

7 PUBLIC CONSULTATION AND DISCLOSURE

A key step in World Bank/IFC policies¹ on resettlement, land acquisition and compensation is a framework for public consultation, participation, and the establishment of a process to redress the grievances of affected people. Consultation with the affected population and with officials of local government, civil society and other representatives of the affected population is essential for gaining a comprehensive understanding of the types and degrees of adverse effects.

Public disclosure is the process by which the project sponsor formally provides an opportunity for the widest range of stakeholders, both within Turkey and internationally, to comment on the RAP. The establishment of a process to redress grievances allows the project sponsor to deal with issues proactively in the interest of solving any such grievances before having to resort to use of the formal legal system.

The IFC's manual '*Doing Better Business Through Effective Public Consultation and Disclosure: A Good Practice Manual*' provides action oriented guidelines aimed at ensuring that consultation with the affected population and with officials of local government, civil society organisations and other representatives of the affected population is both effective and meaningful. The guidelines emphasise the need for the project sponsor to ensure that the process of public consultation is accessible to all potentially affected parties, from national to local level to comment on the RAP. Emphasis is placed on the engagement of local stakeholders, namely people who are likely to experience the day-to-day impacts of a proposed project. On a practical level, the sponsor has to ensure that:

- All stakeholders have access to project information;
- The information provided can be understood;
- The locations for consultation are accessible to all who want to attend; and
- Measures are put in place, which ensure that vulnerable or minority groups are consulted.

The consultation requirements for projects requiring physical or economic displacement are covered by the World Bank's '*Operational Directive 4.30: Involuntary Resettlement*²' and outlined in the IFC's '*Handbook for Preparing a Resettlement Action Plan*'. The pipeline does not involve any physical resettlement but the Project is undertaking a land acquisition process to address the economic displacement associated with the Project.

7.1 CONSULTATION AND PARTICIPATION ACTIVITIES

World Bank/IFC guidelines provide a process of consultation that includes:

- Identifying stakeholders and ensure there are adequate mechanisms for stakeholder feedback and information sharing;

¹ The IFC's manual '*Doing Better Business Through Effective Public Consultation and Disclosure: A Good Practice Manual*' provides action oriented guidelines aimed at ensuring that consultation is both effective and relevant.

² *January 2002*

- Informing representatives of affected people – local government, village leaders and local community organizations – of the Project plan and asking them to inform their constituents and informing the directly affected populations;
- Briefing all project line managers and staff who will interact with affected people on the anticipated effects of the Project and measures to mitigate its impacts;
- Arranging for a government to issue formal notice (after completion of a census and dissemination of a public notice on the eligibility cut-off date) banning the construction of new buildings or capital improvements in areas to be affected by the Project;
- Preparing an illustrated information booklet with details on eligibility, rates of compensation and other entitlements, a timetable for implementation, and all applicable grievance procedures;
- Getting feedback on RAP implementation for each sub-group of affected groups and communities;
- Launching participatory monitoring and evaluation processes; and
- Preparing and issuing regular RAP information updates.

7.1.1 Summary of Consultation and Participation Activities

- **Stakeholder identification and consultations** were initiated early in the process of EIA and completed with the directly affected land owners/users during RAP preparation, including through the RAP socio-economic surveys. National and international NGOs were informed and their feedback sought on various occasions. All national level ministries and agencies were also consulted systematically, with a particular focus on resettlement, asset and land acquisition issues (Chapter 5). Increasingly, the focus of consultations shifted from broad based ‘listening’ to receiving specific support and information specified under various articles of the Land Acquisition Law and the Law of Resettlement. Similarly, the information provided began to be directed at key stakeholder categories impacted by the asset and land acquisition activities as well as loss of temporary or permanent access to common property resources;
- **Local representatives** have been informed both during the course of EIA and throughout the basic and detailed engineering phases of the Project by the representatives of the expropriating agency. Additional information has been provided to them during the EIA disclosure process. The local teams of the expropriating agency, DSA/BOTA^a, have also provided information to all local stakeholders throughout the land acquisition plan preparation. More important from the RAP perspective, systematic and district/village specific information/communication (I/C) activities were initiated. Based on these, the asset/land valuation process has started;
- **An illustrated brochure (Guide to Land Acquisition and Compensation - GLAC)** has been prepared (Annex 7.1) and will be distributed to all landowners with the notification letter both to the affected communities (in sufficient numbers to share with directly affected resident land owners/users) and to a representative sample of absentee owners. This brochure will provide preliminary information about the entitlements of the affected populations and was sent out 30 days prior to any negotiation meeting (Chapter 7);
- **RAP preparation** was based both on direct consultation with specific groups of affected populations (Chapter 2), and with the directly affected public sector institutions. In

addition, a consultative joint working structure has been established with a local NGO for valuation determination. At both the provincial and county levels, consultations were held with and information was sought from: Land Registration and Title Deed Offices, branch offices of the Ministry of Agriculture as well as other relevant government departments such as those in charge of forestry. In addition, consultations were held with local judges and recommendations were sought from lawyers qualified in land acquisition issues both to expedite the process and to help owners/users in resolving issues that might hinder their timely access to compensation payments³;

- **RAP dissemination** of the RAP, as a full document, will be distributed to national and provincial level public agencies for review of the communities along the pipeline route and research/university institutions. Through the Project's web-site, the RAP report will be available in both Turkish and English to all interested national and civil society organisation;
- **Preparing RAP updates** will be made available through a well designed and an adequately financed participatory system of internal and expert monitoring;
- **Public notice** for land acquisition will be given six months prior to the start of the expropriation as per local laws. However, throughout the process of corridor and site identification, communities have been informed of land acquisition. Indeed, long before the start of the land acquisition, during the pre-testing and implementation of the socio-economic survey of the directly affected populations, it was evident that a majority of the affected plot owners were aware of the fact that a part of their plot would be expropriated;

7.1.2 Stakeholder Identification

At the beginning of the Environmental Impact Assessment (EIA) process, which also considered issues relating to land acquisition and compensation, BTC Co., BOTA^a and their respective consultants worked together to identify the key stakeholders that should be consulted at various stages of the Project. It was agreed that these stakeholders should be divided into the following categories, each requiring a different consultative approach:

- **Government Institutions** at the national, provincial, district and village level (village heads known as *Muhtars*). The total number of institutions consulted is based on the number of provinces and districts traversed by the pipeline and districts affected by the marine terminal development, the pumping stations, as well as all villages that fall within the 4 km pipeline corridor. This gives a total of approximately 10 provincial governors, 22 sub-governors and 208⁴ village headmen (*Muhtars*) consulted.

