 10 on condition that the procedures other than valuation shall be completed afterwards. In this process, upon request of the related administration, compensation amount for the immovable property shall be appraised by the court within 7 days through the experts assigned as per Article 10 and 15 of the Expropriation Law. Seizure shall only be made following the invitation to be done in accordance with Article 10 and the amount is deposited to the bank specified in the announcement. The related Directorate of Land Registry is notified about the seizure decision to be made by the Court. The provision related to the prohibition of the transfer or alienation of the immovable asset is annotated to the land register. The asset is evacuated as per Article 20 following the issuance seizure decision."

	These users should be added entitling to compensation		order to ensure that they are not adversely impacted by LC. This may be problematic in areas where common land resources are limited and users (legal/illegal) do not have access to any additional land.	Moreover, on behalf of KGM technical consultants (retained by ERG as per the BOT Contract requirements) collaborate with the relevant district agricultural authorities to determine the market value; ERG then checks/verifies eligibility of crops for compensation and provides compensation to the users for the existing crops from the LRP fund. This procedure will continue throughout the land acquisition process.
Measures for Vulnerable Persons	IFC states that particular attention should be paid to the needs of vulnerable groups, especially those below poverty line, the landless, the elderly women and children. Livelihood planning should provide special assistance to women, minorities or vulnerable groups.	Expropriation Law does not specify vulnerable groups. However, under the Turkish Constitution, the State guarantees his citizens to continue their lives in peace and security, also socio-economically encourage them to reach a high standards of living. In this context, the State applies several rules and measures to protect and to support its needy, weak, helpless and homeless citizens (ex. The Law No.2022 date 01.07.1976).	Land acquisition does not address vulnerability. LC depends on land ownership, and land types. Vulnerability criteria (such as poverty, gender, disability, age) are not considered for LC implementation. While LC process takes into account social issues such as tensions, neighborhood relations, it does not specify approach for vulnerability and does not identify a strategy to ease the transition of vulnerable groups in LC process. Vulnerable groups' capacity to adapt to change may be limited; moreover vulnerable groups may lack resources to ease through transition. Hence, it is critical to understand the needs and preferences of vulnerable groups and devise mitigation measures to ensure that they benefit from LC.	Vulnerable groups are also beneficiaries of LRP Programs and Community Development Programs (CDP).
Transitional Support	According to PS5 the borrower will provide transitional support "to all economically displaced	Transitional support is available only for government led resettlement.	There is no transitional support for land acquisition.	PAPs impacted from LC and/or expropriation are compensated for loss of standing crops.

	persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.”		On average, LC process takes two years from start to completion. While crop season is considered prior to LC, the PAPs may not be able to use their land for one or two cropping seasons depending on the land tenure and cropping patterns. There is no transitional support available to PAPs during LC. If all land parcels owned by the PAPs is being consolidated under a single parcel, LC implementation may cause loss of income during implementation ⁷ . There needs to be a budget available for transitional support, to avoid any livelihood losses due to limited access/or lack of access to land resources.	The ERG ensures that they will provide 10000 TL for transitional support for the households that have affected buildings used as dwellings ⁸ . For impacted house users The ERG ensures that they will provide 2,000 TL/month duration for 6 months as transitional support
Buildings Monitoring and Evaluation (M&E)	M&E is required for projects that cannot avoid physical and economic displacement. Resettlement and livelihood restoration of the affected persons should be monitored for such projects.	No provisions for monitoring the implementation or impacts of expropriation or resettlement.	No provisions for monitoring the implementation or impacts of expropriation or resettlement.	ERG conducts internal monitoring. There is a third party monitoring in place for RAP and LRP.
Level and timing of Community Engagement / Consultation / Negotiation / Participation	According to IFC Borrower should initiate consultations as early as possible and should consult project affected persons about the project’s environmental aspects and should take their views into account.	LC process involves consultations with PAPs and disclosure of relevant plans/lists. Farmer preferences are recorded during interviews with respect to the proposed blocks and soil classification maps. The farmers declare in writing where they would like to see their new consolidated parcel (or more than one parcel where appropriate). Farmers' preferences thus are taken into consideration during the creation of the new parcels. During these interviews farmers can opt for a consolidation of scattered family property (under different ownership) including spouse and children. In addition, farmers may opt for consolidation of commonly owned but geographically scattered property	There is no provision for effective community engagement through disclosure of project-related information and consultation with local communities on matters that directly affect them according to IFC PS1 Consultations with communities are in later phases of the Project, either during EIA disclosure or formal land acquisition notification.	There is effective community engagement. The ERG has CLOs and environmental social team dedicated to stakeholder engagement. The ERG has a SEP that depict engagement for the Project. ERG follows SEP for consultations, negotiations and disclosures.

⁷ A field study on settlements that have undergone LC would reveal the impact on land use and any potential livelihood losses/gains during LC implementation.

⁸ Moving allowance and other costs are included 10,000 TL as transitional support

		<p>rights (with established rights but without specific cadastral location of the commonly held land) and may request such rights to be consolidated in a single parcel owned by a single family. Those persons who own land in the neighboring villages may request to have their new consolidated parcel located near the boundary to the neighboring village where they may be domiciled. Every village in the project area is a consolidation unit within its proper boundaries. However, boundary adjustment can also be made between the neighboring villages if and when required</p> <p>There is no requirement for SEP.</p> <p>The Law of Notification ensures that all affected people are informed in writing.</p>		
Information Disclosure	<p>IFC emphasizes disclosure of information and expects the Borrower to provide Affected Communities with access to relevant information⁹ on: (i) the purpose, nature, and scale of the project; (ii) the duration of proposed project activities; (iii) any risks to and potential impacts on such communities and relevant mitigation measures; (iv) the envisaged stakeholder engagement process; and (v) the grievance mechanism.</p>	<p>Public participation meetings are conducted in accordance with the requirements of the national EIA Regulation as part of the EIA process. This allows consultation with the project-affected communities to a certain extent during the scoping phase of the national EIA process.</p> <p>Upon completion, EIA disclosure is compulsory. Public disclosure/information meeting is officially announced 10 days prior to the meeting; the meeting is attended by an Officer from Provincial Directorate of Ministry of Environment and Urbanization.</p>	<p>Disclosure content is limited to EIA and does not include social issues/concerns.</p>	<p>Public disclosure is conducted according to IFC standards. SEP describes in detail Project disclosure. LRP and RAP will be disclosed according to SEP.</p>

⁹ Depending on the scale of the project and significance of the risks and impacts, relevant document(s) could range from full Environmental and Social Assessments and Action Plans (i.e., SEP, RAP, Biodiversity Action Plans, Hazardous Materials Management Plans, Emergency Preparedness and Response Plans, Community Health and Safety Plans, Ecosystem Restoration Plans, and Indigenous Peoples Development Plans, etc.) to easy-to-understand summaries of key issues and commitments. These documents could also include the client's environmental and social policy and any supplemental measures and actions defined as a result of independent due diligence conducted by financiers.

<p>Project-level Grievance Redress Mechanisms</p>	<p>Where there are Affected Communities, the client will establish a grievance mechanism to receive and facilitate resolution of Affected Communities' concerns and grievances about the client's environmental and social performance</p>	<p>Land acquisition process recognizes the right to object of the PAPs. Objections are recorded and responded in writing.</p> <p>In the expropriation process under national law, the owner's consent is not sought for the immovable property to be expropriated. Expropriation involves compulsory appropriation of the immovable property by the State for public interest. However, Expropriation Law No. 2942 allows that the owner and occupant of the immovable property subject to expropriation and other concerned parties may file actions against the expropriation procedure or appraised values and errors of fact before judicial courts.</p> <p>Reference can also be made to the Law on the Use of the Right to Petition no 3071 and Law on the Right to Information No 4982</p> <p>Right to Information No 4982 states "Institutions are required to apply administrative and technical measures to provide every kind of information and document, with the exceptions set out in this law, to provide the information for applicants; and to review and decide on the applications for access to information promptly, effectively and correctly."</p>	<p>There is no grievance mechanism requirement.</p>	<p>There is a grievance mechanism in place; grievances are recorded/responded and necessary actions are taken.</p>
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3.3.2. Specific Gaps Between Urgent Expropriation and IFC PS5 Standard

The finalized urgent expropriation list is yet to be published. Negotiations by KGM are ongoing for the first phase of urgent expropriation. The field study was undertaken prior to urgent expropriation decision. ERG commits to full replacement regardless of land acquisition method (expropriation or urgent expropriation). If needed additional studies will be conducted to assess impact of urgent expropriation.

The gaps between these national regulations and IFCs PS5 requirements are;

Table 3. Urgent Expropriation Gaps and Mitigations

Areas	Expropriation Law	PS5 Requirements and Mitigations
Public information disclosure, consultation and participation	No adequate provisions regarding public information, consultation and participation.	All affected people (their communicates, and any host communities) are to be provided with timely and relevant information, consulted on resettlement options, offered opportunities to participate in planning, implementing, and monitoring.
Eligibility & entitlement for compensation & assistance	Compensation and moving allowance are provided to property owners with legal title	Not only legal owners; renters, land holders/occupants without legal or customary title, tenant users of the land, legal/illegal users of forest areas, merchants without immovable property are to be entitled to expropriation compensation and moving allowance.
Compensation to users of public pasture land	No compensation for displaced persons benefiting from pasture lands.	Persons losing access to pastures or other land-based resources should be compensated.
Replacement value/cost evaluation for immovable properties	Valuation of agricultural land depends on capitalization of annual net income calculated by taking market prices into account. For building; depreciation (for wear and tear) is deducted.	Compensation at full replacement cost. Valuation is to be in net terms, should allow the affected person to obtain replacement assets of equivalent value. Where secondary market does not exist, depreciation shouldn't be deducted.
Moving assistance and allowance	Provided only for the families who applied and entitled to government assisted resettlement. No provisions for self-resettlers.	Measures to provide assistance during relocation to all affected people, and development assistance for protecting vulnerable people, including informal land users.
Planning	Expropriation plans includes only cadastral information on properties to be valued and compensated.	Preparation of RAP and LRP in consultation with the affected people.
Monitoring	No provisions for monitoring the implementation or impacts of expropriation or resettlement.	Monitoring arrangements are to be in place during expropriation/resettlement implementation including livelihood restoration/community development programs
Grievance redress mechanism	No provisions for a grievance mechanism other than appealing to court.	Appropriate and accessible grievance mechanism is to be in place in order to receive and resolve affected people's complaints.

4. Valuation Framework

RAP Framework discusses in detail valuation methodology for expropriation (RAPF Chapter 8). This chapter explains valuation implementation.

4.1. Buildings and Assets

All valuations related to the project affected buildings and assets were made by the special Commissions established for this purpose in KGM, such as the AVC and the Purchasing Commission.

The prices determined by AVC according to specific criteria were submitted for the Purchasing Commission's review (ERG) established in KGM and if accepted presented to the owners. Any gaps between full replacement and KGM payments will be compensated by ERG for expropriation.

For the affected buildings, the Expedition-Value Charts determined by the Ministry of Environment and Urbanization for 2018 were used and the unit cost was calculated accordingly. Subsequently, the unfinished construction status of the existing structure was determined and the cost was reduced from the building cost. The unfinished construction status of the structure is calculated over 100 points. Finally, depending on the age and physical condition of the building, the depreciation rate was determined and the price proposed for the payment was finalized by subtracting from the determined building price.

Structures such as balconies and stairways in the buildings are calculated in the same way, but separately from the building and is included in the proposal.

In addition to the compensation for immovables, ERG deposited an additional 10 thousand TL¹⁰ to the bank accounts of the right-holders for each building, which is identified to be affected by the Project by the KGM. However, to benefit from this additional compensation, the right-holder must have signed a "Certificate of Consent" stating that he will evacuate the residence and will not claim any legal rights.

Immovable valuation and payment process details are shown in the below figure 6.

¹⁰ Transitional support, resettlement assistance, including moving allowance or assistance to move per each building approved by the KGM in exchange for Certificate of Consent, transaction costs and legal fees related to land acquisition or expropriation process and other minor costs

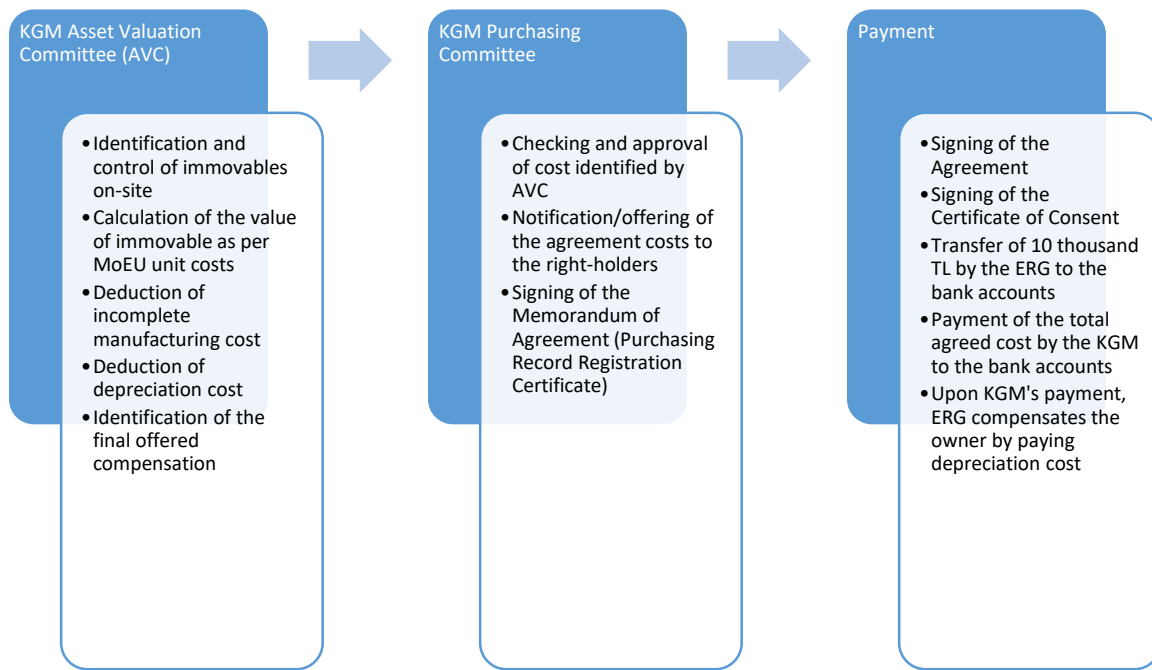


Figure 2. Immovable Valuation and Payment Process

If there are affected trees, the amount for the trees should be added to the offered compensation. The compensation for trees are determined according to the types and ages of them. The list of payments made by the KGM and ERG to the household, which provided the basis for the agreements, is presented below. Details are shown in the below table.

