



**REPUBLIC OF TURKEY**  
**Ministry of Forestry and Water Affairs**  
**State Hydraulic Works Directorate General**

# **IRRIGATION MODERNIZATION PROJECT**

## **Land Acquisition Policy Framework**

**Ankara**  
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## **ABBREVIATIONS**

ALAP	Abbreviated Land Acquisition Plan
DSI	State Hydraulic Works
GEF	Global Environment Facility
GRM	Grievance Redress Mechanism
Ha	Hectare
LAP	Land Acquisition Plan
LAPF	Land Acquisition Policy Framework
LC	Land Consolidation
LCAP	Land Consolidation Action Plan
MoFAL	Ministry of Food Agriculture and Livestock
PAP	Project Affected Person
USD	United States Dollar
WUA	Water User Association

## DEFINITIONS

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

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

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

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

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

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

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

**Land** includes anything growing on or permanently affixed to land, such as buildings and crops.

**LAP (Land Acquisition Plan)** specifies the procedures that will be followed and the actions that will be taken to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by a Project. The document, in line with the national legal framework, is consistent with the principles and objectives of OP 4.12 and with the LAPF.

**LAPF (Land Acquisition Policy Framework)** defines the land acquisition principles, organizational arrangements, and design criteria to be applied to sub-projects (schemes) to be prepared during Project implementation. Sub-project Land Acquisition Plans (LAPs) consistent with the Land

Acquisition Policy Framework (LAPF) subsequently are submitted to the Bank for approval after specific planning information becomes available.

**Project** refers to Turkey Irrigation Modernization Project, including all its sub-projects (schemes), components and phases.

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

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

**Replacement Cost** is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, structures and assets are valued at their replacement cost. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, etc.), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. For agricultural land, it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes. For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. For houses and other structures, it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any registration and transfer taxes.

**Resettlement** relates to all cases of land acquisition and compensation for loss of assets, whether it involves actual relocation, loss of land, shelter, assets, economic displacement or other means of livelihood and includes all the measures taken to mitigate any and all adverse impacts of the Project on PAPs' property and/or livelihood, including compensation, relocation (where relevant), and rehabilitation. Resettlement impacts include the loss of crops and incomes, in addition to physical relocation.

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

**Vulnerable group** refers to below the poverty line, the landless, the elderly, women and children, and those who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or

social status may be more adversely affected by resettlement than others or who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

## EXECUTIVE SUMMARY

The Turkey Irrigation Modernization Project will support the State Hydraulic Works (DSI), Turkey's main irrigation agency, and finance investments to modernize DSI's irrigation systems (converting from open-channel to pressurized systems), in five selected irrigation schemes - *Atabey, Kartalkaya, Ereğli-İvriz, Alasehir, and Uzunlu* with a combined service area of 71,195 Hectares in 24,050 land parcels. The total number of project beneficiaries is 19,269. The project will also support capacity building of water user associations (WUAs) and finance a pilot on solar-powered groundwater irrigation.

DSI expects to acquire land in several of the selected irrigation schemes. Furthermore, irrigation modernization activities are often preceded by land consolidation as this reduces the cost of irrigation modernization and often reduces, and in some cases, eliminates the need for land expropriation, thereby ensuring that no farmers become landless, during irrigation modernization activities. The Turkish experience shows that if land consolidation can be implemented at the designated farming areas prior to building irrigation infrastructure, there will be savings in the order of about 40% in both the investment and O&M costs.<sup>1</sup> For farmers, land consolidation allows irrigation systems to be based on rational engineering design, allowing them to save money, time and labor, and hence boost productivity. In addition, farmers can easily implement other productivity enhancements, such as land leveling, drainage, etc. when they have better access to irrigation water and roads. This leads to a significant increase in the market value and productivity of the land consolidated. Land consolidation also improves social resilience and harmony by reducing conflicts related to boundary disputes, rights of way, access roads, inequities in accessing water, etc.

In four of the five selected schemes, land consolidation is currently ongoing. The Ministry of Food, Agriculture and Livestock (MOFAL) is doing this in three schemes (Kartalkaya, Atabey and Ereğli-İvriz) under a national land consolidation program, which commenced in the 1960s. In these three schemes, land consolidation was initiated unrelated to the proposed project. DSI has started land consolidation in a fourth scheme (Uzunlu). Land consolidation will not be undertaken in one scheme (Alasehir) due to the large number of orchards.

DSI expects to acquire land in several of the proposed irrigation schemes. The Bank's policy on involuntary resettlement (OP 4.12) will apply to the project. Since the exact designs and thereby the land requirements of the selected irrigation schemes are still unknown, a land acquisition policy framework (LAPF) has been prepared for the project. This LAPF enumerates the principles for land acquisition, the main land-based and livelihood impacts expected from land acquisition and land consolidation activities, and the mitigation measures planned by DSI. The LAPF also provides an overview of related legislation, project-affected peoples, entitlement and compensation provisions and the actions and measures to be taken by the DSI to ensure compliance with OP 4.12. The LAPF

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<sup>1</sup> Suha Satana, Ali Riza Ceylan, Atakan Sert. *The Turkish Experience in Consolidation of Irrigated Land: Productivity and Efficiency Implications*. Paper prepared for presentation at the 2017 World Bank Conference on Land and Poverty, World Bank - Washington DC, March 20-24, 2017.

also includes arrangements for DSI to supervise LAP preparation and implementation. Land Acquisition Plans (LAPs) will be prepared in accordance with this LAPF and OP 4.12, for the schemes where land acquisition is expected. OP 4.12 will also apply to DSI-executed land consolidation but not to MOFAL-executed land consolidation. Consequently, a Land Consolidation Action Plan (LCAP) will be prepared for one irrigation scheme (Uzunlu). An estimate of the land requirements, both ownership rights and easement rights, is provided below.

#### Estimated Land Acquisition Requirements in Selected Irrigation Schemes

Scheme	Ownership Rights				Easement Rights				TOTAL			
	Area (m <sup>2</sup> )	# of Parcels	# of PAPs	Cost (TL)	Area (m <sup>2</sup> )	# of Parcels	# of PAPs	Cost (TL)	Area (m <sup>2</sup> )	# of Parcels	# of PAPs	Cost (TL)
Alaşehir	35,000	60	60	1,500,000	714,000	300	300	6,000,000	749,000	360	360	7,500,000
Atabey	25,290	50	35	380,000	140,320	250	200	700,000	165,610	300	235	1,080,000
Ereğli İvriz	90,000	52	30	1,520,000	170,000	270	200	980,000	260,000	322	230	2,500,000
Kartalkaya	-	-										
Uzunlu	-	-										
<b>Total</b>	<b>150,290</b>	<b>162</b>	<b>125</b>	<b>3,400,000</b>	<b>1,024,320</b>	<b>820</b>	<b>700</b>	<b>7,680,000</b>	<b>1,174,610</b>	<b>982</b>	<b>825</b>	<b>11,080,000</b>

Source: DSI, March 2018

DSI will be the primary project implementing agency. DSI has substantial experience in implementing both the national expropriation law and resettlement law, however is new to the World Bank's operational policies, including OP 4.12. DSI will coordinate with MOFAL in several of its activities, including land consolidation. The land required for irrigation systems to be modernized under the Project will be determined by the DSI Real Estate and Expropriation Department in consultation with the DSI's Design and Construction Department and related Regional Directorate. The Real Estate and Expropriation Department will prepare a LAP for each irrigation scheme where land needs to be acquired.

Turkey has strong national legislation on expropriation and resettlement. However, there are still some gaps between Turkish legislation and World Bank OP 4.12. The key gaps relevant to land acquisition in the project are – the lack of resettlement action planning (i.e. no preparation of a resettlement action plan for displaced persons is required); the absence of identification and/or compensation of non-landowning project affected peoples (PAPs) including vulnerable groups and severely affected PAPs; the difference between expropriation value and full replacement cost (depreciation is deducted in Turkish legislation); difference in compensation paid to tenants and informal users of land/assets; the absence of livelihood restoration measures; limited provisions regarding information disclosure, public consultation, participation and grievance redress. The LAPF addresses these gaps to ensure compliance with OP 4.12.

There are also several gaps between the existing land consolidation process and the Bank's OP 4.12, namely that - the land consolidation area is specified by a Cabinet Decree which also serves as the eminent domain/public benefit decision – so land can be consolidated voluntarily or involuntarily; there is no opt-out option available to landowners; and up to 10% of land can be deducted for

common amenities during land consolidation without compensation. Often the benefits of LC and irrigation benefits which make the remaining holdings far more productive, outweigh the loss due to the deduction and landowners prefer this option.

The project's impacts are mostly positive as it increases irrigation services. The limited potential adverse impacts of the project are limited to - loss of land used for horticulture/agriculture, and the structures and crops on these lands due to land acquisition; and economic displacement of people living on these lands. No physical displacement is expected due to the project.

These impacts will be avoided and minimized as the irrigation schemes selected under the project are being rehabilitated on existing canal routes and roads to the extent possible. Additionally, land consolidation will precede modernization works further reducing the need to expropriate land. Furthermore, as the entire irrigation network has been designed as a closed system (i.e. through pressurized pipes) this will ensure that there is no physical displacement. Since open canals will be converted into underground pipelines which require smaller areas, some of the land expropriated in the past will remain idle. This can be made available to local farmers for agriculture. Under the project, construction works will be planned in such a way that existing irrigation is not interrupted. The estimates for expropriation (both ownership and easement rights) in three of the five schemes, based on data available so far, is given in the table below. This does not include the estimates of informal users or renters/sharecroppers, if any. DSI will plan their construction work schedules to ensure that there is no disruption of agricultural activities or existing irrigation to avoid and/or minimize loss of incomes to land owners/users and seasonal workers.

**DSI's Estimates of Expropriation in Selected Schemes**

Irrigation Scheme	Net irrigated area (ha)	Estimated Ownership Rights				Estimated Easement Rights				Estimated Total			
		# of Parcels	Area m2	Cost TL	# of PAPs	# of Parcels	Area m2	Cost TL	# of PAPs	# of Parcels	# of PAPs	Area m2	Cost TL
Alaşehir	13650	60	35,000	1,500,000	240	300	714,000	6,000,000	1200	360	1440	749,000	7,500,000
Atabey	13834	TBD	25,260	378,900	TBD	TBD	140,320	70,160,000	TBD			165,580	1,080,000
Ereğli	15280	52	89,590	1,519,556	300	270	170,000	984,624	1235	322	1535	259,590	2,504,000
Kartalkaya	20431	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Uzunlu	8000	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

The following vulnerable groups have been identified – women farmers, landless users, users of treasury land and seasonal agricultural workers. The exact numbers of PAPs and the impacts on them will be identified during the LAP preparation process and specific measures specified in the LAPP entitlement matrix will be taken to address project related losses of these groups.

Land owners and land users whose titles are legalizable, will be provided cash compensation at replacement cost to cover acquisition of an equivalent land; and/or replacement land of equivalent quality in case of permanent acquisition of ownership rights. Similarly, for temporary loss of land (i.e.

easement rights), they will be provided an easement right fee. In the case of structures (residential and non-residential), property owners and property users (including informal users) will be provided cash compensation at full replacement cost. For trees, compensation will be provided at net present value for trees with economic value based on type, age market price of product and the productive life of the trees. For crop owners, cash compensation for expected crop quantity will be provided at actual sales value received by producer at harvest time. Where possible, sufficient time to harvest crops to avoid crop loss will be provided by DSI. For informal users, vulnerable groups and severely impacted households, DSI will restore livelihoods through one or more of the following possible measures – (i) Where possible, DSI will help the informal users get legal title to their land; (ii) Where available, DSI will provide DSI land for purchase to informal users; (iii) DSI will inform the informal users about the possibility to rent or buy lands from the General Directorate of National Estate; (iv) DSI will ensure that the applications are made and support received from the relevant Governorship for benefits under Iskur's "Public Workfare Program", or funds are provided by the Social Assistance and Solidarity Foundation for eligible PAPs; and (v) DSI will ensure that contractors give priority to PAPs who are informal users for employment opportunities in project-related vacancies. Finally, in case of damages to houses, buildings, and structures affected during construction due to construction contractor, the contractor will assess damages and take remedial actions. If damages and losses cannot be mitigated or fixed, the affected structures will be compensated as per the LAPF. Construction activities will be planned so that income losses of land owners, users, seasonal workers and others who live on these areas of land are minimized.

A sound consultative process is followed by DSI to ensure landowners participate in the land consolidation and irrigation modernization process. DSI will conduct and document consultation with the Water User Associations (WUAs) and the local community members in the area of influence of each scheme in advance of modernization works. A stakeholder engagement plan (SEP) has been prepared, which illustrates the types of messages and engagement methods that will be used by DSI to target different stakeholder groups. A consultation meeting for LAPF, ESMF and ESMP was conducted by DSI on June 20, 2018 in Atabey, which is one of the irrigation schemes to be supported under the Project. The meeting was attended by 121 participants, including Mayor of Atabey, DSI Headquarters and Regional Staff, farmers from Atabey sub-region, members of WUAs, and muhtars (headmen of villages). The meeting recorded high demand on land consolidation and irrigation infrastructure from farmers and the water user associations.

All documents (LAPF, LAPs, LCAP) will be cleared/approved by the government of Turkey and the World Bank and disclosed in the World Bank website and locally to stakeholders and PAPs both in Turkish and English. The draft versions of documents will be consulted locally and revised according to feedback received. The final versions will also be made public as hard copy documents in relevant local DSI offices as well as on the official website of DSI. Any changes made to these documents will again be disclosed in the same manner, after revised and updated.

DSI will build upon and further strengthen its existing four-level GRM (which is at the WUA, DSI Branch Directorate, Regional Directorate and DSI General Directorate levels). Any PAP or stakeholder can choose to lodge a grievance at any level personally, through an application, by email/ telephone

or through the national GRM system by use of BIMER (Prime Ministry Communication Center) or CIMER (Presidency Communication Center). This will help in addressing all problems and complaints concerning land acquisition/consolidation processes and/or other environmental and social issues during the construction and implementation stages. Any complaint received by DSI will be responded to within 15 days. If it takes longer than 15 days to resolve the complaint, the complainant will be informed and efforts will be made to conclude the issue within one month. DSI will maintain a record of all concerns and grievances, received and resolved during consultations and through the GRM. These will be shared with the Bank through semi-annual monitoring reports.

Monitoring of the land acquisition and land consolidation processes will be carried out in regularly through semi-annual monitoring activities. Upon completion of both LAP and LCAP implementation, DSI will assign an independent consultant to assess the implementation of both land acquisition and land consolidation works carried out by DSI. The independent consultant will prepare a LAP Completion Report(s) and LCAP Completion Report to be submitted for Bank approval.

# 1. INTRODUCTION

## 1.1. PROJECT DESCRIPTION AND BACKGROUND

Turkey has already embarked upon an ambitious expansion and modernization program in the irrigation sector, and the State Hydraulic Works (DSI), which is Turkey's main irrigation agency, has strong capacity for managing a large infrastructure portfolio. In this context, the proposed project will support incremental institutional advancements, related to improving the design and operations of irrigation systems through active upstream engagement with the beneficiaries, improved social and environmental management, encouraging use of renewable energy in irrigation, and developing a systematic approach to strengthening of the Water Users Associations (WUAs). The bulk of project financing will go toward the modernization of selected irrigation schemes, which will serve as a platform for implementing and demonstrating the proposed improvements. Accordingly, the main motivation for this project is to develop a model of comprehensive irrigation modernization that is not limited to improvements to the irrigation delivery infrastructure, but includes: (i) integration of measures to improve irrigation operations, beneficiary participation and linkages to enhance agricultural productivity, and (ii) a systematic approach to strengthening the capacity of WUAs. The Project will comprise the following components:

**Component 1. Irrigation Systems Modernization (383 million USD):** This component will finance investments to modernize irrigation systems in five selected irrigation schemes. These include Atabey, Kartalkaya, Ereğli-İvriz, Alaşehir, and Uzunlu with combined area of 71,195 hectares, and estimated cost of USD 383 million. An overview of the schemes is provided in Table 1 below. These schemes were selected from a long list of 37 irrigation schemes, being considered for modernization by DSI. Priority was accorded to those schemes that have a high demand for irrigation; a high rate of return on investments; for which the design studies are completed or near completion; and where the advance contribution required from the WUAs has been secured. This component will be implemented by DSI, and in addition to irrigation infrastructure modernization (converting from open-channel to pressurized systems), it will include: (i) upstream consultations with WUAs, and incorporation of their feedback in the final design of schemes, and (ii) better coordination with MOFAL for implementation of field-level activities. The commitment of project funds to the selected schemes would also ensure on-time completion of the modernization works, which would strengthen trust between WUAs and DSI.

**Table 1: Overview of Selected Irrigation Schemes**

Scheme	Service Area (ha)	Total Population in Project Area	Estimated Population in Agriculture	# of Project Beneficiaries	# of WUA Members	# of Total Parcels
Alaşehir	13,650	25,760	18,000	9,345	2,371	9,350
Atabey	13,834	26,837	18,500	3,940	3,410	5,300
Ereğli İvriz	15,280	29,650	15,000	3,070	1,620	4,300
Kartalkaya	20,431	39,500	15,000	2,482	2,482	3,500
Uzunlu	8,000	23,502	3,000	432	330	1,600
<b>Total</b>	<b>71,195</b>	<b>145,249</b>	<b>69,500</b>	<b>19,269</b>	<b>10,213</b>	<b>24,050</b>

**Component 2: Innovation and Institutional Support (GEF, 2 million USD):** This component will provide direct design and implementation support to DSI in the following areas:

- a) Subcomponent 2(A) - Designing and Piloting a National Program for WUA Capacity-Building: This will include a GEF grant to provide design and implementation support to DSI for developing a national program for WUA's capacity building for water management. The program would build on DSI's ongoing efforts to develop a web-based, participatory water use monitoring platform for WUAs, and will include: (i) support for roll-out and implementation of participatory water use monitoring; (ii) upgradation of national WUA's database, to allow performance monitoring on various dimensions; and (iii) WUA trainings for improving technical and financial management capacity. Based on a successful roll-out, this program may be expanded to include incentive-based elements for improving WUA performance. A successful implementation of this sub-component would establish a systematic and incentive-based approach for improving the capacity and water management of WUAs (and, possibly, other types of IAs) throughout the country. The incrementality of GEF support is critical for this initiative, because under the current laws public funds cannot be used to provide WUAs with the hardware needed for the participatory water use monitoring system.
  
