

Ministry of Housing and Utilities of the Republic of Belarus

Utility Efficiency and Quality Improvement Project

Resettlement Policy Framework

**Developed by: Republican Affiliated Investment and Manufacturing
Unitary Enterprise “BELCOMTEHINVEST”**

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Framework Document on Resettlement Policy

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1. ABBREVIATIONS AND TERMS

Abbreviations	Meaning of abbreviation. Explanation of terms
WB	World Bank
IBRD	International Bank for Reconstruction and Development
RB	Republic of Belarus
PCT	Project Coordination Team
WSU	Water and sewage utilities
PAP	Person affected by the project
OP	Operating policy
OG	Operational Guidelines
RPB	Resettlement policy basis
HU	Housing and Utilities
LSGA	Local self-government authorities
MHU	Ministry of Housing and Utilities
FDRP	Framework Document on Resettlement Policy
SMW	Solid municipal waste
PAR	Plan of actions on resettlement
DCED	Design and cost-estimate documentation
Involuntary resettlement	Involuntary seizure of land plots resulting in direct or indirect economic or social impact through: a) loss of profit from the use of land plots of such type; b) resettlement because of accommodation loss; c) loss of assets or access to assets; d) loss of sources of incomes or means of support independently of the decision on resettlement of PAPs to another place.
Recovery	Assistance provided to persons affected by the project for the reason of loss of assets, income or means of support that shall be compensated to improve the standard of living or to achieve its complete recovery before the project starts. Support can be provided by cash, its equivalent or combination of both to improve or achieve complete recovery of the standard of living before the project starts.
Cut-off date	Means the date after which no person moving into the project area will be eligible to receive compensation related to land acquisition and resettlement. The cut-off date is the date of the census of the persons affected by land acquisition.
Compensation	Cash payments or other natural assets provided in exchange for seizure of land plots, loss of other types of property or loss of means of support as a result of <u>project activity</u> .
Person affected by the project	A person or household directly and negatively economically or socially affected as a result of involuntary alienation of lands or other property within the Project independently of the decision on PAPs physical resettlement.
Grievance Redress Mechanism	A process established in accordance with the law, local regulatory acts or administrative decisions and allowing property owners and other affected persons to solve the problems connected with obtainment, compensation and other aspects of resettlement.
Census	Calculation of the population affected by the Project with the indication of demographic parameters and property. Determination of the number of PAPs as well as the character and level of influence.
Plan of actions on resettlement	A document relating to resettlement that is prepared after subprojects location is determined and contains specific and legally binding requirements needed to be observed during resettlement including

	compensations to PAPs before the Project implementation.
Assistance in resettlement	Measures on providing assistance to PAPs, who will probably be physically resettled, for example, resettlement allowances, house construction or rent payment depending on possibility and necessity in order to facilitate the resettlement process.
Relocation, resettlement	Physical relocation of the persons negatively affected by the project from a place of residence, place of work or personnel facilities, where they were located before the project implementation.
Rights to compensation	A particular category of rights that corresponds to the established requirements for compensation and other forms of assistance that are provided to persons affected in accordance with acceptance criteria.
Framework Document on Resettlement Policy (FDRP)	The present instrument (document) on protective measures that is the general Plan of actions on compensation, resettlement and rehabilitation of persons negatively affected by the project. The framework document describes the process and methods of resettlement within the project, including compensation, relocation and rehabilitation of persons negatively affected by the project.
Market price	The most probable selling price or the price most often requested by vendors and purchasers. It presupposes that vendors and purchasers have enough knowledge, act reasonably and in the mood of competition, are motivated by personal interest to get the highest possible compensation and act independently from each other, without collusion, fraud or misstatement.
Economic assistance in rehabilitation	Providing assistance in addition to compensation, such as preparation of land, PAPs training or employment, increasing their potential in income acquisition or at least bringing their standard of life to the pre-project level.

2. Background

On the request of the Government of the Republic of Belarus dated 5 June 2017, following the cooperation between the Republic of Belarus and the World Bank (further – Bank) preparation of the new Utility Efficiency and Quality Improvement Project started in the sphere of Housing and Utilities (HU). The aim of the project is to increase quality, efficiency and sustainability of water supply and sanitation services in the selected residential areas of the Republic of Belarus as well as support in provision of financial stability of water supply and sanitation sector as well as the reform process in terms of regionalization of solid waste management, which is foreseen by the National Strategy on waste and recoverable material resources management in the Republic of Belarus (2017-2035).