³ For instance, joint owners may each be financially hurt if they cannot motivate each other to come forward for negotiations or give a power of attorney to one of the owners to represent the group. If this is not done in situations where the individual shares of each of the owners are not registered in the title deed, there would be delay in the ability of all to receive the compensation payments deposited in a custody account. Similarly, the ability of an owner(s) to negotiate with DSA/BOTA^a may pose problems. If, on the other hand, the individual shares of each of the joint owners are registered in the title of the land plot, DSA/BOTA^a can pay the warranted compensation to each owner.

⁴ 208 Muhtars of the total 326 number of Muhtars within the 4km corridor were consulted.

- **National and local non-governmental organisations** particularly those with an interest in land, agriculture, livestock and other land-based livelihood issues within the provinces and districts traversed by the pipeline, the BTC Marine Terminal and in Turkey as a whole.
- **Interest groups** comprising international organisations and NGOs, the media, university institutions and their foundations, people with local agricultural interests, cooperatives, local business establishments, business associations, chambers of agriculture and others.
- **Residents** of the towns and villages within a 4 km corridor of the pipeline route in the provinces of Ardahan, Kars, Erzurum, Erzincan, Gumushane, Sivas, Kayseri, Kahramanmaras, Osmaniye and Adana. Also included are those people living in close proximity to the Ceyhan Marine Terminal as well as residents of coastal villages along the Gulf of Iskenderun whose inhabitants could potentially be impacted by the marine terminal development. Communities that are affected by the AGIs (4 pump stations, 1 pressure reduction station and 3 primary construction camps) were also consulted.

As the public consultation programme moved forward and the specifics of the economic displacement caused by the Project were defined, other stakeholders were also identified. These consisted primarily of owners and users of private lands to be expropriated, users of pastures and forestlands as well as other affected community resource. They also reached out to governmental organisations responsible for the expropriated assets and local institutions responsible for asset valuation. Approximately 30,000 GLACs focusing on entitlements have been printed and will be distributed to affected people and communities.

7.1.3 Preliminary Consultation

Preliminary consultations were carried out between September 2000 and January 2001 during the basic Engineering Phase of the Project. The aim of the preliminary consultations was to inform national authorities and the relevant governors about the Project and to allow for the identification of key constraints within the proposed 10km pipeline “Corridor of Interest.” The following activities were undertaken as part of the preliminary consultation phase:

- During the pre-work field survey activities in September to October 2000, 10 provinces were visited along the BTC Pipeline route. Within each of these provinces, meetings were held with the governors and other local authorities;
- Following the above site visit, requests for information on project constraints⁵ were sent to the national and local authorities during December 2000 to January 2001. These requests took the form of a letter accompanied by 1:100 000 maps showing the 10 km pipeline corridor and a letter of authorisation from BOTA^a. For each national authority, specific questions were asked, in relation to the authority of relevant ministries or directorates; and
- The responses relating to land acquisition and compensation aspects were recorded for inclusion in the RAP. Issues raised were considered in the narrowing of the pipeline corridor.

7.1.4 Phase 2 : Information Distribution and Introductory Meetings

7.1.4.1 Information Distribution Prior to the Consultation Meetings:

The distribution of information on the Project included the following:

1. An Information Package was primarily prepared for, and distributed to local and national authorities, NGOs, and other interest groups ; and
2. A Project Leaflet was primarily prepared for, and distributed to, people in the vicinity of the pipeline route and marine terminal, pump stations and construction camp locations containing land acquisition information.

7.1.4.2 Introductory Meetings:

During August and September 2001, meetings were held with 10 provincial governors, 27 district sub-governors and 208 of the village leaders falling within the 4km corridor traversed by the pipeline. Both elected and appointed authorities were represented at the local authority meetings in addition to other local representatives such as District Directorates of Agriculture, Cultural Heritage etc and local security (gendarmierie) and police forces.

The purpose of the meetings was to inform the relevant provincial authorities of the Project and to gauge their initial feedback. During these meetings, the Project was introduced, the consultation process was discussed and additional leaflets were distributed. During these meetings, land acquisition issues were highlighted and the land acquisition requirements of the Project were emphasised. Frequently raised enquiries of the potentially affected people were answered. The officials were also informed that physical displacement of households and of communities would be avoided.

Key materials that were distributed at these meetings included:

- The Information Package in Turkish;
- Provincial maps within the suggested centreline of the route;
- A leaflet describing the Project; and
- Constraint maps of the 500-metre corridor.

The governors were asked to forward any additional concerns that they, the county governors and/or affected village headmen may have had. Their responses were fully reflected in the further narrowing of the corridor to 100 metres and physical displacement was indeed avoided. Subsequently, more detailed consultations were held with governors and other local level officials.

The discussions held during these meetings assisted in refining the consultation process with local residents to ensure that they were appropriate to the local context.

7.1.4.3 Feedback From the Local Authority Meetings (Sub-Governors And Muhtars):

Of the many local level meetings, those of the sub-governors (kaymakam) and the village consultations focused on land issues. Among them, those who had experience with gas pipeline

construction and other investments requiring expropriation were particularly detailed in their observations. They wanted to have guarantees that they would not be forced to confront the contractors. They also wanted to be sure that BTC Co. and DSA/BOTA^a would keep the promises they were making.

Some of the issues raised by the sub-governors and muhtars include the following:

- Land expropriation and compensation (private, common, pasture lands, crops and assets etc);
- Damage to infrastructure (roads, irrigation channels, etc);
- Reinstatement (this was raised especially by the Muhtars of the villages which are on the gas line route);
- Impacts on livelihoods (i.e. animal husbandry; access to grazing lands);
- Employment;
- Community relations; and
- Management and monitoring of the construction companies.

This RAP is designed to prevent repetition of the concerns listed below:

- “In the past, land reinstatement consisted of putting a thin layer of top-soil and leaving the rest with rocks. Is the practice going to be any different this time?”
- “The crop losses were insufficiently covered. No one responsible was around. What guarantees for fair and immediate compensation will there be this time?”
- “Even when land is reinstated with care, it takes 2-3 years before crop production reaches its pre-project levels. Will the temporary expropriation take this time period into consideration or will the farmers bear the full cost of reduced production? The past experience is negative and cannot be repeated.”
- “Will access to cultivable areas, pastures or forests be hindered in any way? If so, who will be responsible for this? How will people be compensated?”
- “What will happen if the pipeline construction starts during the cultivation season? Will the cultivation activities be made more difficult? The traffic density is high in cultivation periods. If the construction traffic is added to this, unforeseen damage can occur to production. How will this be compensated?”
- “When land is reinstated, will the cut trees be re-planted in areas outside the 8-metre corridor? There is erosion in much of the affected areas, thus re-forestation will be of importance.”
- “If the pipeline goes through the small parcels of land of the very poor, they will suffer disproportionately. They have very little land to start with; they may be left with nearly no land. Will there be remedies to address these types of equity issues?”
- “The value of a plot of land that is divided and that has restrictions on its use will never be the same as before. Will this be taken into consideration? Will the people be paid for

just the portion taken for construction or will they be compensated for the reduction in the value of the total plot as well?"