Table 4. Payments to the households with which the agreements were made

KGM Household with which the agreements were made	13 households/16 families in total
Number of Affected Residences Under Construction	1
Number of Affected Ruins	1
Total number of affected residential structures	14
Number of Affected Households	13
Total number of affected buildings	16
ERG Number of Residential Buildings/Constructions Supported (Building/10 thousand TL)	14
Number of Affected Trees	430
A Habitable Residence MoEU Value (Balcony, stairs, other outbuildings etc. included) (TL) (Full compensation cost)	1,760,735
B Incomplete Manufacturing Cost Deducted Value (TL)	1,687,997
C Depreciation Cost Deducted/Offer Value (TL)	1,549,302
D Other outbuildings-structures (structures under construction/ruined structures) compensation offered (Incomplete manufacturing and depreciation cost reduced value)	853.63
E Tree compensation (TL)	52,067.58

F Compensation Offered by the KGM (TL)	1,602,768
Total payment made (KGM + ERG) (TL)	1,676,546
Conclusion	Agreement was reached with all 13 households.
Households provided with support payment by ERG	ERG provided 10 thousand TL support for each of 14 buildings
Total Incomplete Manufacturing and Depreciation Cost for Habitable Residence (TL)	211,331

Source: ERG, 2018

Based on all available data, agreement was reached with all 13 owners of the 16 buildings affected by the project and resettlement in Kümbet. By this means, 100% of the houses were acquired from the households upon their consent. The total payment made by the ERG and KGM is 1,676,546, and the average cost per household is 136,161.06 TL. The highest paid household received 303,270.70 TL while the lowest paid household received 31,803.80 TL. The detailed information about the households is shown below table.

Table 5. Compensations Offered to Households in Kümbet and Status of Agreement

No	HH1	HH2	HH3	HH4	HH5	HH6	HH7	HH8	HH9	HH10	HH11	HH12	HH13
Owner/User Type	Title owner, non-resident, sole owner	Title owner, permanent resident, sole owner	Title owner, seasonal resident, sole owner	Title Owner, permanent resident, shareholder	Title Owner, permanent resident, shareholder	Title Owner, permanent resident, shareholder	Title Owner, permanent resident, shareholder	Title owner, permanent resident, sole owner	Title Owner, permanent resident, shareholder	Title Owner, permanent resident, shareholder	Title Owner, permanent resident, shareholder	Title Owner, permanent resident, shareholder	Public land, title owner, permanent resident
Number of families affected by the resettlement	0 - not affected as s/he does not reside in there	1 - own family	0 - resides in Nevşehir; not affected as s/he seasonally resides in there	1 - own family	1 - own family	1 - own family	2 - own family and son and daughter-in-law	2 - own family and mother	0 - affected structure is under construction	1 - own family	1 - own family	1 - lives alone, on her own	2 - own family and son and daughter-in-law
Number of Affected Residences Under Construction	0	0	0	0	0	0	0	0	1	0	0	0	0
Number of Affected Ruins	1	0	0	0	0	0	0	0	0	0	0	0	0
Total number of affected residential buildings	1	1	1	1	1	1	1	2	0	1	1	1	2
ERG Number of Residential Buildings/Constructions Supported (Building/10 thousand TL)	1	1	1	1	1	1	1	2	1	1	1	1	1
Number of Affected Trees	2 (1 apple+1apricot)	115 (100 vine+ 1 almond + 2 walnut+3 elaeagnus+9 apricot)	0	129 (100 vine+9 almond+12 walnut +7 plum+1apricot)		26 (1 mulberry+1 apple+7 plum+11 apricot+3 cherry+ 3 walnut)	0	127 (100 almond+9 walnut+1 apple+9 plum+8 apricot)	0	0	0	0	31 (26 walnut, 1 apple, 3 plum, 1 elaeagnus)
A Habitable Residence MoEU Value (Balcony, stairs, other outbuildings etc. included) (TL)	103,262.50	126,911.19	94,341.82	124,867.30	115,404.86	305,137.29	93,677.94	246,734.50	118,080.00	104,666.21	116,789.94	25,662.26	277,199.36
B Incomplete Manufacturing Cost Deducted Value (TL)	100,107.43	126,753.49	91,503.75	123,256.73	100,304.99	302,521.05	93,677.94	237,786.52	25,977.60	99,149.28	113,414.95	24,183.22	249,360.48

C Depreciation Cost Deducted/Offer Value (TL)	80,901.04	110,264.34	85,970.89	108,562.34	99,759.73	282,520.32	81,816.56	212,130.10	24,418.94	92,832.88	104,186.86	21,803.80	244,133.98
D Other outbuildings-structures (structures under construction/ruined structures) compensation offered (Incomplete manufacturing and depreciation cost reduced value)	853.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
E Tree compensation (TL)	498.17	3,600.13		2,852.82	2,635.83	10,750.38	0.00	9,888.95	0.00	0.00	0.00	0.00	21,841.30
F Compensation Offered by the KGM (TL)	82,252.83	113,864.47	85,970.89	111,415.16	102,940.82	293,270.70	81,816.56	222,019.05	24,418.94	92,832.88	104,186.86	21,803.80	265,975.28
Total payment made (KGM + ERG) (TL)	92,252.83	123,864.47	95,970.89	121,415.16	112,940.82	303,270.70	91,816.56	242,019.05	34,418.94	102,832.88	114,186.86	31,803.80	275,975.28
Result	Agreement reached	Agreement reached	Agreement reached	Agreement reached	Agreement reached	Agreement reached	Agreement reached	Agreement reached	Agreement reached	Agreement reached	Agreement reached	Agreement reached	Agreement reached
Date of Agreement	06.06.18	11.06.18	28.08.18	28.08.18	31.08.18	27.08.18	27.08.18	27.08.18	28.08.18	28.08.18	28.08.18	28.08.18	31.10.18
The date on which the money was deposited to the bank account by the ERG	04.09.18	04.09.18	04.09.18	04.09.18	18.09.18	04.09.18	04.09.18	04.09.18	04.09.18	04.09.18	04.09.18	04.09.18	04.09.18
The date on which agreed compensation was deposited to the bank account by the KGM	08.08.18	06.09.18	07.09.18	17.09.18	11.09.18	17.09.18	17.09.18	17.09.18	24.09.18	07.09.18	24.09.18	24.09.18	14.11.18
Total Incomplete Manufacturing and Depreciation Cost for Habitable Residence (TL)	22,361.46	16,646.85	8,370.93	16,304.96	15,645.13	22,616.97	11,861.38	34,604.40	1558.66 TL (Only depreciation cost included)	11,833.33	12,603.08	3,858.46	33,065.38

Source: ERG, 2018

5. Land Acquisition Process and Acquisition of Immovable Assets

5.1. Land Acquisition Process

Though the Project has tried to minimize its land requirements during the design and planning phase, both public and private lands will need to be acquired for the construction of the motorway. Land acquisition can be conducted by using expropriation and/or LC. The primary approach to land take in the Project was to apply LC, due to creating less negative impacts on land based livelihoods and reducing costs for land take. KGM in its efforts, has tried to maximize the application of LC however certain cases have required for expropriation practices to be adopted.

LC is the process where fragmented, scattered and unfavorably shaped land parcels under private ownership are optimally rearranged and recombined in suitable geometrical shapes to facilitate modern agricultural practices and irrigation¹¹. On-farm investments complement LC in order to provide farmers access roads, on farm irrigation and drainage system, land leveling and soil reclamation services. Under national legislation, LC allows eligible PAPs who lose their lands to be compensated through providing land of similar quality and size. This transaction also includes compensation of trees, structures, wells, fences, etc. that may be impacted by LC.

In LC, the Project Affected Persons (PAPs) do not lose their agricultural lands that are located within Project land acquisition corridor, instead they are provided with replacement land by using the Treasury lands available in each settlement. Only, the locations of their lands change and if they have fragmented lands distributed at different locations within their village, they will be consolidated. Expropriation on the other hand results in loss of land in lieu of cash compensation.

In cases where LC was not an option, through its public interest decision KGM has applied land acquisition through expropriation. Although efforts were made to acquire land through negotiated settlements as per Article 8 of the Expropriation Law, KGM eventually needed to resort to an urgent expropriation process to acquire land as the designated state authority responsible for expropriation in this Project.

ERG's role in expropriation is to provide technical and administrative support as well as technical and other equipment, in line with the requests of the KGM for the effective and timely implementation of land acquisition process. ERG does not have the right to intervene in the expropriation process; its only role is for asset inventory submission to KGM. Once, the inventory is submitted, the decisions on expropriation and execution of the expropriation process lies with KGM. The land acquisition (land consolidation/expropriation) corridor for the Motorway will be minimum 100 m extending up to 500 m at the locations of embankment areas, interchange, service areas, etc.

ERG is also liable for the payment of up to 50 million TL of the expropriation cost. The KGM will be liable to pay the expropriation costs exceeding this limit. The valuation procedure is compliant with national legal requirements.

The organizational responsibilities of the GDAR, KGM and ERG are given in Figure 2.

¹¹ Ceylan Ali Riza, Satana Suha, Sert Atakan "The Turkish Experience in Consolidation of Irrigated Land: Productivity and Efficiency Implications" Responsible Land Governance: Towards an Evidence Based Approach, World Bank Conference on Land and Poverty, Washington DC. March 20-24, 2017 https://www.conftool.com/landandpoverty2017/index.php/07-11-Satana-483_paper.pdf?page=downloadPaper&filename=07-11-Satana-483_paper.pdf&form_id=483&form_version=final

	<div> <div>MINISTRY OF AGRICULTURE (GDAR)</div> <div>Governmental Agency responsible from Land Consolidation</div> </div>	<div> <div>MINISTRY OF TRANSPORT (KGM)</div> <div>Project Owner and the Governmental Agency Responsible from Expropriation</div> </div>	<div> <div>PROJECT COMPANY</div> <div>PCU</div> </div>
Start of Land Consolidation (LC) by GDAR	<ul style="list-style-type: none"> GDAR is conducting LC in the region for the last 6 years. A protocol was signed between GDAR and KGM on March 8, 2017 that allows land consolidation method to be used. As of January 2019, GDAR completed LC for 70% of the affected settlements. 		<ul style="list-style-type: none"> Project Company has retained a technical consultant on behalf of KGM (as required by the BOT Contract) to conduct field engineering works for the preparation of expropriation plans.
Financial Close - FC (June 2018)	<ul style="list-style-type: none"> For the outstanding parcels, GDAR will continue the LC process and aims to complete the land consolidation process for the entire Motorway in 2019. 	<ul style="list-style-type: none"> KGM will approve the expropriation plans prepared by the technical consultant and conduct the expropriation works in settlements where land consolidation is completed (gradually along the Motorway depending on the construction plan of the Project Company) in accordance with the Expropriation Law. 	<ul style="list-style-type: none"> Project Company (at the senior management level) will consult with KGM to: <ul style="list-style-type: none"> access the land acquisition data of GDAR and KGM understand the compensations to be provided by KGM to the PAPs in accordance with the national legislation discuss the framework of the LRP/RAP entitlements it plans in line with IFC PSs. Based on the outcomes of the consultations with KGM, Project Company will retain external livelihood and resettlement specialists to initiate detailed LRP/RAP field surveys and develop LRP/RAP in line with IFC PSs.
6 months after FC (Q1 2019)		<div>KGM will continue to conduct expropriation works as necessary</div>	<ul style="list-style-type: none"> On behalf of the Project Company, external LRP/RAP specialist will develop the LRP/RAP. Since the land acquisition planning and execution works along the Motorway progress gradually, the LRP/RAP may be developed in phases depending on the availability of land acquisition data. Throughout the development of LRP/RAP, Project Company's senior management will continuously consult with KGM. The CLO of the Project Company will work in close collaboration with the LRP/RAP specialists to develop livelihood restoration and resettlement measures.
9 months after FC (Q2 2019)			<ul style="list-style-type: none"> Project Company will start implementation of the LRP/RAP measures in consultation with KGM. Project Company will update LRP/RAP as necessary with the availability of additional land acquisition data (if there is any).

Figure 3. Organizational Responsibilities

5.2. Acquisition of Assets

Land consolidation enabled land acquisition. However, according to the current legislation, KGM does not need to perform expropriation for the acquisition of immovables on the land.

Council of Ministers made a decision as to the acquisition of immovables by KGM through the expropriation method based on the award decision of public utilities no.146 dated 07.04.2017. Therefore, Asset Valuation Commission (AVC) was established within the body of KGM. AVC identified and examined the immovables on-site, and accordingly, determined compensation offers based on the incomplete manufacturing and depreciation cost.

Then, a Purchasing Commission (SAK) was established within the body of KGM. SAK made offers to the legal owners of immovables in accordance with Article 8 of the Expropriation Law No.2942 not exceeding the expropriation costs determined by AVC.

Once an agreement is reached with the owner of the immovable, SAK and legal right-holder sign a Purchasing Record Registration Certificate. In addition to this document, the legal right-holder is requested to sign a Certificate of Consent stating that s/he will not claim any rights as s/he will allow for entry to the land to initiate the works before the expropriation process is finalized, support will be provided for moving expenditures of households, and that s/he will evacuate the land within the agreed time. In exchange for the Certificate of Consent, ERG deposits 10 thousand TL to the bank account of the legal right-holder per building approved to be affected by the project by KGM without waiting for the expropriation process to be finalized.

The immovable acquisition process is completed once the KGM deposits the expropriation cost to the bank account of legal right-holder and the title deeds of immovables are handed over.

Below Figure 3 shows immovable acquisition process.