- b) Subcomponent 2(B) - Piloting Solar-Powered Groundwater Irrigation: This will include a GEF grant to support the implementation of a solar-powered groundwater irrigation in Bolvadin, Afyon. The objective is to design and implement a sustainable solar-powered irrigation system that (i) provides a low-cost alternative to the current fossil fuel-based pumping used by the farmers; (ii) ensures reliable supplemental irrigation based on groundwater; and (iii) incorporates measures to ensure the long-term sustainability of groundwater resources. Accordingly, this proposed irrigation system will include use of hardwired abstraction controls to limit the total amount of pumping, installation of efficient irrigation systems, and introduction of volumetric metering to encourage water conservation. Again, the incrementality of GEF support makes this pilot possible because this model has not been tried in irrigation before, and the current regulations prohibit the use of public funds to finance WUA assets. It is expected that a successful implementation would demonstrate the manifold benefits of this model, and encourage private and possibly public financing for similar investments in the future.

**Component 3: Project Management (IBRD, \$3 million):** This component will finance multiple activities required for coordination and management of the project, and will include, activities such as community consultations and partnership program, communications, grievance redress mechanisms, monitoring and evaluation, and environmental and social management.

## **1.2. SCOPE OF THE LAPF**

The land-take induced social impacts of the Irrigation Modernization Project carried out by DSI are discussed under this Land Acquisition Policy Framework (LAPF) as the exact land requirements and thus, the project footprint of each selected scheme has not been defined yet. The procedures

presented in this LAPF detail the actions which will be taken to ensure compliance with Turkish legislation and the World Bank (WB) procedures as specified in relevant national law and the World Bank Operational Policy OP/BP 4.12 on Involuntary Resettlement.

This LAPF enumerates the principles for land acquisition, the main land-based and livelihood impacts expected from land acquisition and land consolidation activities, and the mitigation measures planned by DSI. The LAPF also provides an overview of related legislation, project-affected peoples, entitlement and compensation provisions and the actions and measures to be taken by the DSI to ensure compliance with OP 4.12. The LAPF also includes arrangements for DSI to supervise LAP preparation and implementation.

### 1.3. RATIONALE FOR THE LAND ACQUISITION POLICY FRAMEWORK

This framework document has been prepared as the land requirements of irrigation schemes selected for modernization have not been finally determined yet. The exact land requirements will be known, once the design of each scheme is complete. DSI expects to acquire land in several of the proposed irrigation schemes under Component 1. An estimate of the land requirements, both ownership rights and easement rights, is provided in Table 2. A Land Acquisition Plan (LAP) will be prepared in accordance with this LAPF and the World Bank's Operational Policy 4.12 (OP 4.12<sup>2</sup>), for the schemes where land acquisition is expected.

**Table 2: Estimated Land Acquisition Requirements in Selected Irrigation Schemes**

Scheme	Ownership Rights				Easement Rights				TOTAL			
	Area (m2)	# of Parcels	# of PAPs	Cost (TL)	Area (m2)	# of Parcels	# of PAPs	Cost (TL)	Area (m2)	# of Parcels	# of PAPs	Cost (TL)
Alaşehir	35,000	60	60	1,500,000	714,000	300	300	6,000,000	749,000	360	360	7,500,000
Atabey	25,290	50	35	380,000	140,320	250	200	700,000	165,610	300	235	1,080,000
Ereğli İvriz	90,000	52	30	1,520,000	170,000	270	200	980,000	260,000	322	230	2,500,000
Kartalkaya	-	-										
Uzunlu	-	-										
<b>Total</b>	<b>150,290</b>	<b>162</b>	<b>125</b>	<b>3,400,000</b>	<b>1,024,320</b>	<b>820</b>	<b>700</b>	<b>7,680,000</b>	<b>1,174,610</b>	<b>982</b>	<b>825</b>	<b>11,080,000</b>

Source: DSI, March 2018

In order to keep the land requirements to a minimum; DSI will also make use of land consolidation (LC) activities which has already been initiated in four of the five proposed irrigation schemes. Among the four; three schemes (Kartalkaya, Atabey and Ereğli-Ivriz) are within the coverage of an ongoing national LC program led by the Ministry of Food Agriculture and Livestock (MoFAL), whereas only in one scheme (Uzunlu), DSI is undertaking land consolidation. MoFAL conducts its national LC program independently of irrigation modernization, and most of MoFAL-executed LCs are without subsequent irrigation modernization. LC activities in the three MoFAL schemes in this project are a part of MoFAL's long-standing and ongoing nation-wide program. The LC activities in these scheme areas

<sup>2</sup> The referred policy is available at <http://siteresources.worldbank.org/INTFORESTS/Resources/OP412.pdf>

were initiated without any intent or plan to be followed by DSI's irrigation modernization investments. These activities are financed from MoFAL's national LC program budget. Consequently, the World Bank's OP 4.12 will not apply to MOFAL-executed land consolidation<sup>3</sup>. However, the World Bank's OP 4.12 will apply to DSI-executed land consolidation activities. An overview of land consolidation in these four schemes is given in Table 3 below. Land consolidation is not applicable in one scheme (Alasehir) due to the large number of orchards.

**Table 3: Overview of Ongoing Land Consolidation in Selected Irrigation Schemes**

Scheme	# of Total Parcels	MoFAL				DSI				TOTAL			
		Area (ha)	# of Parcels	# of Farms	Cost (TL)	Area (ha)	# of Parcels	# of Farms	Cost (TL)	Area (ha)	# of Parcels	# of Farms	Cost (TL)
Alasehir	9,350	-	-	-	-	-	-	-	-	-	-	-	-
Atabey	5,300	8,000	2,800	2,100	4,800,000	1,500	550	450	900,000	9,500	3,350	2,550	5,700,000
Ereğli İvriz	4,300	12,800	3,600	2,600	6,400,000	-	-	-	-	12,800	3,600	2,600	6,400,000
Kartalkaya	3,500	13,756	2,350	1,650	6,878,000	6,675	1,150	832	3,337,500	20,431	3,500	2,482	10,215,500
Uzunlu	1,600	-	-	-	-	8,000	1,600	432	3,200,000	8,000	1,600	432	3,200,000
<b>Total</b>	<b>24,050</b>	<b>34,556</b>	<b>8,750</b>	<b>6,350</b>	<b>18,078,000</b>	<b>16,175</b>	<b>3,300</b>	<b>1,714</b>	<b>7,437,500</b>	<b>50,731</b>	<b>12,050</b>	<b>8,064</b>	<b>25,515,500</b>

\* These figures are currently estimations and will be revised as project design is finalized.

#### 1.4. ROLE OF STATE HYDRAULIC WORKS

DSI will be the primary project implementing agency. DSI will coordinate with MOFAL in several of its activities, including land consolidation. The land required for irrigation systems to be modernized under the Project will be determined by the DSI Land Consolidation and On-Farm Development Services Department in consultation with the DSI's Real Estate and Expropriation and Design and Construction Department and related Regional Directorate.

Due to the numerous benefits and demand for land consolidation (see Box 1), DSI, where possible, prefers that land consolidation precedes irrigation modernization activities. Consequently, in four of the five irrigation schemes, land consolidation activities are currently ongoing. In three of these schemes, where land consolidation is being undertaken by MoFAL, DSI has informed MoFAL about the land parcels subject to the proposed irrigation schemes and shared their land acquisition needs. In one irrigation scheme (i.e. Uzunlu), DSI's Land Consolidation and On-Farm Development Services Department, has initiated land consolidation in accordance with a consolidation plan. In the remaining fifth irrigation scheme (i.e. Alasehir), land consolidation is not technically possible, so DSI has identified the land to be expropriated, and will carry out expropriation in accordance with this LAPF and the World Bank's Policy on Involuntary Resettlement (OP 4.12) before construction works begin.

<sup>3</sup> OP 4.12 applies "to other activities resulting in involuntary resettlement, that in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project" (Para 4, OP 4.12). In the three schemes in which land consolidation is MOFAL-executed OP 4.12 does not apply as the three criteria mentioned above are not met. However, for the DSI-executed land consolidation in one irrigation scheme (Uzunlu), the three criteria are met, so OP 4.12 will apply.

The land ownership status of those parcels subject to expropriation will be reviewed by the Real Estate and Expropriation Department using land registry records, satellite images and other available documents. Additional information, as needed, will be requested from the relevant DSI Regional Directorates. The Real Estate and Expropriation Department will prepare a LAP for each irrigation scheme where land needs to be acquired. The LAP will follow the format suggested in Annex 1 of the LAPF and will be implemented by DSI. DSI will also prepare a separate document; namely Land Consolidation Action Plan (LCAP) only for Uzunlu scheme where DSI is also committed to complying with OP. 4.12 for its land consolidation works. Additional details about the institutions, departments and other units involved in the preparation and implementation of the LAPF/LAP and LCAP are summarized in Table 4 below.

**Table 4. Institutions/Departments Involved in Implementation of Irrigation Modernization Project**

<b>Related Institution</b>	<b>Unit / Department</b>	<b>Description of Role</b>
DSI	Real Estate and Expropriation Department	Securing budget allocation for places in need of expropriation, approval of sub-contractors and coordination with Regional Directorate.
DSI	Operation and Maintenance Department	Identifying the projects to be included in the scope of modernization and provide the Real Estate and Expropriation Department with up to date information on the current irrigation systems and social structure through coordination with relevant WUAs.
DSI	Design and Construction Department	Preparing the modernization projects. Informing the Real Estate and Expropriation Department for expropriating the needed areas in accordance with the projects prepared, or their acquisition for land consolidation.
DSI	Related Regional Directorates	Planning and implementing the modernization projects, land consolidation and expropriation work. Identifying the irrigation program to be implemented during the construction activities together with WUAs.
DSI	Land Consolidation and On-Farm Development Department	Obtaining the Council of Ministers decision for projects found to be suitable in terms of land consolidation; approving the block plans, gradation maps, temporary subdivision plans prepared/outsourced by the Regional Directorate; sending the finalized subdivision plans for approval. Completing the land consolidation work carried out under modernization projects, in line and compliance with the modernization projects.

## **2. LEGAL FRAMEWORK**

### **2.1 APPLICABLE NATIONAL LAW ON LAND ACQUISITION**

For the acquisition of land needed for the proposed irrigation projects, DSI first resorts to the method of land consolidation. Land consolidation is preferred as it provides many benefits to the land owner (see Box 1). Land consolidation generally increases crop productivity and incomes, minimizes loss of cropland, reduces the costs of farm inputs, reduces labor costs depending on crop pattern, and increases land value. However, in cases where land cannot be acquired through land consolidation or where land consolidation is not technically possible, the required land is acquired through expropriation. Land acquisition through expropriation is one of the methods DSI has used in various investments. However, DSI avoids involuntary physical resettlement to the extent possible before expropriating public or private land.

Article 46 of the Turkish Constitution explains that state and public legal 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 expropriation law.

All expropriation work carried out by DSI is based on Expropriation Law No. 2942. In case privately owned land is acquired under the project, DSI will first attempt to buy the land through reconciliation negotiations under Article 8 of the Expropriation Law No. 2942. For land where reconciliation negotiations fail or whose owners' addresses cannot be identified, and land with disputed title status; a lawsuit is filed with the relevant court of first instance for valuation and registration, pursuant to Article 10 of the Expropriation Law. In case the lawsuit for valuation and registration cannot be concluded within 4 months, the legal interest rate is applied to the determined compensation amount as of this deadline. The expropriation compensation set by the court in the course of the lawsuit is deposited into a bank account to be paid to the owner of the expropriated property. The expropriation compensation for immovable properties with disputed or litigated title status is deposited into a deposit account with 3-month maturity terms, and paid to the right holder after the owner is finally determined.

Expropriation compensations are set by taking into account all factors affecting the property's value, pursuant to the criteria set out in Article 11 of the Expropriation Law. DSI's Valuation Commission must take into account the following valuation criteria, which are mentioned in Article 11 of the Expropriation Law, when appraising the value of the property or resource to be expropriated;

- a. Type and nature,
- b. Surface area,
- c. All features and elements that may affect its value, and the value of each element separately,
- d. Tax declaration, if applicable,

- e. Previous values of property determined by official bodies on the date of expropriation,
- f. For land, the net income that could be derived from the immovable property or resource (without undertaking any changes, using the immovable property or resource under the same conditions as of the expropriation date),
- g. For house plots, the amount for which similar house plots have been sold without any special purpose, prior to the date of expropriation,
- h. For structures, official unit prices and construction cost calculations,
- i. Any other objective criteria that could affect the value of the property or resource.

The Valuation Commission shall determine the value of an immovable property in a justified report, providing the answers for each of these elements separately, and also taking into account the declarations of related persons, in accordance with the standards adopted by the Capital Market Board.

Turkish expropriation legislation does not require the payment of compensation to tenants, sharecroppers and informal users of properties who have made no improvements (building and/or tree planting). However, payment can be made to those persons who can prove ownership through official documents or by way of court. Persons building structures or planting trees on the land titled in the name of other persons or land which is ownerless, and/or which has not been acquired by its customary owner are entitled to receive expropriation compensation, equal to the minimum material value for buildings and appraised value of trees within the framework of Article 11 of the Law.

Although it is essential that expropriation procedures be carried out through negotiated reconciliation, if the Council of Ministers decides that a project is urgent, then Article 27 of the Expropriation Law authorizes the organization responsible for expropriation to confiscate the properties required by the project much earlier than the time needed in the normal expropriation procedure, on the condition that the value set by the court is deposited with the bank in the name of the owner. This process does not prevent challenges of the property owners against the determined valuation. According to this article, in the event that a confiscation decision is taken, the responsible administration must complete the normal expropriation procedures within a reasonable period of time. The owner of a property is invited to reconciliation negotiation again, and if the negotiation fails, a lawsuit is filed for valuation and registration, pursuant to Article 10 of the Expropriation Law.

In case the immovable properties needed for rehabilitation projects are owned by public institutions, then such properties are acquired through the following methods:

- By way of transfer pursuant to Article 30 of Expropriation Law
- By way of exchange (barter) pursuant to Article 26 of Expropriation Law
- By way of free transfer pursuant to Article 45 of Law No. 5018
- By way of allocation pursuant to Article 47 of Law No. 5018

Which of the above-mentioned methods will be used is determined according to negotiations and agreements with the institution that owns the property.

## **2.2. APPLICABLE NATIONAL LAW ON LAND CONSOLIDATION**

Article 44 of Turkish Constitution states that the government takes the required measures for the aim of protecting and improving of productive cultivation/operation of the land, preventing land losses through erosion, and providing land to landless farmers or to the farmers with inadequate land. Additionally, the government can determine the size of the land according to various agricultural regions and diverse land types.

Article 755 of the Turkish Civil Code (No. 4721) states if the land amelioration works such as land consolidation, afforestation etc. will be done collectively by related owners, two third of owners should take decision for this attempt provided that they possess more than half of the lands in project area. Provisions of special laws regarding these matters are reserved.

The main institution in charge of land consolidation is MoFAL in Turkey. Law No. 3083 on Agricultural Reform for Land Arrangement in Irrigation Areas, Law No. 5403 on Soil Protection and Land Use and other regulations issued under these laws, which collectively form the legal basis of land consolidation authorize MoFAL in this field. However, Article 17 of Law No. 5403 allows other institutions and organizations to undertake land consolidation, subject to permission from the MoFAL, relating to their own projects.

Based on the above-mentioned law, DSI prepares “Land Consolidation and On-Farm Development Services” projects, to acquire the land needed for irrigation projects to be implemented in irrigation areas under its mandate. DSI carries out land consolidation activities according to;

- Law No. 5403 on Soil Protection and Land Use
- Land Consolidation Implementation Regulations prepared under that law.
- DSI Technical Specifications for Land Consolidation and On-Farm Development Services.

Other laws directly or indirectly related to applying land consolidation are:

- Law No. 6200 on the Organization and Duties of DSI Directorate General,
- Law No. 3083 on Agricultural Reform for Land Arrangement in Irrigation Areas,
- Law No. 5403 on Soil Protection and Land Use,
- Law No. 6172 on Irrigation Associations
- Agriculture Law No. 5488
- Cadastre Law No. 3402
- Municipal Law No. 5393
- Special Provincial Administrations Law No. 5302

Land consolidation work may be performed either voluntarily (with the consent of the majority of farmers) or involuntarily where there exists public good. In any case, the area subject to land consolidation is announced through a Council of Ministers decision. This decision of the Council of Ministers is regarded as a decision of public good in terms of both land consolidation and other procedures.

Land consolidation work begins with the identification of irrigation areas suitable for consolidation criteria. This assessment involves both field and desktop reviews (preliminary survey), covering the site's topography, availability of fixed facilities (orchard, structures, etc.), and cadastral and title status to determine whether it is suitable for land consolidation. If the irrigation area is found to be suitable for consolidation:

- An affirmative view of Ministry of Development is received; and then
- A Council of Ministers decision declaring the area in question as a land consolidation implementation area is obtained via MoFAL.

In order to start project activities, the area declared as a land consolidation implementation area through a Council of Ministers decision is also locally announced through appropriate means to inform local farmers about the land consolidation.

Particular attention is paid to take measures aimed at preventing potential grievances and income losses of farmers during land consolidation work. In this scope, while it was not possible under Law No. 5403 to pay compensations for the costs of privately owned integral parts and crops values in areas allocated for common use such as canals, roads, pipelines, DSI prepared a law to address this grievance, which was adopted by the Parliamentary General Assembly and put into force in end 2017. Through this law, it will be possible to pay compensation for the integral parts of areas owned by farmers but allocated to common use in consolidation areas, including trees, structures, etc in addition to allow for the compensation of income losses during planned cultivation or delivery of new parcels.

These changes have been reflected in the Law No. 5403 as wells as its implementation regulation, which was published by MoFAL. Hence the application of the afore mentioned measures will be easier to implement and these new changes will make significant contributions in solving the problems of farmers.

### **2.3. WORLD BANK POLICY OP 4.12 ON INVOLUNTARY RESETTLEMENT**

The World Bank OP 4.12 on Involuntary Resettlement includes safeguards to address and mitigate risks resulting from involuntary resettlement under development projects, and covers any involuntary land taking.<sup>4</sup>

The overall objectives of the Bank's policy on involuntary resettlement are the following:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to

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<sup>4</sup> The full text of the policy and guidance on implementation can be accessed at: <http://go.worldbank.org/ZDIJXP7TQO>

enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

World Bank's OP 4.12 includes certain provisions that are complementary to the national legislation. These provisions can be outlined as follows:

1. In cases of urgent expropriation, the project-affected people will be informed in advance.
2. The compensation payable to the property owners for properties subject to acquisition pursuant to the legislation in force will be calculated such that it will be sufficient to buy an equivalent property in the same area.
3. The entitlements of permitted and/or unpermitted users affected by expropriation and the costs of integral parts and innovations whose ownership status can be identified will be compensated.
4. Efforts will be made to create alternative livelihood opportunities or supports for those persons whose livelihoods are limited or lost as a result of the land acquisition, or assistance will be provided to improve or at least to restore their livelihoods and standards of living.
5. People will be regularly informed about the project and its impacts, and consultation and engagement processes will be integrated into the whole project lifecycle.
6. Monitoring and GRM mechanisms will be established.