All the project components subject to inclusion into the project are socially important for a particular district or residential area.

The Government of the Republic of Belarus agreed with the new project concept offered by the World Bank.

The aim of the project will be achieved by investments into reconstruction and development of water and sewage utilities (WSU), regional infrastructure of solid waste management and technical assistance in strategic and technical investigations in water and sewerage utilities and waste management sectors. Waste management component that will be financed under the project will be implemented in various sub-project locations. Such locations are not known at

this stage and will be identified during implementation. This RPF will serve as a guidance to the Government of Belarus as well as to the PIU on how to handle activities that may involve land acquisition or cause physical or economic displacement.

2.1 Description of project and its components

The project is directed to the support modernization and transformation of water supply, sanitation and waste management services provision in the Republic of Belarus.

The aim of the project is to increase quality, efficiency and sustainability of water supply and sanitation services in six participating oblasts of the Republic of Belarus as well as improvement of solid municipal waste (SMW) management. This aim will be achieved by means of modernization and renovation of water supply and sanitation networks including the implementation of advance water treatment technologies. Besides, support in provision of the sustainability of investments directed to water supply and sanitation sector and SMW management practice.

Within the project separate communal enterprises will be supported in improving services provision and increasing their efficiency and solvency for them to be able to engage the possibilities of funds attraction for development to the fullest extent as well as construction, improvement and modernization of key infrastructure objects of water supply and sanitation, including:

1. water supply and sanitation networks;
2. water treatment facilities (iron removal plants);
3. sewage treatment facilities.

Within the project solid waste management regionalization process foreseen by the National strategy of solid waste and recoverable material resources management in the Republic of Belarus (2017-2035) will also be supported, which ensures saving due to scale and environmental risks reduction while passing from the use of a large number of growing project components to the smaller number of large components:

1. Construction of a regional landfill as well as supporting infrastructure and equipment in Polotsk/Novopolotsk (public lands);
2. Other regional landfills with supporting infrastructure and equipment (subprojects) that will be determined during project implementation;
3. Technical assistance in carrying out strategic investigations of sector development regarding the issues related to waste reduction/recycling/utilization etc.

The main parties participating in the project are the following:

1. Ministry of Housing and Utilities and Project Coordination Team (PCT) represented by State Enterprise “Belcomtehinvest” created by it;
2. Oblast government authorities;
3. Districts participating in the project, local government agencies and their Housing and Utilities enterprises.

The entity responsible for observance of IBRD requirements and proper implementation of RAF for the project components included into Efficiency and Quality Improvement Project is PCT.

The responsibility for the preparation of RPAs for separate project components is put on oblast state administration authorities on the territory of which the project components are located. It is connected with financing of expenses on resettlement and compensation of losses to physical and legal bodies from local budget that shall be included into the oblast budget in advance. Oblast state administration authorities are also sub-borrowers of the planned loan and participate in finds reimbursement after the project components are put into operation.

For the project components included into the procurement plan but not having a RAP approved by oblast state administration authorities PCT will not start the procedure of documents preparation for procurement and will not start a procurement procedure.

The project consists of 4 (four) components:

Component 1. Water supply and sanitation services on a local level;

Component 2. Strengthening the potential of government bodies in the sphere of monitoring, strengthening of potential and regulation of provided services of water supply and sanitation;

Component 3. Improvement of solid waste management practice in the country;

Component 4. Project management.

2.2 General principles of document methodology and composition

The present document is a strategic methodology relating to the issues of lands acquisition and resettlement (further – Methodology) for Utility Efficiency and Quality Improvement Project.

The Republic of Belarus agreed to apply principles and procedures stated in the World Bank Operating Policy OP/BP 4.12 “Involuntary resettlement” in case the Project implementation causes lands acquisition and other consequences connected with resettlement. The Ministry of Housing and Utilities will play a role of project coordinator through the Project Coordination Team (PCT) represented by the State Enterprise “BELCOMTEHINVEST” and together with oblast executive committees (sub-borrowers) and Clients will bear responsibility for the actions foreseen by the Methodology. After “World Bank general social and economic principles” with 10 standards are put in action the Operating Policy OP/BP 4.12 “Involuntary resettlement” will be replaced by the standard №5 “Alienation of land plots, limitation of land use right and involuntary resettlement”.