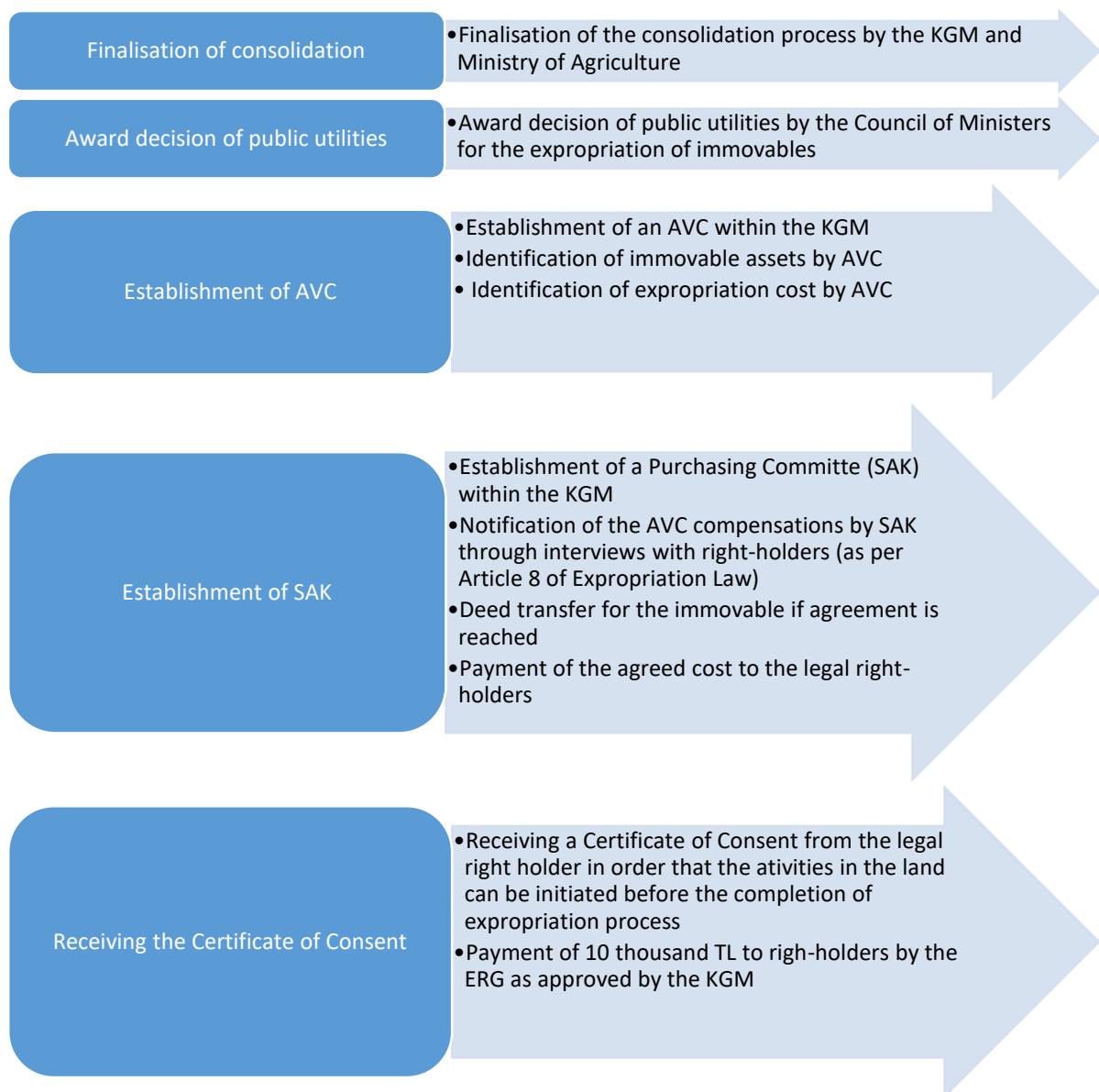


Figure 4. Immovable Acquisition Process

6. Socio-Economic Baseline

The socio-economic status of the Project impacted settlements and PAPs were determined through the field survey and other data retrieved through desk review. Below sections provide information on the socio-economic indicators of the impacted communities. Main findings of the results of 16 surveys conducted with PAPs impacted from acquisition of homes is presented below.

6.1. Residency Status

Among the interviewed households, 93.7% (15 households) are permanent residents while 6.3% (1 household) are seasonal residents. The seasonally residing household resides in the neighboring village, and some of their landland is located in another village. Related table is below.

Table 6. Residency Status in the Settlement of Interviewee by Settlement

Residency Status in the Settlement	Settlement	No of Households	% of Total Households
Permanent	Evren	2	12.5
Permanent	Kümbet	11	68.6
Permanent	Sarıyahşi	1	6.3
Permanent	Yıldıztepe	1	6.3
Seasonal	Hasaköy	1	6.3
Total		16	100

Source: Socio-economic Household Survey 2018

6.2. Socio-Economic Status of Head of Households (HH)

Among the interviewed households, heads of 93.7% (15) are male whereas 6.3% (1 household) is female. All male heads of households are married, whereas the female is a widow.

The average age of the heads of households is 50.3.

Among the heads of the households, 50% are primary school graduates, 37.4% are secondary school graduates and 12.5% are illiterate.

Among the heads of the households, 25% are farmers, 43.75% are self-employed and 12.5% are retired. Among the remaining, 12.5% are unemployed, and there is one elderly unemployed lady on state benefits.

When the social security status of the heads of households is examined, it was seen that 43.7% of them are registered to social security institutions and the rest have general health insurance¹². 1 person has no social security insurance (SSI).

One of the household heads is an in-need/vulnerable elderly person, and one has chronic health problems. Below table shows demographic information of household heads.

Table 7. Demographic Information of Household Heads

Demographic Information of Household Heads	Number of Household Heads	% of Total Household Heads
<u>GENDER</u>		
Female	1	6.3

¹² General health insurance payments depend on personal income; and citizens who do not have financial means to pay for social security, can apply for an income test and benefit from free healthcare service provided to poor households under general health insurance. http://www.sgk.gov.tr/wps/portal/sgk/tr/calisan/gss_ tescil_sureci/gel-test-islemi-nedir

Male	15	93.7
Total	16	100
<u>AGE</u>		
26-35	2	12.5
36-45	4	25
46-55	5	31.3
56-65	2	12.5
66-+	3	18.7
Total	16	100
<u>MARITAL STATUS</u>		
Married	15	93.7
Widow/er	1	6.3
Total	16	100
<u>EDUCATION</u>		
Illiterate	2	12.5
Elementary School	8	50
Middle School	6	37.4
Total	16	100
<u>WORKING STATUS/OCCUPATION</u>		
Farmer	4	25.00
Artisan/Merchant/Self-Employed	7	43.75
Retired	2	12.50
Unemployed	2	12.50
Total	16	100
<u>SOCIAL SECURITY STATUS</u>		
SSI	7	43.7
GHI	8	50
None	1	6.3
Total	16	100
<u>DISABILITY</u>		
Chronic Patient, has Health Issues	1	6.3
Elderly in need of Nursing	1	6.3
Total	2	100

Source: Socio-economic Household Survey 2018

6.3. Demographic Composition of Project Affected Households (PAPs)

The total number of people living in 16 households is 74. 43% of household members (32 persons) are female while 57% are male (42 persons).

Among the household members, 26% are housewives, 23% are students, 18% are self-employed, 11% are farmers, 5% are children, and 3% are retired. Below table shows distribution of household members.

Table 8. Distribution of Household Members

Occupation	Number of Household Members	% of Total of Household Members
Housewife	19	26
Student	17	23
Artisan/Merchant/Self-employed	13	18
Unemployed	10	14
Farmer	8	11
Child	4	5
Retired	2	3
Total	73	100

Source: Socio-economic Household Survey 2018

69% of the households are nuclear families (11 households), 6% live alone (1 person), and 24% are extended families. The distribution by family types is shown below table.

Table 9. Family Types of Households

Family Types	Number of Family Types	% of Total Family Types
Single (Widow)	1	6
Nuclear Family (parents and children)	11	69
Extended Family 1 (Nuclear family + grandmother)	1	6
Extended Family 2 (Nuclear family + grandparents)	1	6
Extended Family 3 (Nuclear family + son and daughter-in-law)	1	6
Extended Family 4 (Nuclear family + grandmother + son and daughter-in-law)	1	6
Total	16	100

Source: Socio-economic Household Survey 2018

6.4. Income and Expenditure

6.4.1. Income Sources

The main income sources of the 16 interviewed households are: self-employed (56.9%-9 persons), agriculture (19%-3 persons), livestock production (13%-2 persons) and civil servant and those with no income/living off state aid (6% - 1 person each).

There are 6 households with side income. These side incomes include retirement pension, agriculture and livestock production. Details are shown in the below table.

Table 10. Income Types of Households

No	Income Types	Number of Households	% of Households
A	Basic Income		
	Self-employed (peddler, instrumentalist etc.)	9	56
	State aid - no income	1	6
	Agriculture	3	19
	Civil servant	1	6
	Livestock Production	2	13
B	Number of Households with Side Income		
	Retirement	3	50
	Livestock Production	1	17
	Agriculture	2	33

Source: Socio-economic Household Survey 2018

There are 6 households with additional income sources, and they constitute 37% of the total households. Details are shown in the below table.

Table 11. Main Livelihoods of Households

Income Sources		Number of Households	% of Households
A	Basic Income		
1	Self-employed (peddler, instrumentalist etc.)	9	56
2	State aid - no income	1	6
3	Total	10	63
B	Basic Income + Additional Income		
1	Basic Income Agriculture + Retirement income	2	13
2	Basic Income Agriculture + Additional Income from Livestock Production	1	6
3	Basic Income Paid Income + Additional Income from Agriculture	1	6
4	Basic Income Livestock Production + Additional Income from Agriculture	1	6
5	Basic Income Livestock Production + Additional Income from Agriculture and Retirement	1	6
6	Total	6	37
C	Grand Total (A+B)	16	100

Source: Socio-economic Household Survey 2018

6.4.2. Expenses

The households were asked about their main expenditures areas. The only expenditure of 63% of households is household expenditures¹³.

37% of them have agriculture and/or livestock production expenditures in addition to the household expenditures. Details are shown in the below table.

Table 12. Expenditure Types of Households

No	Expenditure Types	Number of Households	% of Households
A	Basic expenditure- only the household expenditure	10	63
B	More than one basic expenditure	6	37
	Basic expenditure household + side expenditure agriculture	2	13
	Basic expenditure household + agriculture	1	6
	Basic expenditure livestock production + side expenditure household + agriculture	2	13
	Basic expenditure agriculture + side expenditure + livestock production	1	6

Source: Socio-economic Household Survey 2018

6.4.3. Social Aid

Almost one third of the PAHs receive social aid. In 5 of the 16 interviewed households, there are members that receive state aid (retirement pension, disability pension/disability care allowance, elderly care allowance). This corresponds to 31% of all households. Social aid is an important component that illustrates PAPs' vulnerability.

6.4.4. PAPs Perception of Their Livelihood

In the interviews, almost all of the PAPs (15 of the 16 households) stated that they struggle to make a living, while only 1 household stated that its subsistence level was moderate. This indicates that almost all households identified themselves having poor financial conditions below table "How well does Your Livelihood Meet Your Household's Fundamental Needs?"

Table 13. Households Identified Themselves

How well does Your Livelihood Meet Your Household's Fundamental Needs?		
	Number of Households	%of Households
Medium	1	6.3
Hardly	15	93.7
Total	16	100.0

Source: Socio-economic Household Survey 2018

¹³ Household expenditures include food, heating, transportation, education, and health expenditures.

7. Potential Impacts on Livelihood and Physical Displacement

7.1. Ownership of the Immovables Affected by the Project

In the interviews, 15 PAHs stated that they own the houses, and they are the main users. One PAH in Kumbet, stated that he uses his house without paying any rent to the owner. He is the only identified user that will be impacted from physical resettlement who does not have proof of ownership/user. However, there is a complicated background to his residency and legal user status. According to his statements, he bought the house from the owner, but could not transfer the title deed into his name, because the owner had a blood feud and had to give the residence to another person as a compensation for the feud. He does not have any proof of his purchase or official alibis that could provide with written statements to prove his right of ownership.

Two of the affected structures are located on public land while the rest are located on individual parcels. Both of the structures located on public land belong to the same person. ERG provided financial assistance to this household in order for the title deeds to be issued.

Details are presented in Appendix A House Inventory Report.

7.1.1. Affected Household Types and Numbers in Kumbet

PAP groups identified through the activities conducted by ERG before and after the field study for the preparation of RAP are specified below;

The types of affected households are as follows;

- Households with owners/title owners (11 households)
- Permanently residing households with owners but no title deeds (1 household)
- Households that have a user but have no owner (1 household)

Households with owners/title owners whose constructions are affected (1 household)

7.1.2. Affected Vulnerable Groups and Numbers in Kumbet

The plan is to provide assistance to the following vulnerable groups;

- Households with unemployed members
- Households with needy elderly members
- Households with students at primary-secondary and high school education level
- Households with members with chronic health problems and/or disability
- Single member households in need of care.

In line with this, a total of 23 vulnerable people from 15 households will be provided with supports under the project. Details are shown in the below table.

Table 14. Vulnerable Groups to be Provided with Assistance

Kumbet	Total house hold size	Total vulnerable group	Elderly/Needy	Unemployed	Student	Female household head/widow	With chronic health problems/with disabilities
Household 1	1	1	1			1	
Household 2	3	1			1		
Household 3	4	2			2		
Household 5	4	2			1		1
Household 6	5	2			2		
Household 7	6	2		1	1		
Household 8	6	4	1		3		

Household 9	6	7	2	1	2		2
Household 10	7	1					1
Household 11	9	1			1		
Household 12					2		
Household 13					2		
Total	51	23	4	2	17	1	4

Source: Socio-economic Household Survey 2018

7.2. Ownership of Additional Homes/Residences

50% of the PAHs, whose houses and structures are affected also have another house or residence that they can reside in. All of the PAPs, who do not have any other homes/residences, live in Kümbet (8 PAHs). Details are shown in the below table.

Table 15. Residential Assets of Households

Do You Have Another House?	No. of Households	(%) of Households
A Have Another House		
Evren	2	12.5
Hasaköy	1	6.3
Kümbet	3	18.8
Sarıyahşi	1	6.3
Yıldıztepe	1	6.3
Total	8	50.0
B Do Not Have Another House		
Kümbet	8	50.0
C Total (A + B)	16	100.0

Source: Socio-economic Household Survey 2018

7.3. Main Findings of Field Study

7.3.1. Project's Impact on Houses, Other Structures and Assets

7.3.1.1. Structures Used/Planned to be Used for Residential Purposes and Number of PAHs

All structures used/planned to be used for residential purposes that are subject to physical displacement are located in Kümbet settlement of Ortaköy district of Aksaray province. The total of these structures is 16, of which 14 are residences, 1 is an unfinished construction and 1 is ruined.

In the study, a distinction was made between the households impacted **by the project through loss of assets**, and the households **affected by physical displacement**. Hence, the PAHs, who were permanent residents prior to Project cut-off date, are categorized as PAHs impacted from physical displacement. There are 11 PAHs that need to be physically resettled, who are all from Kumbet. 10 of these PAHs are owners while 1 is a user.

There are 3 PAHs whose assets are impacted, but their residency statuses are not affected (no involuntary resettlement). These PAHs are either seasonal residents and use the asset temporarily, or the asset in question is under construction. Details are shown in the below table, "Households and Families in Kümbet Whose Structures are Affected by the Project, Resettlement Preferences".

Table 16. Resettlement Preferences of PAHs

No	Number of Affected Households*	Number of Affected Families*	Number of Affected Buildings	Ownership Status	Residence Status	Place of Residence	Resettlement Preference
1	1	1	1	Owner	Permanent	Kümbet	Kümbet
2	1	2	2	Owner	Permanent	Kümbet	Kümbet
3	1	1	1	Owner	Permanent	Kümbet	Kümbet
4	1	1	1	Owner	Permanent	Kümbet	Aksaray
5	1	1	1	Owner	Permanent	Kümbet	Kümbet
6	1	2	1	Owner	Permanent	Kümbet	Kümbet
7	0	0	1	Owner	Seasonal	Nevşehir	Currently resides in Nevşehir
8	1	1	1	Owner	Permanent	Kümbet	Kümbet
9	1	1	1	Owner	Permanent	Kümbet	Kümbet
10	1	1	1	Owner	Permanent	Kümbet	Kümbet
11	0	0	1	Owner	Permanent	Kümbet	His structure under construction is affected. Currently resides in Kümbet
12	1	2	1	User	Permanent	Kümbet	Undecided
13	0	0	1	Owner	Non-resident	Ortaköy	Currently resides in Ortaköy
14	1	2	2	Owner	Permanent	Kümbet	Kümbet

Source: Socio-economic Household Survey 2018

7.3.1.2. Non-residential Structures

There are non-residential structures such as huts, barns, and immovable assets such as trees on the land impacted by the Project. All assets impacted by the Project are analyzed below according to asset structure and type.

