Reinstatement in progress between KP 250 and KP 245
LAND ACQUISITION AND COMPENSATION

BTC Project will not require any physical displacement of people or their dwellings. There will be, however, temporary loss of use of land affecting income and livelihoods as a result of the project. The Resettlement Action Plan (RAP) describes the land acquisition and compensation principles and procedures that are employed to manage the potential impacts of the land acquisition process. The RAP document can be found on www.caspiandevelopmentandexport.com.

Information on land acquisition and compensation activities is given below for each of the three countries.

The land acquisition and compensation process, land handback and livelihood restoration is monitored on a 6 monthly basis by the SRAP panel which is an independent panel of experts who are carrying out monitoring on behalf of the Lender Group. SRAP reports are made public on the website as noted above. A summary of the findings and follow-up of these visits is contained in Section 8.

7.1 Azerbaijan

7.1.1 ACQUISITION AND COMPENSATION

BTC

The pipeline right of way land acquisition and compensation process in Azerbaijan is effectively complete with the Project having executed the compensation payment process on behalf of the State in 13 Transit Districts. Further details are summarized in Table 7.1.

Table 7.1: Land acquisition progress (cumulative up to 30 June 2004)

<table>
<thead>
<tr>
<th>Event/Activity</th>
<th>Status</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payments made to owners / users (% of total number of owners / users)</td>
<td>Bank accounts have been established for all people, in all Districts, except for 14 unavailable land-owners.</td>
<td>99%¹</td>
</tr>
<tr>
<td>Land available to Contractor (based on % of bank transfers)</td>
<td>All land is available to the Contractor¹</td>
<td>100%</td>
</tr>
<tr>
<td>Number of pre-entry agreements signed by Contractor (as received by BTC).</td>
<td>5564 pre-entry agreements have been signed by the Contractor with landowners and users prior to accessing the land plots.</td>
<td>The number of Pre-entry agreements signed equals to 84.8% complete (by parcels). CCIC landowner entry agreements are in place for 387.5 km of the pipeline.</td>
</tr>
</tbody>
</table>

¹ The % of payments made (99%) is lower than the land available to the Contractor (100%) due to the fact that there are 14 unavailable landowners, to whom payment has not been made. Despite extensive efforts to locate these people it has not proved possible to find them. Therefore their compensation is held until such time as they are located. The land for these plots is available to the Contractor through a court resolution that recognises that the project has made every effort to locate them.
### Event/Activity | Status | % of Total
---|---|---
Number of lots occupied by Contractor (% of total) | The Contractor started work on the ROW on 17th April 2003. Fencing, clearing and grading commenced at KP 5.3 and proceeded west. By the end of June 2004, 408 km of the pipeline right of way had been graded and 5457 lots have been occupied. | 83.2%
Number of lots reinstated and handed back to owners/users | 465 lots have undergone reinstatement of the 12m ROW strip. Hand-back to the owners/users as specified by Exist Agreements will occur after the construction of SCP | 7.09% of total number of land parcels
Contractor temporary land acquisition activities (pipe storage, construction compounds, worker camps, etc.) | Sangachal – Pipe yard | 100%
| Mugan – Camp and Yard | 100%
| Kurdamir – Camp and Yard | 100%
| Yevlakh – Camp and Yard | 100%
| Ganja - Camp and Yard | 100%
| Boyuk Kasik – Pipe Yard | 100%
| Agstafa – Pipe Yard | 100%
| Tovuz – Camp | 100%

Most transactions were completed smoothly, and owners/users appear very comfortable with the level of compensation provided.

As the Construction activities move toward the more densely populated western areas, the number of post-agreement cases is increasing. The Land Team is working jointly with SLCC and District Commissions in addressing the registered post-agreement cases in Yevlakh, Goranboy, Samukh, Shamkir, Tovuz and Agstafa.

**LAND ACQUISITION BY CCIC OR SPJV**

Whilst main land acquisition activities have been completed along the pipeline ROW and at permanent and currently envisaged temporary facilities there is still some land acquisition work being undertaken by the main pipeline contractor, CCIC.