At present it is impossible to determine the scale of loss of lands or other objects as a result of project implementation, which, accordingly, makes impossible the detailed planning of resettlement. During preliminary review of proposed project components acquisition of land plots or impacts connected with resettlement were not foreseen. But in the course of design solutions development it became obvious that it can be impossible to completely prevent negative impact on individual persons connected with works performance. Constant acquisition of lands can be required for the construction of pumping stations or water treatment plants, but it is supposed to be minor. Demolition of buildings or points of sale as well as the necessity of physical relocation of persons is not planned. Probably, assignment of some land plots for temporary use for construction period will be required. After underground pipes laying all the land plots that were assigned for temporary use shall be put to initial state. Loss of buildings, agricultural crops and other capital stock is also subject to compensation.

The principles and procedures stated in the Methodology are those that shall be observed in case acquisition of land plots or other involuntary limitations of access to land plots or other objects are foreseen on further stages of planning and implementation. In such cases the Methodology foresees preparation of a Resettlement Plan subject to be approved by the World Bank before

the start of the works causing adverse impact. The Resettlement Plan ensures mitigation of potential adverse consequences and provision of affected person with the sufficient possibility to improve or at least recover the level of their income and standard of living by providing compensation and/or other forms of assistance.

If the relevant measures are not carefully planned and implemented involuntary resettlement can cause serious long-term difficulties, lead to project failure and, finally, to negative opinion about the project. For these reasons the Bank's policy on involuntary resettlement is based on the following general principles:

- (a) If possible, involuntary resettlement shall be avoided or minimized by means of investigating all the viable alternative variants of project design;
- (b) In case it is impossible to avoid resettlement, Resettlement Action Plans shall be developed and implemented in line with principles of OP 4.12. The resettled persons shall be involved in meaningful consultations and shall have the possibility to participate in planning and implementation of resettlement programs.
- (c) It is necessary to provide assistance to resettled persons in their efforts to improve or at least recover their means of support or standard of living to the level existing before the resettlement or before the start of the project implementation depending on which of them was higher.

The aim of preparation of the Framework Document on resettlement is to resettle (or deprive of resources) as few people as possible in accordance with the project requirements and also to ensure that all subprojects adhere to general principles of not-causing harm, avoiding resettlement or minimizing cases of resettlement.

2.3 World Bank operational policy On Involuntary Resettlement (OP 4.12)

Operational Policy (OP 4.12) is applied to direct economic and social consequences appearing as a result of projects implementation and caused by such factors as:

- (a) land acquisition and resettlement;
- (b) loss of property or deprivation of the possibility to use it;
- (c) loss of sources of income or means of support independent of the fact whether affected persons are forced to move to another place or not;
- (d) involuntary limitation of access to legally assigned parks and protected areas resulting in negative impact on means of support of resettled persons.

The policy requires preparation of Resettlement Action Plans (RAPs) to mitigate the impact of involuntary resettlement. RAPs will include measures on providing information about proposed variants and rights relating to resettlement, providing technically and economically suitable alternatives of resettlement, providing quick and efficient compensation of expenses for complete resettlement and for the loss of property connected directly with the project implementation.

In case the impact on all the resettled persons is minor shortened RAP can be prepared. The projects with considerable impact connected with resettlement require complete RAP. In the sites that are already known, such resettlement or land acquisition is not expected.

The resettled persons as well as the residents of host residential areas shall timely receive complete information, participate in consultations relating to different types of resettlement as well as have the possibility to participate in planning, implementation and control of actions of resettlement. In favor of the resettled persons necessary and accessible mechanisms of review and settlement of their complaints shall be created; necessary objects of infrastructure and communal services providing increase, recovery and support of availability and quality of services for the resettled persons and local population shall be created on the new territories allocated for resettlement or in the residential areas the resettlement is made to. Alternative or similar resources shall be provided for the purpose of the lost access to shared objects; the model of life of the resettled persons corresponding to the new conditions shall be created with regard to their wishes and preferences. If possible, it is necessary to ensure preservation of social and cultural customs of local population as well as to consider the wishes of the resettled persons relating to preservation of already existing communities and groups at a new place.