OP 4.12 requires that no land shall be acquired before compensation is paid completely to the affected people.

"Replacement cost" is the method of valuing assets endorsed by OP 4.12: "For agricultural land, it is the pre-project market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes."

OP 4.12 also recognizes that some types of loss, such as access to public services, customers and suppliers, grazing or forest areas, cannot easily be compensated for in monetary terms and, therefore, requires the Project to attempt to make or establish access to equivalent and acceptable resources and earning opportunities.

While OP 4.12 covers all affected people, it calls on the Project to pay particular attention to the needs of the vulnerable people.

#### **2.4. GAP ANALYSIS AND MEASURES TO BRIDGE THE GAPS BETWEEN TURKISH LAW AND OP 4.12**

National legislation and processes regarding land acquisition have a long history in Turkey. They have been updated in the years of implementation to improve the process to solve the problems

encountered and to incorporate some requirements from international best practice. However, there are still some gaps between Turkish legislation and World Bank OP 4.12. Gaps relevant to the Turkey Irrigation Modernization Project are discussed in detail below. The summary of these gaps and possible measures to bridge these gaps are also presented in Table 5.

### **Gaps Specific to Land Acquisition**

There are several gaps between World Bank policies and national legislation, in relation to the land acquisition requirements for the Irrigation Modernization Project. These are summarized below.

***Resettlement Action Planning:*** There is no statutory arrangement for preparation of a Resettlement Action Plan covering all displaced persons and host families. Therefore, the preparation of scheme based Land Acquisition Plans will be required. DSI will prepare a Land Acquisition Plan for scheme that may require the acquisition of land.

***Identification of PAPs including Vulnerable Groups:*** According to Turkish legislation, only people who lose legally own land are considered as project affected people (PAP). Thus, losses of other PAPs such as the non-title holders and users of public lands, host population, seasonal workers/immigrants (using the project area) or economically displaced people are not recognized and there are no provisions to mitigate the adverse effects of the projects on these people. In Turkish legislations, most of these groups are not considered as PAP.

***Replacement Cost:*** According to Bank's policies, loss of immovables such as land and other fixed assets should be compensated at full replacement cost before the construction starts. For lands lost, land for land compensation is also considered an option however, in Turkey governing law does not require the expropriation agency to investigate alternative lands of equal value and thus, land for land is not practiced in Turkey. Considering that cash equivalent to replacement cost will be used as a compensation method, legal land owners will be compensated for loss of land, and tenants, public land users and informal users would be entitled to the replacement cost of what they have invested in the land. According to Turkish legislation, only legal property owners can get monetary compensation and there is a clause in the law indicating that depreciation shall be deducted. Although this may cause the expropriation value to be less than the full replacement cost as defined in OP 4.12 the full replacement cost will be met. The compensation for the loss of income, access to common properties or social losses (such as opportunity costs) is not clearly stated in Turkish legislation. Full replacement cost will be provided for the loss of land and structures. For such people who are affected and fall under the definition of OP 4.12, mitigation measures as specified in the entitlement matrix, such as provision of surplus land, access to employment opportunities, etc. will be provided.

***Compensation of formal and informal users of lands:*** According to Bank's policies, both legal users and informal users of the land are also defined as PAPs. Turkish legislation does not require payment

of compensation to tenants and informal users of land/properties<sup>5</sup>. However, according to Bank's operational policies, all PAPs are compensated for any structures, buildings, trees and standing crops. OP 4.12 also requires that assistance be provided, if needed, to restore income/livelihood lost as a result of being displaced from the acquired land. Compensation provided will ensure that the livelihoods of renters and other informal users of land are restored to pre-displacement levels. In addition to the legal compensation amount for the official land owners, informal users who have no legal rights, support from social aid funds of the Municipalities and/or Governorates would be provided.

***Livelihood restoration:*** Livelihood restoration and transitional support are not an integral part of Turkish expropriation law. Turkish law does not provide any special measures for vulnerable groups or for seriously affected PAPs (those losing more than 20% of their land or productive resources). Livelihood restoration support, transitional support and alternative income generation support require expertise and resources. DSI will collaborate with other provincial level public institutions to restore livelihoods to the extent possible.

***Public Information Disclosure and Consultation:*** There are limited provisions regarding information disclosure to public, public consultation and participation in the Turkish legislation regarding land acquisition. The expropriation agency is by law obliged to inform PAPs of the expropriation decision. Consultations for negotiations and valuation of assets is also carried out by the expropriation agency. No further consultations are required by law. However, OP 4.12 requires full public disclosure of LAPF and scheme specific LAPs. LAPF and LAPs will be publicly disclosed on DSI website as well as being made available at public places accessible to all PAPs including vulnerable groups (if any). DSI will continue consultations throughout the entire land acquisition and consolidation process through its own staff and through WUAs. DSI will also notify the other stakeholders in addition to the people who have legal rights, including those who have made investments in public land or are occupying the land without formal rights, and tenants, through an official registration mail as they notify the land and property owners and with consultations. In the letter, information about the related sub-projects and impacts due to land requirements will be provided.

***Grievance redress:*** There are channels for lodging grievances under different laws of Turkey (2942 Expropriation Law, 3071 Grievances Law, and 4982 Access to Information Law), but these are through more formal and legalistic mechanisms. DSI currently has a four level GRM in place (for more details see section on GRMs). This mechanism will be tailored to collect scheme specific grievances. These scheme level grievance redress mechanisms complement the formal legal mechanisms which remain available to PAPs who choose to pursue them.

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<sup>5</sup> According to the amendment on article 19 of Expropriation Law, persons who have spent money and constructed/erected buildings or other structures on the lands of other persons are compensated at full cost for trees and material costs for buildings. But material costs need to be reached replacement cost according to Bank's operational policies.

**Monitoring and evaluation:** There is no provisioning for the monitoring and evaluation for land acquisition conducted through expropriation. DSI will establish key performance indicators for monitoring, as well as conducting monitoring activities at intervals depending on project's size and impact.

### **Gaps Specific to Land Consolidation**

According to Article 17 of the Law on Protection of Soil and Land Use No. 5403, and Article 16/1 of the Land Consolidation Regulations issued (in 2009) in accordance with Articles 13, 14, 17 and 24 of this Law, land consolidation area is determined and implemented through the Cabinet Decree (i) upon the consent of land owners who own more than half of project area (lands) while they (at the same time) comprise of more than half of the owners in number; as voluntary, or (ii) upon the request of Ministry (MoFAL) or boards (soil protection); as involuntary. It can be understood that the word of voluntary (in referred texts) means the consent of owners who possess more than half of project area (as of land size), at the same time they are more than half of the number of owners. In three of the MoFAL initiated land consolidation (Ereğli İvriz, Atabey and Kartalkaya), the activities were carried out ex officio, which in certain stages of the work LC may have been involuntary.

Amongst the documents regarding international standards about involuntary resettlement "Involuntary Resettlement Sourcebook of the World Bank" reads "*the Voluntary Resettlement refers to any resettlement not attributable to eminent domain or other forms of land acquisition backed by powers of the state" (page 21). Also, there are two principles of subject first: "informed consent", second: "power of choice". Sourcebook also reads: "*Informed consent means that the involved persons freely agree to participate in the project since that have full knowledge about the project and its implications and consequences as well. Power of choice means the persons have the option to agree or disagree with land acquisition without adverse consequences they imposed formally or informally by the state. By definition, power of choice—and thus voluntary resettlement—is only possible if project location is not fixed. The route of a rural road, for example, could be changed if a landowner objected. The area of a reservoir behind a local dam, by contrast, is immutable. The former instance would allow for voluntary resettlement; the latter would not. To have only informed consent is insufficient without the power of choice.*" (Involuntary Resettlement Sourcebook, Planning and Implementation in Development Projects, IBRD, Washington 2004)*

Project specific land consolidation requirements compared with applicable Bank policies and documents result in gaps stated below:

1. The LC area is specified by a Cabinet Decree which also serves as the eminent domain/public benefit decision – this implies that land can be consolidated voluntarily or involuntarily;
2. Voluntary LC can be carried out if 51% of the owners (in number) possessing more than half of the land in the project area provide written consent to land consolidation. There is no opt-out option available to the remaining landowners, which is contradictory to the requirements of OP 4.12;

3. Up to 10% of land can be deducted for common amenities during LC implementation by law. Even though there is no compensation made for this deduction the deducted land is left to the land owners to benefit from those common amenities. It is not acquired or owned by the land rights authority (hereby, DSI). The benefits of LC and irrigation benefits which make the remaining holdings far more productive, outweigh the loss due to the deduction and farmers prefer this option. Any additional amount of land that is taken (i.e. more than 10%) is either replaced by equivalent treasury lands (if available) and/or expropriated and thereby compensated.

Even best practices in Turkey show that 100% voluntary land consolidation is not possible. There are several reasons to why 100% voluntary land consolidation cannot be pursued;

- inability to access land owners residing in other cities or abroad
- insufficient information provided on land consolidation practices and its benefits
- attachment to ancestral lands
- social conflict between neighboring land owners
- satisfaction on the current location of the subject land

In order to eliminate the above listed reasons, both MoFAL and DSI exercise several rounds of consultations after the land consolidation decision is announced. Through consultations, both institutions aim at reducing the number of PAPs unwilling to participate in the land consolidation program. Thus, continuous consultations are deemed necessary to increase the participation rate in land consolidation. In addition to the negotiations, where applicable in terms of planning and design, relevant consolidation agency analyzes the possibility of excluding the subject land from the program. In some cases, there are recorded examples of unwilling land owners being excluded from the consolidation practice.

Another conflicting issue within the land consolidation practices is the obligatory deduction up to 10% in subject land for roads and services. Even though the 10% deduction of land can be perceived as another form of land acquisition, this rate is only deducted for the utility services (roads, irrigation network etc.) which again is for the benefit of the landowner/user and where the subject land is not registered under any responsible authority or under the possession of the landowner but remains open for everyone's access and use. Additionally, common practices of both MoFAL and DSI have shown that the deduction rate is less than 10% with an average of 6-8%<sup>6</sup>. As per Bank requirements, any land lost should be compensated, however the benefits of consolidation result in the increase of value of more productive land. In line with the Project's aim to modernize existing irrigation schemes on these consolidated lands the project is expected to have positive impacts rather than negative on land.

For the purposes of this project, OP 4.12 will apply to DSI-executed land consolidation and not to MOFAL-executed land consolidation.

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<sup>6</sup> Based on the statistics provided by DSI in previously conducted LC works.

In schemes in which MoFAL is undertaking land consolidation, DSI will undertake comprehensive consultations with the Water User Associations (WUAs) and the local community members, at the beginning of the project process in each scheme. This is envisaged in the project design. Upon completion of MoFAL-led land consolidation, DSI's consultations will include any LC-related concerns and grievances. Similarly, DSI's Grievance Redress Mechanism (GRM) will allow submission of LC-related concerns and grievances. To the extent possible, DSI will aim to resolve these grievances within the scope of the irrigation modernization activities. OP 4.12 will not apply to these schemes, yet DSI will remain aware of the post LC situations and continue to engage with PAPs after the LC to try to resolve any grievances under the scope of the Project, to the extent possible, DSI will maintain a record of all concerns and grievances, received and resolved.

In Uzunlu where DSI is implementing land consolidation, in addition to resolving concerns and grievances about the LC process received during consultations and through the GRM, DSI will prepare a Land Consolidation Action Plan (LCAP) acceptable to the Bank, prior to the start of civil works that will be carried out for consolidating land for irrigation modernization in line with the requirements of OP 4.12. The plan will be prepared soon after the final design is known. In this action plan, DSI will present the current situation of the lands subject to LC, including number of PAPs (both formal and informal users of land) and process to which DSI follows for LC in order to minimize grievances and additional land take that may result in expropriation due to modernization. Similar to the scheme specific LAPs, the measures defined in this LCAP will be then applied to any case encountered to restore, and if possible, improve the pre-project livelihoods of PAPs. The actions taken under the LCAP will be monitored regularly via semi-annual reports together with LAPs. DSI will maintain a record of all concerns and grievances, received and resolved during consultations, through the GRM and by semi-annual monitoring reports.

**Table 5. Gap Analysis and Measures to Bridge the Gaps**

	<b>GAP</b>	<b>Turkish Legal Framework</b>	<b>World Bank Policy Requirements</b>	<b>Measures to bridge the GAPS</b>
<b>LAND ACQUISITION</b>				
<b>1</b>	<b>Resettlement action planning</b>	There is no statutory arrangement for preparation of a Resettlement Plan covering all displaced persons and host families.	World Bank policy requires preparation of RAP.	The project activities will not cause physical resettlement, but expected to cause economic displacement in some of the irrigation schemes due to partial expropriation (mostly easement rights) as needed. DSI will prepare and implement scheme-specific Land Acquisition Plans (LAPs)
<b>2</b>	<b>Valuation Methodology</b>	For lands lost, governing law does not require the expropriation agency to investigate alternative lands of equal value and thus, land for land is not practiced in Turkey.  Structures are compensated based on construction cost and depreciation is deducted. Residential land is compensated by its market value.	Loss of immovables such as land and other fixed assets should be compensated at full replacement cost prior to construction. For lands lost, land to land is also an option.  No deductions will be made for depreciation.	Full replacement cost will be provided for the loss of land and structures.
<b>3</b>	<b>Livelihood Restoration</b>	The Expropriation Law does not have any provisions for livelihood restoration and transitional support.	World Bank policy requires to assist displaced persons in their efforts to improve their former living standards, income earning capacity and production levels, or at least to restore them to pre-Project level.	Although livelihood impacts are anticipated to be more positive than negative, mitigation measures will be in place for any adverse impact that the Project might have due to its LC or construction activities. Livelihood restoration support, transitional support and alternative income generation support require expertise and resources. DSI will collaborate with other provincial level public institutions to restore livelihoods to the extent possible in line with the alternatives proposed in the Entitlement Matrix.
<b>4</b>	<b>Losses of informal users, squatters including vulnerable groups.</b>	Legislation considers PAPs to be legal owners losing land. Seasonal workers/ immigrants or economically displaced people are not recognized to be PAPs. By law, both formal and informal users of Treasury land are compensated for structures and crops. However, there is no provision for the compensation	Economically displaced people, seasonal workers, immigrants and other vulnerable groups shall also be identified as PAPs. Regardless of their ownership status every PAP will be compensated for losses.	Scheme-specific Land Acquisition Plans (LAPs) will identify all Project Affected Persons (PAPs), regardless of their ownership status, and provide measures for the compensation of all users of land.  For all PAPs who are informal users, DSI will restore livelihoods through one or more of the following possible measures

		of informal users of pasture and forest lands.		<ol style="list-style-type: none"> <li>(1) Where possible, DSI will help the informal users get legal title to their land.</li> <li>(2) Where available, DSI will provide DSI land for purchase to informal users.</li> <li>(3) DSI will inform the informal users about the possibility to rent or buy lands from the General Directorate of National Estate</li> <li>(4) DSI will ensure that the applications are made and support received from the relevant Governorship for benefits under Iskur's "Public Workfare Program", or funds are provided by the Social Assistance and Solidarity Foundation for eligible PAPs.</li> <li>(5) DSI will ensure that contractors give priority to PAPs who are informal users for employment opportunities in project-related vacancies.</li> </ol>
5	<b>Consultation and disclosure of information</b>	<p>There are limited provisions regarding information disclosure to public, public consultation and participation in the Turkish legislation regarding land acquisition.</p> <p>The expropriation agency is by law obliged to inform PAPs of the expropriation decision.</p> <p>Consultations for negotiations and valuation of assets is also carried out by the expropriation agency.</p> <p>No further consultations are required by law as there is no requirement for preparing a Stakeholder Engagement Plan.</p>	<p>OP 4.12 requires:</p> <ul style="list-style-type: none"> <li>• Full public disclosure of LAMP and scheme specific LAMPs.</li> <li>• Equal opportunity is created for all stakeholders to access and comment on Project documents, consultations take place in accessible to all who want to attend</li> <li>• vulnerable groups are also consulted</li> </ul>	<p>LAMP and LAMPs will be publicly disclosed on DSI website as well as being made available at public places accessible to all PAPs including vulnerable groups (if any). DSI will continue consultations throughout the entire land acquisition and consolidation process through its own staff and through WUAs. DSI will also notify the other stakeholders in addition to the people who have legal rights, including those who have made investments in public land or are occupying the land without formal rights, and tenants, through an official registration mail as they notify the land and property owners and with consultations. In the letter, information about the related sub-projects and impacts due to land requirements will be provided.</p> <p>DSI will prepare a Stakeholder Engagement Plan.</p>
6	<b>Grievance Redress</b>	A national grievance system is in place for all PAPs to utilize.	A project specific GRM is required.	DSI currently has a four level GRM in place. This mechanism will be strengthened to collect scheme specific grievances (for more details, see GRM section of the LAMP).