On the ROW itself, where use of land has been agreed and compensated for, CCIC is signing pre-entry agreements with owners and users, prior to carrying out any construction activities on the land plot. These pre-entry agreements represent a formal agreement between the Contractor and the owner/user as to the pre-existing condition of the land, the assets contained on the land, and the state the land will be left in at the end of construction. The Project is monitoring this process to ensure that owners and users are treated fairly by the Contractor. CCIC was originally only having one pre-entry agreement signed, and was keeping this copy. The Project has since instructed CCIC to sign 2 copies of this agreement and leave one with the owner/user. Current Contractor practice is to develop two original copies of the land entry agreement with all corresponding photos, inventory of assets etc attached. Both original copies are signed by both the land owner and the Contractor.

CCIC is also having to temporarily acquire land for various activities, including camps and pipe yards, and additional work space at crossings. All temporary land acquisition by the Contractor must follow the principles laid out in the Project RAP. The summary of CCIC Lease Agreements for HDD, river crossings, camps and yards is submitted to BTC on a monthly basis. The Project is developing a protocol for CCIC to follow and will be verifying compliance with the RAP through audits and monitoring of the Contractor land acquisition records. In instances where the Contractor deliberately or accidentally accesses and damages land outside of that agreed with the owner/user, or causes verifiable damage to some other asset, then additional compensation will be payable by Contractor at rates based on those specified in the RAP.
7.1.2 RAP FUND
Unlike Georgia and Turkey, there is no RAP fund in Azerbaijan.

7.1.3 DISPUTE RESOLUTION
Since the Q1 2004 Lender’s report, there have been no significant issues that have arisen relating to the acquisition and compensation process, except for some post agreement cases that occurred as a result of technical errors and that were found after construction activities started.

7.1.4 COMPLAINTS AND GRIEVANCES
During this reporting period 85 complaints have been registered by the project and contractors. Table 7.2 outlines the breakdown by category.

Table 7.2 Summary of complaints

<table>
<thead>
<tr>
<th>Complaint Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recruitment</td>
<td>8</td>
</tr>
<tr>
<td>Land</td>
<td>18</td>
</tr>
<tr>
<td>Damage to Infrastructure</td>
<td>13</td>
</tr>
<tr>
<td>Damage to Property</td>
<td>10</td>
</tr>
<tr>
<td>Land and Compensation</td>
<td>11</td>
</tr>
<tr>
<td>Irrigation</td>
<td>23</td>
</tr>
<tr>
<td>Reinstatement</td>
<td>1</td>
</tr>
<tr>
<td>Access Road</td>
<td>1</td>
</tr>
</tbody>
</table>

Most relate to land acquisition, the compensation process and irrigation. Of these, irrigation issues were most prevalent, and specifically those involving the installation of flume pipes where the pipeline corridor crossed land plots. The Project and CCIC CLOs were able to solve most of these specific issues at or near to the time when they were raised. In other cases, particularly when the construction spread had moved forward with all the construction equipment, delays in addressing the problem were more likely to occur due to the time required to mobilize appropriate equipment back to the area where the concern was first raised.

Comments and concerns were communicated to the Project via letter, telephone and in face-to-face conversations with CLOs. Verbal comments were received both in the Districts and in the office in Baku. Most verbal or telephone complaints and questions were resolved quickly and directly by reference to the CLO and land acquisition teams in the Districts where the concern arose. If the land team were unable to satisfy the query, the complainant was requested to submit a formal letter outlining their concerns.

7.1.5 LAND USE RETURN
Apart from land needed for permanent facilities (i.e. pump and pigging stations, and valves) no land was required for purchase by the project within Azerbaijan. For all other land (i.e. on the pipeline ROW and at temporary facilities), land is leased for the duration of the construction activity. For the ROW this is three years. During this three year period BTC has rights to construct on the land, although formal ownership remains with the original owner.

Following completion of construction and reinstatement, and signature of the land exit agreement between the landowner and the Contractor, the landowner can resume their use of the land subject to some minor restrictions (for which they have been compensated). This process of return of use will be monitored by BTC.

This activity has not yet commenced.
7.2 GEORGIA

7.2.1 ACQUISITION AND COMPENSATION

BTC

Land acquisition and compensation over the last quarter has continued to focus on those areas where construction is imminent. In particular, activities have focused on high mountain villages in Akhaltsikhe and Borjomi, private landowners in Borjomi, and private landowners around reroutes in Borjomi and Akhaltsikhe Districts.