To achieve these aims the World Bank policy requires to pay special attention to the needs of vulnerable groups of the resettled population, especially to people living below the poverty line, not having rights to land, senior people, women and children, ethnic minorities or other resettled persons who cannot be protected by land compensation in accordance with the legislation.

3. DETERMINATION OF RIGHTS TO COMPENSATION FOR DIFFERENT CATEGORIES OF NEGATIVELY AFFECTED PERSONS

Taking into account that all the land areas of the Republic of Belarus excluding farmlands are state-owned property consequences will possibly affect only agricultural cooperatives engaged in commercial activity on state-owned land. In case permanent acquisition of cooperative lands is planned it will be offered alternative land areas of analogous size and quality. Consequences for industrial activity are supposed to be minor because of acquisition of less than 0.1% of existing land areas. For the purpose to observe construction norms and rules demolition of some small buildings within three meters on both sides of a pipeline may be required to ensure safety and access.

Based on the practice of the projects implemented earlier in the Republic of Belarus the following categories of persons who can be affected, and compensatory measures were determined. The RAPs, when prepared, will also follow the principles of OP 4.12 when establishing compensatory measures:

Table 3.1

Affected category of population	Compensatory measures
1. Private land owners	They will be provided with acceptable substitution in the form of land of equivalent level or compensation in accordance with the market price of land. Compensation shall also take into consideration the cost of losses of an owner as a result of repurchase of his land (fruit trees and other valuable perennial plants are also subject to compensation), including loss of benefit and expenses for execution. Market price of land depends on its quality and average yield level. Such approach corresponds to the World Bank requirement “Replacement cost”.
2. Leaseholders	<p>Large leaseholders, in particular: large agricultural companies or other leaseholders losing less than 20% from their productive land will receive a notification from oblast executive committee, local public administrations a year before the projects starts for them not to lose their yield. Lease agreements will be changed in accordance with the legislation to mark the land areas subject to acquisition for the project.</p> <p>Considerably affected leaseholders (i.e. losing more than 20% of productive land) can additionally claim for an alternative land plot for lease, which shall be at least equal to the allocated land plot from the point of view of all the characteristics (productive capacity, advantageous location, other factors).</p>
3. Owners of houses located on land plots	Will get replacement of houses and relevant land plots, which shall be at least equal to the allocated land plot from the point of view of all the characteristics (productive capacity, advantageous location, other factors) in accordance with the Resolution of the Council of Ministers of the Republic of Belarus dated 26 March 2008 №462 as well as support in resettlement.
4. Socially vulnerable groups (shall be determined in the Resettlement Plan, for example, can include aged people living alone, disabled people, multiple children families)	Will get additional forms of assistance such as: access to schools and hospitals (while resettlement to another residential area), where access to new social infrastructure is necessary; or other additional measures that can be required during resettlement as, for example, additional assistance during resettlement (is considered individually in each case)
5. Informal or illegal land users	It is not expected that land plots necessary for the project implementation are used unofficially or illegally, and the Ministry of Housing and Utilities as well as participating local authorities will propose sub-project sites that will have no such impacts or minimal impacts. But if such cases occur actual user of a land plot will be paid compensation for losses and damage caused to other property subject to compensation, including trees and valuable perennial plants, facilities and commercial activity (as stated in clause 1).
6. State agencies, including any local or municipal authorities	Recuse, without compensation, their land user rights to the state for the purposes of implementation of project components (subprojects).

In case of any adverse impacts their boundaries and scale will be minimal. Nevertheless, the Republic of Belarus will take all the necessary measures in accordance with the requirements and procedures stated in the present Methodology to mitigate any possible consequences.

In accordance with OP 4.12 negatively affected persons are determined as persons suffered as a result of project activity causing:

- resettlement or loss of accommodation;
- loss of assets or access to assets and/or;
- loss of source of income, business or means of support independent of the fact whether negatively affected person is forced to relocate to another place or not.

All the persons negatively affected by the projects independently of status and of the fact whether they have official legal title, legal rights or use lands unofficially have a right to any type of assistance if they occupied the project territory before the cut-off date. The persons who started to use the territory after the cut-off date and social and economic investigation do not have a right to compensation or any assistance connected with resettlement.