				These scheme level grievance redress mechanisms are supplementary, but do not substitute for the formal legal mechanisms which remain available to PAPs who choose to pursue them.
7	<b>Monitoring and evaluation</b>	There are no provisions for monitoring land acquisition in the Turkish legal framework	Arrangements for monitoring, implementation of LAPs and an evaluation of its impacts should be developed in line with the World Bank policy requirements.	Project specific monitoring and evaluation will be carried out and defined in scheme specific LAPs. DSI will establish key performance indicators for monitoring, conduct internal and external monitoring activities at regular intervals (for more details, see monitoring and evaluation section of the LAPF).
<b>LAND CONSOLIDATION</b>				
8	<b>Involuntary application of land consolidation</b>	Prevailing law states that land consolidation can be carried out voluntarily or without seeking the consent of all the owners.	Bank policies require that no resettlement be <u>attributable</u> to eminent domain or <u>other forms of land acquisition</u> backed by powers of the state. Policies suggest that two principles are sought; i) informed consent, and ii) power of choice.	<p>In the scheme (Uzunlu) that OP 4.12 applies to land consolidation, DSI will prepare a Land Consolidation Action Plan (LCAP) acceptable to the Bank, prior to the civil works that will be carried out for consolidating land for irrigation modernization. In this action plan, DSI will present the current situation of the lands subject to LC, including number of PAPs (both formal and informal users of land) and process to which DSI follows for LC in order to minimize grievances and additional land take. Similar to the scheme specific LAPs, the measures defined in this LCAP will be then applied to any case encountered to restore, and if possible, improve the pre-project livelihoods of PAPs. The actions taken under the LCAP will be monitored regularly via semi-annual reports together with LAPs.</p> <p>In the schemes that OP 4.12 does not apply to land consolidation, i.e. those in which MoFAL conducts land consolidation, DSI will receive and to the extent possible, resolve, land consolidation related concerns and grievances through the consultation process and grievance mechanism, within the scope of the irrigation modernization activities.</p>

In case of conflict between national laws/regulations and OP/BP 4.12, the LAPF which is in compliance with OP 4.12 will apply for this project.



### **3. LAND CONSOLIDATION AND LAND ACQUISITION**

Executing expropriation on an irrigation area without practicing land consolidation results in the loss of land and leads to the deformation of parcels dividing them further for access roads and canals. Land consolidation is among the best solutions since it allows for the betterment and sustainability of the living standards for the farmer household compared to compensation provided via expropriation (see Box 1 for benefits of Land Consolidation). Thus, the Irrigation Modernization Project, specifically, adopts the idea of land consolidation to execute the related irrigation schemes in order to avoid and minimize land take as suggested in OP 4.12. However, in places where land consolidation is technically not possible, the design of the new schemes will prioritize utilizing and following the existing canal route expropriated earlier for the current scheme. shall essentially be used in the first place. If still, should the project require additional land despite the application of the first two options, then the land will be acquired through expropriation.

The Social Impact and Gender Assessment (SIGA) prepared for the project elaborates the anticipated areas of impact during project preparation, construction, and operation. Among the adverse impacts which are considered to be minor; land take due to acquisition and consolidation are the primary impacts listed in SIGA. In light of the information provided SIGA, this LAPF enumerates the implications of the land consolidation and land acquisition processes adopted by DSI.

The land consolidation and acquisition process to be followed by DSI is elaborated below.

#### **3.1. LAND CONSOLIDATION PROCESS**

Land Consolidation has been carried out in Turkey since the 1960s. During the period 1961-2015, 5.08 million Hectares of land have been consolidated so far. Of this, DSI has conducted LC on 0.35 million Ha. Another 9 million Ha of land can be consolidated further (according to DSI's estimates). The 10<sup>th</sup> development plan (2014-2018) has an ambitious target of 8 million Ha for a national program for land consolidation which is being carried out by MoFAL.

MoFAL conducts its national LC program independently of irrigation modernization, and most of MoFAL-executed LCs are without subsequent irrigation modernization. In four of the five selected schemes, land consolidation is currently ongoing or has been recently completed. LC activities in the three schemes (Kartalkaya, Atabey and Eregli-Ivriz) in this project are a part of MoFAL's long-standing and ongoing nation-wide program. The LC activities in these scheme areas were initiated without any intent or plan to be followed by DSI's irrigation modernization investments. These activities are financed from MoFAL's national LC program budget. In contrast, LC activities being conducted by DSI in the aforementioned one scheme (Uzunlu) were triggered by and intended to be followed by the irrigation modernization investments, and are financed by DSI's own budget. Land consolidation is not applicable in one scheme (Alasehir) due to the large number of orchards. DSI also integrates on-farm development services (such as support for adoption of efficient irrigation sprinkler and drip systems, agriculture extension, and marketing services), in parallel with irrigation modernization activities to ensure maximum benefits to farmers.. The irrigation

networks are constructed by DSI in conjunction with land consolidation and on-farm development services.

DSI, in its previous LC activities, has achieved high consent rates (85-90%).<sup>7</sup> National legislation allows a deduction of upto 10% for common areas (e.g. access roads and irrigation canals which helps increase value and productivity of each consolidated parcel and reduce boundary disputes) during land consolidation. Land in excess of the 10% deduction, is expropriated, if needed (but this rarely happens). DSI officials and MoFAL (as per information provided by the SIGA consultant) report that the average deduction in their LC areas was 5-6% and that they did not have to expropriate any land during their LC activities. All landowners participating in the LC process receive replacement agricultural land of equivalent productive potential.

#### ***Box 1. Benefits of Land Consolidation***

Land consolidation, that precedes irrigation modernization activities, reduces the cost of irrigation modernization and enables farmers to adopt efficient operational practices. Land consolidation reduces and in some cases, eliminates the need for land expropriation, thereby ensuring that no farmers become landless, during irrigation modernization activities. The Turkish experience shows that if land consolidation can be implemented at the designated farming areas prior to building irrigation infrastructure, there will be savings in the order of about 40% in both the investment and O&M costs.<sup>8</sup> For farmers, land consolidation allows irrigation systems to be based on rational engineering design, allowing them to save money, time and labor, and hence boost productivity. In addition, farmers can easily implement other productivity enhancements, such as land leveling, drainage, etc. when they have better access to irrigation water and roads. This leads to a significant increase in the market value (ranging from 46% to 100% for some of the selected schemes) and productivity of the land consolidated. Land consolidation also improves social resilience and harmony by reducing conflicts related to boundary disputes, rights of way, access roads, inequities in accessing water, etc. Other benefits of land consolidation stemming from savings and production increase can be summarized as follows:

- Reduction in the time spent for accessing dispersed/fragmented land parcels which also leads to the reduction of fuel costs.
- Reduction in the distance between operation unit (farmers' house) and lands, Reduction in costs spent for the transportation of agricultural works.
- Prevention of production losses stemming from un-cultivated parts of land near the border of subject land.
- Ease in the implementation of agricultural techniques and methods of irrigation due to large size land parcels and decrease in number of parcels.
- Prevention of production losses stemming from irregular shaped land parcels, (triangular, multilateral etc.) optimization of agricultural mechanization due to rectangular shape of land allowing for increase in efficiency and income.
- Providing access to roads and water for each parcel.
- Ease in pest control and fertilizing, on farm development implementations that result in increased profit from increased production.
- Production increase leading to increase in land based income due to access to adequate amount of water.
- Production increase leading to increase in land based income due to access to adequate amount of water.
- Increase in the nominal sales price of the land.
- Resolution of ownership disputes, inheritance problems etc.

<sup>7</sup> In cases where landowners do not provide consent, DSI tries to exclude those holdings from the LC process, if possible.

<sup>8</sup> Suha Satana, Ali Riza Ceylan, Atakan Sert. *The Turkish Experience in Consolidation of Irrigated Land: Productivity and Efficiency Implications*. Paper prepared for presentation at the 2017 World Bank Conference on Land and Poverty, World Bank - Washington DC, March 20-24, 2017.

- Reduction in the number of farmers inclined to leave agricultural activities due to small pieces of insufficient and unviable land.
- Prevention of livelihood losses from land take through expropriation.

Among the many benefits of land consolidation, increase in the value of land even prior to start of activities has been observed in many projects conducted by DSI up to date. Box 2 demonstrates the increase in land from different regions as land consolidation is initiated.

**Box 2. Cases Where LC has Resulted in Increase of Land Value**

Land consolidation works carried out by DSI up to date (apart from the Turkey Irrigation Modernization Project) have proved that land values had increased after LC was complete. As stated by DSI officials; unit prices of land begin to increase as the announcement of LC is made in subject settlements. The prices continue to gradually increase throughout LC Works and reach a peak at LC completion and also after irrigation modernization is finalized.

Having reduced the fragmentation and consolidated unviable land, while bringing road and irrigation network to each plot, DSI's LC activities have enabled villagers to sell land for higher value in previous projects. Tables below present projects where land values have significantly increased to due LC.

Name of Project	Province	Prices prior to LC (1,000 m <sup>2</sup> )	Prices after LC (1,000 m <sup>2</sup> )	Increase in Prices (%)
7PY2, 8YP1, 8YP2 projects	Adana	3,100 TL	6,200 TL	100
İmamoğlu 1. and 2. Section		3,200 TL	6,400 TL	100
İmamoğlu 3. Section		6,400 TL	8,400 TL	30
İmamoğlu 4. Section		4,000 TL	7,000 TL	75
Biga –Kaynarca Gönen Pumping Irrigation	Çanakkale	8,000 TL	12,000 TL	50
Manyas Plain Sağ Sahil Tahirova Pumping Irrigation		7,000 TL	11,000 TL	57

Name of Project	Province	Increase in Prices (%)
Hasanlar Irrigation LC	Kütahya	25-35
Altıntaş Beşkarış Irrigation LC		20-35
Aslanapa Kureysler Irrigation LC		10-15
Sivrihisar Nasrettin Hoca Irrigation LC	Eskişehir	15-20

The applicability of land consolidation is determined by taking into consideration the preliminary survey and examinations to be conducted in the project area, topography of the site, availability of fixed facilities (orchards, buildings, etc.), cadastral and ownership status and similar features as well as the community's approach to land consolidation. If the irrigation area is found to be suitable for land consolidation, then it is declared a consolidation area through Council of Ministers decision, to kick-start the project activities. The area where land consolidation will be carried out is declared an implementation area through Council of Ministers decision. This Council of Ministers decision is announced through appropriate means to reach out the right-holders.

After the land consolidation decision, public consultation and information meetings are held in settlements subject to land consolidation. During these meetings, the participants are informed about the land consolidation process as well as the rights and responsibilities of property owners, and efforts will be made to ensure direct involvement of right-holders in the consolidation

process. Repeated consultations carried out by during land consolidation has also contributed to increase the number of PAPs voluntarily participating in the process.

The involvement of local people in land consolidation efforts significantly raises the chances of success in land consolidation. For this reason, measures intended to promote public involvement are incorporated to each stage of consolidation activities undertaken by the DSI. A sound consultative process is followed by MoFAL/DSI to ensure landowners participate in the land consolidation process. LC carried out by DSI is mostly demand based through WUAs and requires the written consent of at least 51% of the landowners possessing more than half of the land in the project area. Furthermore, technical criteria including soil, location, fertility, and sometimes market price indices are used in the valuation of land by a committee that includes local representatives, and the resulting land grading equivalency table is displayed publicly for review and comment. Similarly, soil classification maps are prepared with the participation of beneficiaries from the LC area; beneficiaries preserve the right to appeal to the land allotted; beneficiaries have the right to ask for interviews to determine their preferences as to where their properties would be grouped. Objections are considered and an interactive process follows (which can be formally appealed in court). Conflicts and competing requests are resolved through the consideration of several key issues included in determining new plot locations (e.g. an equivalency principle that ensured all landowners receive replacement agricultural land of equivalent productive potential, direct access to roads, kinship and adversarial relationships, etc.). Consequently, DSI holds several rounds (sometimes up to 4 or 5) to negotiate the location, size and classification of the subject land. Table 6 below demonstrates how MoFAL attempts to accommodate PAPs requests/objections and shows the decrease in the number of PAPs objecting to land consolidation over several rounds.

**Table 6. Round of Consultations Executed for LC in İslamköy and Keçiborlu Villages of Isparta**

Village	# of Negotiations Carried Out	# of Negotiations Not Carried Out	1. ROUND			2. ROUND			3. ROUND		
			Start Date	End Date	# of Objection Letters	Start Date	End Date	# of Objection Letters	Start Date	End Date	# of Objection Letters
İslamköy	965	632	09.03.2015	24.03.2015	135	27.07.2015	10.08.2015	95	10.12.2015	25.12.2015	35
Keçiborlu	1,058	1,286	12.05.2015	27.05.2015	245	01.02.2016	15.02.2015	228	07.04.2016	22.04.2016	42
<b>TOTAL</b>	<b>2,023</b>	<b>1,918</b>			<b>380</b>			<b>323</b>			<b>77</b>

Source: MoFAL, February 2018

Small farmers, who are most likely to cultivate fragmented pieces of land, benefit the most from the LC process. Transparency and grievance mechanisms are put into place. These steps demonstrate broad community support for the projects undertaken by DSI/MOFAL.

DSI engages with WUAs extensively in each of the land consolidation, construction and operation phases during irrigation modernization. WUAs make advance contributions (1% of the project cost is to be paid before the start of physical works; another 9% is required before completion of physical works), which ensures farmers' buy-in of the project. WUAs take responsibility of managing the schemes in the operation phase. Further, DSI and MoFAL share information and interact continuously, as stipulated in national legislation, with all the landowners to ensure maximum satisfaction during the land consolidation phase. DSI has a functional multi-level grievance mechanism that serves all DSI activities.

These meetings with stakeholders, use brochure and other informative techniques in addition to visual methods. In addition, the questions raised by farmers are answered during these meetings

and informative process. According to the schedule of land consolidation work, cultivation planning is conducted with the involvement of farmers as well, if deemed necessary. After the places to be subject to consolidation work during the following year are determined, these places are informed so that they can arrange their cultivation planning accordingly. This way, farmers can plan for their needs such as seasonal workers, etc. well in advance.

Sufficient amount of soil is taken from the area where land consolidation will be carried out, and is analyzed in laboratory. Soil survey maps are produced as a result of these analyses. Soil gradation maps are produced using soil survey maps. To execute the land gradation procedures; a land gradation commission is formed, consisting of six primary and three reserve members, including three primary and one reserve member -including chairman- to be appointed from the project unit by then project administration, village headman or one primary member and one reserve member to be appointed by the village headman in villages; one primary and one reserve member to be appointed by the mayor from specialized professionals in municipalities; one primary and one reserve member to be appointed by the provincial governor from specialized professionals in special provincial administrations; and two primary members and one reserve member to be elected from owners of lands in the project area.

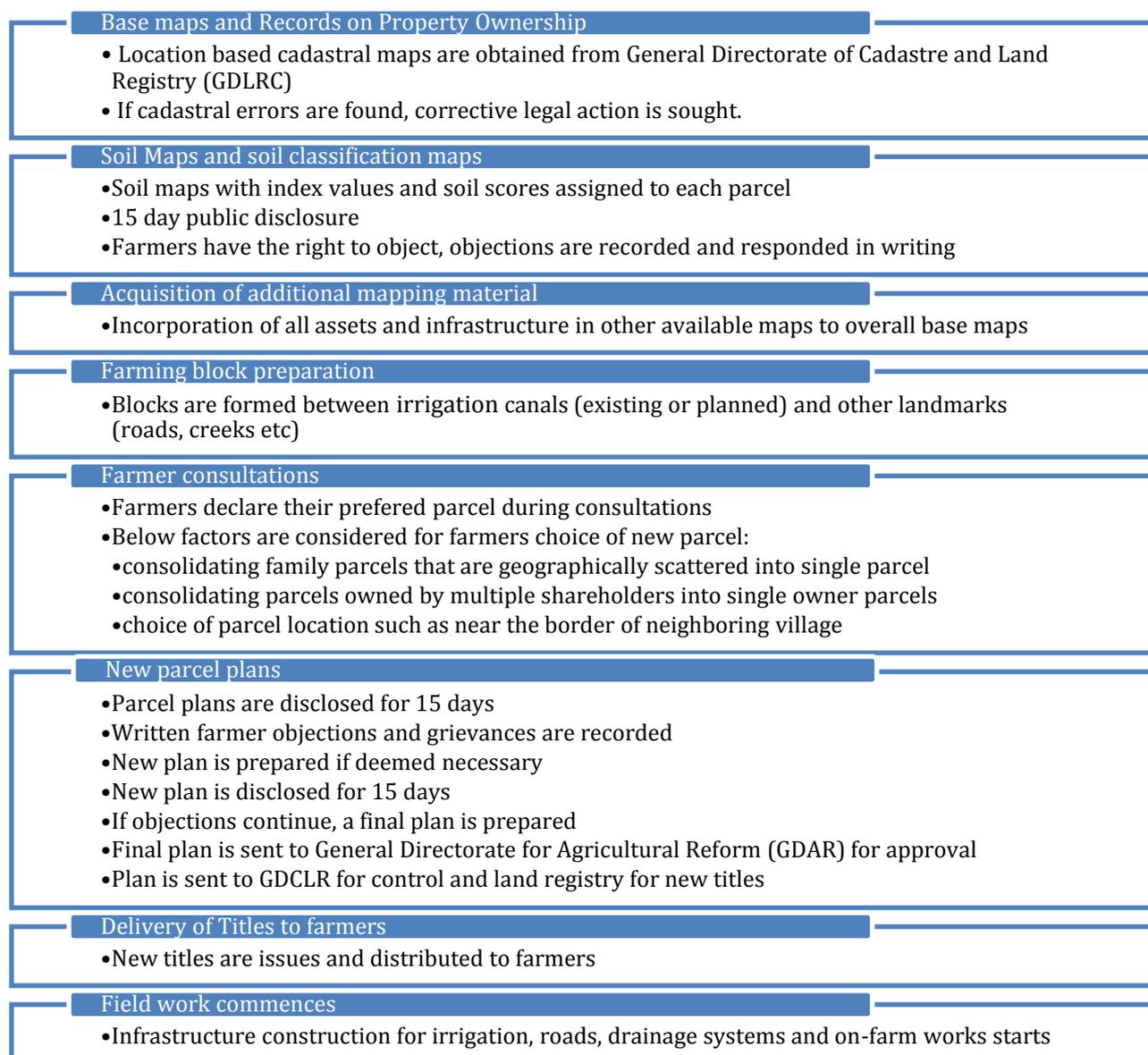
The land gradation commission convenes in the presence of the majority of members and takes decisions through affirmative votes of majority of members. The gradation map adopted by the land gradation commission will be posted in an easily accessible public place to be deemed appropriate by the village headman's office or municipality, for fifteen days to inform the public about it. The map is also made public through local means.

Land owners and other related parties may file their objections to the land gradation map with the land gradation commission, in writing, within fifteen days from the end of posting period. The land gradation commission decides on the objections within fifteen days at the latest, inform the related parties in writing and post the decision for fifteen days again. Land owners and other related parties may file objections with the project administration within fifteen days from the end of posting period. The project administration decides on these objections within thirty days. The project administration's decision is conclusive and is notified to the related parties in writing. The land gradation maps not disputed within due course shall become final. Based on the block plans created, interviews are held with farmers, the three-alternative choice is marked on the interview form and then signed by the owner. The interview forms are sealed by the village headman and recorded. During the interview, the farmer is asked to indicate the parcels he owns, the owners with whom he wants (and doesn't want) to become a neighbor, fixed facilities he wants to be taken into consideration (wells, houses, barns, etc.). The choices made during the interviews are respected to the extent possible in parcel plans to be newly produced.