- "In the past, people had unpleasant interactions with contractors. The confrontation between these two groups should be avoided. It is therefore essential for people that a third party is appointed to deal with damage caused by contractors. In the past, people were told that contractors would pay for the damage and they did not. BOTA^a should sign a contract directly with the communities and should have local offices. We cannot deal with people in Ankara; we need to have responsible people in the field. The promises made should be fulfilled."
- "There is shortage of water, electricity and other infrastructure in many communities. When the contractor extracts water or brings water from elsewhere, the communities should be informed. Damage to scarce resources should be avoided. Pipeline construction should not be done from June to September 15 to avoid damage to irrigation water."
- "Village roads have in the past been damaged; this should not be repeated."
- Contractors prefer to work close to the railroads. The lands adjacent to these have in the past been adversely affected."
- "We have experienced problems with a previous pipeline project when we could not freely graze the livestock."
- "Some of the plots in the corridor might have been left for fallow (nadas). This could result in unfairly low assessment of such land. How will this be avoided?"
- "Will the land valuation be as low as it was for the gas pipeline?"

Box 7.1 Kelkit/Gumushane. August 2001

Participants of the BTC information meeting included the district governor, district Director of Agriculture, Commander of Gendarme, district security director, Mayor, and 12 village headmen. " During the Iranian gas pipeline, the compensation values were symbolic. They paid as little as 60,000 TL per square metre of land. It was as if they were teasing us. They deposited the money in the Agriculture Bank. We did not even bother to go to get a few million liras."

Muhtars who attended the meeting said: "The lands were not reinstated. The contractors asked us to provide signatures that this was done. The debris is still in the land. The water resources were destroyed. The village road was destroyed. No matter what we did no one came to our help. With our own resources, we brought the CAN TV from Erzincan. Our roads were repaired as a result of this program. We cannot keep wasting our time and money to seek justice. Are we going to re-live these experiences?"

Among other questions were those concerning payments to be made for state and municipal lands, procedures involved in expropriation of plots with multiple owners or with traditional ownership and compensation for pastures.

Box 7.2 Askale/Erzurum. August 2001.

Participants of the BTC Project information meeting consisted of the Commander of the Gendarmerie and 8 village headmen. Participants demanded that the Project participants directly sign contracts with the communities to avoid past problems. "The Iranian gas pipeline destroyed our water resources. The Karabiyik village has had no water since. In three other villages, the water pipeline was broken. Irrigation water was cut off when we needed it most. In Kukurtlu village, the debris is still on the ground. Hacıamca, Bayırbayır, Yeniköy and Kukurtlu village had their lands destroyed. The valuations were very low compared to other villages. There was discrimination in the valuation process. If villagers are not represented in the valuation commissions, this will continue. It is too difficult for us to seek justice in Ankara."

7.1.5 Village Level Consultations

The objective of village level consultation was to share information about the Project, to solicit the views and attitudes of villagers towards the pipeline and marine construction and to identify the key issues of concern to them. The relevant consultations comprised two main components: (i) community meetings; and (ii) interviews conducted at the village and household level on the basis of questionnaires. These initial consultations, held by local consultants, took over six weeks from September 3, 2001 to October 20, 2001.

Community level meetings were held in 97 village settlements and eight district centres along the pipeline route and in the vicinity of the marine terminal and the pumping and construction camps. For purposes of the EIA, a total of 96 village level (96 villages and 8 district centres for consultation meetings/ 88 villages for data gathering.) questionnaires were administered for the pipeline and marine terminal study areas. Interviews were undertaken with the *Muhtars* or, if they were not available, questionnaires were conducted with other key village representatives such as the imam (religious leader), members of the Council of Village Elders, the teacher or the health worker. Additional questions focusing specifically on land ownership patterns, incomes, expropriation, economic and physical displacement issues were asked (Annex 4.1)

The EIA household questionnaire was administered to 1,328 households (an average of approximately 10 per settlement) along the pipeline route and 200 households (22 per settlement) in the marine terminal area. About 50 percent of all villages within the 4-km pipeline corridor and 100 percent of the villages in the area potentially affected by the marine terminal development were consulted. To ensure maximum participation and to take cognisance of vulnerable groups, the national consultants advised on methods of consultation that were both culturally acceptable and socially appropriate and were able to be adapted to local circumstances. *Muhtars* were always informed of the consultation field teams presence and schedule and the aims of the consultation activities in advance.

AGIs

Community meetings were held and a short survey was administered in the vicinity of the four pumping stations and one pressure reduction station during December 2001

Construction Camps:

Consultations in early February 2002, were also carried out with local communities in the vicinity of the three primary construction camps in Erzurum, Sivas and Kahramanmaraş, in settlements within a 5km radius of proposed sites. Additional surveys were administered with settlements

within 2km range of these facilities. Consultations with local authorities, including governors and mayors, were held by telephone. 210 muhtars were consulted and interviewed by telephone.

7.1.5.1 Village Consultation Results

During the process of consultation, issues concerning land acquisition and compensation were tabulated for 60 of the settlements visited (Figure 7.1) at the village and district levels. The priority of concerns in descending order have been identified as follows:

- Lack of legal title to land and assets that would be affected and thus fears that their entitlements may not be recognised;
- Incomplete land transfers, especially with regard to inherited land, and thus about difficulties that may be encountered in getting compensation and/or legal recognition as owners;
- Receiving fair compensation for expropriated land and assets;
- Valuation of different qualities of land/trees expropriated;
- Grievance redress mechanism;
- Concern for establishing ownership for land whose ownership was fragmented;
- Having compensation paid in a timely fashion;
- Needing more information on the land acquisition process;
- Mechanism for making expropriation payments;
- Villages having insufficient arable land and the need for the corridor to avoid the community; and
- Remaining issues including: (i) disputed land ownership; (ii) dealing with sub-contractors over damage during construction; and (iii) not wanting to have land acquired at all.

The majority of the issues raised are covered in the new Expropriation Law and the implementation procedures associated with the law. A major conclusion of the consultation process in the affected areas was the lack of appreciation of the new legal framework, though the consultation team spent much of their time explaining the new legislation. Information available from a multitude of other sources also showed that even the specialists were not always well informed of these changes. Indeed, typical of the period that characterised the rule of the previous Expropriation Law, local lawyers continue to organize affected populations to take valuation complaints to the courts.

