

REPUBLIC OF TÜRKİYE

MINISTRY OF AGRICULTURE AND FORESTRY

**DIRECTORATE GENERAL OF EUROPEAN UNION AND FOREIGN
RELATIONS**



**AGRICULTURE SECTOR RECOVERY IN TÜRKİYE'S EARTHQUAKE-
AFFECTED PROVINCES PROJECT**

(P181428)

RESETTLEMENT FRAMEWORK

September 2024

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List of Abbreviations

ABDGM	Directorate General of European Union and Foreign Relations
BÜGEM	General Directorate of Plant Production
DHGM	Department of Supporting Services
E&S	Environmental and Social
ESA	Environmental and Social Assessment
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESSs	Environmental and Social Standards
FP	Focal Points
GBV	Gender-Based Violence
GD	General Directorate
GM	Grievance Mechanism
GRS	Grievance Redress Service
HAYGEM	General Directorate of Livestock
MoAF	Ministry of Agriculture and Forestry
PAP	Project Affected Person
PAH	Project Affected Household
PCU	Project Coordination Unit
PSC	Project Steering Committee
RP	Resettlement Plan
RF	Resettlement Framework
SEA/SH	Sexual Exploitation and Abuse/Sexual Harassments
SEP	Stakeholder Engagement Plan
ToR	Terms of Reference
TRGM	Directorate General of Agricultural Reform
WB	World Bank

Glossary

Affected person(s) are person(s) (whether natural or legal) experiencing either physical or economic displacement. See also project-affected person.

Allowance is cash paid in respect of losses or resettlement-related expenses other than losses of immoveable assets. For example, tenants can be provided with a cash allowance to support their effort to secure alternative housing. A moving allowance can be paid to people who have to relocate as a result of project land access. An allowance should be distinguished from compensation, which is intended to cater for the loss of an immoveable asset.

The project “**Area of Influence**” encompasses, as appropriate: The area likely to be affected by: (i) the project and the client’s activities and facilities that are directly owned, operated or managed (including by contractors) and that are a component of the project (ii) impacts from unplanned but predictable developments caused by the project that may occur later or at a different location; or (iii) indirect project impacts on biodiversity or on ecosystem services upon which Affected Communities’ livelihoods are dependent.

Census: A complete and accurate count of the population that will be affected by land acquisition and related impacts. Census means a field survey carried out to identify and determine the number of all Project Affected Persons (PAP), their assets, and potential impacts.

Compensation is payment in cash or in kind for loss of an immoveable asset or a resource that is acquired or affected by the project. It is typically understood to include all forms of compensation, including the provision of replacement land and housing. In some jurisdictions, compensation in cash is referred to as indemnification to distinguish it from other forms of compensation. For better clarity, compensation should be used only in the context of the loss of an immoveable asset. It does not include allowances paid or provided for various inconveniences not directly related to the loss of an immoveable asset or vulnerability, nor should it include livelihood- restoration allowances or activities.

Cut-off date is the date that establishes eligibility for compensation and other benefits related to land acquisition. The date refers to the commencement of date of the census of persons and inventory of assets affected by the Project. If (a) person(s) should occupy the project area after the cut-off date, they will not be eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the cut-off date will not be compensated. The Borrower will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cut-off date may be subject to removal.

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

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

Entitlement. Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.

Environmental and Social Framework (ESF) comprises: a Vision for Sustainable Development, which sets out the Bank's aspirations regarding environmental and social sustainability; the World Bank Environmental and Social Policy for Investment Project Financing, which sets out the mandatory requirements that apply to the Bank; and the Environmental and Social Standards, together with their Annexes, which set out the mandatory requirements that apply to the Borrower and projects.

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

Footprint is the land that is directly affected by the project and has to be acquired (per the definition of land acquisition in this glossary).

Forced eviction is the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in this ESS.

Informal right holder is a person or group of persons recognized by custom, unwritten rules, or other socially accepted processes as holding certain ownership or usufruct rights over an asset or resource, although these usufruct rights are neither formalized in a legal document such as a title nor officially registered.

Informal ownership or occupation of agricultural land may or may not enjoy a certain level of recognition in written law. Land-tenure legislation in some jurisdictions does recognize customary community rights over land or other resources and formally empowers traditional institutions to informally manage these resources. Other jurisdictions ignore customary rights completely.