The new subdivision plans produced or outsourced by the project administration, on the basis of land gradation, and the new ownership lists are posted on site, announcement board of the related district governorate, at the related municipality and the related revenue office for 15 days. Right holders may object to the project administration within 15 days from the end of posting period. Objections must be decided within 30 days at the latest. The revised lists and subdivision plans are posted again after the evaluation of objections. As deemed necessary, the posting process of subdivision plans may be repeated as many times as necessary. For each of the newly create parcel, the map containing the parcel information is delivered to the parcel owner through a

minute. New title deeds are handed to related parties after registration. The land consolidation process implemented by the DSI is summarized in Figure 1.

**Figure 1. Land Consolidation Process Implemented by DSI**



### **3.2. LAND ACQUISITION PROCESS**

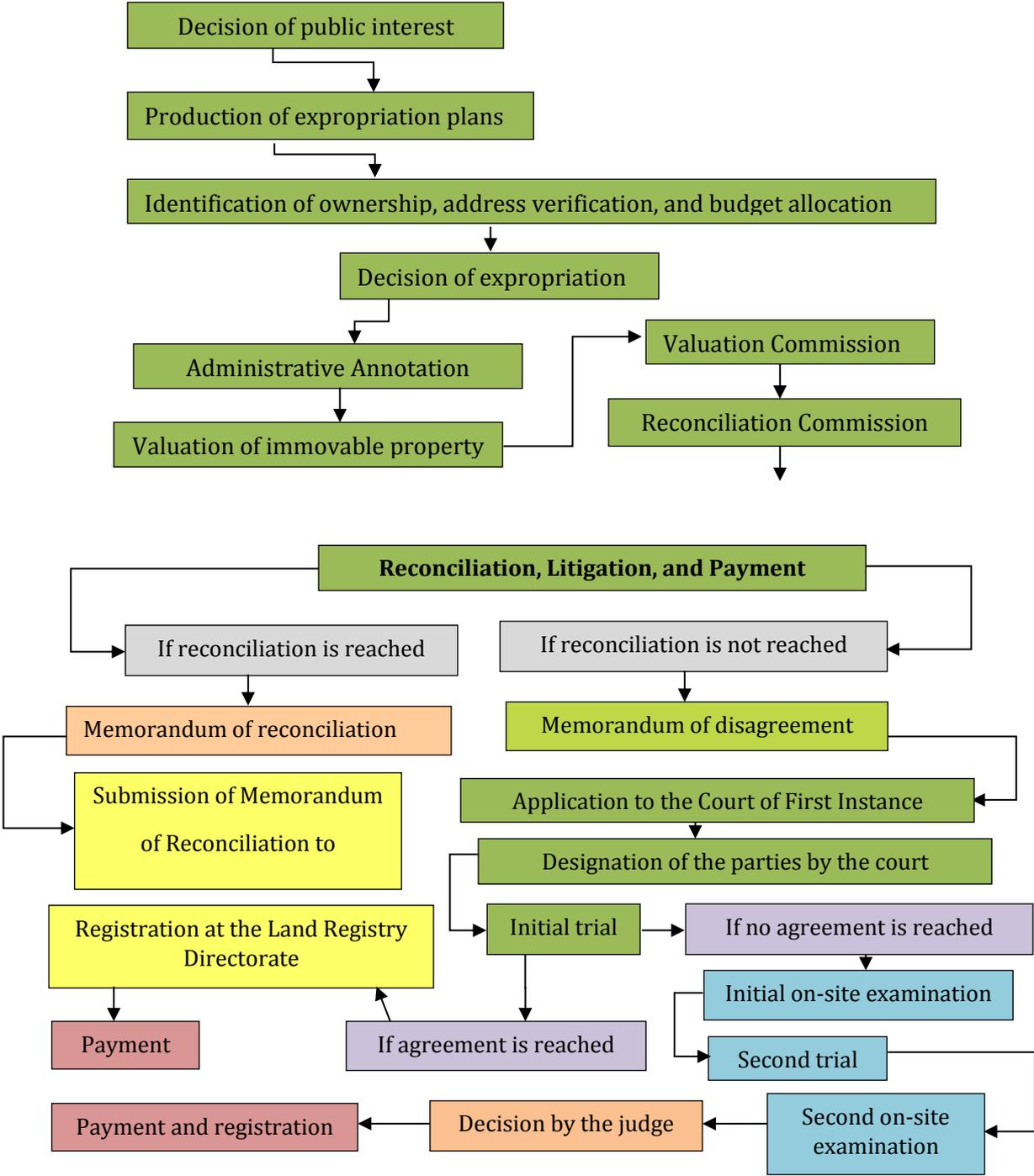
DSI acquires the land needed for the provision of services under its responsibility, within the framework of powers assigned to it through its organization law numbered 6200 and in compliance with the provisions of Law No. 2942. Expropriation plans are prepared and the owners and possessors of the relevant properties are identified after the decision for public good is taken for projects included in the Investment Program. Then an expropriation decision is taken and announced to the Land Registry Office, for deed restriction pursuant to Article 7 of the Law. The estimated value of the property is appraised using scientific and objective data within the framework of Article 11 of the Law.

Since it is essential that expropriation procedures be carried out through purchase first, negotiated reconciliation will be sought with the property owners at the appraised value. If an

agreement is reached, then a minute of agreement will be signed and such minutes shall form the legal cause for the registration of the property in the name of the administration ex officio.

If an agreement cannot be reached with the property owner, then the expropriation cost will be determined by the court in accordance with Article 10 of the Law, paid to the property owner and the property will be registered in the name of the administration.

When the immovable property of another public legal entity is needed, then Article 30 of the Law applies. If an agreement cannot be reached with the administration owning the property, then the issue shall be settled by the Court conclusively.



### **3.3. VALUATION METHOD**

#### **3.3.1. Valuation of Ownership Rights**

The DSI's Valuation Commission must take into account the following valuation criteria, which are mentioned in Article 11 of the Expropriation Law, when appraising the value of the property or resource to be expropriated, such that the owners losing their properties can acquire similar properties in the same area:

- a. Type and nature,
- b. Surface area,
- c. All features and elements that may affect its value, and the value of each element separately,
- d. Tax declaration, if applicable,
- e. Previous values of property determined by official bodies on the date of expropriation,
- f. For land, the net income that could be derived from the immovable property or resource (without undertaking any changes, using the immovable property or resource in the same conditions as of the expropriation date),
- g. For house plots, the amount for which similar house plots have been sold without any special purpose, prior to the date of expropriation,
- h. For structures, official unit prices and construction cost calculations,
- i. Any other objective criteria that could affect the value of the property or resource.

The Valuation Commission shall determine the value of an immovable property in a justified report, providing the answers separately for each of these elements, and also taking into account the declarations of related persons, in accordance with the standards adopted by the Capital Market Board.

The crop value will be determined based on market price and investment amount made for the crop in terms of input, labor, age of trees. Each crop and/or tree will be considered according to its characteristics (annual or perennial, maturity, average yield on a minimum of 3 years etc).

Turkish expropriation legislation does not require the payment of compensation to tenants, sharecroppers and illegal users of properties who have made no improvements (building and/or tree planting). However, payment can be made to those persons who can prove ownership through official documents or by way of court. Persons building structures or planting trees on the land titled in the name of other persons or land which is ownerless, and/or has not been acquired by its customary owner are entitled to receive expropriation compensation equal to the minimum material value for buildings and appraised value of trees within the framework of Article 11 of the Law. However, these will be compensated as per the mitigation measures specified in the entitlement matrix of the LAPF.

#### **3.3.2. Valuation of Easement Rights**

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

During the production of expropriation plans, the area on which easement right will be established is determined together with its coordinates, and then the plan is produced.

In areas where permanent easement right will be established; the loss of value caused on the property by the easement is taken as the cost of easement right. Permanent easement right is annotated to the land register and its cost is paid to the right-holder.

In areas where temporary easement right will be established; the loss of income caused on the property by the easement is taken as the cost of easement right. Temporary easement right is annotated to the land register and its cost is paid to the right-holder.

For easement right, the procedures required under ownership rights shall be applied; however, the areas subjected to establishment of temporary and permanent easement right are restored before they are handed over to their owner.

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

For long term easement, the plot price determination for compensation cannot surpass 35% of value of the market price if the land were sold. This represents the top allowable price according to Turkish law. There is no change in ownership and restrictions are removed when the use of the area ends.

In addition to the national legal requirements, DSI will follow the Entitlement Matrix in Chapter 5 which details the entitlements in order to comply with OP 4.12.

Some restrictions may apply to the lands subject to temporary and permanent easement. Land owners and users will continue to carry on their agricultural activities on the subject lands however will not be able to carry out the following actions:

- Realizing activities that will damage the irrigation network (pipeline)
- Building/constructing any structure or outbuilding on the pipeline corridor
- Planting rooted trees on the pipeline corridor

#### **4. POTENTIAL IMPACTS AND AFFECTED PEOPLE**

Potential impacts of the project will be limited to (i) loss of land used for horticulture, and agriculture purposes due to the land acquisition, and the structures, other properties and crops on these lands, (ii) and economic displacement of people living on these lands (whether as owner or occupier).

The irrigation schemes considered for modernization activities include land expropriated earlier for canal routes and roads. Primarily land consolidation is considered for modernization works. It is considered that there will be minimal need for expropriation in areas where land consolidation will be conducted or has already been conducted (See Table 2: Estimated Land Acquisition Requirements in Selected Irrigation Schemes). Therefore, negative impacts of the project will be at the lowest level in projects under which land consolidation has already been conducted.

Furthermore, as the entire irrigation network has been designed as a closed system (pressurized pipe) in the modernization projects, it is considered that they will not include any application that requires physical resettlement.

For modernization projects which are not suitable for land consolidation, the canal route expropriated earlier for the project shall be used in the first place, and in case of changes in route, ownership expropriation or easement right expropriation may be needed. As mentioned earlier, since the modernization projects are designed with pipeline system, ownership expropriation is envisaged for additional roads only, while easement right expropriation will be preferred for other areas. This will both prevent the reduction of agricultural lands currently used by farmers and minimize the negative impacts of modernization projects on farmers.

Since the irrigation systems considered under modernization project are in the form of open canals (also called classical system), expropriations have been conducted accordingly, resulting in very large expropriated areas. Since the pipeline system will require a much smaller area as a result of modernization, some of the areas expropriated in the past will remain idle in the new system. The parts of these areas which can be used for agriculture will be rehabilitated and granted to the local farmers in exchange for their properties to be expropriated, or if this is not possible, will be made available for agricultural activities again through sale.

Since the pumped irrigation schemes included in the modernization investment already have pumping buildings and energy lines, additional expropriation is not envisaged for these purposes. However, if a need arises, ownership expropriation will be applied for pump building and tower areas, and easement right expropriation for energy transmission lines.

Energy transmission lines may be installed by the DSI and transferred to the related electricity distribution company for operation, or they may be installed by the related company with cost borne by the DSI through a protocol between the parties.

Under the modernization project, **construction works will be planned such that existing irrigation is not interrupted.**

Table 7 summarizes the rights to be established for the components of the Irrigation Modernization Project.

**Table 7. Rights Planned to be Established under the Irrigation Modernization Project**

Project Component	Right to be Established	Duration
Construction route	Temporary easement right	2-9 years
Irrigation pipeline	Permanent easement right	49 years

Reservoir area / facility	Ownership right	permanent
Pumping station	Ownership right	permanent
Access roads	Ownership right	permanent
Energy transmission lines	Ownership right for tower areas, Easement right for transmission lines	Permanent for tower areas; 49 years

The project is expected to create positive impacts as opposed to minor adverse impacts with respect to its land requirements. Through land consolidation, the project aims to minimize the land take requirements of the proposed schemes. Where expropriation is unavoidable, the project will take measures to decrease the level of adverse impacts induced by land take. Direct impacts on individuals and groups are discussed below.

**Project Affected People (PAPs):** There are three categories of PAPs that are anticipated to be directly impacted by the project; i) member water users ii) non-member water users and iii) agricultural workers. Each of the three categories have sub-categories of people who may be impacted by the Project. Table 8 below demonstrates the sub categories of affected people under each group.

**Table 8: Sub-categories of affected people for Directly Impacted PAPs**

#	Member Water Users	Non-member Water Users	Agricultural Workers
1	Land Owners	Irrigation by well water	Seasonal workers (from Adiyaman, Urfa and other cities)
2	Tenants	Parcel out of or far from the WUA service area	Daily workers from neighboring settlements
3	Inherited	Tenant contract not sufficient for membership	Migrant seasonal workers
4	Renting Treasury Land	Non-membership due to Inheritance issues	Women workers
5	Women	Landless	Children over 15 years old
6		Land owners who don't cultivate the land but rather rent their land to others	Saka worker
7		Women	Çavuş worker (Leader)

In order to identify the above-mentioned categories of PAPs, DSI will conduct stakeholder engagement meetings and consultations from the beginning of the project for each scheme. Close cooperation and coordination will be established with WUAs to identify and address the needs of both members and non-member water users. DSI will make additional effort to ensure the involvement and participation of women in each scheme and hold separate consultations and discussions separately if necessary. All PAPs directly impacted will be informed regularly on project planning, construction schedule and operation. DSI will make sure PAPs are aware of the project level GRM.

Through engagement with land owners, DSI will also identify workers on subject land and provide timely information on the construction schedule for necessary arrangements to be made by land owners to inform workers of periods where possible job opportunities no longer exist.

**Vulnerable Groups:** DSI will identify vulnerable groups that may exist in each scheme through consultations and site visits conducted throughout land consolidation and acquisition activities. Women farmers, seasonal workers (including refugees), landless farmers and users of public lands will be identified and informed on the project and their rights should they be impacted by the project. DSI will ensure that specific measures are taken to address the project related losses of vulnerable groups through the application of its entitlement matrix. These have been discussed in more detail in Table 9 below.

Turkey is party to a multitude of ILO conventions, including but not limited to conventions on: equal treatment of employees, gender equality, child labor, forced labor, OHS, right of association and minimum wage. Accordingly, the current Turkish Labor Law is in compliance with international labor standards including aspects such as child labor, forced labor, non-discrimination and equal opportunity and right to join workers’ organizations. DSI, will ensure that all works; including tasks carried out by Contractors are in compliance with national legislation.

**Table 9. Types of Vulnerable Groups**

Vulnerable Group	Definition of Vulnerability	Possible Impacts
<b>Women farmers</b>	This comprises of women farmers who are highly dependent on land and who engage in agricultural activities within the WUA irrigation area.	Social norms and cultural barriers may hinder women’s engagement;
<b>Landless users</b>	This vulnerable group consists of landless people, who rent or use land of others within the WUA irrigation area.	Legalizable land users will have their titles legalized; non-legalizable users, may lost their land.
<b>Users of treasury Land</b>	The users of treasury land could be landless or owners of other land.	These users may lose access to Treasury land if it is included in LC.
<b>Seasonal Agricultural Workers</b>	Seasonal agricultural workers (some of which could be refugees) are employed for agricultural works (planting, harvesting) for the duration of the cropping season and return back to their homes once the cropping season ends. Children from these families may also be employed in agricultural activities.	Irrigated large scale production may trigger need for increased number of seasonal workers. Yet, due to use of machinery, need for temporary workers may decrease.  DSI will ensure that no child laborers are employed in any of the project activities.
<b>Owners of small land</b>	These are owners of land with small landholding size. Land holding size differs according to location, these owners’ total land holdings are less than minimum land size required for income generation stated by MoFAL.	Positive impact: These farmers will have access to higher quality irrigated land resources upon LC.  Potential adverse impact: These farmers will be faced with higher costs and expenses due to irrigation such as electricity fees, higher water tariffs. As they are small producers, they may not have the financial capacity to

		meet the expenses. The same cost structure is applied to all users regardless of the size of land owned.
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## 5. ENTITLEMENT AND COMPENSATION POLICY

The land for irrigation systems to be modernized may be in use by both the land owners and users who are not land owners. In case of expropriation of such lands, both the land owners and other land users will be compensated in an amount sufficient to buy equivalent immovable property in compliance with the legislation in force. The persons using these lands may be formal or informal users. Necessary actions will be taken to compensate the integral parts and innovations found to be owned by unpermitted users in accordance with the legislation and OP 4.12.

During the irrigation systems rehabilitation activities, work schedules will be planned such that income losses will not be caused to the land owners, users, seasonal workers and others who live on these areas of land. Any potential damage and loss that may still arise will be compensated within the framework of the legislation.

According to the World Bank's OP 4.12, the persons to be entitled to rights as a result of the impacts of modernization activities and how they will be compensated are defined in the Entitlement Matrix given below.

**Table 10. Entitlement Matrix**

Subject of Entitlement	Affected People / Groups	Type of Compensation	Additional Provisions
<b>Land</b>			
<b>1. Permanent loss of land</b> (ownership rights)	1.1. Land owners	<ul style="list-style-type: none"> <li>• Cash compensation at replacement cost to cover acquisition of an equivalent land.</li> <li>• Replacement land of equivalent quality and value will be explored, for the willing PAPs, and the chance for land barter will be sought to the extent possible.</li> </ul>	Expropriation procedures and actions will be carried out in accordance with the provisions of the legislation in force. Land and fixed assets shall be compensated at appropriate replacement cost, which should allow PAPs to acquire assets of equivalent value (valued at the date of project start).
	1.2. Land users whose titles are legalizable (e.g. those with customary rights to land)	<p>The land users with customary rights to land will be assisted to obtain title deeds for the subject lands. If permanent loss is suffered for such lands with title deed, the following methods of compensation shall apply:</p> <ul style="list-style-type: none"> <li>• Cash compensation at replacement cost to cover acquisition of an equivalent land.</li> <li>• Replacement land of equivalent quality and value will be explored, for the willing PAPs, and the chance for land barter will be sought to the extent possible.</li> </ul>	Expropriation procedures and actions will be carried out in accordance with the provisions of the legislation in force. Land and fixed assets shall be compensated at appropriate replacement cost, which should allow PAPs to acquire assets of equivalent value (valued at the date of project start).
<b>2. Temporary loss of land</b> (easement rights, i.e. restrictions on land use)	2.1. Land owners	The easement right fee provided for in the Law will be paid for the land.	Restore the land to usable position before delivery to owner.
	2.1. Land users whose titles are legalizable (e.g. those with customary rights to land)	<p>The land users with customary rights to land will be helped to obtain title deeds for the subject lands. If temporary loss is suffered for such lands with title deed, the following method of compensation shall apply:</p> <p>The easement right fee provided for in the Law will be paid for the land.</p>	Restore the land to usable position before delivery to owner.
<b>Structures / Trees and Crops</b>			
<b>3. Structures</b> (residential buildings)	Property owners and property users (including informal users)	<ul style="list-style-type: none"> <li>• Cash compensation at full replacement cost</li> </ul>	Salvaged materials after demolition of the building are deemed to be owned by PAP.