The Social Impact Assessment team has prepared a comprehensive list of communities with special problems. This list shows that poverty is the key concern in most of the affected provinces; thus the potential loss of income from expropriation is a major concern throughout the affected communities. Lack of water and sanitation infrastructure of roads and of reliable sources of energy is also among key concerns (Figure 7.1). The specific concerns on matters relating to land acquisition vary from one province to the other but each province has voiced concerns regarding the various questions that they feel will affect them directly (Figure 7.2). The problems of low payment, delays, reinstatement of land and other expropriation issues were highlighted in Erzurum, Erzincan, Gumushane, Kayseri and Sivas due to their earlier (East Anatolian NGP) experience.

7.1.6 Civil Society Consultations

During the Consultation Phase of the Project, the participation of national NGOs and other interest groups, including the media, was initiated through three national meetings:

- A meeting of national media organisations was held in Istanbul on October 11, 2001;
- A meeting of national and international NGOs and interest groups was held in Istanbul on October 12, 2001; and
- A meeting of national NGOs and interest groups was held in Ankara on October 15, 2001.

Information Packages were sent to NGOs, other interest groups and the national media prior to the meetings in appropriate language. Visual materials such as posters were also displayed at the meetings. Concerns arising from the national NGO and interest group meetings were captured in the consultation tracker and a series of meetings were held in Istanbul in December 2001 to follow up with seven NGOs who expressed specific concerns. Additional meetings with NGOs and interest groups were held prior to disclosure of the RAP.

BTC Co. and DSA/BOTA^a led these meetings, with key specialist input from consultants. The focus of these meetings was to inform the stakeholders of the project scope and the environmental and social impact activities, including land acquisition and compensation.

Land acquisition was one of the NGO concerns in initial NGO meetings. These included methods of land valuation, the composition of valuation committees, compensation timing and delays, expropriation procedures for different categories of owners, compensation for loss of overall plot productivity of partially expropriated plots, and the loss of sale value of land on which there are use restrictions. Questions were also raised concerning the arrangements to be made for social and environmental impact monitoring.

The Phase 3 consultation activities yielded feedback on a range of issues associated with the EIA. An overview of the key issues raised during this round of consultation is provided below with respect to RAP issues.

- A fair and transparent land acquisition process;
- Sufficient information about the process and how it would work;
- A fair and equitable compensation process for damage to buildings and agricultural infrastructure as a result of construction activities (irrigation system, drainage etc);
- Timely payments of compensation;
- Independent arbitrators for dealing with complaints;
- Loss of communal pasture land;
- Impacts on water resources;
- Appropriate compensation and timely payment;
- Degradation of roads and irrigation channels during construction;
- Reinstatement of infrastructure such as roads to pre-construction levels;
- Maintained access to grazing lands at all times and locations for animal crossings;
- Impact on livelihoods particularly fishing;
- Restrictions on fishing activities near existing marine terminal;
- Decreased suitability of the Project area for tourism activities; and
- In-migration of job-sectors and increased pressure on existing services.

7.1.7 Consultations Through Various Preparatory Phases of the Land Acquisition Process

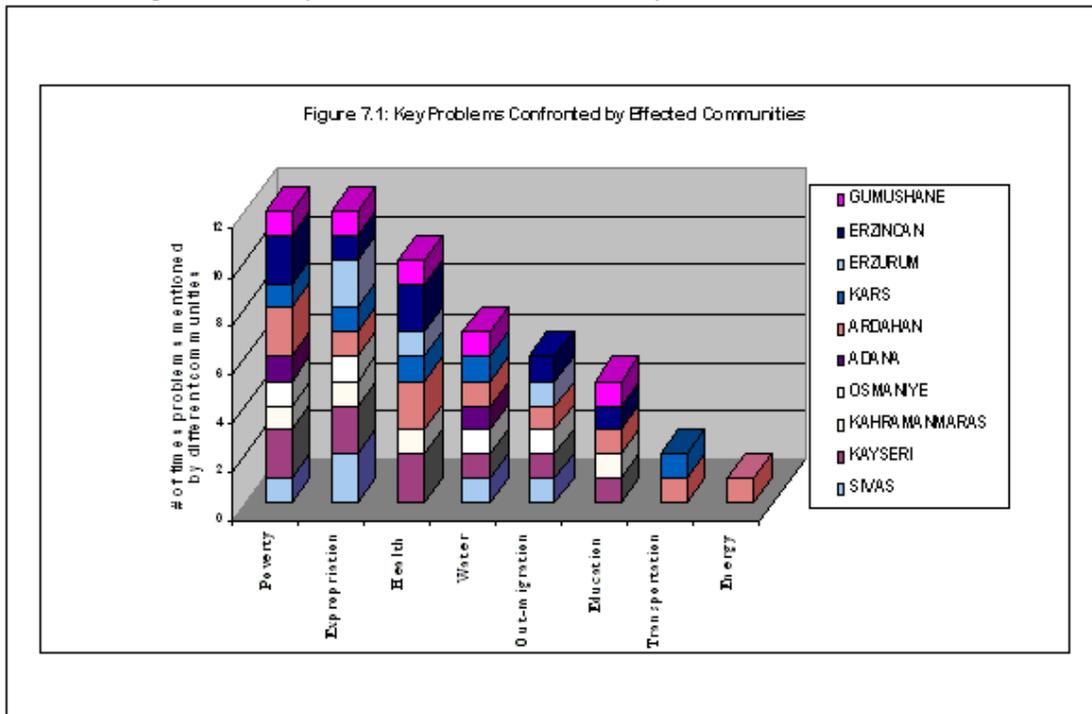
At every stage of the basic and detailed engineering work, DSA/BOTA^a has received a large number of suggestions from communities to modify the corridor routing and the siting of various permanent Project facilities. As described in Chapter 5, DSA/BOTA^a was able to respond positively to a great majority of these suggestions except in a few cases where these had no factual basis. In addition, DSA/BOTA^a's contractors specialising in land registration issues worked for a year in the affected areas to reduce the pipeline corridor from its initial 10km width to 28 metres. During this process, they provided feedback to community and owner requests and responded to inquiries on land acquisition matters (Chapter 5).

These consultation meetings were followed by a number of other meetings held with NGOs and Universities at regular intervals until shortly before the disclosure of the EIA, in order to discuss appropriate mitigation measures.

There has also been ongoing dialogue with International Finance Institutions (IFIs) which commenced in early 2001 and continued until June 2001. This consultation formed pre-mandate dialogue with IFIs such as International Finance Corporation (IFC), European Bank for Reconstruction and Development (EBRD) and Overseas Private Investment Corporation (OPIC) and comprised project overviews and updates held in Washington D.C, USA and London, England.