The land acquisition and compensation in Georgia involves:

- The purchase of 3,247 parcels of privately owned land
- The purchase of 199 parcels of High Mountain Village owned land
- Payment of crop compensation to 247 leased parcels.

In addition, approximately 40 private landowners and 7 lessees will permanently lose some or all of their land. Table 7.3 provides information on progress to date.

Table 7.3 Land acquisition progress (cumulative up to 30 June 2004)

<table>
<thead>
<tr>
<th>Event/Activity</th>
<th>Status</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payments made to owners / users (%)</td>
<td>Payments have been made for 3,023 privately owned parcels, 150 high mountain village owned parcels and for 212 leased parcels</td>
<td>94%</td>
</tr>
<tr>
<td>Number of pre-entry agreements signed by Contractor (As received by BTC)</td>
<td>Pre-entry agreements are signed by the Contractor with landowners and users prior to accessing the land plot.</td>
<td>86%</td>
</tr>
<tr>
<td>Number of lots occupied by Contractor (%)</td>
<td>The full length of the ROW has been stripped</td>
<td>100%</td>
</tr>
<tr>
<td>Number of lots reinstated and handed back to owners/ users</td>
<td>Preliminary reinstatement has commenced. Hand back to landowners, as documented by Exit Agreements, will occur after construction of SCP.</td>
<td>0%</td>
</tr>
</tbody>
</table>
| Contractor temporary land acquisition activities (pipe storage, construction compounds, worker camps, etc) | PSG-1 Gardabani camp 100%  
PSG-2 Tetritskaro camp and yard 100%  
Tsalka camp and yard 100%  
Bakuriani camp 100%  
Marneuli camp and yard 100%  
Akhaltsikhe camp and yard 100%  
Rustavi pipe yard 100% | 100%       |

**Land Registration and Ownership**

BTC is handling 51 cases of disputed ownership or land parcel size through the grievance system. In addition, there are a further 12 cases of private parcels where the ownership information provided by the State may have been incorrect. BTC has informed the State of these cases and is working to ensure that corrected information is released. BTC will issue additional compensation payments where appropriate to owners affected by such alterations. It is recognised that care is required in achieving this task without inviting an increase in speculative attempts to generate double payments.

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2 Due to ongoing registration of ownership by the State and a number of reroutes, the total number of parcels required for construction has risen slightly since the last quarter.
Compensation Payment

There are 10 outstanding lessees who have yet to receive compensation but on whose land construction has already begun. Of these, the reasons for late payment are:

- Late provision of documents and late registration of the lease by the lessee (4 lessees)
- BTC instructed by State not to complete payment until lease confirmed (5 lessees)
- Refusing to sign agreement because of fears community will start to claim the compensation money from them (1 lessee)

Of the 35 village communities that own high mountain pastures and hayfields on the construction corridor, 28 have been paid. There remain 7 communities where construction has begun on high mountain village land but where circumstances have prevented the completion of formal agreements and the payment of compensation. The reasons for this delay are:

- Village community unable or unwilling to decide upon the formation of the necessary community-based organisation (3 communities)
- Delays in agreeing/producing required spending statement (3 communities)
- Ethnic division preventing formation of single community-based organisation (1 community)

SPJV LAND ACQUISITION

SPJV is responsible for the payment of compensation for crop loss on land temporarily required for construction. Specifically, SPJV pay compensation when additional land is needed outside the construction corridor already purchased by BTC (for example at river and road crossings) and when temporary access roads are built or existing tracks widened and upgraded.

In response to concerns raised by the February 2004 SRAP Panel, BTC has undertaken a number of measures to improve assurance of SPJV land compensation activities, including:

- a survey of the ROW footprint to ensure all impacted landowners are identified
- committing to take over responsibility from SPJV for the payment of compensation for additional land identified in the ROW footprint survey
- recruitment of a RAP Field Officer to monitor stripping and trenching activities
- contracting the Association for the Protection of Landowners Rights (APLR)\textsuperscript{3} to conduct audits of SPJV land negotiations and compensation payments.

7.2.2 RAP FUND

The goal of the RAP fund in Georgia is to ensure that the project’s potential adverse impacts are taken into account and mitigated through non-cash assistance.