Subject of Entitlement	Affected People / Groups	Type of Compensation	Additional Provisions
<b>4. Non-residential structures</b> (barns, irrigation facilities, fences, etc.)	Property owners and property users (including informal users)	<ul style="list-style-type: none"> <li>Cash compensation at full replacement cost</li> </ul>	Salvaged materials after demolition of the building are deemed to be owned by PAP.
<b>5. Trees</b>	Property owners and property users	Compensation at net present value for trees with economic value based on type, age market price of product and the productive life of the trees.	Remains to be left to PAPs.
<b>6. Crops</b>	6.1. Crop owners with title deed for land	Cash compensation for expected crop quantity at actual sales value received by producer at harvest time.	Where possible, provision of enough time to harvest crops to avoid crop loss.
	6.2. Crop owners without title deed for land (including informal users)	Cash compensation for expected crop quantity at actual sales value received by producer at harvest time. If PAPs can provide a registration certificate <sup>9</sup> for the crops, they will do so. If not, DSI will verify ownership of crops or provide them enough time to harvest crops to avoid crop loss.	<ul style="list-style-type: none"> <li>Where possible, provision of enough time to harvest crops to avoid crop loss.</li> <li>Subject PAPs will be informed about the requirement to obtain a registration certificate.</li> </ul>
<b>7. Loss of land based livelihoods</b>	<p>7.1. Land owners (losing more than 20% of land)</p> <p>7.2. All other right-holders</p> <p>7.3. Vulnerable groups</p>	<p>DSI will restore livelihoods through one or more of the following possible measures</p> <ul style="list-style-type: none"> <li>Where possible, DSI will help the informal users get legal title to their land.</li> <li>Where available, DSI will provide DSI land for purchase to informal users.</li> <li>DSI will inform the informal users about the possibility to rent or buy lands from the General Directorate of National Estate</li> <li>DSI will ensure that the applications are made and support received from the relevant Governorship for benefits under Iskur's "Public Workfare Program", or funds are provided by the Social Assistance and Solidarity Foundation for eligible PAPs.</li> </ul>	<ul style="list-style-type: none"> <li>During modernization of schemes, DSI will consider using public land for the project's permanent land requirements</li> <li>Where possible, permanent land take will be realized within the 10% deduction for common services to avoid expropriation</li> <li>Vulnerable groups will be provided with additional consultations regarding their entitlements on livelihood losses</li> </ul>

<sup>9</sup> Documentation from the muhtar (head of village) to verify that the subject crops belong to the PAP.

Subject of Entitlement	Affected People / Groups	Type of Compensation	Additional Provisions
		<ul style="list-style-type: none"> <li>DSI will ensure that contractors give priority to PAPs who are informal users for employment opportunities in project-related vacancies.</li> </ul>	
<b>8. Damages to houses, buildings, and structures affected during construction</b>	All other affected people	Construction contractor will assess damages and take remedial actions. If damages and losses can't be mitigated or fixed, the affected structures will be compensated as per the LAPF.	<ul style="list-style-type: none"> <li>PAPs will be informed of their legal rights for entitlements and the grievance mechanism in place for any complaints during construction.</li> <li>Salvaged materials after demolition of the building are deemed to be owned by PAP.</li> </ul>

## 6. CONSULTATION, COMMUNICATION AND COMPLAINTS MANAGEMENT

### 6.1. STAKEHOLDER ENGAGEMENT AND CONSULTATION

OP 4.12 requires that the borrower must conduct prior consultations with project-affected persons in World Bank funded projects. Therefore, the DSI will conduct and document consultation with the Water User Associations (WUAs) and the local community members in the area of influence of each scheme in advance of modernization works. This consultation will provide general information about the project including the project's rationale, land requirements and impacts, legal rights of persons that may be potentially affected, and work schedules. It will be essential to inform local stakeholders of the name, contact information, and times of availability of the designated project official(s) to contact in the event of questions or problems related to land acquisition or other construction-related impacts. A stakeholder engagement plan (SEP) attached in Annex 4, illustrates the types of messages and engagement methods that will be used by DSI to target different stakeholder groups. DSI will ensure that these consultations also include any LC-related concerns and grievances. Similarly, DSI's Grievance Redressal Mechanism (GRM) should also allow submission of LC-related concerns. To the extent possible, DSI will aim to resolve these grievances within the scope of the irrigation modernization activities.

The DSI will commission a project unit for the project. The project responsible person to be appointed for the project will keep records of salient issues or questions raised in discussions and steps taken to facilitate their resolution. He/she will pro-actively advise affected communities of upcoming project developments of significance to the community.

The DSI is setting up a "**Land Consolidation Project Unit**" consisting of survey and agricultural engineers within both the General Directorate and the DSI Regional Directorate where the consolidation is conducted, as part of the land consolidation activities carried out within its own irrigation areas. The land consolidation activities are being executed by persons within the project unit. In the scheme in which DSI is implementing land consolidation, in addition to resolving concerns and grievances about the LC process that DSI receives during consultations and through the GRM, DSI will prepare a Land Consolidation Action Plan (LCAP) acceptable to the Bank, prior to the civil works that will be carried out for consolidating land for irrigation modernization. In this action plan, DSI will present the current situation of the lands subject to LC, including number of PAPs (both formal and informal users of land) and process to which DSI follows for LC in order to minimize grievances and additional land take that may result in expropriation due to modernization. Similar to the scheme specific LAPs, the measures defined in this LCAP will be then applied to any case encountered to restore, and if possible, improve the pre-project livelihoods of PAPs. The actions taken under the LCAP will be monitored regularly via semi-annual reports together with LAPs. DSI will maintain a record of all concerns and grievances, received and resolved during consultations, through the GRM and by semi-annual monitoring reports.

### 6.2 STAKEHOLDER ENGAGEMENT ACTIVITIES UP TO DATE

The consultation meeting for LAPF, ESMF and ESMP was conducted by DSI on June 20, 2018 in Atabey, which is one of the irrigation schemes to be supported under the Project. The meeting was attended by 121 participants, including Mayor of Atabey, DSI Headquarters Staff (Expropriation and Land Consolidation Department), DSI Regional Directorate, farmers from Atabey sub-region,

members of WUAs, muhtars (headmen of villages). There were 5 women participants who were housewives or retirees.

The Operations and Maintenance Branch Director of DSI's Regional Directorate provided a brief overview of the Atabey irrigation scheme. The Atabey Irrigation Scheme was commissioned in 1974 and has been operating as an open system since then. After the introduction, the World Bank financed Project was explained to the public. The Branch Head of Surveys and Evaluation from the Department of Expropriation and Land Consolidation of DSI presented the Land Acquisition Policy Framework and what it entails, including the additional measures that DSI will undertake in order to bridge the gaps between national and international standards. DSI first introduced the national legal framework for land acquisition and then mentioned the World Bank safeguards policies that will be applied in the five irrigation schemes, supported under the World Bank financing. In some parts of the scheme, although DSI is trying to avoid, there might be expropriation taking place. DSI indicated that surveys and land acquisition plans will be prepared in line with the World Bank policies. DSI also explained land consolidation and its benefits in full detail, since some of the participants have not experienced land consolidation activities on their parcels yet. Most of the questions were related to land consolidation. DSI presented the grievance redress mechanism that will be applied in the project. However, the public was assured that there will be multiple consultative processes during consolidation and DSI staff reiterated that the consolidation practice would not cause any grievance on the part of citizens, but on the contrary land consolidation in this plain would reduce all types of expenses and costs and the consolidation of 4 or 5 parcels would allow for increasing savings and production. The meeting recorded high demand on land consolidation from farmers and the water user associations.



### **6.3 GRIEVANCE REDRESS MECHANISM**

In order to record and resolve the positive/negative feedback, or complaints communicated by project-affected people or other stakeholders during project implementation, DSI will create an easily accessible Grievance Redress Mechanism. The Grievance Redress Mechanism will aim to address all problems and complaints concerning land acquisition/consolidation processes and/or other environmental and social issues during construction stage.

DSI currently utilizes a four level GRM; grievances can be addressed at:

1. WUA level
2. DSI Branch Directorate level
3. Regional Directorate level
4. DSI General Directorate level

Any PAP or stakeholder can choose to lodge a grievance at any level personally, through an application, by email/ telephone or through the national GRM system by use of BIMER (Prime Ministry Communication Center) or CIMER (Presidency Communication Center). Each grievance received is recorded by Document Registry Office under Personnel Directorate in General Directorate, regional and branch directorates. Depending on the type and content, grievances received are distributed among relevant departments by document registry officers to be addressed and resolved within the specified time frame (15 days). All written grievances received through applications, email, BIMER or CIMER are recorded by DSI. Should any grievance received through telephone require an action to be taken by DSI, the complainant is guided to lodge the grievance through written means to allow for its registration in the GRM.

Document registry officers (at all levels) prepare monthly reports on the grievances received both through DSI's own GRM and the ones received through BIMER and CIMER.

WUA level grievances received are generally related to issues encountered during operation of schemes, whereas grievances lodged at all other levels can be related to all works carried out by DSI. WUA's keep record of their own grievances to be shared with DSI upon request when necessary.

DSI will maintain operating its current GRM with minor adjustments to allow for scheme level data collection. Any grievance during the implementation of project schemes will be communicated to the closest DSI unit (WUA, Project Directorate, DSI Branch Directorate, Regional Directorate or General Directorate) in person, by electronic mail or other available means. All of the objections will be recorded and objecting parties will be responded to in writing. After the objections to plot plans are evaluated, the objecting parties will be informed that the procedures completed will be disclosed again so that they can be viewed.

If issues arise concerning land acquisition or consolidation, the affected people will be informed by DSI officials about the legal process and rights, as part of the communication strategy, prior to the expropriation/consolidation and construction processes.

All types of complaints and requests lodged by project-affected people or other stakeholders will be recorded by DSI for each scheme. The records will be evaluated and closed, and the closed

complaints will be documented and saved. The Grievance Redress Mechanism will be operated in compliance with the World Bank's policy requirements.

Any complaint received by DSI will be responded to within 15 days. If it takes longer than 15 days to resolve the complaint, the complainant will be informed and efforts will be made to conclude the issue within one month by higher-level authorities.

Written petitions may be received by e-mail or through application in person. Two separate complaint forms will be used for the Grievance Redress Mechanism. The first form will be a "Grievance Form". When a grievance is first received, a copy of the completed Grievance Form will be submitted to the complainant if requested. After the corrective action and address of the grievance, a Grievance Closeout Form will be completed by the officer in charge of grievances. A sample Grievance Form and Grievance Closeout Form is given in Annex-2.

DSI, through its engagement activities will ensure that all project affected individuals, groups and communities are informed of the existing GRM and introduced to scheme specific officers at site for any grievances they may have regarding the implementation of the project.

## **7. LAP IMPLEMENTATION ARRANGEMENTS**

DSI will prepare scheme-specific LAPs for all the irrigation schemes that need land acquisition after the land consolidation activities are completed and the schemes have been handed over to DSI (in case of the three schemes in which land consolidation is being undertaken by MoFAL). DSI will define the area of influence for each of the schemes and coordinate both internally among its departments and externally with other stakeholders such as MoFAL, to prepare for the land acquisition activities that will take place for each scheme.

To comply with prevailing law and Bank's OP 4.12, DSI will;

- identify people directly and indirectly affected by the project; among these PAPs will be vulnerable groups such as women headed households, seasonal workers etc. as well as formal and informal users of land,
- ensure that all project affected communities and individuals are informed of the Project's land acquisition or land consolidation requirements prior to any implementation,
- tailor its existing four level GRM to allow for scheme specific grievances to be collected as defined in this LAPF and scheme specific LAPs,
- inform all relevant stakeholders including PAPs and vulnerable groups on the scheme specific GRM established for each scheme,
- coordinate with other relevant stakeholders such as MoFAL, provincial land registry offices etc. to plan the implementation of Project activities,
- prepare scheme specific LAPs when there will be a need for land acquisition or resettlement,
- secure that no project implementation starts before the land acquisition process is complete and compensation is fully paid,

- monitor internally, all land consolidation or land acquisition/resettlement activities that take place for each scheme and take necessary corrective action/measures in cases where any non-compliance is identified, and
- ensure that any land consolidation or land acquired or/and any resettlement<sup>10</sup> which may result from any of the schemes proposed will be in compliance with this LAPF.

In line with its consultation and citizen engagement approach, DSI will make sure that this LAPF and other scheme specific LAPs prepared will be submitted to the World Bank for review and clearance and disclosed, locally on DSI's official website and made available at public places accessible to PAPs including vulnerable groups.

Where land acquisition is inevitable, DSI, through a LAP consultant or in-house, will prepare scheme specific LAPs. Each LAP will define PAPs (including vulnerable and formal/informal users of land) and entitlements for each category of PAPs. The LAPs will include land based impacts of the scheme and propose measures to compensate for the losses due to land take. DSI will ensure that its regional and/or provincial directorates are informed and involved in the process of LAP preparation and are knowledgeable of the Bank requirements that pertain to the implementation of these LAPs. Each LAP will be reviewed by and deemed acceptable to the Bank prior to the implementation of the LAP.

DSI's role includes instructing and building capacity of its regional and provincial directorates to understand and implement the LAPF and LAPs; through support, review and comments, ensuring that task teams in charge of the implementation fully comply with Bank requirements.

DSI will make effort, to the extent possible, to avoid additional land take and resettlement by following existing irrigation scheme design and utilizing public lands. Where applicable, DSI will also make use of land consolidation practices, again in line with applicable law and Bank requirements set out in this LAPF, in order to minimize private land take.

In schemes where land consolidation activities have already been commenced under the national LC program by MoFAL, DSI will be in close cooperation with MoFAL to align the LC program with the planned irrigation modernization works so that no PAP is worse off during and after the implementation. As mentioned earlier, in schemes in which MoFAL is undertaking land consolidation, DSI through the consultation process with Water User Associations (WUAs) and local community members, at the beginning of the project process in each scheme and the grievance mechanism will receive and resolve any LC-related concerns and grievances, to the extent possible, within the scope of the irrigation modernization activities. DSI will maintain a record of all concerns and grievances, received and resolved.

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<sup>10</sup> Under OP 4.12, Involuntary Resettlement is referred to the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets, including land or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location. In summary, "involuntary resettlement" under the OP 4.12 not necessarily involves physical relocation and refers to all types of land taking and the impact on all assets, which can include physical relocation. However, for the purpose of this LAPF the term "land acquisition" is used in addition to "resettlement", former only refers to taking of land and latter includes physical relocation.

In Uzunlu where land consolidation is carried out by DSI, a LCAP will be prepared to define baseline characteristics of the subject area, the process of LC and any additional land take for modernization works followed, possible impacts of the civil works to be carried out for LC that will be in line with the modernization design and mitigation measures to minimize or prevent impacts of LC. During the implementation of this LCAP, in case DSI finds any affected people, who have been adversely impacted by the project, mitigation measures specified in this LCAP will be applied. The mitigation measures specified in LCAP will be similar to the ones provided in the Entitlement Matrix of LAPF. DSI, in all its efforts will try to avoid such cases or otherwise, will aim to restore, and if possible, improve pre-project livelihoods due to impacts of LC. Progress of LC activities in Uzunlu scheme will be followed in a similar approach adapted by the scheme specific LAPs. Semi-annual monitoring reports will provide update information on impacts occurred and measures taken under the said scheme.

Table 11 below provides a list of the plans that will be prepared according to the land requirements of the Project under each scheme in order to comply with OP 4.12.

**Table 11. List of Plans to be Prepared for Each Scheme**

<b>Scheme</b>	<b>Plan to be prepared</b>	<b>Content of Plan</b>
Alaşehir	Expropriation planned, LAP will be prepared	<b>LAP<sup>11</sup>:</b> Scheme specific plans will be the advanced version of the LAPF also including project description, detailed land requirements of the subject scheme, baseline information on the impacted settlements and people (including vulnerable if any), possible impacts and measures to overcome these anticipated impacts. The community engagement and consultation process in line with the Project's Stakeholder Engagement Plan (SEP) and grievance redress mechanism on all levels will be also be described.
Atabey	Expropriation planned, LAP will be prepared	
Eregli-İvriz	Expropriation planned, LAP will be prepared	
Kartalkaya	No report required, as neither LC not expropriation is planned*	-
Uzunlu	Only LC, no expropriation. Land Consolidation Action Plan (LCAP) will be prepared*	<b>LCAP<sup>12</sup>:</b> The Plan will include description of the Project and details to its activities that require LC. The LC process to be followed by DSI and the legal framework to which the project will adapt to perform the LC activities will be described. Mitigation measures that will be applied in cases where there are situations that trigger OP 4.12 will be described. As in LAP, community engagement and consultation process in line with the Project's Stakeholder Engagement Plan (SEP) and grievance redress mechanism on all levels will be also be detailed.
<b>At Project Completion</b>	Where applicable; LAP and LCAP Completion Report will be prepared by an independent third party to analyze the results of measures taken	<b>LAP Completion Report:</b> The report will take into consideration the entire LAP process and commitments of DSI to implement the LAP to analyze the results

<sup>11</sup> The outline with detailed explanations of the Plan has been provided in Annex 1.

<sup>12</sup> The outline with detailed explanations of the Plan has been provided in Annex 2.

Scheme	Plan to be prepared	Content of Plan
	by DSI during LAP and LCAP implementation. Depending on the LAP implementation completion dates of the schemes; DSI can chose to prepare one “LAP Completion Report” that will provide separate sub sections for each scheme’s results anaylsis, otherwise LAP Completion report will be prepared separately for each scheme. Uzunlu will have a stand-alone LCAP Completion Report.	achieved. The report will flag any incompliance issues as well as providing suggestions and corrective actions to be taken to resolve the incompliances. <b>LCAP Completion Report:</b> The report will review the entire LC process and its outcomes that also feed into the irrigation modernization works in Uzunlu. Results of the LC activities, pending grievances, or any key issue or incompliance related to LC will be addressed. The report will provide suggestions and corrective actions in case there are any unresolved grievances or incompliances to OP 4.12.