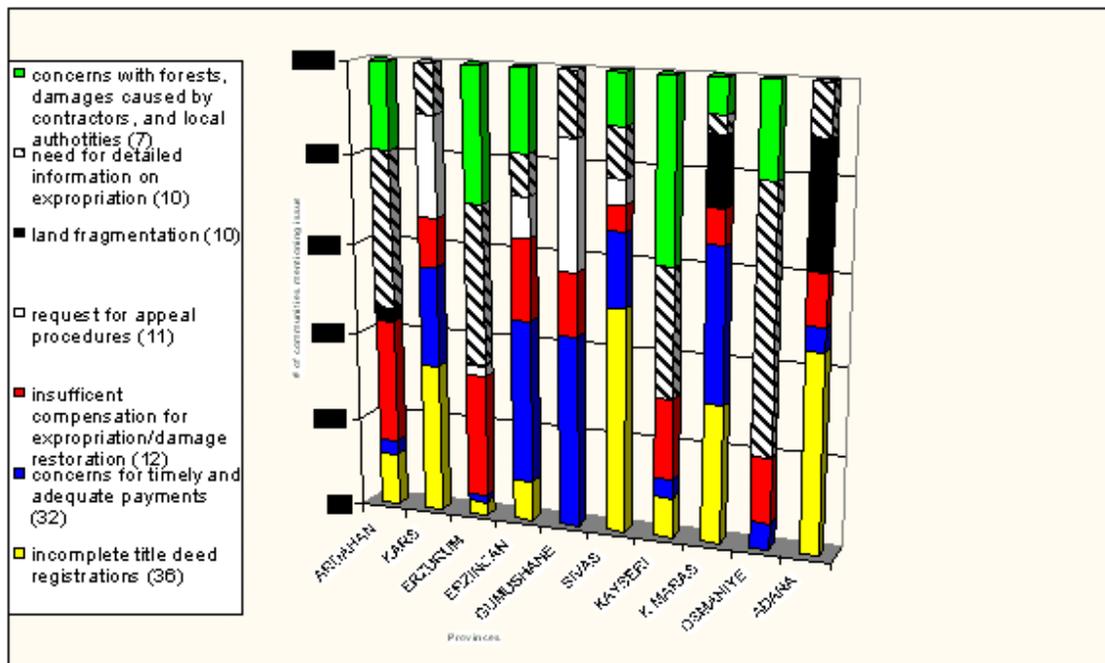
A kick off meeting prior to the project mandate was held to provide an update on the Project to IFC, EBRD and Export Credits Guarantee Department (ECGD) in London, England in December 2001. The first post mandate meeting with IFIs was held in January 2002 with IFC in Baku, Azerbaijan and an in-country field visit and formal meetings were held in April 2002 with IFC in Ankara, Turkey.

Figure 7.1 Key Problems Confronted by Affected Communities



Source: BTC Consultation, 2001-2002

Figure 7.2 Land Acquisitions Concerns of Affected Communities & Donors in Turkey



Source: EIA Consultations, 2002

7.1.8 Additional Consultation Activities Carried Out for the RAP

The consultation processes for the EIA clearly pointed to the need to better inform the affected communities and people of the Project's policies with respect to land acquisition and resettlement issues. Therefore, a special information package targeted at a village audience was prepared to provide details about the basic changes in the Expropriation Law and its implementation procedures, as well as discussion about the areas of concern that have been identified above. The information package also described the grievance redress mechanism that the Project intends to establish.

Since the land acquisition process affects different categories of people and communities, there was a need to reach them all (Chapter 5). Among these, the most important groups were:

- Resident land owners with Title Deed;
- Individual owners;
- Joint owners with shares registered in the title deed;
- Joint owners without registered shares;
- Resident owners without deed from the land registration office, but with ownership certification from the village officials;⁶
- Resident owners with customary ownership;
- Ownership contested;
- Ownership not contested;
- Owners whose names and addresses have not yet been identified⁷
- Tenant farmers;
- Sharecroppers;
- Lease holders;
- With formal or informal tenancy arrangements
- Absentee land owners;
- Individual owners;
- Joint owners;
- Users of common property resources;
- Users of pastures;
- Users of forests; and
- Fishermen within the Ceyhan terminal use restriction area.

Most of the resident owners are relatively easy to identify and could be reached through the local administrations. The absentee owners were more difficult to identify, but the Project made every effort to establish their addresses. This is because the Expropriation Law requires that each owner, including the absentee ones, be contacted and invited for negotiations prior to expropriation (Chapter 2). Thus, the largest groups of the directly affected populations were contacted in advance of the expropriation process. The information needs of the communities, or

⁶ There are large numbers of owners in this status. Indeed, there are 17 communities directly affected by the Project where land consolidation results were not reflected in the land registration system. Rather, these communities still lack a cadastral system. The original shares were certified with letters from the village headmen. In the decades since the consolidation works, land plots have changed hands and the ownership records have not been updated.

⁷ There are affected land plots with no known absentee or resident owner.

users of common property resources, were met through the large number of disclosure documents that were shared with each settlement.

7.1.8.1 Consultation with absentee landowners

To provide information to resident landowners and tenants and to receive feedback from absentee owners, two steps were undertaken in June 2002.

1. The EIA community pamphlet was prepared to address key RAP issues (in addition to environmental and social impacts and mitigation). Copies were mailed to absentee and resident landowners; and
2. A short questionnaire with a stamped self-addressed envelope was included among the materials sent to absentee owners, in order to receive additional feedback and to confirm the accuracy of the absentee addresses.

7.1.8.2 Additional socio-economic survey for the RAP

In addition, a RAP survey of resident owners was implemented with owner/users (Annex 4.1). A separate short survey of absentee owners was also carried out as already mentioned in Annex 4.4. The results of the socio-economic survey of resident and absentee owners are reported in Chapter 4. These surveys revealed several results with respect to the familiarity of the directly affected populations with the Project and with the relevant legal framework. They have shown that although many of the residents were informed about the new legal framework during consultation, a great majority of the PAPs knew little about the relevant legal framework. Therefore, the Project paid specific attention to informing these people more on land related issues through disclosure materials (such as the community pamphlet) distributed widely and through consultation meetings held during the disclosure phase of the EIA.

The legal framework for land acquisition and compensation was explained by land experts during community meetings. Furthermore, a “Guide to Land Acquisition and Compensation (GLAC)” was prepared and sent to the directly affected people. The GLAC explains the land acquisition and compensation process in detail and contains specific information on entitlements of different categories of affected people. It is written for a wider audience than the full RAP report.