The main commitments under the RAP fund are:

- Investment and savings advice provided by APLR (completed)
- Compensation for grazing fees on Sakrebulo\textsuperscript{4} managed land
- Non cash support to the vulnerable who, by virtue of their existing vulnerabilities may be less able to restore their livelihood with the compensation funds.

\textsuperscript{3} APLR is an independent land rights advocacy non-governmental organisation

\textsuperscript{4} Local authorities or ‘Sakrebulos’ charge grazing fees for the use of Sakrebulo managed land. Where the construction corridor crosses Sakrebulo managed land, BTC is covering the costs of grazing fees on all of that land on behalf of the users.
Between April and June, CARE and Mercy Corps carried out the following activities under the VPI:

- Completed the collection of baseline data
- Continued the distribution of livelihood packages (almost complete). Beneficiaries were offered a choice of packages of the same value, including sheep, pigs, seed potatoes, various vegetable seeds and fodder for any animals.
- Continued training on crop rotation techniques, soil fertility, the preparation of soil for planting, poultry production and poultry diseases
- Continued the animal vaccination programme

Whilst those included in the list of beneficiaries are satisfied with the VPI, both Care and Mercy Corps have encountered challenges gaining agreement as to who is not included in the list. No changes will be made this year, given that the list has been developed and the packages largely distributed. Nevertheless, BTC is working with CARE and Mercy Corps to redesign the programme for next year. A review of the VPI by the SRAP Panel identified no significant concerns with the initiative.

### 7.2.3 GRIEVANCE RESOLUTION

In this reporting period, an additional 592 grievances were received from APLR, bringing the total to 839 grievances since January. Figure 7.1 presents a break down of the different grievances.

The resolution of grievances has been slower than expected and desired. BTC has therefore taken the following actions in an attempt to speed up the process:

- Assume responsibility for the payment of additional land taken by construction for Spread 1
- Reprioritised land team activities such that two dedicated land officer teams are working on grievance resolution at the current time (in Tetritskaro/Tsalka and Akhaltsikhe/Adigeni Districts) with two further land officer teams due to begin working on grievances imminently (in Borjomi and Marneuli/Gardabani Districts)
- Designate the RAP Officer to work full time on grievance resolution as soon as stripping of the ROW is complete (i.e., August).

Those issues which are the responsibility of the Community Liaison team are forwarded to them, tracked to closure, and reported under the community liaison systems.

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5 "Vulnerable people" are those individuals whose livelihoods are affected by land acquisition and due to their existing vulnerabilities may be less able to restore their livelihood through the existing compensation mechanisms (eg. pensioners, disabled individuals). The criteria for inclusion in the Vulnerable people initiative was based on the Georgian Government and World Bank "Economic Development and Poverty Reduction Programme of Georgia (2003). To minimise tension in the community and to be seen to be fair, the vulnerable people initiative in Georgia covers all people in the pipeline affected community – whether or not they are affected by land compensation. The total number of "vulnerable" people in Georgia is 4000.
7.2.4 ROW BLOCKAGES

During the reporting period, there were 33 blockages of the road or Right of Way that related to land issues.

The dominant reasons for blockages were as follows:

- Incorrect notification of ownership by the State in relation to land already purchased by BTC
- Claims for compensation for newly planted saplings
- Compensation for community owned land

7.2.5 LAND HANDBACK

In contrast to Azerbaijan, BTC has purchased land from private land owners and high mountain villages in Georgia. Provisional agreement on a strategy for the hand back of land use to the original owners and use restrictions within the pipeline protection zone has been reached within BTC. BTC now needs the State and SCP partners to endorse the strategy.

Once all key players have agreed the strategy, BTC will produce an information booklet aimed at the communities. Land hand back and associated restrictions will be described in detail. This booklet will be distributed and questions answered during a series of community meetings.