*\* Should there be any need for additional land take, DSI will inform the Bank and prepare a LAP for the additional land acquisition works in Kartalkaya.*

Under the supervision of its Real Estate and Expropriation Department, DSI will internally monitor all land acquisition and/or land consolidation activities for each scheme through its relevant regional or provincial directorates and prepare regular (semi-annual) monitoring reports to be submitted to the World Bank. DSI may also chose to hire a consultant for the semi-annual monitoring of its LAP and LCAP implementation works. Should DSI decide to appoint a consultant for the regular LAP/LCAP monitoring activities of the Project, a separate consultant will be hired to prepare the Completion Reports of each scheme.

At the completion of all land acquisition works in relevant schemes and LC works carried out by DSI in Uzunlu, DSI, through an independent third party, will prepare and share with the World Bank both LAP / LCAP Completion Reports for each relevant scheme, as applicable (see Table 11 above).. The completion reports for land acquisition and LC implementations will both aim to provide detailed information on the processes followed for land acquisition and LC as well as to compare DSI’s commitments with the results achieved. All completion reports will reveal any key issues that are in non-compliance to OP.412, pending cases where follow up and monitoring is still necessary and suggestions and corrective actions that can be followed to resolve the non-compliance, if any. The completion reports will be prepared by an independent third party (consultant or academia) at the end of implementation completion. Depending on the timing of implementation completion in each scheme, DSI will chose to either have one LAP Completion Report including information on all schemes that have required land acquisition or have separate LAP Completion Reports for each scheme. Regarding LC implementation, DSI will prepare a stand alone LCAP Completion Report for Uzunlu. The LAP and LCAP Completion Reports will be submitted to the Bank for approval and will be disclosed both in English and Turkish on DSI’s website once approved.

All documents (LAPF, LAPs, LCAP) will be cleared/approved by the government of Turkey and the World Bank and disclosed in the World Bank website and locally to stakeholders and PAPs both in Turkish and English. The draft versions of documents will be consulted locally and revised according to feedback received. The final versions will also be made public as hard copy documents in relevant local DSI offices as well as on the official website of DSI. Any changes made to these documents will again be disclosed in the same manner, after revised and updated.

## 8. IMPLEMENTATION SCHEDULE

The sequence of activities for the implementation of land acquisition/land consolidation works carried out by DSI are presented in the tables below.

In schemes that require additional land take DSI will undertake the below listed activities.

**Table 12. Land Acquisition Implementation Schedule**

Activity		Responsible Party
<b>LAP Preparation</b>		
1	Final design for each scheme	DSI Design and Construction Department
2	Assignment of LAP Consultant (as required)	DSI Real Estate and Expropriation Department
3	Census and social baseline study	DSI Real Estate and Expropriation Department and/or LAP Consultant*
4	Valuation of assets subject to land acquisition	DSI Regional Directorate and/or LAP Consultant
5	Preparation of draft LAP submission to DSI and WB for review	DSI Real Estate and Expropriation Department and/or LAP Consultant
6	Disclosure of draft LAP	DSI Real Estate and Expropriation Department
7	Preparation of Final LAP (according to feedback received)	DSI Regional Directorate and/ or provincial directorate or LAP Consultant
8	Tailoring the GRM for TIMP schemes	DSI DG
<b>LAP Implementation</b>		
7	Consultations with PAPs and other stakeholders on land requirements of the Project	DSI Regional Directorate and/ or provincial directorate
8	Negotiations for compensation	DSI Regional Directorate and/ or provincial directorate
9	Payment of compensation and access to land	DSI Regional Directorate and/ or provincial directorate
10	Continuous consultations on construction schedule and LAP implementation	DSI Regional Directorate and/ or provincial directorate
11	Construction of new irrigation scheme	Construction Contractor
12	Regular monitoring of LAP implementation and (semi annual) reporting	DSI Regional Directorate and/ or provincial directorate and DSI Real Estate and Expropriation Department or LAP Consultant
<b>Post LAP Implementation</b>		
13	Preparation of draft LAP Completion Report	Independent Consultant
14	Submission of draft LAP Completion Report to DSI and WB	Independent Consultant
15	Finalization of the LAP Completion Report	Independent Consultant

16	Disclosure of LAP Completion Report(s)	DSI DG
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\*DSI may chose whether or not a consultant is required for the preparation and implementation of LAP.

In schemes that allow for land consolidation works to be realized, DSI will follow the below schedule.

**Table 13. Land Consolidation Implementation Schedule in Uzunlu**

Activity		Responsible Party
<b>Land Consolidation Preparation and Implementation</b>		
1	Plan consolidation works according to final design	DSI Regional Directorate and/ or provincial directorate and DSI Land Consolidation and On-Farm Development Services Department
2	Prepare a draft LCAP for Uzunlu and share for WB review	DSI Regional Directorate and/ or provincial directorate and DSI Land Consolidation and On-Farm Development Services Department or Consultant
3	Disclose draft LCAP, incorporate feedback received and finalize LCAP	DSI Regional Directorate and/ or provincial directorate and DSI Land Consolidation and On-Farm Development Services Department or Consultant
4	Inform PAPs on the consolidation process and TIMP	DSI Regional Directorate and/ or provincial directorate and DSI Land Consolidation and On-Farm Development Services Department
5	Conduct continuous consultations to ensure voluntary participation in LC program and introduce benefits of LC with relation to TIMP	DSI Regional Directorate and/ or provincial directorate and DSI Land Consolidation and On-Farm Development Services Department
6	Monitor LC progress and provide inputs to regular monitoring reports semi annually	DSI Regional Directorate and/ or provincial directorate and DSI Land Consolidation and On-Farm Development Services Department
<b>Post LAP Implementation</b>		
7	Preparation of draft LCAP Completion Report	Independent Consultant
8	Submission of draft LCAP Completion Report to DSI and WB	Independent Consultant
9	Finalization of the LCAP Completion Report	Independent Consultant
10	Disclosure of LCAP Completion Report	DSI DG

## 9. SUPERVISION AND MONITORING

The main objective of implementing this LAPF, scheme specific LAPs and LCAP is to improve or at least mitigate adverse social impacts and restore livelihood losses of the PAPs at their pre-project level. The purpose of LAP and LCAP monitoring will be to verify that:

- Actions and commitments described in the LAPF, LAPs and LCAP are implemented fully and on time,

- Eligible affected people receive their full compensation entitlements within agreed time frames,
- Complaints and grievances lodged by project affected people are followed up and that where necessary, appropriate corrective actions are implemented.

Monitoring of the land acquisition and land consolidation processes will be carried out in regularly through semi-annual monitoring activities.

The implementation and monitoring of land acquisition and LC activities will be the responsibility of DSI's staff in Regional Directorates, who will report to the Regional Social and Environmental Coordinator. The Regional Social and Environmental Coordinator (in each Regional Directorate) will prepare and monitor the implementation of LAPs and Uzunlu specific LCAP, ensure continuous engagement with construction contractors, beneficiaries and other stakeholders in affected communities, and coordinate the redress of grievances. The Regional Social and Environmental Coordinators will submit semi-annual monitoring reports to the Social and Environment Lead in the Project Management Team (PMT) at DSI Headquarters that will include the progress of all LAPs as well as the LCAP for Uzunlu.

Monitoring will be carried out under the supervision of DSI's Real Estate and Expropriation Department through active monitoring provided by the relevant regional or provincial directorate task teams. Both land acquisition and land consolidation works carried out by DSI will be followed through regular site visits and reports prepared by task teams on site (at scheme level). DSI may chose to assign a consultant to both implement and monitor the LAP and LCAP as necessary.

DSI will monitor the processes of land acquisition and land consolidation (in Uzunlu), and provide the World Bank through semi-annual monitoring reports progress made on the implementation and any incompliance encountered. A sample monitoring report format is provided as Annex 3.

In addition, the World Bank will, as noted above, in its regular supervision missions also monitor the processes and if needed recommend mitigation measures to resolve any outstanding issues.

Upon completion of both LAP and LCAP implementation, DSI will assign an independent consultant (different from the monitoring consultant, if assigned) to assess the implementation of both land acquisition and land consolidation works carried out by DSI. The consultant will:

- Review if LAP implementation is in compliance with the LAPF and scheme specific LAPs
- Review if LCAP implementation is in compliance with the LAPF and Uzunlu's LCAP
- Report on actions taken for issues that emerged were timely, remedial and in line with requirements set out in LAPs
- Review whether sufficient focus was placed on vulnerable groups and informal users of land
- Review community level responses and grievances pertaining to the loss of land and land based livelihoods
- Assess the consultation strategy applied and its effectiveness on local communities and PAPs

- Evaluate the appropriateness of mitigation measures and compensation strategy followed by DSI to avoid and prevent land induced impacts of the Project both for acquisition and LC

The independent consultant will prepare a LAP Completion Report(s) and LCAP Completion Report to be submitted for Bank approval. The final Completion Reports will be disclosed both in English and in Turkish on DSI's official website.

Furthermore, DSI plans to commission an independent study (other than the Bank requirements) that will conduct a comprehensive evaluation of the impacts of land consolidation and irrigation modernization on farmers and local economies in each of the five schemes. This study will be carried out in the 5th or 6th year of the project, when the modernized irrigation schemes have been in operation for at least 1 year.

Some of the key performance indicators suggested for the monitoring implementation of land acquisition process are presented in Table 14 below.

**Table 14: Monitoring Indicators for Land Acquisition Process Implementation**

Indicator	Source of Information	Frequency of Reporting
Total number of parcels acquired (per scheme): <ul style="list-style-type: none"> <li>• Public lands</li> <li>• Private lands</li> <li>• Through negotiated settlements</li> <li>• Through application of law</li> </ul>	Expropriation records	Semi annually
Total number of PAPs impacted and compensated (per scheme): <ul style="list-style-type: none"> <li>• Land owners</li> <li>• Land users</li> <li>• Male/Female</li> <li>• Vulnerable groups</li> </ul>	Expropriation records and compensation payment records	Semi annually
Number of court cases with enforcement of Article 10 (per scheme): <ul style="list-style-type: none"> <li>• Open</li> <li>• Closed (Registered)</li> </ul>	Expropriation records	Semi annually
Amount of compensation payments made (per scheme): <ul style="list-style-type: none"> <li>• Land owners</li> <li>• Land users (formal/informal)</li> <li>• Vulnerable groups</li> </ul>	Compensation payment records	Semi annually
Number of parcels subject to land consolidation (per scheme): <ul style="list-style-type: none"> <li>• DSI</li> </ul>	Land consolidation records	Semi annually for DSI-executed land consolidation

Indicator	Source of Information	Frequency of Reporting
Number of PAPs opposing land consolidation (per scheme): • DSI	Land consolidation records	Semi annually for DSI-executed land consolidation
Number of consultations carried out (by scheme): • Land acquisition • Land consolidation	Regional/provincial directorate records	Semi annually
Number of PAPs informed (by provinces): • Male • Female	Regional/provincial directorate records	Semi annually
Number of grievances lodged regarding land acquisition and land consolidation (per scheme): • Open • Closed • Filed by men/women • Subject • Timely closed	DSI grievance records	Semi annually

## 10. COSTS AND BUDGET

Land acquisition and land consolidation requirements for the selected five schemes will only be definite when project design for each scheme is complete. Estimated figures for land acquisition and consolidation have been presented in Table 15 for each scheme. As mentioned earlier, DSI will make use of consolidation practices where applicable to avoid the acquisition of land. However, some schemes may require both consolidation and land take. Anticipated budget presented in the table may change according to final design. Both the land consolidation and expropriation costs will be borne by DSI (and MOFAL in case of Land Consolidation in three of the five selected schemes) from their own budget.

**Table 15. Estimated Budget for Land Acquisition and Land Consolidation**

Scheme	Expropriation	Consolidation	TOTAL
	Cost (TL)	Cost (TL)	Cost (TL)
Manisa Alaşehir Scheme	7,500,000	-	7,500,000
Isparta Atabey Scheme	1,080,000	5,700,000	6,780,000
Konya Ereğli Sol Sahil Scheme	2,500,000	6,400,000	8,900,000
K.Maraş Kartalkaya Scheme	-	10,215,500	10,215,500
Yozgat Uzunlu Scheme	-	3,200,000	3,200,000
<b>Total</b>	<b>11,080,000</b>	<b>25,515,500</b>	<b>36,595,500</b>
<b>Total USD*</b>	<b>2,915,789</b>	<b>6,714,605</b>	<b>9,630,395</b>

\*Currency rate: 1USD=3,8 TL

# ANNEXES

## ANNEX 1 REPORTING FORMAT FOR LAND ACQUISITION PLAN

### 1. INTRODUCTION

- *Location of project (province, district, neighborhood)*
- *Amount and type of land required for the project (private / public), etc.*
- *Reasons for choice of the land*
- *Project description: description of irrigation facility and consolidation activity, by project status and stage*
- *Information on other assets on the land, if any, and their current status (used etc.)*
- *Information on the land acquisition process that will be followed*

### 2. POTENTIAL IMPACTS AND AFFECTED PEOPLE

- *Definition of project impacts (temporary, permanent)*
- *The method to be used for land acquisition (depending on whether owned by the public or a private person; establishment of permanent ownership right, establishment of easement right, allocation, transfer, permit, etc.)*
- *If the selected land is owned by private persons, number of legal right-holders and information on how they use the land*
- *If there are existing structures on the selected land, who are the persons using these structures, and how and for how long are they affected by the project*
- *If there is a non-agricultural use on the selected land (housing, agricultural industry, etc.), who are the affected people, and how and for how long are they affected by the project*
- *Depending on the use of the land, whether it affects the livelihood of affected people*
- *Are there vulnerable groups among project-affected people?*
- *Appropriate criteria required to be satisfied for compensation pursuant to the national legislation or OP 4.12.*

### 3. LEGAL FRAMEWORK

*(It can be the same as the legal framework defined in the Land Acquisition Policy Framework. Legal framework can be shorter or longer depending on the varying land requirements of sub-projects.)*

- *Brief information on the national legislation (only the laws/regulations applicable to the project)*
- *Summary of Bank Policies and OP 4.12*

### 4. IMPLEMENTATION, COMPENSATION AND OTHER ASSISTANCE

*Summary of land acquisition process; legal responsibilities of the DSI, how and in what period the land will be acquired, whom will be paid compensation and for what types of properties, information on other assistance/support to be provided during the project implementation process (whether there will be additional measures for income restoration if livelihoods are affected)*

### 5. CONSULTATION AND PARTICIPATION

*Summary of consultation process with the owners and users of land subject to acquisition, who is responsible for consultation, channels and means to be used for informing project-affected people, the way vulnerable groups will be incorporated into the consultation process, if any.*

### 6. COMPLAINT/REQUEST SYSTEM

*In what stages and how will the complaint/request system to be established under the project be run; who will be the responsible parties, and what instruments and methods will be used?*

### 7. MONITORING AND REPORTING

*How and at what frequency will the Land Acquisition Plan be monitored? How and at what frequency will the monitoring activity be reported?*

### 8. TIMETABLE AND BUDGET

*Estimated budget and work schedule envisaged for the land acquisition works*

## **ANNEX 2      REPORTING FORMAT FOR LAND CONSOLIDATION ACTION PLAN**

### **1. INTRODUCTION**

- *Location of project (province, district, neighborhood)*
- *Amount and type of land that will be consolidated under the project (private/public), whether or not there are informal users on land etc.*
- *Project description: description of irrigation facility and consolidation activity, information on the current stage of the project and consolidation activities*
- *Information on approach to be followed for land consolidation*

### **2. POTENTIAL IMPACTS AND AFFECTED PEOPLE**

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

### **3. LEGAL FRAMEWORK**

*(It can be the same as the legal framework on LC provided in the Land Acquisition Policy Framework. Legal framework can be shorter or longer depending on the varying land requirements of sub-projects.)*

- *Brief information on the national legislation (only the laws/regulations applicable to the project)*
- *Summary of Bank Policies and OP 4.12*

### **4. IMPLEMENTATION, COMPENSATION AND OTHER ASSISTANCE**

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

### **5. CONSULTATION AND PARTICIPATION**

*Summary of consultation process with the owners and users of land subject to LC with special attention on women and vulnerable if any, who is responsible for consultation, channels and means to be used for informing project-affected people, the way vulnerable groups or women will be incorporated into the consultation process etc.*

### **6. COMPLAINT/REQUEST SYSTEM**

*Information on the grievance system that is in place and how it functions. who will be the responsible parties that receive complaints at local level, and what instruments and methods will be used? How will this serve vulnerable groups including women?*

### **7. MONITORING AND REPORTING**

*How and at what frequency will the LCAP be monitored? By whom? What will the monitoring activity cover? How and at what frequency will the monitoring activity be reported?*

### **8. TIMETABLE AND BUDGET**

*Estimated budget and work schedule envisaged for LC works*

**ANNEX 3      GRIEVANCE FORM/ GRIEVANCE CLOSEOUT FORM**

<b>GRIEVANCE FORM</b>			
Name of person receiving grievance:		Date:	
Title:			
<b>INFORMATION ABOUT COMPLAINANT</b>		<b>Ways of Receiving Grievance</b>	
Name - Surname		Phone	<input type="checkbox"/>
Phone number		Information Meetings	<input type="checkbox"/>
Address		Application to Office	<input type="checkbox"/>
Village		Mail/e-mail	<input type="checkbox"/>
Signature (if possible)		Field visit	<input type="checkbox"/>
		Other: .....	<input type="checkbox"/>
<b>DETAILS OF GRIEVANCE</b>			

<b>GRIEVANCE CLOSEOUT FORM</b>		
<b>ASSESSMENT OF THE GRIEVANCE</b>	Expropriation	<input type="checkbox"/>
	Damages to households or livelihoods	<input type="checkbox"/>
	Environmental and social	<input type="checkbox"/>
	Employment	<input type="checkbox"/>
	Other	<input type="checkbox"/>
<b>Compensation Required:</b>	<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>
<b>RESULT</b>		
<b>CLOSEOUT</b>		
<i>This part will be filled in and signed by the complainant and the complaint evaluation committee when the compensation or file is closed-out. (Instead of taking the signature of the complainant, bank receipt or other documents can be attached to the form.)</i>		
<b>Responsible Person</b>	<b>Complainant</b>	
Name-Surname	Name-Surname	
Date and Signature	Date and Signature (If possible)	

## **ANNEX 4. PROPOSED OUTLINE FOR SEMI-ANNUAL MONITORING REPORT**

*The cover of the report should include date of preparation and the reporting period.*