Villagers using forestry land belonging to the state and those using common pasture lands represent a special group. This is because there are differences between Turkish Law (which provides compensation to the appropriate government agencies) and World Bank/IFC policies (which provide compensation for people using these public assets). Ideally, it would have been desirable to carry out a detailed study, based on behavioural observations, to understand utilisation patterns of forests and pastures. This would have allowed a per hectare calculation of benefits lost by users of these common resources. Earlier studies of forest communities show that it is the poorest of the poor that relies more heavily on forest resources and that common resource utilisation is highly variable among households⁸. The longitudinal nature of the more desirable type of studies led to the choice of somewhat less accurate instruments to assess benefits of common resources to resident households of directly affected communities. The results are

⁸ Ayse Kudat et al., Social Assessment of Forest Sector: Turkey. The World Bank, 2000.

presented in Chapter 4. Community compensation for the lost benefits is reflected in the RAP budget (Chapter 9).

7.2 PUBLIC DISCLOSURE OF THE RAP

In accordance with World Bank/IFC guidelines, BTC Co. must ensure that the RAP is made available through the World Bank's Info Shop and at selected locations in Turkey for a period of 60 days prior to the submission of the Project for IFC Board consideration. In addition, BTC Co. will ensure that the RAP is available throughout the Project area in the local language. During the disclosure period, interested and affected parties will submit their comments and concerns about the RAP.⁹

The draft RAP will be made available at the following locations along the pipeline route:

- Ministry of Energy;
- Offices of Provincial Governors (10);
- Offices of District Governors (32);
- National universities (10);
- Regional universities (7);
- National libraries (3);
- Project website.

The availability of the RAP will also be publicised through advertisements in the print media, and in public places. During the disclosure period, methods for collecting public feedback will include provisions for written feedback.

7.2.1 Disclosure of The RAP Findings During Disclosure Phase of the EIA

A series of public meetings were held during the consultation and disclosure period for the draft EIA, including at the local level, during which land related issues were discussed. However, it is acknowledged that although residents had access to the draft EIA they were unlikely to have read or reviewed it in any detail, if at all. Therefore, their comments were based both on responses to reader friendly summaries of the EIA (NTS and community pamphlet). Nevertheless, these public meetings provided people with the opportunity to comment on the NTS and community pamphlet of the EIA which included specific land acquisition issues.

The disclosure process included meetings with stakeholder groups at the community, district, provincial and national levels. A special effort was made to highlight land acquisition issues and to respond to stakeholder concerns received during the preparation of the EIA. Indeed, throughout the process of corridor and site identification, communities have been informed of the proposed land acquisition process. It was evident that during the pre-testing and implementation of the socio-economic survey of the directly affected people, a majority of the affected plot owners were aware of the fact that a part of their plot would be expropriated although they were not aware of the details of land acquisition and compensation procedures.

⁹ IFC Handbook for Preparing a Resettlement Action Plan, 8/7/2001, p. 14

The RAP section of the EIA community pamphlet included detail on the following:

- general elements of the amended Expropriation Law and other changes in the Turkish legal framework;
- the protection of the rights of traditional owners;
- a recognition of problems faced by owners who have not registered their inheritance or sale/purchase records;
- the new valuation procedures and the process of negotiations as an advisable course of action;
- the need for owners to share with tenants compensation received for crops and other joint assets;
- regulations concerning users of common property resources, including forests and pastures;
- grievance procedures.

During the disclosure of the overall Environmental and Social Impact Assessment with communities along the Turkish section of the pipeline route in July/August 2002, issues of land and asset acquisition and of compensation were among the most frequently mentioned. People expressed their concern with the complexities regarding the general principles and legal framework for expropriation and compensation. The most prominent areas of concern involved the levels and process of compensation, land registration and the legal grievance process.

7.2.2 Guide to Land Acquisition and Compensation

The Project has prepared 43,000 copies of “Guide to Land Acquisition and Compensation” for distribution to :

- all project affected people (approximately 30,000 landowners and 1,100 tenants/sharecroppers) along with a notification letter¹⁰ sent by DSA.
- Muhtars in case of any discrepancies in the identified addresses.
- Public libraries in the district and provincial centres along the pipeline route
- University libraries in the provinces along the pipeline route

This pamphlet provides more specific information on:

- the process for land acquisition;
- who is eligible for compensation;
- how compensation values are calculated;
- answers to questions frequently asked by affected land owners and users.

The first set of pamphlets was distributed on October 14, 2002 with the remainder to be distributed regularly and systematically in line with the schedule for land acquisition. The aim is to provide additional information on the RAP findings to project affected people (including absentee owners) prior to the negotiation meetings. Much of this information however has

¹⁰ Landowners will receive a notification letter informing them of the decision to acquire their lands. The letter specifies the date when a Negotiations Commission will visit the village of the affected landowner to disclose the principles of the valuation and to seek agreement with the landowner.

already been covered during the disclosure phase of the EIA. A text copy of the GLAC is presented in Annex 7.1.

A separate Guide to Compensation of the Fishermen (GCF) was produced and distributed to the fishermen in Golovasi village prior to the meeting held with the fishermen in December 2002.

The GCF includes:

- General information about the project including construction plan of the Marine Terminal
- Information about the Project impacts and mitigation measures during the construction phase
- Information about the Project impacts and mitigation measures during the operation phase
- Information about the methodology for compensation
- Who is eligible for compensation
- How compensation values are calculated
- The process for compensation
- Information about monitoring process during construction and operation phase
- Information about Community Liaison Plan and Grievances Mechanism

Two independent NGOs (TUDAV which is specialised in marine and fishing issues and RUDF specialised in resettlement and compensation issues) will also monitor negotiation meetings to help ensure the fairness and transparency of the land acquisition process. RUDF and TUDAV have already involved as independent auditors in the development of the compensation methodology.

7.2.3 Training of DSA Personnel

Line managers and staff of the expropriating agency are well trained in RAP related issues and were well informed of the Project RAP activities at the outset of the corridor identification process. In addition, special training on the RAP and its implementation was provided to the headquarters staff and field managers of DSA/BOTA^a responsible for implementing the land acquisition process. Equally important, 12 field teams, each consisting of three people, will be trained in information/communication, negotiation and conflict resolution skills to be applied during the RAP implementation process. The training will be repeated at regular intervals in order to continuously improve the team's collective skills in RAP implementation.

7.2.4 Meetings with the Project Affected People

The DSA negotiation committees - specifically trained on land issues - shall visit all project-affected settlements and brief the project affected people about the Project, with particular focus on the land/asset valuation methodologies, legal procedures for land acquisition and compensation process. These meetings were planned for at least 30 days after the PAPs receive the GLAC. The agreements will be signed with the land owners in case of agreement at least 60 days after the disclosure of GLAC.

After a general presentation to the project affected people in each settlement, the land experts will hold individual meetings with each land owner/user to try and reach an agreement on the value of land and assets. Parcel-based land and asset evaluation will be explained and the proposed value will be agreed together with the landowner/user.