The non-residential buildings identified during the RAP study are below:

- 1 building is no longer in the impact area due to the change in the project design
- 9 structures are huts used for seasonal agricultural activities
- 1 building is an annex that is not used for agricultural activities
- 5 structures are wrecked, demolished or ruined
- The total of these structures is 16.

Table 17. Non-residential structures affected by the Project

NO	Groups	Settlement	District	Province	Number of Buildings
A	Structures not affected by the Project				1
A1	The structures which are no longer affected due to the change in the project	Gökçehöyük	Gölbaşı	Ankara	1
B	Structures affected by the Project				15
B1	Structures used for agricultural activities (hut, stable, warehouse etc.)				9
B1A	Vineyard hut and stable	Centre	Evren	Ankara	2
B1B	Vineyard hute and warehouse	Centre	Sarıyahşi	Aksaray	1
B1C	Agricultural hut with an irrigation well	Nevşehir Derinkuyu Yazıhüyük	Derinkuyu	Yazıhüyük	3
	Agricultural hut with an irrigation well	Yıldıztepe (İnli)	Centre	Niğde	1
B1	Agricultural hut with an irrigation well	Hasaköy	Centre	Niğde	2
B2	Annex to a building that is not used for agricultural activities (outbuilding of a villa)	Yavrucuk	Gölbaşı	Ankara	1
B3	Ruined, wrecked, demolished unused structures	Yavrucuk	Gölbaşı	Ankara	4
	Ruined, wrecked, demolished unused structures	Kümbet	Ortaköy	Kümbet	1

Source: Socio-economic Household Survey 2018

7.3.1.3. Other Immovable Assets

In Kümbet, affiliated to Ortaköy district of Aksaray province, a total of 430 trees of 6 households are affected by the resettlement. Details are shown in the below table.

Table 18. Affected Trees of Households in Kümbet

No	Household	Owner/User Type	Number of Affected Trees
1	Household 1	Title owner, non-resident, sole owner	2 (1 apple+1apricot)
2	Household 2	Title owner, permanent resident, sole owner	115 (100 vine+ 1 almond + 2 walnut+3 elaeagnus+9 apricot)
3	Household 3	Title Owner, permanent resident, shareholder	129 (100 vine+9 almond+12 walnut +7 plum+1apricot)
4	Household 4	Title Owner, permanent resident, shareholder	26 (1 mulberry+1 apple+7 plum+11 apricot+3 cherry+ 3 walnut)
5	Household 5	Title owner, permanent resident, sole owner	127 (100 almond+9 walnut+1 apple+9 plum+8 apricot)
6	Household 6	Title owner, permanent resident, sole owner	31 (26 walnut, 1 apple, 3 plum, 1 elaeagnus)
TOTAL			430 trees

Source: Socio-economic Household Survey 2018

Apart from the trees, other immovables of the households affected by the resettlement, which are not related with the residences, include stables, hens, warehouses, wire-netting fences etc.

The complete list of immovables affected by the project are presented in Appendix D.

7.3.2. Project's Impact on Land Use and Livelihoods

a. Impacted land and usage

Among the interviewed households, half of the PAHs (8 households) stated that they perform agricultural activities and both their structures and agricultural land are affected by the project; and the other 8 households do not engage in agricultural activities. Details are demonstrated below.

Table 19. Agricultural Activities of the Households

Household No	Village / Neighbourhood	Total Affected Agricultural Land (Decare)	Total Remaining Agricultural Land (Decare)	Percentage of the Impacted Land to Total Land Holdings %
1	Evren	27	25	52
2	Evren	40	17	70
3	Hasaköy	5	25	17
4	Kümbet	No agricultural activity		
5	Kümbet	No agricultural activity		
6	Kümbet	No agricultural activity		
7	Kümbet	No agricultural activity		
8	Kümbet	No agricultural activity		
9	Kümbet	No agricultural activity		
10	Kümbet	4	0	100
11	Kümbet	No agricultural activity		
12	Kümbet	No agricultural activity		
13	Kümbet	No agricultural activity		
14	Kümbet	10	0	100
15	Sarıyahşi	14	8	64
16	Yıldıztepe	5.5	15	27

Source: Socio-economic Household Survey 2018

While 2 (25%) of the households engaging in agricultural activities use the products obtained from the affected land for their own consumption, the remaining 6 households use them for income generation; 1 (12.5%) for their total income, while the other 5 households (62.5%) both sell and also use agricultural products for their own consumption. Details are shown in the below table.

Table 20. Use of Agricultural Products

Household No.	Annual Income (TL)
We Both Sell and Use (Almost half-half) (62.5%)	
Household 1	20,000
Household 2	25,000
Household 3	27,000

Household 4	40,000
Household 5	100,000
We Sell All of It (12.5%)	
Household 6	65,000
We Use All of It (25%)	
Household 7	-
Household 8	-

Source: Socio-economic Household Survey 2018

b. Affected Trees

7 of the interviewed households stated that they had trees in their affected land. Details are shown in the below table.

Table 21. Were There Trees on Your Affected Land by Project

Were There Trees on Your Project-Affected Land		
Settlement	No. of Households	(%) of Households
Evren	2	28.6
Hasaköy	1	14.3
Kümbet	3	42.9
Sarıyahşi	1	14.3
Total	7	100

Source: Socio-economic Household Survey 2018

c. Agricultural production

The agricultural crops that are most commonly cultivated by the affected households are wheat, corn, barley and potato. Details are shown in the below table.

Table 22. The most commonly cultivated agricultural crops

Most commonly cultivated crop rank	Evren	Hasaköy	Kümbet	Sarıyahşi	Yıldıztepe
1	Barley	Wheat	Vegetable	Barley	Potato
2	Grape	Potato	Corn	Wheat	Corn
3	Wheat	Corn	Clover	-	-

Source: Socio-economic Household Survey 2018

d. Livestock Production

Only 3 of the interviewed households perform livestock production activities. The performed livestock production activities include bovine production and backyard poultry. The households informed that they generate income from the livestock production activities; but the grazing areas are insufficient; and they outsource the animal feed. Details are shown in the below table.

Table 23. Livestock population of households

Ownership of Animals and Barn	No. of Households	Bovine	Poultry
Hasaköy	1	3	
Kümbet	1	75	250
Yıldıztepe	1	15	
Total	3	93	250

Source: Socio-economic Household Survey 2018

7.3.3. Livelihood Restoration

a. Livelihood Restoration Preferences

The socio-economic survey included questions on alternative income generation and livelihood restoration preferences of the PAPs. The PAHs were posed an open-ended question on key topics/areas they perceive as beneficial for livelihood restoration. PAHs' general emphasis was on livestock production, especially support for bovine production¹⁴, followed by irrigated farming supports and employment opportunities. The responses of PAHs preferences for livelihood restoration measures are summarized in below table.

Table 24. Livelihood Restoration Alternatives Proposed by the PAHs

Livelihood Restoration Alternatives	No. of Households	(%) of Households
Bovine Supports	8	33
Employment	4	17
Irrigation/Irrigated farming supports	4	17
Farming Inputs (Fertiliser, oil etc)	2	8
Housing Supports	2	8
Poultry	2	8
Additional farming land	1	4
Education supports for children	1	4
Total	24	100

Source: Socio-economic Household Survey 2018

b. Local Employment

Out of the interviewed households, in 5 of the PAHs, there are family members who could work for the Project. The possible positions vary from unskilled labour to automobile driver. Details are shown in the below table.

¹⁴ Even though 3 PAHs perform livestock production more than 3 PAHs are interested in livestock production support. PAHs believe that they would gain income from livestock production and they would earn money from selling the animals and their products.

Table 25. Local Employment Interest

No	Settlements	Household Members That Could Work in the Project
1	Evren	1
2	Kümbet	3
3	Kümbet	1
4	Kümbet	1
5	Yıldıztepe	3
Total		9

Source: Socio-economic Household Survey 2018

7.3.4. Compensation Spending

Households were posed a question on how they would use their compensations and their responses are as the following:

- To find/build a house in their current settlements (13 responses)
- To buy an urban house (2 responses)
- To buy a bovine (2 responses)
- To pay off debts (2 responses and
- To buy a field in the village (1 response).

The below table shows distribution of the responses across settlements.

Table 26. Compensation Utilization Preferences of the Households

Settlement s/HH	To find/build a house in their current settlements	To buy an urban house	To buy bovine	To pay their debts	To buy a field in the village
Evren	1		1		
Hasaköy				1	
Kümbet	11	2			
Sarıyahşi	1				
Yıldıztepe			1	1	1
Total	13	2	2	2	1

Source: Socio-economic Household Survey 2018

7.3.5. Resettlement Preferences and Trends

The resettlement impact of the Project is dominantly in Kümbet village located in Ortaköy district of Aksaray province. Apart from this settlement, there are no residential buildings affected in other settlements until now. Therefore, the physical resettlement of the Project impacts only the owners and users of the residences in Kümbet settlement since land acquisition process with expropriation has not yet been completed.

9 out of **14** PAHs affected in Kümbet plans to resettle in Kümbet while 1 PAH plans to resettle in Aksaray District Centre. All of these households are the owners of their residential buildings. The resettlement

status of 1 household, which is the user, is uncertain. During the interview conducted with the head of the household, it was reported that their socio-economic status is not sufficient for resettlement.

1 household does not reside in the village but resides in Ortaköy District of Aksaray. 1 household seasonally resides in the village, and permanently resides in Nevşehir. It was found out that 1 household whose construction was affected also resides in Kümbet.

7.3.6. Vulnerable Groups

Amongst all PAHs that are impacted by acquisition of houses/structures, PAHs within Kümbet Village in Ortaköy District of Aksaray Province are the only ones who will be impacted from physical displacement. There are two reasons for this; the first is that the structures affected in other settlements are not used as main residences or homes but rather are temporarily used hut like buildings. The second is some of the PAHs in the other settlements PAHs have second homes and alternative residences that they can use for permanent residence and hence are not physically resettled.

For the ANM Project, vulnerable groups that are expected to be affected by the project include the following household members:

- Elderly (in need of care, dependent on others) (4 persons),
- Unemployed (2 persons),
- Students (17 persons),
- Female household heads (1 person) and
- Members with chronic health problems/members with disabilities (4 persons).

The total number of people in the affected vulnerable group is 23. The ratio of vulnerable groups to total household members is 42%, which is quite high.

One PAH requires particular attention among the vulnerable groups. This PAH is the only home user identified during field work that will be impacted by Project's resettlement, that does not have proof of ownership/user. While he has no proof of ownership of title/deed to the home he is using without any rental payments. He is unemployed, married with 2 children and lives with his father, who has **Alzheimer's disease**, and his **bedridden mother**. As they are the users of the residence and there is more than one vulnerable group in the household, mitigation measures developed for vulnerable groups will include this household.

Another PAH that has to be targeted amongst vulnerable groups is the female household head who is a vulnerable elderly person. She lives alone and has a son whose residence is also affected by the project. During the interview, she stated that she was living off state aids. The residence of this person is also impacted. She is illiterate. Both due to her age and her education level, she is not capable of going through the resettlement process (finding or building a house etc.) on her own. Therefore, this PAP needs to be monitored, and necessary support has to be provided throughout the resettlement process.

In addition, the resettlement process might have negative impacts on students due to location and/or school change. Since the families need to move and relocate, the children might have difficulties in adapting to the new settlement and new school. This could result in negative impacts on the children's success.

8. Eligibility Framework and Entitlement Matrix

The entitlement matrix table presents a final eligibility framework and entitlement matrix for the RAP specifying the entitlement topics that will be addressed for physical displacement impact of the Project. ERG is committed to implement resettlement process according international standards (i.e. IFC PS5) in collaboration with KGM. To achieve this objective, ERG has developed a RAP based on this study for the development of the specific entitlement measures within the scope of this RAP. An additional budget (RAP fund) and human resources for the implementation of the RAP will be allocated.

Cut-off date is defined as the date of completion of the census and assets inventory of persons affected by the Project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated. For RAP (only for Kumbet village) census was completed by GDAR related with land consolidation evaluation studies on April 2017 (before the Project) and all new titles were given to the owners. For other houses which are in RAP's scope, census will be completed once the expropriation plans are completed and approved. Therefore, cut – off date differs zone by zone in accordance with the completion of expropriation studies by KGM.

For the Project, public interest decisions for the route were taken in 2011 and 2017. For the section between KM 0+000-145+000, valuation of assets has been completed by the related governmental agencies. The process is at the stage of official notification to be made to PAPs by the officials as of April 2018. For the remaining section of the Motorway, the process is at the stage of valuation of assets as of April 2018. Notification of the PAPs will follow the completion of valuation.

Prior to land entry there will be full payment of all components to address PS5 (i.e. national valuation with depreciation, additional value paid to represent depreciation, cost of moving fees etc).

8.1. Entitlement Matrix

Table 27. Entitlement Matrix

No	Category of PAP	Number of Households	Type of Loss/Impact subject to Entitlement	Entitlement	Implementing Institution	Responsibility/Resource
1	Permanent residents with owners/title owners	11	Loss of residential houses (physical displacement) and other immovable assets due to land acquisition	<p>Cash compensation at full replacement cost (Payment of the expropriation compensation to the right-holder by including the incomplete manufacturing and depreciation cost) (For building constructions, only depreciation cost will be included to the expropriation compensation; incomplete manufacturing will not be included for the structures under construction or ruined structures)</p> <p>In kind material support for the households that will build their own houses</p> <p>Transitional support, resettlement assistance, including moving allowance or assistance to move and-10 thousand TL payment per each building approved by the KGM in exchange for Certificate of Consent, transaction costs and legal fees related to land acquisition or expropriation process and other minor costs</p> <p>Obtain house furnitures, equipments</p>	<ul style="list-style-type: none"> • KGM (Responsible for Expropriation) - Expropriation is valued at full replacement cost according to Turkish legal framework. • GDAR (Responsible for Land Consolidation) • ERG 	<ul style="list-style-type: none"> • On behalf of KGM, technical consultants (retained by ERG as per the BOT Contract requirements) identify the house value in accordance with criteria specified by the law; this considers cost of construction and market value but depreciation is deducted from market value. Thus, buildings are not compensated at full replacement value. • Following the financial close, ERG reviewed the expropriation plans and consulted with the KGM to identify and describe government resettlement measures. Based on the review and consultations, ERG developed this RAP to address the relevant requirements of IFC PS5 together with the government resettlement actions. Supplemental measures to bridge the gaps are consulted and agreed with KGM. Additionally, ERG consulted with the PAPs as part of the RAP field surveys understand and consider their preferences. Project Company also paid particular attention to negotiations and completed all land acquisition of immovable assets during mutual negotiation phase of the expropriation. • For the part to be compensated by the government according to legal procedures, ERG transferred the expropriation costs up to 50 million TL (from the expropriation budget defined in the BOT Contract) to KGM (once the expropriation process starts following the completion of land consolidation) and KGM will make the necessary payments. KGM will make payments for the expropriation costs exceeding