7.3 TURKEY

7.3.1 ACQUISITION AND COMPENSATION

The BTC Project in Turkey crosses 33 administrative districts, 296 villages and over 13,000 separate land parcels:

6 Initial number of villages identified along the route is 293. Due to the route changes 3 new villages were included. However total number of parcels in these three villages is not more than 5.
- 197 forest parcels in 11 Forestry districts
- 3,486 Public Land Parcels
- 2,598 Customary owned land parcels (Zilyet)\(^7\)
- 6,737 Private land parcels with c.62,000 land shareholders

In Turkey, the Designated State Authority (DSA)/Botaş is responsible for the acquisition of land and the transfer of the right for the Project to use the land during construction and operation. During this quarter, upon closure of all Article 27\(^8\) cases, 100% of land was acquired for the project. The entire pipeline ROW, a total of 1,076 km, has been handed over to the construction contractors for construction.

Land acquisition payments have been made to all forestry, public and customary landholders. Payments have been made on 88% of private land parcels. 61% of these were made through full amicable agreements and the remainder through settlement of Article 10\(^9\) cases (see below). The remaining private parcels for which payment has not been received are involved in on-going Article 10 land acquisition cases.

Land acquisition progress to date is summarised in Table 7.4

Table 7.4: Land Acquisition Progress (cumulative up to 30 June 30 2004)

<table>
<thead>
<tr>
<th>Event/Activity</th>
<th>Status</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of agreements signed. (% completely acquired</td>
<td>Ongoing, the figure excludes partial parcels of total parcels</td>
<td>94%</td>
</tr>
<tr>
<td>parcels)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crop payments to formal and informal users through</td>
<td>Individual formal and informal users along the pipeline route received</td>
<td>100%</td>
</tr>
<tr>
<td>RAP fund.</td>
<td>payments for their crops prior to land delivery to the EPC Contractors.</td>
<td></td>
</tr>
<tr>
<td>Progress on Article 27</td>
<td>The land delivery is now complete and Article 27 cases are closed.</td>
<td>100%(^10)</td>
</tr>
</tbody>
</table>

\(^7\) Zilyet Land – Land owned under customary title (demonstrated through continuous use of land without dispute or interference)

\(^8\) Article 27 – Article 27 in the Expropriation Law states that subject to a Council of Ministers’ Decree for national defence or in case of emergency, any immovable property may be expropriated by the administration undertaking expropriation for public interest. Article 27 allows the expropriation body to enter the field earlier, as compared to the timing of entry under standard expropriation procedures, but the Article does not limit the claims of the owner on valuation of land and fixed assets. This Article was only used when ‘amicable’ agreements failed (due usually to absentee owners, see Section 7.3.2, below). The SRAP Panel determined that the use of Article 27 did not disadvantage private land owners; see SRAP 2003-2004.

\(^9\) Article 10 – After completion of Article 27 cases most cases required resolution under Article 10. Article 10 provides for a court based decision for the determination of cost of the expropriation of unmoveable property (already completed under Article 27 but subject to change under Article 10) and registration in the name of the administration. Article 10 allows for final resolution of land acquisition cases and for land shareholders to receive payment for land.

\(^10\) This does not indicate that 100% of all individual land owners involved in the Article 27 cases have yet received their compensation. The Project has paid money into a bank account as security but this money will not be available until the finalisation of Article 10 cases (where applicable) when the shareholder and land value is determined by courts.
### Event/Activity

<table>
<thead>
<tr>
<th>Event/Activity</th>
<th>Status</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Progress on Article 10</td>
<td>Following Article 27 applications, Article 10 cases are opened accordingly. Due to the Judicial holiday resolution of the remaining court cases is delayed until 6th September 2004.</td>
<td>71%</td>
</tr>
<tr>
<td>Land available to Contractor (% Complete lots)</td>
<td>Total 1076 km of ROW is handed over to the contractor as of 24th May 2004. Identification of impact completed in 258 villages in three lots.</td>
<td>100%</td>
</tr>
<tr>
<td>Impact evaluation and determination of amount of compensation to be paid for Village Common Land (% of total villages) through RAP Fund</td>
<td>Payments are completed in all villages with the exception of Sivas-Ulas, Atinyayla, Kayseri-Pinarbasi and partially Erzincan-Cayirli that involved 38 villages. Village common land payments for remaining villages are scheduled for the 1st and 2nd weeks of July.</td>
<td>88%</td>
</tr>
<tr>
<td>Village Common Land Payments (% of identified)</td>
<td>Financial assistance to legal landowners for registration process. Notifications of these payments were made to all landowners during previous reporting periods. As suggested by SRAP panel, landowners were refreshed about these payments through local DSA offices during this reporting period. Ongoing. Up to the end June over $82,000 was paid to private owners who asked for assistance.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>First stage monitoring of AGIs land take compensation (whether enough and invested for long-term benefit)</td>
<td>Completed in 4 pump stations and 1 pressure reduction station</td>
<td>100%</td>
</tr>
<tr>
<td>Small cost payments from RAP Fund</td>
<td></td>
<td>Ongoing</td>
</tr>
</tbody>
</table>