7.2.5 Involvement of an Independent NGO (RUDF) in Disclosure Process of the RAP

An independent NGO, Rural and Urban Development Foundation (RUDF), specialists in land acquisition and resettlement issues, will also monitor negotiation meetings, to help ensure the fairness and transparency of the land acquisition process. RUDF have also been involved as an independent auditor in the verification of the land / assets valuation methodology.

The Rural and Urban Development Foundation (RUDF) was established in 1995 as an NGO for the purpose of conducting social assessment, and planning, design and monitoring of resettlement of people affected from development projects. Development projects such as dams, pipelines, airports, mining installations, highways, training facilities etc. all require land that may result in physical or economic resettlement. Therefore, the consequent adverse affects of land acquisition and resettlement should be mitigated. However, the entire burden of achieving this aim should not rest with state institutions. People should also make efforts on their behalf, hence the importance of NGOs. The primary aim of establishing RUDF is to realise this objective. Thus, RUDF has been founded in order to carry out this duty towards the country and its' people, and in order to contribute as much as possible to the development of Turkey.

The primary goals of RUDF are as follows:

- Improving the resettlements in Turkey to the level of modern countries while preserving the cultural structure;
- Planning for the resettlement of households that are subject to displacement due to development projects;
- Provision of consultancy services, development of rehabilitation plans, and investigation of employment opportunities for these households;
- Prevention or mitigation of social, economic and cultural impacts of resettlement and expropriation; and
- Prevention of Environmental Damages.

7.2.6 Collection and Incorporation of Comments

The comments, questions or concerns received from the directly affected population on GLAC through telephone, through face-to-face meetings in the Local DSA offices or through written official letters sent to DSA offices will be collected and recorded in a systematic way to ensure that all feedback is taken into account during the RAP disclosure phase. (This tracking will

include customary owners and all users - not only the ones addressed by the Turkish Expropriation Law).

7.3 MAIN LAND RELATED ISSUES RAISED AT THE DISCLOSURE PHASE

Land related issues raised by the communities during the disclosure of EIA is summarised below and a full list of all consultation activities undertaken through the EIA process is included in the updated Public Consultation and Disclosure Plan, A8.

7.3.1 Compensation Levels

There was great concern that compensation should be based on the unique attributes of individual plots rather than on regional or national “averages”. There was also a sense that the process of acquiring temporary land outside the eight-metre corridor would not result in appropriate compensation. Some noted, for instance, that in their community land may appear as “non-irrigated” in formal terms; however, many people make informal irrigation investments that would go unnoticed, unless plot by plot valuations are done. People wondered about the rate of compensation for informal investments in general. Others wanted land near villages to be considered as residential rather than agricultural land in order to benefit from higher levels of compensation.

7.3.2 Compensation Process

In areas where there is no land registration, people were concerned that common pastures will be treated as Treasury land with compensation paid to the Treasury rather than to the village administration. They wanted to make sure that the community rather than the Treasury benefits from expropriation compensation.

In areas where land consolidation programmes were completed, people are worried that their land would not be registered properly; they fear that they may have fallen into the status of “squatters” on their own land. Some communities argue that subsequent to land consolidation, people were allowed in some areas to register up to two hectares as their private property with the rest registered in the name of the Treasury, although this remaining land continues to be cultivated by the same farmers. These owners may, therefore, appear as “squatters”. Others claimed that land consolidation ended up as customary land owned by individuals being registered in the name of the Treasury.

Some people inquired what would happen to people’s investments on unregistered lands such as riverbanks. They wanted to be assured that there would be compensation for the trees and crops they have planted on these unregistered lands.

In addition, there was an expectation that the presence of foreign firms among the Project sponsors meant that compensation levels would be higher than if the Project sponsors were mainly Turkish.

7.3.3 Land Registration

Many were also concerned that ownership of customary and registered land would be treated differently. Also, in areas with a high concentration of customary ownership, people were concerned that the recent ownership recording carried out by DSA/BOTA^a excluded some rightful owners; they wanted the customary ownership entitlements to be re-assessed. Similarly, many people who were unable to spend the time and money necessary to register the land they inherited feared that they would be excluded from compensation.

7.3.4 Legal Process

In cases of disputed ownership or no land registration, people were uncertain how long the court process would take. They were concerned that the law may limit the process to three months but the reality on the ground would be different. Despite the provision that legal costs will be borne by the expropriating agency, people also feared that the real costs for them of going to court would be high. Indeed, they feared that the fees and expenses relevant to the expropriation of land would only be paid if they agreed to the prices offered by the Project and not if they disagreed.

7.3.5 Experience with Previous Land And Asset Acquisition and Compensation

Those with previous experience with energy pipelines or other projects felt they would be under-compensated for fixed assets and for damage during the construction process. People expected that many compensation issues would end up in court. Finally, there was a fear that land reinstatement would not be properly done and that, as before, they would be unable to efficiently use their farm, including the narrow corridor expropriated.

7.4 THE IMPLICATIONS FOR THE COMPLETION OF THE DRAFT RAP

The outcome of the disclosure meetings show that there is a high level of concern over many issues and a general feeling that the land and asset acquisition and compensation process will be flawed, leaving it up to the courts to settle many issues. Moreover, since DSA/BOTA^a is the Turnkey Contractor with a fixed price contract for its work, including land and asset acquisition and compensation, people may conclude that it has an interest in paying as little as possible rather than paying what is fair. DSA/BOTA^a, in consequence, will need to have special training and procedures for its field staff to emphasize a positive, relevant, objective and individual approach to assessing compensation levels and beginning the negotiating process. This is particularly important at the beginning since the tone and character of first land and asset acquisition attempts will become rapidly known across the affected provinces. If plot owners feel that DSA/BOTA^a is sensitive to owner concerns, the process will certainly go better than if plot owners view DSA/BOTA^a as unresponsive and unfair. If the first compensation offers from DSA/BOTAS are seen as fair and relevant to individual situations, plot owners will be more willing to avoid the court process.

Given the feedback from the people, the Project has reaffirmed its commitment to set best practice standards in its land acquisition process. Specific responses will include:

- Special training of BOTAS headquarter and field staff on RAP issues;
- Sharing with people information on valuation methods based on capitalized net income, and providing training to DSA/BOTA^a negotiation teams on this method;
- Assuring people that valuation is done for each individual plots and that regional prices are used as guidance rather than as determinants;
- Reviewing court files pertaining to DSA/BOTA^a's previous valuation efforts in comparison with results of court appointed valuation experts to find mechanisms to reduce future disagreements on valuation;
- Disseminating information that about 50 percent of the time cases are taken to the court not because there are disputes between owners and the Project, but because Project support the affected people to regularize their ownership status¹¹;
- Holding negotiations in the affected villages rather than forcing people visit the Project's field offices;
- Establishing a RAP Fund to provide compensation for otherwise uncompensated losses of owners/users and to recognize communal benefits obtained from forests and pastures. Sharing with concerned villages, the relevant information; and
- Full disclosure of the full RAP summary pertaining to land and asset acquisition and compensation to each affected community.