					<p>50 million TL.</p> <ul style="list-style-type: none"> Costs associated with the implementation of supplemental measures (e.g. for bridging full replacement cost, transitional support, moving allowance/assistance in identifying appropriate housing, benefiting from LRP program) in line with the RAP is covered by the RAP budget to be allocated by ERG. Loss of land will be compensated as described in the LRP. <p>Households have a right to use all salvaged material from their houses including but not limited to windows, doors, kitchen, bathroom, metals, woods etc. before demolishing the building.</p>
2	Owner of a house/property, without title deed, on a land with no legal right to the land, (the land has been used to construct building based on a mutual informal agreement done between the builder and the deed owner)	1	Loss of residential houses (physical displacement) and other immovable assets due to land acquisition	<p>Consultancy support for building registration certificate (this support does not include architectural project support.)</p> <p>Cash compensation at full replacement cost (Payment of the expropriation compensation to the right-holder by including the incomplete manufacturing and depreciation cost) (For building constructions, only depreciation cost will be included to the expropriation compensation; incomplete manufacturing will not be included for the structures under construction or ruined structures)</p> <p>In kind material support for the households that will build their own houses</p> <p>-Transitional support, resettlement</p>	<ul style="list-style-type: none"> ERG <p>• KGM currently follows an approach to identify the actual builder/owner of the houses based on evidence.</p> <p>The PAPs who will be accepted eligible by the KGM through this approach will be compensated by KGM from the expropriation budget. Accordingly, the Project Company will transfer the expropriation costs up to 50 million TL (from the expropriation budget defined in the BOT Contract) to KGM (once the expropriation process starts following the completion of land consolidation) and KGM will make the necessary payments. KGM will make payments for the expropriation costs exceeding 50 million TL.</p> <p>The PAPs who was not be accepted eligible by the KGM through this approach has been considered by the Project Company in the scope of RAP studies. Supplemental measures/entitlements to be developed for</p>

				assistance, including moving allowance or assistance to move and-10 thousand TL payment per each building approved by the KGM in exchange for Certificate of Consent		these PAPs as part of the RAP did consulted and agreed with KGM. The Project Company also consulted with the PAPs as part of the RAP field surveys to be conducted to understand and consider their preferences. Entitlements to be decided with KGM is provided by the Project Company from RAP fund. Households have a right to use all salvaged material from their houses including but not limited to windows, doors, kitchen, bathroom, metals, woods etc. before demolishing the building.
3	Formal users/tenants of house	1	Loss of residential houses (physical displacement)	<p>Advance notification</p> <p>-Moving allowance or assistance to move</p> <p>-In-kind material support for the households that will build their own houses</p> <p>-Provision of transitional support (2 thousand TL per month to cover the rental fee, heating and kitchen expenditures for 6 months)</p>	<ul style="list-style-type: none"> • ERG 	<ul style="list-style-type: none"> • Project Company informs Mukhtars in advance of demolition to enable the users to find other accommodation. • Project Company provides assistance and/or allowance for moving to new accommodation • Project Company provides transitional support for 6 months.
4	Residences under construction with owners/title owners	1	Loss of residential houses (physical displacement) and other immovable assets due to land acquisition	<p>(Payment of the expropriation compensation to the right-holder by including the incomplete manufacturing and depreciation cost) (For building constructions, only depreciation cost will be included to the expropriation compensation; incomplete manufacturing will not be included for the structures under construction or ruined structures)</p> <p>-10 thousand TL payment per each building approved by the KGM in exchange for Certificate of Consent,</p>	<ul style="list-style-type: none"> • KGM (Responsible for Expropriation) • ERG 	<ul style="list-style-type: none"> • On behalf of KGM, technical consultants (retained by ERG as per the BOT Contract requirements) identify the house value in accordance with criteria specified by the law; this considers cost of construction and market value but depreciation is deducted from market value. Thus, buildings are not compensated at full replacement value. • Following the financial close, ERG will review the expropriation plans (as soon as they become available) and consult with the KGM to identify and describe government resettlement measures. Based on the review and consultations, ERG will develop a RAP to address

				transition cost, transaction costs and legal fees related to land acquisition or expropriation process and other minor costs		<p>the relevant requirements of IFC PS5 together with the government resettlement actions. Supplemental measures to be developed as part of the RAP, their implementation schedule and budget (e.g. RAP budget to be allocated by ERG in addition to the expropriation budget) will be consulted and agreed with KGM. Additionally, ERG will also consult with the PAPs as part of the RAP field surveys to be conducted to understand and consider their preferences.</p> <ul style="list-style-type: none"> • For the part to be compensated by the government according to legal procedures, ERG will transfer the expropriation costs up to 50 million TL (from the expropriation budget defined in the BOT Contract) to KGM (once the expropriation process starts following the completion of land consolidation) and KGM will make the necessary payments. KGM will make payments for the expropriation costs exceeding 50 million TL. • Costs associated with the implementation of supplemental measures (e.g. for bridging full replacement cost, moving allowance/assistance in identifying appropriate housing, benefiting from LRP program) in line with the RAP will be covered by the RAP budget to be allocated by ERG. • Loss of land will be compensated as described in the LRP.
5	Other PAPs who have got the expropriation of structures that are used for livelihood purposes and non-residential buildings,		Loss of non-residential assets	Payment (Payment of the expropriation compensation to the right-holder by including the incomplete manufacturing and depreciation cost) (For building constructions, only depreciation cost will be included to the expropriation compensation; incomplete	<ul style="list-style-type: none"> • KGM (Responsible for Expropriation) • ERG 	<ul style="list-style-type: none"> • The expropriation of these structures is defined by LRP.

	including for buildings that are ruined and not currently used for farming or other livelihood activity			manufacturing will not be included for the structures under construction or ruined structures)		
6	<p>Vulnerable groups/persons</p> <p>2 unemployed persons,</p> <p>17 students</p> <p>4 elderly/needy persons</p> <p>4 persons with chronic health problems/disabilities</p>	23	Any type of loss/impact caused by physical displacement effecting vulnerable people	<p>Entitlements to be defined in the RAP in consultation with the KGM</p> <p>Local employment-</p> <p>In-kind material support for the households that will build their own houses</p> <p>-Local employment</p> <p>-One thousand TL support per student (stationery equipment, clothing, books, tablet etc.)</p> <p>-500 TL/month food allowance per individual for 6 months to households with needy elderly members</p> <p>-500 TL/month food allowance for 6 months to the female household head who lives on her own</p> <p>-Monitoring of households that have members with chronic health problems/with disabilities, and informing them of the process</p>	<ul style="list-style-type: none"> • ERG 	<ul style="list-style-type: none"> • Project Company identified specific vulnerable households/individuals (based on national Social Solidarity and Support Foundation's database and findings of the field surveys) affected by physical displacement in the scope of RAP and LRP studies and develop targeted mitigation measures with continuous consultation with the vulnerable people.

9. RAP Additional Support Measures

This section depicts additional support mechanism provided to PAHs in line mitigation measures described in the entitlement matrix. These measures aim to bridge the gap between national legal legislation and international standards; and ensure full compliance with international standards. In addition to RAP, a LRP that provides livelihood restoration supports to PAHs is also devised. LRP, building on RAP, analyzes and identifies both immediate and also long term impacts of project activities on displaced PAPs and communities on sustaining their incomes. Livelihood restoration strategy aims to provide PAPs with assistance in their efforts to restore their livelihoods. Support Provided by ERG

There are existing supports provided to households by the ERG. Accordingly;

- Support was provided to 1 household, whose affected residence is in public land, in order that they could obtain the title deed of the building, which is required to benefit from the expropriation as per the laws and regulations of Turkey. The support provided is 15 thousand TL in total, which is the project preparation cost required to obtain the building registration certificate. In this way, the residences in above-mentioned land could become legalized and relevant household could become right-holder. In October 2018, 30 truck-full of materials were granted to 3 households, whose residences are affected and who are to build new residences in Kümbet by their own means. The materials are to be used in construction works; and a loader and a grader were also provided to these households to facilitate the construction works.
- ERG provided 10 thousand TL transitional support, moving allowance, other minor costs, etc. per building for a total of 14 buildings (and a total of 13 households), completed structures and structures under construction included, in exchange for the Certificate of Consent, stating that ERG could enter the land without the completion of the expropriation process and legal right-holder will evacuate the residence and land. Agreements have been reached with all households benefiting from the supports and KGM.

9.1. Supports by ERG

Residences and other buildings and immovable assets affected by the resettlement will be expropriated by the KGM. While the values of immovables are determined during the expropriation process, KGM deducts the incomplete manufacturing and depreciation cost from the value of each immovable. These costs (incomplete manufacturing and depreciation cost) will be paid to the legal right-holders by the ERG. In this way, the full replacement cost of the affected immovables will be paid to right-holders.

The incomplete manufacturing cost will not be included in the calculation for residences under construction and for ruined structures; only the depreciation costs will be included. The main justification for this is that these structures are incomplete, unfinished, defective structures and no household resides in them.

In-cash moving allowance will be provided to 1 user household.

10 trucks of in-kind materials will be provided to each household which wants to build its own house in Kümbet settlement. These are additional to compensation payment.

Households have a right to save, use and carry the equipment (windows, doors, metals, woods etc.) of the buildings before demolishing of the building

For the completion of expropriation process, in-cash support is provided to legal right holders whose residences are affected for expenditures such as notary, title deed etc.

There is 1 household which the user of the residence in Kümbet. Within the scope of the transitional support, 1 thousand TL in-cash support was provided for 6 months in order to cover the rental fee, heating and kitchen expenditures.

Affected households will be given priority in local employment.

The following supports will be provided to vulnerable groups:

- 10 trucks of in-kind material support for the households that will build their own houses
- Priority in local employment
- One thousand TL support per student (stationery equipment, clothing, books, tablet etc.)
- 500 TL/month food allowance per individual for 6 months to households with needy elderly members
- 500 TL/month food allowance for 6 months to the female household head who lives on her own.

Finally, both legal right-holder households and residence users whose residences are affected could apply to and benefit from the livelihood improvement supports specified in LRP.

The implementation of the supports (documentation of the supports)will be performed by the CLOs on-site, and the activities will be reported to the central units of the ERG.

9.2. RAP Budget

RAP budget details are shown in the below table.

Table 28. RAP Budget

NO	RAP BUDGET ITEMS	Number of Households	TL
A	Acquisition of Residences and Other Immovables		
A1	Residence and immovable expropriation compensation by the KGM	13	1,567,085.87
A2	Tree expropriation compensation by the KGM	6	52,067.58
A3	Payment of expropriation difference costs by the ERG	13	211,331
A4	Payment of the immovable support to residence owners by the ERG in exchange for the Certificate of Consent (consent as to the ERG could enter the land before the expropriation process is completed and right-holder will evacuate the residence and land) and Transition support, transaction costs and legal fees related to land acquisition or expropriation process (10,000 TL per/KGM approved building)	13	140,000.00
A	Total	13	1,970,484.44
B	Resettlement Assistance		
B1	Moving allowance (for residence user, 1500 TL per household)	1	1,500.00
B2	Residence user transitional support (2,000 TL per month for 6 months)	1	12,000.00
B3	In-kind support to households that would like to build their own houses in Kümbet	10	10,000
B	Total	12	23,500.00
C	Social Assistance for Vulnerable Groups	Number of Individuals	TL
C1	One thousand TL in-kind support per student in order to prevent the negative impacts of the resettlement on students	17	17,000.00
C2	500 TL food allowance per/month needy individual for 6 months to households with needy elderly members	4	12,000.00
C3	500 TL food allowance for 6 months to the female household head who lives on her own	1	3,000.00
C	Total	22	32,000.00

D	Monitoring and Evaluation		
D1	Input Monitoring (Internal)		
D2	Output Monitoring (Internal)		
D3	Outcome monitoring (External)		
D4	Completion audit (External)		
D5	Total (to be completed by ERG)	Estimated	300,000.00
E	Total Budget (A+B+C+D)		2,325,984.44
F	Unexpected Inputs (E*0,05)		116,299.22
G	Final Total Budget (E+F)		2,442,283.66

10. Monitoring and Evaluation

10.1. Objective

The objective of M&E is to provide feedback to Project management on RAP during construction and operation of the Project and to identify problems/issues and successes as early as possible to allow timely adjustment of implementation arrangements. According to IFC PS1 ERG is to establish procedures to monitor and measure the effectiveness of the project, as well as compliance with any related legal and/or contractual obligations and regulatory requirements. ERG will collaborate with KGM in establishing and monitoring such mitigation measures. The SEP developed for the Project will also be used as a tool to give feedback to Project M&E mechanism.

10.2. M&E Components

The major components of a M&E framework are:

- Input Monitoring (or Progress monitoring) → Internal
- Output monitoring (or Performance monitoring) → Internal
- Outcome monitoring (or Impact monitoring) → External
- Completion audit → External

The Project RAP's M&E framework is designed according to the above components.

- Input (Progress Monitoring): Measures whether inputs are delivered on schedule and as defined in the RAP Framework. Inputs are services, resources or goods that contribute to achieving outputs and desired outcomes.
- Output (Performance Monitoring): Measures the direct measurable results of the inputs.
 - Resettlement activities progressed as planned;
 - Resettlement housing and infrastructure activities (if decided upon) are satisfactory for the affected populations;
 - Affected households are offered employment;
 - Affected communities are treated equitably;
 - Measures to enhance living standards are being implemented;
 - Schedule of activities was implemented;
 - Problems and conflicts are avoided;
 - Grievances are followed-up satisfactory to affected populations and grievance forms are registered;
 - Corrections made in RAP are recorded and shared with affected communities and Lenders;
 - Feedback is sought regularly;
 - Results shared annually with external experts and other interested stakeholders.
- Outcome (Impact Monitoring): Measures whether the Project objectives are achieved by inputs and outputs used in the Project. Impact monitoring measures the effectiveness of the RAP and its implementation in meeting the needs of the affected population. Impact monitoring will be conducted by external monitoring experts. The effects of the RAP will be tracked against the baseline conditions of the population before resettlement. Impact monitoring will ensure effectiveness of mitigation activities before-during-after Project completion and will provide feedback to Project on modifications that may be necessary. Impact monitoring will focus on

Project impacts and income restoration efforts so that the livelihoods adversely affected by the Project are restored and improved.

Impact monitoring should continue during and after completion of the RAP to ensure that the project's income restoration and livelihood restoration efforts have succeeded and that the affected population has successfully re-established itself at its preferred new sites.

Regular dynamic monitoring (up to household level data analysis) will help the Project of any problems arising among the affected population either on cumulative level or on household level (e.g. decline in crop yields, decline in household incomes, etc.)

- **Completion Audit:** The completion audit of the RAP will be undertaken (as necessary, external experts/consultants may be commissioned) once the agreed monitoring period is concluded, and will involve a more in-depth assessment than regular livelihood restoration monitoring activities, including at a minimum a review of all mitigation measures with respect to the physical and/or economic displacement implemented by the Project, a comparison of implementation outcomes against agreed objectives, a conclusion as to whether the monitoring process can be ended and, where necessary, a Corrective Action Plan listing outstanding actions necessary to meet the objectives.

Third party monitoring is conducted to check the process and valuations being used by KGM, and to monitor the satisfactory completion of the process for affected people. Specific monitoring of outcomes for affected vulnerable peoples will also be conducted by ERG and third party monitoring.