Informality of occupation or ownership is not a black-and-white situation: informal right holders may be illegal from the standpoint of some authorities and legal or even encouraged for others (both of which can be the case for roadside businesses above).

As opposed to informal right holders: Formal right holders include those people with a formal title to land and/or other immovable assets (typically a registered ownership deed).

Squatters include those people whose occupation is recognized neither by law nor by socially accepted processes: for example, opportunistic settlers that move into an area after it has been lawfully and broadly declared prohibited for settlement.

Involuntary resettlement. ESS5 of the World Bank recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land, or loss of shelter), economic displacement (loss of land, assets, or access to assets leading to loss of income sources or other means of livelihood), or both. The term "involuntary resettlement" refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement. This occurs in cases of expropriation or restrictions on land use based on eminent domain and negotiated settlements in which the buyer can resort to expropriation. Resettlement understood as a compensation measure is often used in a broad sense that covers all forms of compensation, not only those entailing physical relocation to replacement housing.

Land includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

Land access is the ability to use land and other natural resources, to control the resources and to transfer the rights to the land and take advantage of other opportunities.

Land acquisition refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property, and acquisition of access rights, such as easements or rights of way. Land acquisition may also include:

- (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes;
- (b) repossession of public land that is used or occupied by individuals or households; and
- (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.

Land-based includes livelihood activities such as rotational cropping and grazing of livestock as well as the harvesting of natural resources.

Livelihood refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.

Livelihood Restoration includes all efforts to be undertaken to assist PAPs impacted by physical or economical displacement to improve their livelihoods and standards of living or at least to restore to level before displacement or to level prior to the beginning of project implementation, whichever is higher.

Physical displacement is loss of residential land, or loss of shelter and assets resulting from the acquisition of land associated with the project that requires the affected person(s) to move to another location.

Project-Affected Person (PAP) is same as affected person.

Project-Affected Household (PAH) All members of a household, whether related or not, operating as a single economic unit, who are affected by a project.

Provincial Organization refers to provincial organization of MoAF which includes (i) Provincial Organization Directly Affiliated with the Centre (research institutes and veterinary control institutes) and (ii) Provincial Organizations Directly Affiliated with the Centre (provincial directorates and district directorates).

Replacement cost is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs.

Resettlement Plan (RP) refers to the document consistent with the principles and objectives ESS5 and with the RF.

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 PAP's property and/or livelihood, including compensation, relocation (where relevant), and rehabilitation.

Restrictions on land use refers to limitations or prohibitions on the use of agricultural, residential, commercial, or other land that is directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements, or safety zones.

Security of tenure means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate.

Socio-economic household survey is applied to all PAHs identified in the census study and aims to identify the demographic profile of the affected households, livelihood activities, average incomes and expenses, their perceptions on livelihoods, usage status of Project-affected lands and ownership of other immovable of owners/users, vulnerabilities, PAPs attitudes and negative/positive perceptions to the Project etc.

Vulnerable groups or at-risk groups include people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable groups in the context of displacement also include people living below the poverty line, the landless, the elderly, women - and children-headed households, ethnic minorities, natural resource - dependent communities, or other displaced persons who may not be protected through national land compensation or land titling legislation.

1. Introduction

This Resettlement Framework (RF) is developed for the Agriculture Sector Recovery in Türkiye's Earthquake-Affected Provinces Project (the Project) on behalf of Government of Türkiye and funded by World Bank (WB).

Its fundamental purpose is to establish terms of agreement between relevant authorities in the Ministry of Agriculture and Forestry (MoAF) and the World Bank regarding principles and procedures to be used in subsequent preparation of a Resettlement Plan (RP) or Resettlement Plan (RPs). World Bank approval of an RP (or RPs) is required before project authorities invite bids for any contracts in which works are expected to involve physical or economic displacement as a result of land acquisition or restrictions on access or use of natural resources.

The RF is intended to avoid or minimize any adverse impacts associated with physical or economic displacement, and to ensure arrangements are in place to mitigate any adverse impacts that may occur. MoAF hereby agrees to apply the principles, procedures, and standards incorporated in ESS5 of the World Bank ESF if obtaining any sites for project use would cause economic displacement or physical displacement.