### **1. Sub-project Description**

*Brief description/overview of the sub-project, including: any associated or linked activities needed for its functionality and success; key components; reports should up-date any changes or variations in design which may change land access requirements. (This section remains relatively unchanged in the reports unless there is change in design).*

### **2. Implementation Summary**

*The summary of all tasks and activities undertaken up to date on land acquisition and/or resettlement should be provided. Progress on issues such as negotiations for land, court cases, compensation payments, community engagement, site selection, physical relocation, livelihood restoration, land consolidation (if any) and grievances should be explained.*

### **3. Emerging Issues and Recommendations**

*This section should describe the key issues and report on its state of resolution/non-resolution.*

### **4. Follow-up on Previous Recommendations**

*This section will not exist for the first report as it will not have any follow up requirements from a previous period. As of the second report this section will provide information on key issues brought up in the previous report and measures taken to mitigate them. Any unresolved issue will once again be pointed out in this section.*

### **5. Conclusion**

*General progress of LAP implementation will be evaluated and future actions in line with the recommendations will be discussed in this section.*

### **6. Summary Tables for LAP and LCAP Implementation**

*In line with its monitoring indicators set out in the LAP, this section will provide through several tables, both period specific and accumulated information on LAP implementation. The tables can be provided separately in an excel worksheet or directly under this section depending on the content of information presented. (An excel sheet with several tables have been provided as reference and can be adapted as necessary to each sub project.)*

**ANNEX 5      STAKEHOLDER ENGAGEMENT PLAN**

No	Topic of Engagement	Details of Engagement	Target Stakeholders	Mean/Method of Engagement	Frequency (recommended)
1	Irrigation Modernization Projects (Design, implementation, investment program, etc.)	<p>To increase level of information by meetings regarding the Project (at WUA, and/or affected settlements</p> <p>Target stakeholder groups do not have sufficient technical knowledge about project design, features, tender process and project construction stages, expected outcomes. DSI will inform the target stakeholders regularly, through the modes of engagement as stated via Regional DSI Directorate Operation and Maintenance Department.</p> <p>DSI will liaise between the contractor and WUA for effective communication and implementation of the closed irrigation system project.</p>	WUA Association Bodies (President, Board of Directors, Council, etc.)	Informative Meetings	Quarterly
			WUA members	Coordination Meetings	Once a year
			Non-WUA Members		Once a year
			Governorship	Brochures and Posters	Every 6 months
			District Governorships		Every 6 months
			Municipality		Once a year
			Provincial and District Directorates of Agriculture	Sharing reports on Project	Every 6 months
			Chamber of Agriculture	Press bulletins	Once a year
			HEPPS		Once a year
			Water User Association Organizations	DSI web site	Once a year
			Mukhtars		Once a year
			Company that carries out the closed irrigation system project works		Quarterly
			Agricultural workers	Informative and coordination meeting	When needed
			2	Capacity building (budgeting, reporting, training etc)	DSI is currently working on developing a standard database for WUAs. It is highly important that this database includes gender aspects and records women water users' data. This
WUA personnel	Site visits  Training booklets	Within the contract (between DSI and company) period			

No	Topic of Engagement	Details of Engagement	Target Stakeholders	Mean/Method of Engagement	Frequency (recommended)
		<p>database will facilitate monitoring women water users (both member and non-member) of WUA. DSI will hold annual trainings on database maintenance and reporting prior to irrigation season for WUA Management, at regional DSI Directorate.</p> <p>Annually trainings will be given to WUAs on how to fill out legally mandatory paperwork (Board and Council Decision record book, incoming document registration record book, water user registration record book, general ledger, cash blotter, cash book, plant ledger, accounting logs, annual budget plans, etc.) at DSI Regional Directorates</p> <p>Informing related personnel on WUA legislation and improving knowledge level.</p> <p>Construction company should train the WUA technical personnel after the implementation of the project regarding the use of the system. The training will be given</p>	<p>Company that carries out the closed irrigation system project works.</p>		<p>Within the contract (between DSI and company) period</p>

No	Topic of Engagement	Details of Engagement	Target Stakeholders	Mean/Method of Engagement	Frequency (recommended)
		upon completion of construction to WUA management and WUA members/users. The training program will include both theory and practice. A classroom training will be given on how the system works with printed materials/brochures as user guides. A hands on training will be given at selected WUA sites; for actual demonstration of the system. WUA Management will be provided by additional trainings on how to use more technical systems such as SCALA.			
3	Grievance Mechanism	<p>Developing a Formal Grievance Mechanism and Recording System for WUAs and informing WUAs about it. The grievance mechanism channels should be available for all members and non-members for project related requests and concerns.</p> <p>Informing WUAs and members about smart phone application titled as Flood, Malfunction and Intervention Spatial Information System (TAMBIS) which directly contacts DSI responsible when the flood is recorded. The</p>	WUA Association Bodies (President, Board of Directors, Council, etc)	Meetings	Within the timeline of the Project
			WUA personnel	Brochures and Posters	
			WUA members	DSI Website	
			Non-WUA Members	Reports	
			Water User Association Organizations	Press bulletins	Construction and operation periods
			Mukhtars	Grievance Forms	
			Company that carries out the closed irrigation system project works.		

No	Topic of Engagement	Details of Engagement	Target Stakeholders	Mean/Method of Engagement	Frequency (recommended)
		application should be introduced to water users and WUA personnel.			
4	Land Acquisition (Land Consolidation, expropriation)	Relevant stakeholders including PAPs impacted by land acquisition should be periodically informed about the land consolidation and expropriation works by GDAR and DSI.  The official grievances related to land consolidation is received by directorate responsible for implementation. The WUA and grievance holders should be informed on the progress of resolution of the grievances.	WUA Association Bodies (President, Board of Directors, Council, etc)	Informative Meetings	Every 6 months
			Project affected WUA members	Coordination Meetings	Once a year
			Project affected Non-WUA Members	Legal documentations (Notices, new parcel plans, etc.)	Once a year
			GDAR	Legal documentations (Notices, new parcel plans, etc.)	Once a year
			Provincial and District Directorates of Agriculture		Once a year
			Mukhtars	DSI web site	Every 6 months
			Company that will carry out land consolidation works		Quarterly (during land consolidation process)
5	Monitoring and Evaluation	WUA performance monitoring  Monitoring of WUA number of members and non-members  Grievance monitoring  The project related grievances and stakeholder engagement should be monitored	WUA Association Bodies (President, Board of Directors, Council, etc)	Meetings	Once a year
			WUA members	Reports	Once a year
			Non-WUA Members	Site visits	Once a year
				Performance indicators	
			Monitoring and evaluation forms		
6	Financial and Technical Audit	Financial and technical auditing of WUA and Informing Governorships about the audit results.	WUA Association Bodies (President, Board of Directors, Council, etc)	Meetings	Once a year
			Governorship	Reports	Once a year
				Site visits	Once a year

No	Topic of Engagement	Details of Engagement	Target Stakeholders	Mean/Method of Engagement	Frequency (recommended)
			District Governorships		Once a year
7	Irrigation tariff (determination of the water usage service fees)	Informing about tariffs	WUA Association Bodies (President, Board of Directors, Council, etc)	Meetings DSI Website	Once a year
8	Current and Planned Irrigation Sources	Informing the WUA about current and planned irrigation sources and water amounts	WUA Association Bodies (President, Board of Directors, Council, etc)	Meetings Reports	Twice a year
			Municipality		Twice a year
			Provincial and District Directorates of Agriculture		Twice a year
			HEPPs		Twice a year
9	Suggested Crop Pattern	Informing about basin-based irrigated agricultural crop patterns  If needed, Provincial and District Directorates of Agricultures conducting agricultural trainings for the stakeholders.	WUA Association Bodies (President, Board of Directors, Council, etc)	Meetings Brochures and Posters	If needed
			WUA members		If needed
			Non-WUA Members		If needed
			Provincial and District Directorates of Agriculture		If needed
10	Irrigation Methods and Techniques (Spring system, drip irrigation etc)	Information about irrigation systems which will increase the productivity level depending on the crop pattern for irrigated agriculture. If needed, Provincial and District Directorates of Agricultures conducting agricultural trainings for the stakeholders.	WUA Association Bodies (President, Board of Directors, Council, etc)	Meetings Brochures and Posters	When needed
			WUA members		When needed
			Non-WUA Members	DSI Website Site visits	When needed
			Provincial and District Directorates of Agriculture		When needed
			Chamber of Agriculture	When needed	
			Mukhtars	When needed	
11	Female Water Users	To increase information level with meetings regarding the Project DSI will organize information sharing meetings and tailored	Female WUA board members  Female WUA Council members	Informative Meetings  Brochures and Posters	Every 3 months  When needed  when needed

No	Topic of Engagement	Details of Engagement	Target Stakeholders	Mean/Method of Engagement	Frequency (recommended)
		<p>trainings to women on new irrigation system, alternative cultivation methods and capacity building for participation in WUA management; prior to irrigation season in a gender sensitive approach (women trainers need to be selected, location of training need to be suitable for women's needs; timing of training has to be outside agriculture season when women are not working in the fields)</p>	<p>Female WUA members</p> <p>Female non-WUA members water users</p>	<p>DSI Website</p> <p>Site visits</p> <p>Monitoring and evaluation</p> <p>Reports</p> <p>Grievance Forms</p>	<p>Every 3 months</p> <p>Once a year</p> <p>Once a year</p> <p>Construction and operation periods</p>

## ANNEX 6 ADDITIONAL DATA ON LC ACTIVITIES IN UZUNLU SCHEME

### Background

Uzunlu scheme is located in Uzunlu district of Yozgat province. The scheme is in close proximity to another DSI scheme namely; Oğulcuk. The land consolidation works for the Oğulcuk scheme started in late 2017. At present, base map production, soil analysis work and block plan studies have been completed for the Land Consolidation and On-Farm Development Services, and subdivision stage has been initiated. A contractor to carry out the LC works has been appointed recently. Land consolidation works of the Uzunlu scheme will be carried out together with Oğulcuk irrigation scheme, as the project progresses. The anticipated Project completion date is for both of these schemes is 21 October 2020. Uzunlu Irrigation Scheme is operated by Boğazlıyan Irrigation Association.

Uzunlu Scheme covers 17 settlement units. The size of project area is approximately 8,928 hectares of which 419 ha of these lands are Treasury land and 33 ha pasture land. The total number of parcels that are anticipated to undergo LC is 1,600 with 432 farms subject to subdivision. The distribution of land subject to LC by settlements in Uzunlu Scheme is provided in the Table below.

	Settlement	Area (m2)			Number of Parcels			# of PAPs (landowner)	# of PAPs (land users)
		Public	Private	Total	Public	Private	Total		
1	Bahariye	762645	5457829	6220474	25	352	377	868	
2	Başhoroz	0	411709	411709	0	65	65	103	
3	Çalapverdi - İnönü	37395	1145995	1183390	43	381	424	689	
4	Çalapverdi - Kemal Bey	607129	18413544	19020673	290	32687	3977	1145	
5	Güveçli	4314993	6457362	10772355	1004	185	1189	527	
6	Kemaliye	1094845	16234193	17329038	236	1316	1552	1072	
7	Merkez Aşağı	78575	806087	884662	56	112	168	208	
8	Merkez Bahçeler	131436	1675265	1806701	36	156	192	209	
9	Merkez Çarşı	397544	8580310	8977854	98	697	795	701	
10	Merkez Yenidoğan	1055709	8218876	9274585	195	592	787	592	
11	Merkez Yukarı	261349	6533842	6795191	61	559	620	538	
12	Uzunlu Bahçelievler	184437	2602597	2787034	52	395	447	225	
13	Uzunlu Esentepe	65119	328257	393376	21	38	59	55	
14	Uzunlu Kemaliye	0	195781	195781	0	56	56	80	
15	Uzunlu Koç	131601	1386720	1518321	24	155	179	235	
16	Uzunlu Yenidoğan	5629	177730	183359	2	76	78	107	
17	Yoğunhisar	0	359705	359705	0	30	30	53	
	<b>TOTAL</b>	9,128,406	78,985,802	88,114,208	2,143	37,852	10,995	7,407	

As part of the preparation works for land consolidation, DSI has readily prepared and finalized block plans whereby these plans are ready to be posted. Information meetings for farmers were held between February 21-23, 2018 in all 17 settlements covered within the consolidation area.

Uzunlu scheme is currently at the subdivision stage, and posting stage has not been initiated. However, civil works for irrigation are underway for Oğulcuk Irrigation Scheme, where a sub-contractor is already assigned and has commenced the necessary work.

### **Process and procedures to be followed for LC in Uzunlu**

The land consolidation process defined in Section 3.1 of the LAPF will be applicable to Uzunlu Scheme. While DSI formerly used to carry out the land consolidation activities in accordance with Law No. 5403, the legal arrangements introduced in Law No. 6200 has assigned the mandate for land consolidation to DSI. Under Uzunlu Project, the land consolidation activities which used to be carried out under Law No. 5403 will hereinafter be subject to Law No. 6200. However, there is no change in terms of the aforementioned land consolidation process and transaction steps that will be applied in Uzunlu.

Under consolidation projects, a survey is conducted first to examine the suitability of the potential area of application for land consolidation. If this survey study reveals that the project area is suitable for land consolidation, the area is declared application area through a Council of Ministers Decision. The process required to issue a Council of Ministers Decision is executed by the implementing Agency. Once the Council of Ministers Decision is issued, technical studies for the consolidation is started in the field. In the meantime, land owners are informed about the land consolidation.

Whether other public institutions have any project covering the project area is determined, and if they do have projects, necessary correspondence and data exchange is facilitated with them and coordination is ensured throughout project implementation.

Mapping work, soil studies and block plans have been completed so far under Uzunlu Project. After this stage, interviews will be held with the farmers, and subdivision plans will be prepared in line with the data collected during these interviews. The subdivision plans prepared will be disclosed at places where farmers can easily see them, review and object to them, which will also be easily accessible for the elderly and other vulnerable groups. The objections received will be evaluated and the subdivision plans will be posted again, by minimizing objections, after which the subdivision plans will be finalized.

As a part of their contract, contractors are required to establish site offices to act as liaison office at the places where land consolidation is carried out. In this regard, a liaison office has been established in the district of Boğazlıyan, which is positioned at a central point for Uzunlu project, allowing all settlement units to access easily. The office has permanent technical staff who can respond to the requests of citizens.

After the final subdivision plans pass cadastral check, land registration procedures will be completed and new lands will be handed over to farmers.

## **Project Affected People and Other Stakeholders in LC**

Irrigation modernization projects are initiated through the application of WUAs who are involved in the project implementation process right from the beginning. WUAs are one of the main stakeholders in LC practices that are planned together with irrigation modernization. WUAs are fully responsible from the maintenance and repair works as well as the protection of the irrigation facilities. Hence, when carrying out the land consolidation work, coordination is ensured with the WUAs such that the construction activities are planned in a manner that will not disrupt existing irrigation and that the land consolidation work is executed in alignment with the construction activities.

Boğazlıyan WUA which is responsible of the Uzunlu irrigation scheme, currently has 507 water users and 326 members. There are 181 water users who are not members of the WUA, but recent changes in Law No. 7139 published in the Official Gazette dated 28 April 2018 requires that all water users become a member of WUA. All farms in this position, located within the project area, will have to become a member of WUA.

Water users (whether they are a member or not yet registered as member) in the Uzunlu scheme will be among the group of influence for land consolidation as the practice will cover lands where irrigation modernization will take place.

Preparatory works carried out for LC up to date show that there is no informal user or tenant in Uzunlu project area for the time being. Should such users be defined further into the project, they will be informed about the Treasury lands in the region and guided towards purchasing or renting these alternative Treasury lands, in order to avoid any grievance. Pursuant to the legislation, DSI does not have authority to intervene directly with regard to the sale of public lands within the project area to the farmers. However, during the informative meetings, farmers will be provided advice in this direction, with technical assistance provided on purchase or rent of these lands. Furthermore, initiatives will be taken to ensure that the contractors hire these people for the labor force they will need to conduct project activities. In its LC works, DSI will first prepare a LACP and disclose with public. In the meantime, DSI will complete the block plans in consultation with the land owners as preparation to LC. Soon as the block plans are prepared community members and PAPs will be informed of the LC construction works (in line with LCAP and SEP). Construction will be commenced while the posting stage for the subdivisions continue. DSI will compensate all losses due to construction of irrigation network at replacement cost.

## **Consultation Process and Grievance Redress**

The land consolidation work is being carried out without the consent of land owners, thus no survey has been conducted to obtain the consent of land owners. Currently, the posting stage has not yet been initiated in the project hence no land owner has so far declared objection to land consolidation. However, in principle, DSI has been taking steps to maximize the satisfaction levels of land owners and efforts are being made to carefully review and resolve every objection.

Although the land consolidation work carried out by DSI is not subject to a mandatory requirement of consent by law, DSI has adopted a participatory and pro-active approach to

resolving any potential grievances regarding LC. Consultations and engagement with PAPs and local community as well as WUAs is essential in DSI's LC implementations. Informative meetings, several rounds of postings to reach an agreement on the subdivisions, and continuous information sharing on project progress is ensured via DSI regional or branch office staff and liaison offices established by construction contractors. In addition to the 4 level grievance mechanism (WUA → Branch Directorate → Regional Directorate → General Directorate), scheme specific liaison offices, assigned contact persons and national grievance system (BIMER and CIMER) are also available to communicate grievances.

During preparatory studies DSI may encounter land owners who object to the work conducted. Since land consolidation works run by DSI are carried out together with irrigation modernization projects, citizens generally do not object to the consolidation program itself, but may object to subdivision plans, albeit rarely. In order to prevent this from happening, a detailed evaluation is conducted with such individuals and a resolution is absolutely reached, whereby efforts are made to produce a project that is acceptable to all land owners to the extent possible. Since LC works for Uzunlu is currently in its initial stage, neither an identification study on the number of people objecting to LC, nor an evaluation on the post-consolidation situation has been conducted yet. However, no land owner has, so far, submitted an objection to land consolidation, and no complaint has been submitted to the WUA, the contractor or at any level to DSI about the land consolidation work undertaken up to date.

The complaints and requests of people regarding the project are collected through the project unit established by Uzunlu Project. After these complaints and requests are reviewed and concluded, necessary feedback is provided to the related parties. The complaints and requests which cannot be concluded by the project unit are first referred to the Regional Directorate, and if a resolution cannot be reached still, they are referred to the Directorate General for resolution. If all these processes fail to reach a solution, citizens can claim their right at the court.