Table 29. Monitoring Components

Component Activity	Scope	Examples of Indicators/questions	Source of Information/Data Collection Methods	Responsibility for Data Collection. Analysis and Reporting	Frequency
Input Monitoring (Internal Monitoring)	Measures inputs into the resettlement framework	-Amounts paid in compensation for resettlement related activities -Project staff hours/number dedicated to RAP implementation	Periodic progress reports (technical and financial) according to defined list of input indicators.	Internal: Data is gathered and processed by ERG (collaboration of related governmental agencies is required)	Monthly
Output Monitoring (Internal Monitoring)	Measures outputs of the resettlement framework	-Number of people that received resettlement related compensation -Number of people that received replacement land as a result of land consolidation -Number of alternative housing offered/establishes	Periodic progress reports (technical and financial) according to defined list of input indicators.	Internal: Data is gathered and processed by ERG (collaboration of related governmental agencies is required)	Monthly
Outcome Monitoring (External Monitoring)	Tracking effectiveness of inputs against	-Grievances, including outcomes of grievances and average time to close the grievances	Periodic M&E reports prepared internally and including a list of agreed with	External: based on internally gathered data and supplemental external	Quarterly

	baseline indicators Assessment of RAP satisfaction with inputs	-How do the PAPs use the compensations that they receive? -Assessment of progress towards living standard restoration	external evaluators and analysis and evaluation done by external evaluators.	consultations such as random qualitative and quantitative consultations/focus groups, etc.	
Completion Audit (external monitoring)	Measurement of output indicators such as productivity gains, livelihood restoration and development impact against baseline and international standards (IFC PSS)	-Is compensation paid at full replacement cost - Are livelihoods restored? - Have resettlement planning been disclosed and consultation performed according to international standards and RAP disclosure goals	On completion of RAP timetable as agreed between the project management and lenders.	External assessment/sign-off report based on performance and impact monitoring reports. Independent surveys and consultation with affected persons	<u>First year into operation</u>

* Where collaboration of governmental agencies (KGM, GDAR) is necessary to obtain the information required for monitoring, frequencies will be determined in agreement with those agencies.

10.3. Indicators for Monitoring

The Project will use following sample input and output indicators to carry out M&E activities for land acquisition and compensation activities of the RAP. For the indicators associated with the activities that are under the responsibility of related governmental agencies (i.e. KGM, GDAR) ERG will collaborate with those agencies to access source of information and determine frequencies.

Table 30. Monitoring Indicators

Indicator	Source of Information	Indicative Frequencies
Input Indicators		
Overall Project Spending	Financial records	Quarterly
Project Spending Distribution -KGM payments ¹⁵ - ERG payments -Cash compensation paid for land acquisition -Livelihood restoration spending -Budget spent for vulnerable people of the Project	Financial Records	Quarterly
Number of full time staff dedicated to RAP activities	Human Resources (HR) Department	Quarterly
Number of PAPs in line with categories identified in the entitlement matrix	Census and RAP	Quarterly
Number of houses provided for the affected PAPs	Asset census and RAP	Quarterly
Output Indicators		
Number of PAPs that received cash compensation	Financial records	Monthly
Number of stakeholder consultation meetings held	Project data management system	Monthly

¹⁵ KGM payments will be monitored by ERG. That payments issued by KGM will be recorded by ERG and reported to Lenders

The Project can use following outcome indicators for RAP monitoring as in below table.

Table 31: Monitoring Categories

Indicator	Source of information	Frequency
Grievances		
Number of grievances received	Data management system	Monthly
Number of grievances resolved/managed	Data management system	Monthly
Average time for grievance processing	Data management system	Monthly
Compensation		
Average time for compensation payments related to RAP under different categories (houses, other structures, etc.)	Financial records, data management system	Quarterly
Has compensation been paid at full replacement cost?	Result comparison with market survey and paid values	Yearly
Other losses (roads, irrigation channels, drains etc.) of right owners compensated/restored – type and number of other compensations, % in total	Result comparison with market survey and paid values	Yearly
Land consolidation progress (type, size and quality of land allocated)	GDAR land consolidation data	Monthly
Use of compensation	How do the PAPs use compensations that they received	Yearly
Livelihood Restoration		
Resettlement community construction progress (land obtained, number of PAPs opting for self-settlement away from the area, contractor identified, etc.)	Data management system, financial records	Semi annual
Progress in construction of resettlement homes, % work completed as per total cost	Data management system, financial records	Semi annual
Progress in construction of infrastructure for resettlement community, % work completed as per total cost	Data management system, financial records	Semi annual
Jobs created for the affected PAPs	HR department	Quarterly
Income changes of the PAPs ¹⁶	Survey and internal M&E reports	Yearly

¹⁶ The information that will be collected yearly will include post expropriation income data. This information will be collected by the M&E expert during the field study.

11. Stakeholders Engagement and Consultation

The Project has developed and started to implement a Stakeholder Engagement Plan (SEP) that is scaled to serve the project risks and impacts. The Project has taken numerous measures to engage with stakeholders for physical resettlement, and SEP outlines Project's future engagements for resettlement action plan mitigations.

LC procedures require face to face negotiations with land owners regarding their options for replacement land, their priorities for land allocation; and consider social factors such as community relations and neighbors. The process allows three written appeals for changes to allocated land.

Planning studies for the land expropriation are underway. ERG has hired a third party consultant (technical consultant) in assisting to carry out expropriation procedures in a more efficient way and short period of time.

Expropriation plans and valuation studies for the affected parcels/houses are currently being prepared by the technical consultants retained by the ERG on behalf of KGM as per the BOT Contract. Once the valuation is completed, KGM notify the PAPs eligible under national legislation.

KGM experts call the PAPs to plan site visits, arranges the meeting time prepares and after the meeting prepares a written record document of the meeting.

Valuation and expropriation of the assets (impacted houses, trees and other assets) in Kümbet is carried out by KGM. Other assets expropriation process is still ongoing.

ERG is conducting settlement-based consultations with PAPs impacted from physical resettlement. .

Table 32. Stakeholder Engagement Activities on Resettlement Processes (being conducted by the related Governmental Agencies) for the ANM Project

Stakeholder Engagement Activity	Targeted Stakeholders	Details of the activity
Full census of houses	Owners and users of affected houses	A full census of the Project affected houses has been completed in accordance with national law before the expropriation.
Full census of people	Owners and users of affected houses	Parallel to the full census of the project affected houses, full census of people of Project affected settlements has been completed before the expropriation.
Identifying vulnerable groups and screening	Vulnerable PAPs	Number of vulnerable groups at the settlements that has been affected by the Project's land acquisition was identified through the mukhtar interviews. Specific vulnerable persons/groups are identified during LRP/RAP studies. According to this identification a screening of these vulnerable groups was completed in project affected settlements. It is important that these vulnerable groups and their access are taken into consideration in all stakeholder engagement activities on resettlement planning and livelihood restoration.
Information about Resettlement	Owners and users of affected houses Vulnerable PAPs	Physical displacement is the main impact for loss of houses. Therefore, the Project has informed Project Affected Persons regarding resettlement impact, gather their preferences, and provide them with options depending on their entitlements as stated in the entitlement matrix. Project engages with physically displaced PAPs regularly via its stakeholder engagement procedures.
Information about Entitlement Matrix	Owners and users of affected houses Vulnerable PAPs	Information about Entitlement Matrix that includes livelihood support and compensation details, to be defined within RAP has been shared with all Project affected people in all affected settlements. A leaflet on entitlement matrix will be prepared and distributed across settlements.

Information Cut-off date	Owners and users of affected houses Vulnerable PAPs	The project cut-off date (the date of completion of the census and assets inventory as per IFC Guidance Note on PS 5) is announced to Project affected people. Notification of PAPs about the assets inventory is being done by the governmental agencies. The ERG has informed the stakeholders within Project affected settlements about the cut-off date and restrictions around it through the implementation of the SEP.
Disclosure	Owners and users of affected houses Vulnerable PAPs	Information on affected assets is communicated to the PAPs as part of the legal procedures. Entitlements are defined in this final RAP.
Grievance Mechanism	Owners and users of affected houses Vulnerable PAPs	ANM Project has developed the grievance mechanism as part of the Project SEP. According to the mechanism all received grievances are collected at ERG's Headquarters in Ankara and management/follow-up of the grievances are coordinated through HQ. Expropriation is carried out by KGM and the land consolidation works are carried out by the GDAR. The ERG monitors the project related complaints and grievances and receives information from the KGM on how they are resolved.

11.1. Stakeholders Consultations of ERG

11.1.1. Interviews Conducted with the Households Whose Residences are Affected

This section covers the interviews conducted with the households whose residential buildings are affected.

A meeting was held in Kümbet on August 13, 2018 with the participation of mukhtar. 3 people attended this meeting. In the meeting, overall information Project information was provided to the meeting participants.

A total of 15 interviews were conducted with the households from June 6, 2018 to September 22, 2018. The interviews conducted were related to the negotiations for agreements performed with the participation of KGM and resettlement and moving processes of affected households. All households whose residences are affected by the Project induced resettlement were informed through the conducted interviews. The details of the interviews are shown in the below table.

Table 33. Interviews with the households whose residences are affected in Kümbet

No	Date	Subject	Number of Informed Households	Properties of Households
1	13.08.18	Consultation/General Information	3	Households affected by the Project and mukhtar
2	06.06.18	Negotiation for agreement with the KGM	1	Owner/permanent resident whose residence is affected
3	11.06.18	Negotiation for agreement with the KGM	1	Owner/permanent resident whose residence is affected
4	27.08.18	Negotiation for agreement with the KGM	2	Owner/permanent resident whose residence is affected
5	28.08.18	Negotiation for agreement with the KGM	3	Owner/permanent resident whose residence is affected
6	28.08.18	Negotiation for agreement with the KGM	1	Owner/permanent resident whose construction is affected

7	28.08.18	Negotiation for agreement with the KGM	1	Owner/seasonal resident whose residence is affected
8	18.09.18	Negotiation for agreement with the KGM	1	Owner/permanent resident whose residence is affected
9	27.09.18	Negotiation for agreement with the KGM	1	Owner/permanent resident whose residence on public land is affected
10	06.10.18	Resettlement and moving status	3	Owner/permanent resident whose residence is affected
11	06.10.18	Resettlement and moving status	1	Owner/permanent resident whose residence on public land is affected
12	06.10.18	Impacts of the Project, resettlement and moving status	1	User/permanent resident whose residence is affected
13	22.10.18	Resettlement and moving status	3	Owner/permanent resident whose residence is affected
14	22.10.18	Negotiation for agreement with the KGM	1	Owner/permanent resident whose residence on public land is affected
15	22.10.18	Negotiation for agreement with the KGM	1	Owner/permanent resident whose residence is affected
16	22.10.18	Impacts of the Project, resettlement and moving status	1	User/permanent resident whose residence is affected

Source: ERG, 2018

11.1.2. Negotiations for agreement with the KGM

Interviews with the General Directorate of Highways (KGM) were only conducted with the residence/house owners; no interview was conducted with the residence users. The reason for this is that as the house users have no legal rights on the affected properties, they are not right-holders.

Interviews were conducted with 5 different types of owners whose residences are affected. These are as follows;

1. Permanent residents whose residences are affected
2. Seasonal residents whose residences are affected
3. Non-residents whose residences are affected
4. Permanent residents whose construction/unfinished residences are affected
5. Permanent residents whose residences on public land are affected.

ERG provided consultancy support to one household whose affected residence is on public land in order to obtain building registration license; after the legal title deed was obtained, negotiations were started between the KGM and household, and negotiations were finalized positively.

Negotiations with all households were concluded positively, and an agreement was reached with regard to the affected houses and structures. In this way, the agreement ratio with the title owners whose residences are affected was 100%.

11.2. Grievances and Requests

Grievance Mechanism is a key tool of stakeholder engagement. Among the notification authorities regarding grievances, firm authorities rank the first where households will communicate their grievances to, if any. Details are shown in the below table.

Table 34. Grievance Notification Authorities Available to the Households

To Whom do You Report your Grievances about Project?	Evren	Hasaköy	Sarıyahşi	Yıldıztepe	Kümbet	Total	% of Total Responses
Firm Authorities	1	0	1	0	5	7	44
Governance/A State Institution	1	0	0	0	4	5	31
Mukhtar	0	1	0	1	1	3	19
Municipality	0	0	0	0	1	1	6
Total	2	1	1	1	11	16	100

Source: Socio-economic Household Survey 2018

Half of the PAHs that were interviewed had used the grievance mechanism according to survey results. 50% of the interviewed households (8 households) reported a grievance and/or request arising from the project. 88% of households (7 households) reported that their grievances/requests have not been resolved. All notifying households reported that they were not satisfied with the grievance mechanism.

Table 35. Status of the Grievances and Requests of the Households

Have You Made a Complaint?	HH Answers		Has your Complaint/Request been Resolved?		Thoughts about the Grievance Procedure
	No	Yes	No	Yes	I am dissatisfied
Evren	0	2	2	0	2
Hasaköy	1	0	NA	NA	0
Kümbet	6	5	4	1	5
Sarıyahşi	1	0	NA	NA	0
Yıldıztepe	0	1	1	0	1
Total	8	8	7	1	8
% of Households Responses	50%	50%	88%	12%	100%

Source: Socio-economic Household Survey 2018

11.2.1. Project's Information sharing and disclosure

a. Information Channels

It is essential to build communication channels, and convey information to PAPs through a reliable and regular stakeholder engagement strategy. The survey results revealed that ERG representatives are regarded as the most reliable channel for information dissemination. One key outcome of the survey was that especially in Kümbet, the mukhtar's office is not considered as a reliable source of information, hence it is essential to inform PAPs directly rather than utilizing mukhtar for information dissemination. The details are presented below table.

Table 36. Reliable Information Sources Reported by Households

Channels	Evren	Hasaköy	Sarıyahşi	Yıldıztepe	Kümbet	Total	% of Total Responses
Visits, Meetings of Firm Authorities	1	0	0	0	6	7	44
Family Members	1	0	0	1	4	6	38
Mukhtar	0	1	0	0	1	2	13
Municipality	0	0	1	0	0	1	6
Total	2	1	1	1	11	16	100

Source: Socio-economic Household Survey 2018

b. Further information sharings

The PAHs were posed a question on the survey on topics that they would inquire further information on. PAHs predominantly posed resettlement related questions; ranging from when resettlement will take place to additional supports that will be provided by the Project. . Other than resettlement, PAHs requested further information on valuation, livelihood restoration and compensation payments. The list of most requested information is presented in Appendix E.

12. Grievance Redress Mechanism (GRM)

The Project has devised a SEP. This SEP identifies the stakeholders, defines their roles and engagement capacities and determines the ways the project interacts with stakeholders. SEP draws a communication and engagement roadmap to ensure the achievement of the project objectives and operation of the project in a transparent, inclusive, responsive and cooperative manner. SEP also sets out grievance mechanism for stakeholders, ensuring that the Project has a functioning grievance procedure in place.

Grievance mechanism will be one of the tools in order to monitor the implementation of the RAP. RAP defines indicators to monitor the effectiveness of the LRP implementation by defining grievance related indicators. Data obtained from the grievance mechanism database will be used to track the Project performance related to land acquisition and livelihood restoration of the PAPs. The Project will take necessary mitigation measures by analyzing the results of the grievances and comparing them with the RAP related targets.