This RF is intended to utilize the existing legal and policy framework of MoAF, incorporating any supplementary measures necessary to achieve consistency with ESS5 principles and standards.

2. Project Objectives and Description

WB will be providing finance to the Government of Türkiye to support short-term economic recovery and address more mid-term recovery and reconstruction needs across agrifood subsectors in Türkiye's earthquake-affected provinces. Project investments are intended to contribute to restoring agrifood supply chain flows in the affected provinces by ensuring continued access by farmers and agribusinesses to key inputs and services. Additionally, it aims to promote mid to longer-term rebound and recovery, focusing on higher climate resilience, inclusiveness, and environmentally and socially sustainable agrifood production and processing.

2.1. Project Components

Project components are listed below including the information about land acquisition requirements, which are described in the project ESMF.

Component (1): Enabling Service Provision for a Climate Resilient Agriculture Sector Recovery

This component will be implemented by TRGM and Department of Supporting Services (DHDB), and has following subcomponents.

- Subcomponent 1.1: Irrigation Investments for Enhanced Water-Efficiency and Climate Resilience
- Subcomponent 1.2: Improving Access to Mechanization by Promoting Common Machinery Utilization Models

Component (2): Climate-Smart Recovery of the Livestock Sector

This component will be implemented by the General Directorate of Livestock (HAYGEM) and BÜGEM (Department of Meadow, Pasture, and Forage Crops) and has following subcomponents.

- Subcomponent 2.1: Recovered and Enhanced Productive Capacity of Small and Middle Scale Livestock Farm Enterprises
- Subcomponent 2.2: Restored and Improved Pastureland for Enhanced Livelihoods and Resilient and Sustainable Animal Production Systems

Infrastructure activities planned on private lands or public lands under Component 1 and 2 (rehabilitation and improvement of irrigation infrastructure; reconstruction and upgrades of infrastructure such as pens, stables, sheds) may involve a limited land acquisition process if there is a need to expand the existing infrastructure.

Component (3): Project Management, Monitoring and Evaluation

The General Directorate of European Union and Foreign Relations (ABDGM) will be responsible for the implementation of this component. ABDGM will manage all aspects of the project and ensure its successful execution.

3. Key Principles and Definitions

In World Bank-assisted projects, borrowers are expected to take all feasible measures to avoid or minimize adverse impacts from land acquisition and restrictions on land use associated with project development. The fundamental objective of ESS5 is to ensure that, if physical or economic displacement cannot be avoided, displaced persons (as defined below) are compensated at the replacement cost for land and other assets, and otherwise assisted as necessary to improve or at least restore their incomes and living standards.

Other ESS5 objectives include:

- a) To avoid forced eviction
- b) To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure
- c) To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project warrants
- d) To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

Displaced persons (ESS5, Para. 10) are defined as any persons subjected to project-related adverse impacts who (a) have formal legal rights to land or assets; (b) have a claim to land or assets that is recognized or recognizable under national law; or (c) who have no recognizable legal right or claim to the land or assets they occupy or use. The term incorporates all potential categories of persons affected by land acquisition and associated impacts; all of those adversely affected are considered “displaced” under this definition regardless of whether any relocation is necessary.

Replacement cost (ESS5, Para. 2, footnote 6) is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement materials and labor for construction of structures or other fixed assets, plus all transaction costs associated with asset replacement. In all instances where physical displacement results in loss of substandard shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets minimum community standards of quality and safety.

ESS5 also establishes key principles to be followed in resettlement planning and implementation. These include:

- a) All displaced persons are entitled to compensation for land and attached assets, or to alternative but equivalent forms of assistance in lieu of compensation; lack of legal rights to the assets lost will not bar displaced persons from entitlement to such compensation or alternative forms of assistance.
- b) Compensation rates refer to amounts to be paid in full to the eligible owner(s) or user(s) of the lost asset, without depreciation or deduction for fees, taxes, or any other purpose.
- c) Compensation for land, structures, unharvested crops, and all other fixed assets should be paid prior to the time of impact or dispossession.
- d) When cultivated land is to be taken for project purposes, MoAF seeks to provide replacement land of equivalent productive value if that is the preference of the displaced persons.
- e) Community services and facilities will be repaired or restored if affected by the project.
- f) Displaced persons should be consulted during preparation of the RP, so that their preferences are solicited and considered.
- g) The RP (in draft and final versions) is publicly disclosed in a manner accessible to displaced persons.
- h) A grievance mechanism by which displaced persons can pursue grievances will be established and operated in a responsive manner.
- i) Negotiated settlement processes are acceptable as an alternative for legal expropriation if appropriately implemented and documented.
- j) Land donation is acceptable only if conducted in a wholly voluntary manner and appropriately documented.
- k) MoAF bears official responsibility for meeting all costs associated with obtaining project sites, including compensation and other considerations due displaced persons. The RP includes an estimated budget for all costs, including contingencies for price inflation and unforeseen costs, as well as organizational arrangements for meeting financial contingencies.
- l) Monitoring arrangements will be specified in the RP, to assess the status and effectiveness of RP implementation.

4. Policy, Legal and Regulatory Framework

The national law governing the land acquisition in Türkiye is the Expropriation Law No. 2942 (amended by Law No: 4650 in 2001) and its amendments which “regulates the procedures and methods of the procedures to be carried out in the expropriation of immovable properties owned by real and private legal entities, by the State and public legal entities in cases where the public interest requires it. The provisions of this Law are also applied in expropriations to be made on behalf of real and private legal entities based on their private laws.” Furthermore, Article 46 of the Turkish Constitution declares that the state and public legal entities are entitled, in cases of public interest, to expropriate privately owned immovable property in whole or in part, provided that the real value of such immovable property is paid in advance and in cash; and to establish easement rights over such immovable property in accordance with the procedures and principles established by the Expropriation Law. In other words, the Constitution implies that no immovable property can be confiscated unless its expropriation compensation is paid to the owner(s) in advance and in cash. In addition, the Municipalities Law No. 5393 includes clauses related to land acquisition. In accordance with the Municipal Law (Law No. 5393),

if physical or economic resettlement is on the agenda of a project, the Municipality/Utility in charge of land acquisition may cooperate with other organizations involved in resettlement planning and implementation.

4.1. Gap Analysis between Country Legal Framework and World Bank ESF

In this section Turkish legal framework will be analyzed with respect to requirements of ESS5 “Land Acquisition, Restrictions on Land Use and Involuntary Resettlement”. The paragraphs that are compatible with national legislation and/or handled within the context of other paragraphs are not written separately.

The summary of the review on the national legislations and the WB’s requirements showing gaps and the measures is given in Table 1. Main aim of the measures is to ensure that displaced persons will keep on living in same or better standards prior to expropriation, easement or restriction to land. Resettlement policy adopted by the Project will be adhered to both the country’s laws for land acquisition and resettlement and WB ESS5. Where gaps exist between the country’s laws and the WB ESS5, gap filling measures provided in this RF will prevail.

Table 1: Gap Analysis and Measures on Legislative Framework

Gap	Turkish Legal Framework	Word Bank ESF Requirements	Measures to Bridge the Gaps
<p>Replacement cost land</p>	<p>Valuation of agricultural lands depends on capitalization of annual net income which is calculated by taking into account the market prices.</p>	<p>Full replacement cost will be applied.</p>	<p>As the process takes into account the value of equal productive potential (such as: distance to location centers and access roads, irrigation status and ease of irrigation, health conditions, shape and size of the land, pieces composition of the land, cadaster, location/position of the land) during valuation, and complementary parts on the land are separately valued and added on the land value, there is no gap at this point, but the cost of any registration and transfer taxes regarding new land will be added to reach full replacement cost.</p>
<p>Replacement cost buildings /structures</p>	<p>Construction cost approach is used and depreciation (for wear and tear) of the building/structure is deducted. Valuation methodology is the same both in rural and urban area.</p>	<p>Full replacement cost. <i>ESS5 Annex A. Involuntary Resettlement Sourcebook.</i> Compensation is evaluated in net terms and should allow the affected person to obtain replacement assets of equivalent value. In areas with functioning secondary markets, this does not imply compensation at the cost of new structures. Depreciation is not appropriate if it would result in under-compensation. In these cases, some combination of supplemental devices can be used to reach replacement value. Salvage material should be left the owner.</p>	<p>Depreciation will not be deducted. Since the Expropriation Law entails deduction of depreciation, replacement cost will be sought to secure replacement assets of equivalent value.</p>