7.5 PROPOSED SUSTAINED CONSULTATIONS DURING CONSTRUCTION AND OPERATIONS

In order to ensure the sustainability the Project has developed, a community liaison program will be introduced during construction, including the employment of community liaison staff, to:

- Provide communities affected by the Project with regular information on the progress of work and implications for the communities;
- Inform the project/contractor of any community related issues that may impact construction;
- Monitor implementation of environmental and social impact mitigation measures and the impact of construction via direct monitoring and feedback from communities;
- Identify any significant new issues that may arise during the construction period; and
- Manage any complaints against the project/contractors and communities through a grievance redress mechanism.

The programme includes the creation of community relations team¹² comprising personnel from BTC Co., DSA/BOTA^a and the construction contractors along the pipeline route and at the Marine Terminal. These structures will provide a mechanism by which affected people can express their concerns about many issues, including those dealing with land acquisition and compensation and measures to restore income levels, as mandated by World Bank/IFC policies.

Under the EIA programme for the Project, a community relations programme is created for the operational phase to:

¹¹ About 40 percent of the affected land plots are owned under the customary law. For these, the Project will go directly to the court so that the ownership rights can be certified.

¹²The details of the organizational arrangements are in the EIA.

- Maintain constructive relationships between communities and the pipeline operators to assist in the operation of the pipeline;
- Maintain awareness of safety issues among communities along the pipeline route;
- Ensure compliance with land use constraints among land owners along the pipeline route; and
- Monitor community attitudes to the pipeline.

Members of the Community Liaison team employed by BTC Co./BOTA^a will, inter alia:

- Hold quarterly meetings with communities along the pipeline route, reducing the frequency of semi-annual or annual meetings as appropriate;
- Patrol the pipeline route to ensure compliance with land use constraints;
- Provide monthly reports to the pipeline operating company on issues arising from liaison with communities; and
- Inform the operating company immediately of major breaches of safety or land use constraints, or serious complaints from communities along the pipeline route.

The community relations programme will be an important mechanism by which affected people may raise their land-related concerns, among others. However, this programme will simply be a supplementary mechanism. The DSA/BOTA^a has established a comprehensive RAP monitoring and evaluation programme to address all asset/land acquisition issues, including those that involve disputes between various parties. A special database programme will be created by DSA/BOTA^a so that each dispute can be traced through various stages of grievance, including the court process.

7.6 GRIEVANCES AND DISPUTE RESOLUTION

The IFC requires “that the project sponsor ensure that procedures are in place to allow affected people to lodge a complaint or claim (including claims that derive from customary law and usage) without cost and with the assurance of a timely and satisfactory resolution of that complaint or claim.”¹³

The grievance redress framework includes:

- Institutional arrangements;
- Procedures for recording and processing grievances;
- Mechanisms for adjudicating grievances and appealing judgments; and
- A schedule, with deadlines, for all steps in the grievance redress process.

A local community complaints procedure has been established within DSA/BOTA^a to ensure that: (i) complaints received from any pipeline affected community are dealt with by corrective actions; (ii) complainants are advised of the actions being taken; and (iii) DSA/BOTA^a is aware of the nature and level of complaints. If this process does not result in complainant satisfaction, Turkish law provides that issues can then be dealt with by the legal system. In addition, DSA/BOTA^a has substantially increased its field staff so that expropriation negotiations and implementation can be carried out in a people-friendly and expeditious manner.

¹³ IFC Handbook for Preparing a Resettlement Action Plan, 8/7/2001, p. 44.

Based on experience in Turkey and in other countries with similar projects, it is likely that grievances could surface in six areas:

- Pipeline routing;
- The expropriation process and compensation;
- Damage to non-expropriated land and assets during pipeline construction and operation;
- Reinstatement of temporarily acquired lands;
- Reinstatement of pastures and forest lands and constraints to grazing caused by construction;
- Damage to infrastructure or competition for scarce resources such as water and electricity.

7.6.1 Pipeline Routing

During feasibility and design studies for the pipeline within Turkey, DSA/BOTA^a held consultations with affected people on the routing, and made changes in the routing, to deal with the majority of suggestions.

7.6.2 Expropriation and Compensation

As discussed in Chapter 3, Turkish law and World Bank/IFC resettlement and expropriation procedures allow for non-judicial and judicial processes to deal with complaints about expropriation and compensation of land, assets and income concerning both the private and public sector.

7.6.3 Damage to Non-Expropriated Land and Assets

During construction of the pipeline and related infrastructure there may be damage to land, assets and income of people not involved in the expropriation and compensation process. In fact, this may be the source of most of the complaints. Turkish law specifically deals with this situation. Additional measures will be taken to ensure that the users of affected land and assets who may not be owners are directly and adequately compensated.

7.6.4 Reinstatement of Land

As Turnkey Contractor, BOTA^a will separate the fertile topsoil from the rest of the excavation and will ensure that using the topsoil to cover the pipeline restores fertility. The remaining excavated materials will be removed so that the land can again be cultivated. The courts have been ruling that no matter how carefully this process is done, at the very least a 10 percent loss of productivity of such land would be incurred on a permanent basis. Consequently, this will be compensated for prior to the temporary expropriation of land.

7.6.5 Damage to Infrastructure

Based on past experience with pipelines in Turkey, damage to water and transport infrastructure is anticipated by a large number of local people. As Turnkey Contractor, BOTA^a will ensure that

all potentially affected infrastructures are identified prior to the start of construction and instruct the contractors to avoid any damage.

7.6.6 Grievance Procedures

Elements of the grievance procedures have already been outlined above. Basically, most of the grievances involved with respect to the RAP would concern legal hearing or legal mediation. Whether these are between owners, owners and users, or owner/users and the public institutions, it would be the legal system that would need to address the complaints.

In addition to various avenues of grievance embedded in Turkish law, the Project has established two procedures. The first will be implemented through the Community Liaison Officers. The process will ensure that, inter alia: (i) each complaint is separately recorded; (ii) corrective action is taken with notification to the complainant; (iii) the complainant's reaction is recorded; and (iv) DSA/BOTA^a receives a weekly report detailing the level of complaints and any outstanding issues to be addressed. These grievance procedures are explained in detail in the EIA of the Project and they are summarized in Figure 7.3. The second process is set up directly by the land team within DSA/BOTA^a and works at the field level on a daily basis. The organization chart for this is presented in Chapter 5.

Figure 7.3 Complaints Procedure Flowchart