The external grievance mechanism of the Project is divided into two groups (there is also a third group in the mechanisms which covers grievances of internal stakeholders, for which information is provided in the SEP):

- 1) Grievances related to acquisition of land and other assets,
- 2) Grievances related to construction and operation activities of ERG and its contractors,

Grievances related to Acquisition of Land and Other Assets

While the land and other assets acquisition activities of the project are carried out by KGM, the consolidation works are carried out by the GDAR. These processes are managed by the KGM and GDAR in accordance with the national legislation. Complaints and grievances about the acquisition of land and other assets are made directly to these institutions. ERG monitors the Project related complaints and grievances and collaborates with KGM to receive information on how the grievances received by them are resolved weekly through CLOs. ERG will report the information on the grievance received, actions taken, resolved/unresolved actions, etc. (including the grievances received by the KGM, to the extent the information to be provided by KGM as a result of collaborations allow) as part of periodic environmental and social monitoring studies to be conducted in the post financial close period. Below figure shows the flow chart of grievance mechanism between KGM-ERG.



Figure 5. Flow chart of KGM-ERG grievance mechanism

Grievances Related Construction and Operation Activities of ERG and Its Contractors

The grievance mechanism of the Project aims to receive, resolve and follow the concerns and complaints of the project affected communities. In accordance with the international requirements, works on establishing a grievance mechanism for the Project has been initiated by ERG in January 2018 with the establishment of Project's web site (<http://www.ergotoyol.com.tr/>) where a grievance and comment form is uploaded. This preliminary mechanism will be improved by ERG so that locked grievance boxes and grievance forms will be installed at construction sites and other appropriate places (e.g. Mukhtars' offices in all Project Affected Settlements).

ERG's CLO will be collecting the grievances on a weekly basis throughout the construction phase (i.e. frequency for operation phase will be decided at the end of construction phase). All received grievances will be collected at ERG's Headquarters in Ankara and management/follow-up of the grievances will be planned there.

The Project will be accessible for the stakeholders and respond to all grievances (complaints, requests, opinions, suggestions) at the earliest convenience. The most important point in the grievance mechanism is to ensure that all grievances are effectively received, recorded and responded within a predetermined timeline and on the basis of their contents by ERG and that the corrective/regulatory action to be taken is acceptable to both parties. Such responses to the grievances would be satisfactory for both parties and activities would be followed and filers of the complaints would be informed on the outcomes of the corrective activities. Project's website will remain to be another important channel for collecting grievances and these grievances. This channel will also be managed by ERG's Headquarters.

The grievance form of ERG is presented in Appendix B. Also the grievance link on ERG's website is provided in the Company web-site.

13. Institutional Arrangements

Land acquisition will take place in two tiers as LC and expropriation, former being the primary method. LC is led by GDAR which is under Ministry of Food, Agriculture and Livestock and expropriation will be led by KGM at locations where LC is finalized. The organizational responsibilities of the GDAR, KGM and ERG are given in **Hata! Başvuru kaynağı bulunamadı**. KGM and GDAR are not responsible for the implementation of RAP and LRP. Implementation of these plans are in the responsibility of ERG. Although, ERG will retrieve land acquisition related data from KGM. Additional supports provided within the scope of RAP falls under responsibilities of ERG. ERG is committed to engaging frequently with KGM in order to provide timely information on RAP implementation progress.

It is essential that ERG engage the services of qualified and experienced personnel to design and implement the RAP. The key roles and responsibilities for the implementation of the RAP are outlined in below table.

Table 37. Key Roles and Responsibilities for the Implementation of the RAP

Role	Responsibility
ERG Senior Management (CEO, CFO)	<ul style="list-style-type: none"> Leading and/or coordinating the consultations/collaborations to be done with the KGM for the development and implementation of the RAP Approval of the RAP and provision of resources required for implementation. Ensuring compliance with the International Standards and Requirements set out in the RAP.
ERG's CLO	<ul style="list-style-type: none"> Timely implementation of the RAP, including coordination with implementing organizations and other stakeholders. Close collaboration with the external LRP/RAP specialists for the planning and development of LRP and RAP. Engagement with development partners and agencies. Overall responsibility for RAP scope and implementation. Development, monitoring and revision of the RAP.
External LRP/RAP Specialists	<ul style="list-style-type: none"> To conduct LRP/RAP surveys and develop the LRP and RAP in line with IFC PS5.

Regarding RAP implementation, ERG will engage with government and communities regarding the Project via the measures and timeline defined in the SEP. Implementation of the SEP will be under the responsibility of ERG's Quality, Health, Safety and Environment (QHSE) Manager and the CLOs who will be reporting to him. ERG has already appointed a QHSE and 3 CLOs under the SPV's organization structure. ERG will retain external qualified LRP/RAP specialists for the planning and development of the LRP and RAP. ERG's CLOs will work in close collaboration with those specialists.

14. Implementation Schedule

Following the approval of this RAP document, ERG will start consultations and collaborations with the KGM on the implementation of LRP/RAP. to complement government actions. The implementation schedule of the LRP/RAP is predicted to be 3 years after the approval of lenders. Further monitoring would be conducted. A completion audit will be conducted by an external auditor before the completion of construction/to start operation phase to verify that the LRP/RAP objectives in line with IFC PS5 have been achieved. Below table summarizes the road map and tentative timeline for the activities that will take place as part of the RAP. RAP will be updated semi-annually.

Table 38: Tentative Implementation Schedule

Main Activity	Activities	Schedule
Development of LRP/RAP	-Consultation/collaboration with KGM to identify and describe the measures that the responsible government agency plans to use to compensate PAPs and develop additional measures to be taken to complement government actions	Starts after financial close and aimed to be completed within 6 months after financial close
Compensation and livelihood restoration for loss of land (LC and expropriation)	-Identification of whether loss of houses and other assets have any adverse impact on PAPs/user of houses - Calculation of losses due to loss of physical structures/houses	Starts after financial close (would continue in the initial operation years as necessary; further monitoring requirements will be determined in due course)
Resettlement assistance for PAPs impacted from resettlement impact of the Project	-Provide resettlement assistance (e.g. resettlement housing, moving allowance/assistance, livelihood assistance, etc.) to the affected and identified PAPs.	For 3 years after lenders-accepted RAP is in place
Monitoring of RAP activities	-RAP activities and land acquisition progress will be monitored	For 2 years after the completion of the RAP activities (until completion audit)

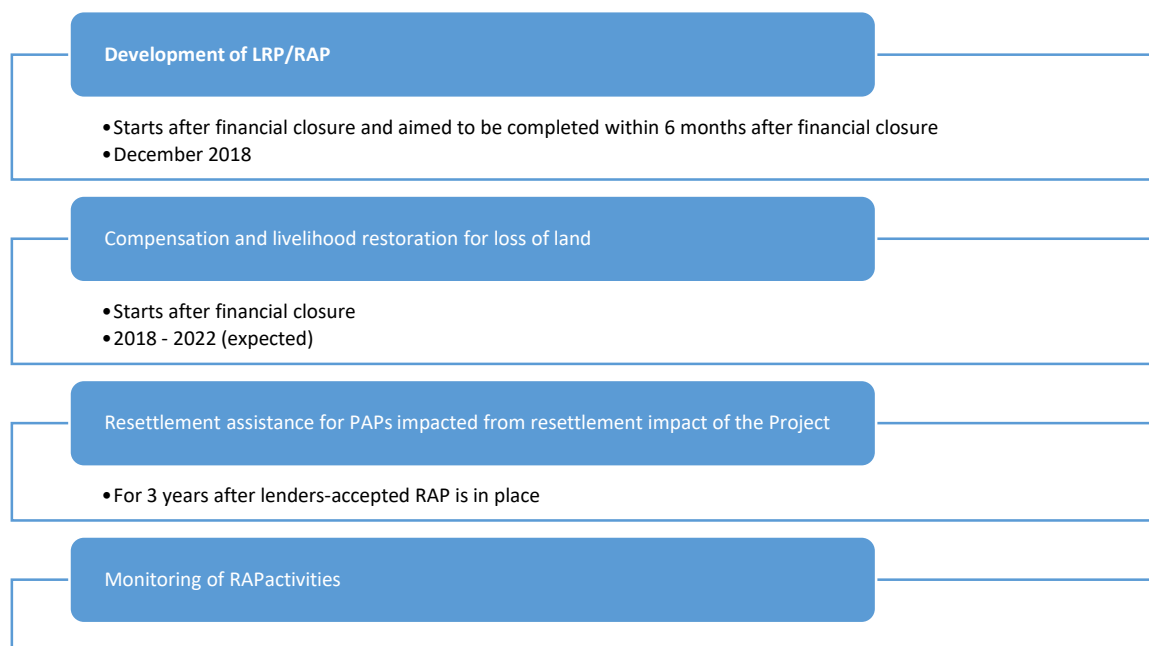


Figure 6. Implementation Schedule

Cut – off date differs zone by zone in accordance with the completion of expropriation studies by KGM. For RAP (only for Kumbet village) census completed by GDAR related with land consolidation evaluation studies on April 2017 (before the Project) and all new titles given to the owners. For other houses which are in RAP's scope, census will be completed once the expropriation plans completed and approved.

In Kumbet the valuations were issued to affected households on April 2017 and the cut off date for the project was accepted as April 2017, since the census was completed by GDAR on this date. For valuation 2018 prices of MoEU was used. Below table shows the date of signing of the agreements and payments made for each of the affected household. Following these dates the land access by the Project will take place on first quarter of 2019. Details are shown in the below table.

Table 39. Date of agreement and compensation payments for affected houses in Kumbet

No	Block	Parcel	Name Abbreviations	Date of Agreement	The date on which agreed compensation was deposited to the bank account by the KGM
1	0	322	BÖ	6.6.2018	8.8.2018
2	0	249	EK	11.6.2018	6.9.2018
3	0	275	VK	28.8.2018	7.9.2018
4	0	269	SÖ	28.8.2018	17.9.2018
5	0	269	TÖ	31.8.2018	17.9.2018
6	0	270	MK	27.8.2018	20.9.2018
7	0	270	BK	27.8.2018	20.9.2018
8	0	268	YK	27.8.2018	17.9.2018
9	0	321	OA	28.8.2018	24.9.2018
10	0	321	ÇA	28.8.2018	7.9.2018
11	0	321	DA	28.8.2018	24.9.2018
12	0	321	DA	28.8.2018	7.9.2018
13	0	398	GK	31.10.2018	14.11.2018

Source: ERG, 2018

Appendix A. House Inventory Report (Additionally presented in a separate report)

Additionally presented in a separate report

Appendix B. Grievance/Request Form of ERG

ERG Otoyol A.Ş. Complaint/Request Registration Form		
<i>*Grey areas will be completed by the Company, rest by the person filing the complaint/request.</i>		
Filled in by:		Complaint/Request Registration No:
Type:	Complaint:	Request:
Registration date:	Date of Notification to the Applicant:	
Filing Date of Complaint/Request:		
Contact Information of Complaint/Request Owner		
Stakeholder Type:		
First and Last Name:	Phone:	Mobile Phone:
Institution:	Address:	E-Mail:
Form of Notification:		
Petition (to the company)	E-mail	Web page
Phone Petition (3. institution-Institution, CLO Name)		
Consultations (on-site visits, etc.)	Contractor	
Subcontractor	Other	
Complaint/Request Type:	Environmental	Social
Related Settlement:		
Subject of Complaint:		
a. Traffic	i. Working conditions	
b. Dust	j. Contractor activities	
c. Wastes	k. Land access	
d. Pollution (water or soil)	l. Security	

e. Damaged crops (or land)	m. Health and safety
f. Land acquisition	n. Damaged infrastructure
g. Asset acquisition	o. Procurement
h. Noise	p. Other
Subject of Request <i>(Please give the details of the request/concern, place, time, how it occurred, etc.)</i>	
Summary Information regarding the complaint/request:	
Evaluation of the request (CLO):	
Related Unit:	Date of Submission to the Related Unit:
EHS	Administrative Affairs
Construction site	HR Finance
Security	Contractor
Other	
Comment by the Unit evaluating the request:	Response Date of the Relevant Unit:

Appendix C. Grievance Link on ERG's Website



ERG OTODOL YATIRIM ve İŞLETİM A.Ş.

Konya Yolu 23. Km.
Gölbaşı - Ankara / Türkiye

0312 484 08 00
Bilgi ve İletişim Hattı

[ANA SAYFA](#) [KURUMSAL](#) [PROJE-](#) [BİZDEN HABERLER](#) [MEDYA](#) [ŞİKAYET&ÖNERİ](#) [İLETİŞİM](#)

Ana Sayfa / İletişim

Şikayet ve Öneri


Complaint and Recommendations

İletişim

İletişim Bilgileri

Dilek, Şikayet ve Önerileriniz

Karlıyer / Açık Pozisyonlar



Dilek Şikayet ve Önerileriniz **Request Complaint and Recommendations**

Sizlere daha iyi bilgi verebilmemiz için, Proje dahilinde bizlere sormak istediğiniz ayrıca şikayet ve önerileriniz için aşağıdaki formu doldurunuz... **Please fill in the below forms for your complaints and recommendations**

İsim **Name**

Adres First name

Ad Soyad Birleşecek Last name

Adres Address

Tam Adres Whole address

Adres Satır 2 Address line 2

Şehir CITY

Posta / Posta Kodu Zip code

Telefon Numarası Phone number

Alan Kodu Area code Phone number

E-Posta E-mail

Şikayet/Öneri Açıklaması Explanation of the Complaint/Recommendation

Şikayet/Öneri Türü : Complaint/Recommendation Type

☐ Çevresel Environmental ☐ Sosyal Social

Şikayet/Öneri Aşaması : Complaint/Recommendation Stage

☐ İnşaat Construction ☐ İşletme Operation

Şikayet/Öneri Nedeni : Reason of Complaint/Recommendation

☐ Toz Oluşumu/Dust ☐ Kümülatörler Expropriation ☐ Çalışma Koşulları Working Conditions ☐ Gürültü/Noise ☐ Anılar/Waste ☐ Su/Toprak Kirliliği Water/soil pollution ☐ Trafik Yoğunluğu Traffic ☐ Diğer

Şikayet/Öneriyi Açıklayın Explain the Complaint/Recommendation:

Öneri Oluştu / Nerede Oluştu / Kim Söyledi / Olay / Sorunun Nedeni / Ne? (What happened? Where did it happen? Who was the cause? What is the result of the problem?)

Karakter sınırı olmasın No character limit

Zorunlu olarak Will be obligatory

Olay Tarihi: Date of the Incident

Tarih Date

AY Month

GÜN Day

YIL Year

☐ Tek Seferlik Olay Happened only once ☐ Birden Fazla Kez Oluştu Happened more than once ☐ Problem Devam Ediyor Problem is still ongoing

Sözüldüğü Sorunun Çözülmesi İçin Ne Yapılmasını İstersiniz ? What would you like it to be done to resolve the problem?

Karakter sınırı olmasın No character limit

No character limit

Gönder Send



ERG OTODOL YATIRIM ve İŞLETİM A.Ş.