Gap	Turkish Legal Framework	Word Bank ESF Requirements	Measures to Bridge the Gaps
Entitlement to expropriation compensation and livelihood restoration assistance	As per the national legislation; renters of house and/or workplaces, tenant users of the land, legal/illegal users of forest areas and merchants without immovable property are not entitled to expropriation compensation.	All PAPs should be compensated for improvements to the land and immovable assets; in addition, they should be assisted in their efforts to restore (if possible, improve) their livelihoods. In this respect, ESS5 states that lack of full legal title should not be a barrier to assistance.	Assistance will be provided for all PAPs experiencing an adverse livelihood impact. It is essential that all persons adversely affected are identified, and that resettlement plans will provide a context-specific description of relevant issues relating to compensation and, if relevant, livelihoods restoration measures. For these kinds of assistance, project specific mechanisms e.g. alternative forms of assistance will also be provided. Entitlements for livelihood restoration includes offers for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets. RAP fund of the Project will be used for livelihood restoration and assistance.
Entitlement to expropriation compensation	Persons building structures or planting trees on the land titled in the name of other persons or ownerless, and / or has not been acquired by its customary owner are entitled to receive expropriation compensation as the minimum material value and valuated value of trees.	Full replacement cost	Difference will be paid by project to reach full replacement cost
Pastureland compensation	Displaced persons benefiting from public properties area are not being compensated since the compensation is paid by the organization (or Borrower).	They should be provided assistance within the content of RP.	Local resettlement plans will provide Project specific mechanisms for those persons, such as providing alternative pasture land.
Resettlement planning	There is no statutory arrangement for preparation of a RP covering all displaced persons and host families.	World Bank policy requires preparation of RP.	Preparation of a RP by the Borrower. If land is acquired before financial assistance is sought, ex-post (retroactively) audits will be carried out. Also, for the projects that entail additional and acquisition in the future, a proactive study and report will be carried out.
Institutional status, capacity and coordination training	A number of different private and government institutions legally deal with one segment (e.g., cadaster / land registry, drillings, operations, power generation, land acquisition and resettlement; activities of various ministries, local governorates and private bodies) of the land acquisition and involuntary resettlement processes, with a lack of co- ordination between all agencies involved.	World Bank Policy requests a coordinated organizational framework for resettlement implementation between all agencies involved.	Responsible organizations and Borrowers will provide such coordination under the Project Implementation Unit Technical Assistance, through training and on the job support will be provided.

Gap	Turkish Legal Framework	Word Bank ESF Requirements	Measures to Bridge the Gaps
Public information, consultation, participation	There are inadequate provisions regarding public information, consultation and participation in the Expropriation procedure while Resettlement procedure includes more activities on public information, consultation and participation.	PAPs, their communities, and any host communities are to be provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.	This will be done by the responsible organization / Borrower through application of sub project specific SEPs.
Monitoring	There are no provisions for monitoring land acquisition activities in the Turkish legal framework.	Arrangements for monitoring, implementation of RPs and an evaluation of its impacts should be developed in line with the WB policy requirements.	Project specific monitoring and evaluation program will be established and included in RP. Also, monitoring and grievance redress mechanism will include information on how grievances are addressed.
Grievance Mechanism	The existing system does not match the WB requirements	Appropriate and accessible grievance mechanisms are to be established.	A Grievance Mechanism (GM) will be established by responsible organization/Borrower. Also, the RP will include a detailed GM.

MoAF agrees to take all actions necessary to ensure full and effective implementation of RPs prepared in accordance with the RF, and to otherwise take actions necessary to achieve all relevant provisions of ESS5.

5. Preparing a Resettlement Plan

All projects causing physical or economic displacement through land acquisition or project-related restrictions on resource access or use are required to prepare a resettlement plan for World Bank approval. Responsibility for preparation and implementation of the RP (or RPs) rests with MoAF, MoAF will exercise its authority to coordinate actions with any other involved agencies, jurisdictions, or project contractors to promote timely and effective planning and implementation.