### 7.3.2 RAP FUND

The Project in Turkey identified categories of people who could not be compensated according to the Turkish laws during the RAP preparation process. A RAP fund was introduced by the Project to provide a mechanism whereby these affected people could receive compensation. There are four broad categories where the RAP Fund is being used to provide compensation:

- Compensation to the individual informal and formal users without tenancy agreement (Category 1)
- Compensation to the non-eligible\(^{11}\) users of common (private/state owned) lands (Category 2)
- Provision of small cost payments to private landowners for land registration costs (Category 3)
- Compensation to fishermen in Ceyhan (Category 4)

\(^{11}\) Users of state lands (forest, treasury, pasture etc) without a legal agreement are referred as non-eligible users according to the Turkish Expropriation Law.
At the end of this reporting quarter 100% of payments to informal and formal land users had been made (Category 1: over 6,100 people) and 83% of non-eligible users of common lands (Category 2: 189 villages). The remaining payments are in progress.

Small cost payments are also ongoing due to the commencement of Article 10 cases. Although shareholders were re-informed about the small cost payment assistance available to them for Article 10 cases, the number of people who applied to Botaş/DSA to benefit from this has not changed significantly.

In this reporting period significant progress was made with respect to compensation agreements with fishermen at Ceyhan (Category 4). A disclosure meeting was held with the fishermen and agreements were signed with 38 out of 48 fisherman. Details of the packages agreed with the fishermen will be included in the third SRAP report (July 2004).

### 7.3.3 ARTICLE 10 CASES

There are two key on-going issues for the land acquisition and compensation process in Turkey:

- Disputes regarding misidentification of the owners and boundaries of customarily owned lands by the court appointed local experts (particularly in Lot A)
- Delays due to Article 10 court process.

Each of the issues are complex due to the nature of land acquisition laws in Turkey and they have been explained at length in other documents including the Turkey RAP and more recently in SRAP reports. The two issues are briefly introduced below to provide an overview of the key ongoing issues in the land acquisition process in Turkey, as well as background for this and future quarterly monitoring reports.

**Article 10**

Under Turkish Expropriation Law there are generally two ways to acquire land, through amicable agreement or through a court process. Every effort was made by the Project to settle acquisition through an amicable agreement, however due to the issue of multiple landownership and poor maintenance of title deed records the Project was only able to settle 61% of private land parcels through amicable agreements. In lieu of amicable agreements, the BTC Project applied to the Courts for urgent expropriation under Article 27. Article 27 court cases allowed the project to access land for construction by providing a court based decision on an initial value for land owned by multiple shareholders. This value has been paid by the project in an interest earning bank account, prior to access to land and is held while the legal registration issue (identification of shareholder distribution and land valuation) is settled in Article 10 cases.

In the majority of Article 10 cases there are no major disputes regarding the division of the compensation amongst the shareholders, as actual land users are compensated as part of the RAP fund (see below) and landholders understand that it is a Turkish inheritance system issue (Civil law) not a project issue. The problem lies in absentee owners.

The majority of the shareholders involved in the Article 10 cases are absentee owners who live in major cities or outside of Turkey. Over 60% of the shareholders who are subject to Article 10 cases will receive less than $30 due to the multiple shareholder issue (which in the worst case exceeds 800 shareholders for one parcel of land). Although the BTC Project has been covering all legal and travel costs, it has been difficult to provide an incentive for the absentee owners to attend negotiation meetings and complete registration formalities.
Despite these issues, 71% of Article 10 cases have been completed. The court cases have been slowed due to the judicial holiday period and the rotation and appointment of new judges. Botaş/DSA have and will continue to provide significant support to title deed, cadastral offices and courts (by providing stationary, computers, additional staff are assigned to work with these parties to give administrative and logistical support etc) in order to finalise these cases as early as possible. It is anticipated that majority of the remaining cases will be resolved in September/October 2004. The project is monitoring the continuation of the Article 10 court proceedings to ensure that the proceedings are fair and do not disadvantage affected landowners in keeping with project commitments under the Resettlement Action Plan.