İletişim

G.O.P. Mah. 79/1 Sok. No:6 PK:10-11
06831 Gölbaşı - Ankara
Tel: +90 312 484 08 00
sosyal@ergotodol.com.tr

Hızlı Erişim

Ana Sayfa
Kurumsal
Proje

Son Gelişmeler

40. km çalışmalarında sona gindi
Ekim, 2017
Viyadük çalışmaları başladı
Kasım, 2017

© 2018 Erg Otodol A.Ş.

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Appendix D. List and Details of Immovables Affected by the Resettlement

No	Structure Type	Age	Structure Expropriation Area
1	Stable	15	266.71
2	wooden arbour	11	9.86
3	balcony	10	23.28
4	balcony	5	27.76
5	Balcony	3	20.54
6	Balcony	15	15.66
7	balcony	15	21.8
8	Concrete balcony	5	4.01
9	concrete balcony	11	2.49
10	Wire-netting with concrete poles	3	86.15
11	Concrete Wall	5	14.03
12	Concrete pool	15	2.41
13	Concrete stairs	12	4.53
14	Concrete stairs	3	1.66
15	Concrete stairs	5	2.43
16	Concrete stairs	11	2.21
17	Concrete stairs	5	4.22
18	Concrete stairs	15	1.06
19	Concrete stairs	15	1.7
20	concrete floor	11	0.55
21	Concrete floor	5	7.81
22	Concrete floor	15	13.73
23	concrete floor	15	21.8
24	reinforced concrete structure (one-storey residential building)	10	89.21
25	Reinforced concrete structure (first floor)	5	180.9
26	Reinforced concrete structure (ground floor, two-storey reinforced concrete house, plastered, painted, PVC windowed, with steel street-gate, garage and warehouse)	5	85.59
27	Building	10	150.23
28	Building attic	15	75.93
29	Briquette warehouse	3	7.7
30	Briquette wall	3	49.54

31	briquette wall	3	30.7
32	briquette wall	15	3.6
33	briquette walled wire-netting hen	10	11.83
34	Briquette garage	8	55.22
35	Briquette garage	3	30.78
36	Briquette hen	15	12.52
37	Briquette Stairs	4	4.83
38	Briquette Toilet	6	4.29
39	Briquette Toilet	5	4.46
40	Briquette Toilet	3	4.28
41	Briquette toilet	3	2.72
42	Briquette Toilet	2	3.4
43	Briquette Toilet	4	3.61
44	Briquette Toilet	20	4.3
45	briquette fair-faced unpainted masonry warehouse	5	26.2
46	Steel garden gate	5	9.92
47	steel gate	11	7.15
48	Warehouse	15	33.38
49	Barbed wire fence	15	113.88
50	Cesspool	5	30
51	Cesspool	3	52.15
52	cesspool	5	12.75
53	cesspool	11	29.02
54	Solar energy system water heating (Solar energy, 250 lt, mounted)	0	1
55	Solar energy system water heating (Solar energy, 250 lt, mounted)	0	1
56	Solar energy system water heating (Solar energy, 250 lt, mounted)	0	1
57	Solar energy system water heating (Solar energy, 250 lt, mounted)	0	1
58	Solar energy system water heating (Solar energy, 250 lt, mounted)	0	1
59	Solar energy system water heating (Solar energy, 250 lt, mounted)	0	1
60	Solar energy system water heating (Solar energy, 250 lt, mounted)	0	1
61	Ruined Structure	15	123.98

62	Construction	2	147.6
63	K-1 building	15	140.13
64	K-1 warehouse	15	13.98
65	K-1 house	5	121.18
66	K-1 masonry house	5	112.58
67	K-1 Residence	15	116.93
68	K-1 masonry mud-brick building	15	97.61
69	Wire-netting fence	10	67.98
70	wire-netting fence	5	30.12
71	Wire-netting fence	15	56.07
72	Masonry house	3	123.7
73	Masonry house	3	132.21
74	Masonry house	4	125.92
75	Masonry house (plastered painted PVC windowed tile roof residence with steel door)	9	149.85
76	Masonry hen	3	135.42
77	Masonry structure	2	108
78	Mud-brick, masonry house	3	17.86
79	Hen	15	14.49
80	Stairs	2	3.42
81	stairs	15	1
82	wooden-frame warehouse covered with nylon canvas	10	12.29
83	wooden-frame warehouse covered with nylon canvas	8	6.88
84	Hayloft	15	11.1
85	plastered, painted, tiled roof toilet with steel door	11	6.32
86	Drilling	8	32
87	Drilling	12	33
88	Drilling	10	12
89	drilling	10	50
90	Drilling	3	50
91	Drilling	3	50
92	drilling	5	30
93	drilling	5	52
94	drilling	11	50
95	Drilling	3	60

96	Drilling	2	72
97	Drilling	15	40
98	Drilling	15	80
99	Drilling well (60 meters)	2	60
100	Penthouse	3	22.95
101	Penthouse	5	11.4
102	Penthouse	4	21.38
103	Penthouse	15	20.13
104	Wire-netting fence with wooden poles	8	13.13
105	Masonry wall	15	86.13
106	Masonry wall	10	0.6
107	Toilet	5	3.42
108	Toilet	15	6.68
109	Veranda balcony	2	24.75
110	Veranda balcony	4	19.08

Appendix E. Additional Tables

The Information Requested by the Affected Households

Questions	Subject	N
Compensation of our loss	Compensation	1
When will the expropriation benefit be paid?	Compensation	1
I want to make a vineyard, I'd like to discuss this issue	Livelihood restoration	1
Wondering if the costs of rent, fertilizer, oil, workers' salary will be taken or not.	Livelihood restoration	1
Will there be any support for electricity subscription?	Resettlement	2
How will they locate the house, byre and dairy?	Resettlement	1
I don't have the deed, but I bought this house. Will they give me any financial support for housing or compensation?	Resettlement	1
No information	Resettlement	1
The situation of the house	Resettlement	1
They do not want the new house to be close to the cemetery for reasons relating religious, psychological aspects and children's education.	Resettlement	1
When will we move?	Resettlement	1
Whether a new house will be constructed or not	Resettlement	1
Will any aid in-kind be provided for house construction?	Resettlement	1
Wondering date of the demolition	Resettlement	1
Wondering if any financial support will be provided for moving expenditures	Resettlement	1
Wondering where they will build the houses	Resettlement	1
Does the value of the land increase?	Valuation	1
Wondering how much the land cost. On what bases were the prices of fertile and nonfertile land estimated?	Valuation	1
I don't think of the project but my own future.		1
Wondering when the highway will be constructed?		1

Source: Socio-economic Household Survey 2018

Characteristics of the Affected Buildings

No	Types of Affected Structures/Settlements/Buildings		Evren	Sarıyahşi	Yıldıztepe	Hasaköy	Yavrucuk	Gökçehöyük	Kümbet	Yazıhüyük	Total
A	Structures and residences not affected by the project (thanks to a change in the project)		0	0	0	0	0	1	0	0	1
B	Structures and residences considered under the project		2	1	1	2	5	0	16	3	30
B1	Affected	Building	0	0	0	0	0	0	14	0	14
B2	Affected	Agricultural Outbuildings (Vineyard house, hut, stable etc.)	2	1	1	2	0	0	0	3	9
B3	Affected	Non-Agricultural Outbuildings (Vineyard house, hut, stable etc.)	0	0	0	0	1	0	0	0	1
B4	Affected	Wrecked, demolished and ruined structures	0	0	0	0	4	0	1	0	5
B5	Affected	Unfinished construction	0	0	0	0	0	0	1	0	1
Total (A+B)			2	1	1	2	5	1	16	3	31

Source: Socio-economic Household Survey 2018

Appendix F. Map of Affected Houses in Kumbet

This map can be found as attachment

Appendix G. Article 27 of the Expropriation Law (Urgent Expropriation)

Urgent expropriation conducted by Article 27 of the Expropriation law No. 2942 enables rapid seizure of immovable property by the relevant public authority for the purpose of facilitating the related investment.

Article 27 of the Law states that, any immovable property may be seized by the administration undertaking expropriation for public interest i) for the purposes of implementation of National Defense Law, or ii) in situations of which urgency are determined by the Council of Ministers Decree, or iii) under the extraordinary circumstances defined in special laws. Upon request of the relevant administration for the emergency clause of the Law, the value of the immovable property must be appraised by the valuation commission established by the local court of first instance within seven days. The seizure can be made after the assessed value of the immovable is deposited in a bank account by the administration in the name of the owner. The Law allows the compensation amount to be paid in installments. In this case, the amount to be deposited shall be the first instalment to be paid.

For the expropriation of immovable required in cases of need or urgency for the defense of the country or in extraordinary situations envisaged in special laws as part of the enforcement of the Law on the Obligation for National Defense number 3634, the immovable asset at stake may be confiscated by means of the administration depositing the amount for the value of the said immovable asset identified by the court as per the principles in the Article 10 (Amended statement:24/04/2001 - 4650/Article 15) and via the experts selected as per the Article 15 at the bank stated in the invitation and announcement made according to the Article 10 (Amended statement:24/04/2001 - 4650/Article 15) within seven days upon the request by the related administration with the procedures other than the value appreciation to be completed later on.

Urgent Expropriation, Article 27 of the Law

- In cases where a resolution will be issued by the Council of Ministers or in extraordinary cases prescribed by special laws,
- as for the expropriation of immovable property, an immovable property can be seized by the court by depositing in the name of the owner the value of that immovable property as determined by experts to be selected as per Article 15 within the framework of principles in Article 10 into the bank as specified in the invitation and notice to be made according to Article 10 within seven days upon the request of the relevant administration on the condition that actions other than valuation are completed later on.

In terms of urgent expropriation, land valuation performed by experts appointed by the court is only a determination and is not decisive. After this price is determined and deposited by the Administration into the account number as determined by the court, actions stipulated in Articles 8, 9 and 10 shall apply.

It is necessary to receive a "public interest" decision from the relevant institutions for urgent expropriation. After this decision is received, approved and published in the Official Gazette, urgent expropriation process starts.

Differently from ordinary expropriation, urgent expropriation is the method of seizing an immovable property in line with prescribed procedure and method on the condition that actions other than valuation are completed later on. ***Urgent expropriation will be handled in the form of a lawsuit.*** Public institutions will apply to the court in order to get valuation done and receive an expropriation decision. **The court only acts as a determination authority in this case.** If the court determines the existence of public interest and the value of the immovable property as determined by the Valuation Commission is blocked in the bank account of the owner thereof, the lawsuit is admitted. **Admission of the lawsuit will not result in the replacement of the owner in the title deed.** The admission of this lawsuit can

only enable the administration to perform the action considered to have public interest. However, actions will not be complete. Actions will be performed just as in normal expropriation process. **The Administration will primarily try to purchase the property from its owner through negotiated settlement.** If agreement is reached as a result of this procedure, the relevant price will be paid and expropriation procedure will be complete. However, **if no agreement is reached, the administration will also file a lawsuit on "the Determination and Registration of Expropriation Price"**

Urgent Expropriation Procedure (UEP)

The steps of the UEP process for a private sector investor are as listed below;

1. The investor applies to the relevant public authority (**administration**), i.e. a regulatory agency or local government, for urgent expropriation of immovable properties on which the project will be located.
2. A "Public Interest Decision" (PID) is taken by the administration as a requisite for requesting the Council of Ministers to take an "Urgent Expropriation Decision". The PID is to be approved by the local government where the project is located.¹⁷
3. An "Urgent Expropriation Decision" is issued by the Council of Ministers, affective by the Official Gazette publication date.
4. The administration conducts another decision for the start of expropriation process, i.e. UEP and prepares or have others to carry out a scaled plan¹⁸ (which is called expropriation plan) including borders, surface area and type of immovable properties or resources and list of owners or possessors of such properties in case there exist no registered title deed and their addresses. In practice, administrations make this plan prepared by the private sector investors.
5. The administration requests the local civil court of first instance to initiate the **immediate seizure** of the target property (**First Lawsuit**).¹⁹
6. The local civil court establishes a valuation committee who determines the price within seven days. The administration deposits the determined amount in the name of the owner. The usual practice is that the requesting private entity investor covers the cost of expropriation.²⁰
7. Local civil court notifies/invites the owner either in writing (if the contact addresses of the owners available) or via newspaper announcement. Such an announcement includes information about the bank where the money has been transferred.
8. At this stage, the parties can reach an agreement. If an agreement is signed, the expropriation process is completed with the payment of the agreed price and the registration of the property in the name of the public authority at the local Title Deed Registry. If not, the process continues with administration's appeal to court for completing the expropriation process pursuant to Article 10 of the Expropriation Law (**Second Lawsuit**).
9. However, regardless of whether or not an agreement is reached, seizure is made after the amount specified is deposited by the administration in the name of the owner. Following the seizure order of the court, utilization rights is formalized between the public authority and private entity investor. The investor can begin to utilize the relevant target property.
10. If needed, the administration entitles the Execution Office under local Administration of Justice to evacuate immovable property within 15 days.²¹ In practice, administrations and investors try to execute a peaceful evacuation process by informal consultation and assistance. In case of the cultivated land to be evacuated, the cost of the crop is compensated before evacuation.

The key differences between regular expropriation procedure and UEP are:

¹⁷ If the Public Interest Decision has been issued by a Ministry or the Council of Ministers, such approval is not necessary.

¹⁸ As per the Expropriation Law, Article 7 which regulates proceedings to be executed prior to expropriation and administrative annotation.

¹⁹ As per the relevant statements of Article 10 that only concern the determination and deposit of the expropriation price.

²⁰ The expropriation price covered by the private sector investor is in return for utilization rights for a certain period of time.

²¹ As per the Article 20 of the Expropriation Law.

1. A regular expropriation procedure requires i) preparation of an expropriation plan²² and ii) the appraised value to be negotiated with the owner for the purpose of purchasing the property²³ prior to commencing an expropriation lawsuit. Under the UEP, in practice, the public authority is able to apply for UEP without an expropriation plan²⁴ and the mandatory process of negotiation is bypassed.
2. Under UEP, the immediate seizure process (First Lawsuit) is limited to an appraisal of the property and therefore, the judgment cannot be appealed by the parties and regular expropriation steps of submission of the claims and defenses and objection against the estimated compensation amount are not allowed at this stage.
3. In regular expropriation proceedings, the entities requesting the expropriation cannot start utilization of the target property until all the steps of the expropriation are completed including the title deed transfer. However, in UEP, public or private entity investors can start to use or conduct right of use of the relevant target property only based upon the seizure order of the court without title deed transfer.
4. The UEP requires two court appeals by the administration while regular expropriation procedure is concluded after only one court appeal. The first court appeal of the UEP is for immediate seizure of the property and the second for completing the expropriation process and transfer of title deed (Article 10 Lawsuit).

²² Article 7

²³ Article 8 stipulates that the priority should be given to purchasing the immovable asset before commencing an expropriation lawsuit and it describes the negotiated purchasing procedure for public authorities.

²⁴ Yazicioglu, Sami Saygin; Kamulastirma Hukukunda Acele Kamulastirma Uygulamasi

Appendix H. Legal Framework for Expropriation