RP preparation begins once the physical footprint of a proposed investment has been determined, establishing that a particular site (or sites) must be acquired for project use. MoAF initially screens proposed sites to identify current usage and tenurial arrangements and identifies the site (or sites) that will minimize physical and economic displacement. MoAF subsequently carries out, or causes to be carried out, a census survey to identify and enumerate all displaced persons on the selected site (or sites) and to inventory and value land and other assets that are to be acquired for project use.

Each RP is based on the principles, planning procedures, and implementation arrangements established in this RF and normally includes the following contents:

- a) Description of the project (with appropriate maps and illustrations), including explanation for the necessity of acquiring particular sites for project use and efforts undertaken to avoid or minimize the amount of land acquisition or other potential impacts deemed necessary
- b) Results of a census survey of displaced persons and inventory and valuation of affected land and assets

- c) Description of any project-related restrictions on resource use or access
- d) Description of tenure arrangements, including collective, communal, or customary use or ownership claims
- e) Review of relevant laws and regulations pertaining to acquisition, compensation, and other assistance to displaced persons, and identification of gap-filling measures needed to achieve ESS5 requirements
- f) Description of land and asset valuation procedures and compensation standards for all categories of affected assets
- g) Eligibility criteria for compensation and all other forms of assistance, including a cutoff date for eligibility
- h) Organizational arrangements and responsibilities for RP implementation
- i) Implementation timetable
- j) Estimated budget and financial contingency arrangements
- k) Consultation and disclosure arrangements
- l) Description of grievance mechanism
- m) Arrangements for monitoring implementation progress.

The RP should be complemented by a separate set of individual compensation files for each displaced household or persons. These files are to be handled confidentially by the borrower to avoid any prejudice to displaced persons. In fragility, conflict, and violence (FCV) environments, RPs should also clarify procedures to be applied to ensure the security of displaced persons when they receive compensation payments.

Eligibility criteria for compensation and all other forms of assistance should be clearly summarized in a table that can be used for consultation with displaced persons (see example provided in Annex 1.)

Additional planning measures must be incorporated into RPs for projects causing physical displacement, or significant economic displacement, as described below.

For projects causing physical displacement the RP should include planning measures relating to the following, as relevant for project circumstances:

- a) Description of relocation arrangements, including options available to displaced persons, and including transitional support for moving or other expenses
- b) Description of resettlement site selection, site preparation, and measures to mitigate any impacts on host communities or physical environment, including environmental protection and management
- c) Measures to improve living standards and otherwise address particular needs of relocating poor or vulnerable households, including measures to ensure that replacement housing is at least consistent with minimum community standards and is provided with security of tenure
- d) Description of project design measures to improve living standards, access to or functioning of community services or facilities, or for providing other project-related benefits
- e) Any measures necessary to address impacts of resettlement on host communities.

For projects causing significant economic displacement the RP describes (as relevant):

- a) The scale and scope of likely livelihoods-related impacts, including agricultural production for consumption or market, all forms of commercial activity, and natural resource use for livelihoods purposes

- b) Livelihoods assistance options (for example, employment, training, small business support, assistance in providing replacement land of equivalent productive value, other) available to persons losing agricultural land or access to resources
- c) Assistance measures available to commercial enterprises (and workers) affected by loss of assets or business opportunities directly related to land acquisition or project construction
- d) Project measures to promote improvement of productivity or incomes among displaced persons or communities.

6. Consultation and Disclosure Arrangements

The RP summarizes results of measures taken to consult with displaced persons regarding the project, its likely impacts, and proposed resettlement measures. It also summarizes the meetings held with displaced persons (dates, locations, number of participants), including comments, questions, and concerns expressed by displaced persons during these meetings as well as responses provided to them. MoAF discloses a draft RP to the displaced persons (and the public) after Bank review and solicits comments from displaced persons regarding the proposed plan. Disclosure of the final RP occurs following consideration of comments received and following Bank acceptance.