**Misidentification of Customary Land Owners in Lot A**

Early in the land acquisition process, Botaş/DSA applied to the local courts to appoint experts to determine land boundaries and owners for customary owned lands (or Zilyets) as required under Turkish Expropriation Law. An appointed expert was selected from each affected villages. The majority of these lands were in Lot A where many of the villages do not have cadastral records. The appointment and decisions of the land experts were publicized in the affected villages at the time. The affected villagers were given a month in which to respond to the findings of the court appointed experts. Any issues that were raised at the time were dealt with to the satisfaction of all parties and payments were issued. Since then 199 complaints have been raised by affected villagers related to contested identification of landowners and parcel boundaries within the Zilyets.

The issue has been open for almost a year and Botaş/DSA has been investigating means of addressing the issue and have implemented informal initiatives to resolve the contested boundaries and owners with some success. Individual landowners have also applied to the courts to formally contest the previous court decisions and some court cases have been resolved. In the majority of cases however there has been no resolution.

To address this issue BTC, RUDF and DSA agreed an action plan in this quarter on how to take the issue forward towards resolution by September/October 2004. The following key actions were agreed:

- Regional DSA Offices will update collated data on misidentified landowners
- Upon feedback from the Regional Offices the project will assess the overall situation and determine the extent of the unresolved cases
- A meeting will be held with all relevant parties led by Botaş/DSA with RUDF and BTC to discuss the way forward
- Botaş/DSA will undertake field studies to verify the collated data with the participation of RUDF as an observer
- A report summarizing the overall state of affairs will be submitted to the Botaş general directorate board
- A way forward will determined

**7.3.4 COMPLAINTS AND GRIEVANCES**

In this reporting period 141 new complaints were received, bringing the total number of land acquisition/compensation complaints received to date to 623. The total number of complaints that is currently open is 156. Table 7.5 presents a breakdown of these complaints.
Table 7.5: Categories of land acquisition/compensation related complaints

<table>
<thead>
<tr>
<th>Category</th>
<th>No. of 2Q Complaints (open and closed)</th>
<th>Number of Cumulative Open Complaints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Value</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Payment for land</td>
<td>34</td>
<td>37</td>
</tr>
<tr>
<td>Expropriation of ‘orphaned’ land</td>
<td>9</td>
<td>15</td>
</tr>
<tr>
<td>Reinstatement of NGPL</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Routing</td>
<td>14</td>
<td>12</td>
</tr>
<tr>
<td>Misidentification of parcel boundaries in Zilyet</td>
<td>8</td>
<td>11</td>
</tr>
<tr>
<td>Village Common Land</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Determination and Payment to Asset</td>
<td>7</td>
<td>7</td>
</tr>
<tr>
<td>Determination and Payment of Crop</td>
<td>20</td>
<td>10</td>
</tr>
<tr>
<td>Misidentification of owner-individual vs treasury</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>Misidentification of owner-individual vs village</td>
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<td>1</td>
</tr>
<tr>
<td>Misidentification of owner-individual vs individual</td>
<td>4</td>
<td>2</td>
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<tr>
<td>Misidentification of owner-village vs treasury</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>34</td>
<td>34</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>141</strong></td>
<td><strong>156</strong></td>
</tr>
</tbody>
</table>

Approximately 60% of the land complaints have been received from the villagers in Lot A, where the misidentification of customary landowners issue has generated a significant number of complaints.

7.3.5 LAND USE RETURN

In Turkey all temporarily acquired land will automatically be returned to the landowners, for their use, 3 years after signature of the land agreement. The EPC Contractors will complete Land Exit protocols upon completion of reinstatement of temporarily and permanently acquired land. This process will be monitored by DSA/Botaş. The scope of the protocol is being drafted and it is understood that it will include provision for landowners to express their satisfaction (or otherwise) with the reinstatement process and will reiterate information regarding use restrictions for permanently acquired land.