7. Monitoring and Evaluation

MoAF will make arrangements for monitoring implementation and will provide periodic monitoring reports to the Bank regarding the status of land acquisition and implementation of the RP. For projects with significant impacts, competent resettlement monitoring professionals will monitor implementation progress and provide advice on any necessary corrective actions and will conduct an implementation review when all mitigation measures in the RP are substantially complete. The implementation review evaluates the effectiveness of mitigation measures in achieving RP and ESS5 objectives and recommends corrective measures to meet objectives not yet achieved.

8. Grievance Mechanism

To ensure that displaced persons can raise complaints regarding the land acquisition process, calculation or payment of compensation, provision of assistance, or other relevant matters, the RP provides for an accessible and responsive grievance mechanism. The RP describes submission procedures, organizational arrangements, and responsive performance standards for handling grievances, and measures to be taken to inform displaced persons or communities about grievance initiation and response standards. The grievance mechanism does not preclude displaced persons from pursuing other legal remedies available to them.

MoAF keeps a record of all complaints referred to the grievance mechanism, including a description of issues raised and the status or outcome of the review process.

Annexes

Annex 1: Outline for Preparation of RP Entitlements Matrix

Annex 1: Outline for Preparation of RP Entitlements Matrix

Type of Impact	Entitled persons	Compensation, Assistance, Support Policy	General Considerations	Considerations for Vulnerable Groups
Physical displacement				
Loss of residential land	<p>Persons who have formal legal rights to land or assets.</p> <p>Persons who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law.</p>	<ul style="list-style-type: none"> • Compensation in kind (replacement property), or • Cash compensation, or • In situ land development arrangements 	<p>Offered replacement property will be of equal or higher value, equivalent or better characteristics, and advantages of location than the acquired one.</p> <p>If compensated by cash, the monetary compensation should take into account the market value of the land</p> <p>In case of any difference between the expropriation cost and the cash compensation, the RAP fund of the Project will be used.</p>	<p>When compensation in kind is chosen and the displaced person is married, the title will be prepared in a way that both wife and husband would have rights on the land.</p>
Relocation	<p>Persons who have no recognizable legal right or claim to the land or assets they occupy or use.</p>	<ul style="list-style-type: none"> • No compensation for land • Compensation for improvements to the land • Relocation assistance • Additional support to vulnerable groups during relocation (depending on their needs) 	<p>Relocation assistance will be sufficient for them to restore their standards of living at an adequate alternative site where they can live and/or work legally.</p> <p>RAP fund of the Project will be used for relocation assistance.</p>	<p>Additional measures may be necessary for vulnerable groups during physical relocation, particularly pregnant women, children, the elderly, and the disabled. Such measures may include assistance in finding new places to live and/or work, transportation, opportunities for employment, skills training, etc.</p>
Loss of shelter	<p>Persons who have formal legal rights to land or assets.</p> <p>Persons who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law.</p> <p>Persons who have no recognizable legal right or claim to the land or assets they occupy or use.</p>	<ul style="list-style-type: none"> • Compensation in kind (replacement property), or • Cash compensation 	<p>Offered replacement property will be of equal or higher value, with security of tenure, equivalent or better characteristics, and advantages of location than the acquired one.</p> <p>Compensation in kind will be considered in lieu of cash.</p> <p>Cash compensation will be provided for loss of property including incomplete production and depreciation costs, transport expenses, and transaction costs/legal fees, etc. the RP fund of the Project will be used. Compensation for structures should take into account material and labor inputs, as well as the market value of the asset.</p>	<p>Compensation in kind will be considered in lieu of cash since short-term consumption of cash compensation can sometimes result in hardship for subsistence-based economies or poorer households.</p> <p>If cash compensation is provided, the recipients will be trained or guided for using what they received effectively.</p> <p>Designs will, as appropriate, reflect the special needs of persons with disabilities and the elderly to have housing and other facilities that are physically accessible.</p> <p>When compensation in kind is chosen, and the displaced person is the owner and married, the title deed will be prepared in a way that both wife and husband would have rights on the land.</p>

Type of Impact	Entitled persons	Compensation, Assistance, Support Policy	General Considerations	Considerations for Vulnerable Groups
Economic Displacement				
Loss of business & Loss of non-residential immovable workplace structures	All commercial enterprises (shops, restaurants, services, manufacturing facilities, and other enterprises) regardless of size and whether licensed or unlicensed Employees, farm workers (whether they are legally employed or not)	Cash compensation for: <ul style="list-style-type: none"> • the cost of identifying a viable alternative location, • the loss of net income during the period of transition, • the transfer and reinstallation of the plant, machinery, or other equipment, • reestablishing commercial activities • Livelihood restoration • Allowance for temporary loss of wages (up to six months), and • Assistance in identifying alternative employment opportunities 	In case of any difference between the expropriation cost and the cash compensation, the RAP fund of the Project will be used. RAP fund of the Project will be used for allowance and assistance.	Migrant workers may have more difficulty finding a new job, so they should be closely monitored.
Loss of agricultural land & Loss of land-based livelihoods	Persons who have formal legal rights to land or assets. Persons who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law.	<ul style="list-style-type: none"> • Compensation in kind (replacement land), or • Cash compensation • Livelihood restoration 	<p>When replacement land is offered, the combined characteristics of the land, such as productive potential, advantages of location, and security of tenure, as well as the legal nature of the land title or use rights are at least equivalent to those of the original site.</p> <p>If the replacement land is not available, this will be documented in a manner that potential replacement land options have been adequately evaluated.</p> <p>Cash compensation in lieu of compensation for land is meaningful when displaced persons (i) do not wish to continue their land-based livelihoods or (ii) prefer to purchase land on their own, or (iii) the land taken for the project is a small fraction of the affected asset and the residual land is economically viable. The cash compensation should take into account the market value of the land.</p> <p>In case of any difference between the expropriation cost and the cash compensation, including transaction costs/legal fees, etc. the RAP fund of the Project will be used.</p>	<p>Compensation in kind will be considered in lieu of cash since short-term consumption of cash compensation can sometimes result in hardship for subsistence-based economies or poorer households.</p> <p>If cash compensation is provided, the recipients will be trained or guided for using what they received effectively. When compensation in kind is chosen, and the displaced person is the owner and married, the title will be prepared in a way that both wife and husband would have rights on the land.</p> <p>The results of livelihood restoration assistances provided to PAPs will be regularly monitored. The provision of cash assistance alone frequently fails to provide affected persons with the productive means or skills to restore livelihoods. If monitoring indicates that cash compensation was not sufficient to restore the livelihoods,</p>

Type of Impact	Entitled persons	Compensation, Assistance, Support Policy	General Considerations	Considerations for Vulnerable Groups
			Livelihood restoration includes offers for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets. RAP fund of the Project will be used for livelihood restoration and assistance.	additional assistance will be provided.
	Persons who have no recognizable legal right or claim to the land or assets they occupy or use.	<ul style="list-style-type: none"> • Implement measures to allow access, or • Provide alternative resource, or • Livelihood restoration, and • Cash assistance (if needed) • No compensation for land 	Livelihood restoration includes offers for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets. RAP fund of the Project will be used for livelihood restoration and assistance.	The results of livelihood restoration assistances provided to PAPs will be regularly monitored. The provision of cash assistance alone frequently fails to provide affected persons with the productive means or skills to restore livelihoods. If monitoring indicates that cash compensation was not sufficient to restore the livelihoods, additional assistance will be provided.
Loss of assets other than land	Persons who have formal legal rights to land or assets. Persons who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law. Persons who have no recognizable legal right or claim to the land or assets they occupy or use.	<ul style="list-style-type: none"> • Compensation for the loss of assets 	Crops, trees, irrigation infrastructure and improvements to the land are among the assets that will be compensated. In case of any difference between the expropriation cost and the cash compensation, including irrigation infrastructure and improvements to the land, etc. the RAP fund of the Project will be used.	Acquiring land or setting restrictions to land will be avoided during harvest season as possible.
Loss of access to assets	Persons who have formal legal rights to land or assets. Persons who do not have formal legal rights to land or assets but have a claim to land or assets that is recognized or recognizable under national law. Persons who have no recognizable legal right or claim to the land or assets they occupy or use.	<ul style="list-style-type: none"> • Implement measures to allow access, or • Provide alternative resource, or • Livelihood restoration, and • Cash assistance (if needed) 	Livelihood restoration includes offers for alternative income earning opportunities, such as credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for assets. RP fund of the Project will be used for livelihood restoration and assistance.	