It is important to establish the cut-off date at the early stage of preparatory process in order to avoid speculation and illegal invasion at the later stage.

The relevant cut-off date will be the time of conduction of census of population and its property in project areas.

The establishment of the cut-off date is necessary to avoid sudden emergence of new users and land seizure or migration creating serious threat for the project.

Local authorities will play a key role detecting land users because the majority of them should have received usual right to use a land plot according to the decision of these authorities.

Based on the current evaluation considerable influence on lessees/users of state-owned land plots is not supposed taking into consideration the following factors:

- a) the part of the land of public use are actually strips of land for networks laying and objects construction, where repair works and water supply an sewage networks laying will be carried out as well as construction of access roads to landfills;
- b) the majority of lessees refer to the category of large agricultural or municipal enterprises;

Nevertheless, conditions for considerably affected persons are stated below in case such groups will be detected during project implementation. The accurate number of negatively affected persons (private and state owners, enterprises and lessees) will be known after the approval of the complete list of project components (subprojects) by IBRD.

Table 3.2

Element	Impact resulting from the project	Category of negatively affected persons	Right to compensation
Laying or renovation of water supply and sewage networks Construction of SPS, treatment facilities, access roads	acquisition of a land plot or its part to unlimited or temporary use	Private land owners	They will be provided with acceptable substitution in the form of land of equivalent capacity or compensation in accordance with the market price of land. Compensation shall also take into consideration the cost of losses of an owner as a result of repurchase of his land (fruit trees and other valuable perennial plants are also subject to compensation), including loss of benefit and expenses for execution.

			Market price of land depends on its quality, yield level and is calculated on the basis of 33-year capitalization period.
	Acquisition of a land plot being in private ownership together with the residential house located on it to unlimited use	Owners of residential houses with relevant land plots	Will get replacement of dwelling houses and relevant land plots, which shall be at least equal to the allocated land plot from the point of view of all the characteristics (productive capacity, advantageous location, other factors) in accordance with the Resolution of the Council of Ministers of the Republic of Belarus dated 26 March 2008 №462 as well as support in resettlement.
		Socially vulnerable groups (shall be determined in the Resettlement Plan, for example, can include aged people living alone, disabled people, multiple children families)	Will get additional forms of assistance such as: access to schools and hospitals (while resettlement to another residential area), where access to new social infrastructure is necessary; or other additional measures that can be required during resettlement as, for example, additional assistance during resettlement (is considered individually in each case)
	Loss of rented agricultural lands (in most cases the land plots which are in possession of township councils and municipal authorities and affected by the project are rented by agricultural enterprises)	Leaseholders losing less than 20% of their land Considerable affected leaseholders – i.e. those who lose more than 20% of productive land	Large leaseholders will receive a notification from oblast executive committees and local public administrations a year before the projects starts for them not to lose their yield. Lease agreements will be changed in accordance with the legislation to mark the land areas subject to acquisition for the project. Considerably affected leaseholders (i.e. losing more than 20% of productive land) will be able additionally claim for an alternative land plot for lease, which shall be at least equal to the allocated land plot from the point of view of all the characteristics (productive capacity, advantageous location, other factors).
	Loss of productive land	Unofficial or illegal land users (it is not expected that the land plots necessary for the project implementation are used unofficially or	In such cases actual users of land plots will be paid compensation for losses and damage caused to other property subject to compensation including trees and valuable perennial plants, facilities and commercial activity

		illegally)	
	Acquisition of lands to temporary use (easement)	Private owners	Will get compensation for inflicted damage; compensation for losses caused to agricultural crops and facilities; a land plot shall be restored to achieve initial physical condition before it is returned.
		Leaseholders	Will be informed a year before to avoid yield losses, will get compensation for the loss of profit. A land plot shall be restored to achieve initial physical condition before it is returned.

5. Key principles of resettlement policy

The RPF applies to activities that may cause land acquisition or physical or economic displacement and the mitigatory measures that will be put in place to address these adverse impacts. The objective is also to guide the preparation of Resettlement Action Plans (RAPs) that will ensure that, future land acquisition and potential resettlement issues, all persons affected by it will be properly consulted, made available to affordable and accessible grievance mechanisms and properly and in time compensated at replacement cost or market value (which ever higher) for their losses, and provided with rehabilitation measures so that they are at least as well off as they would have been in the absence of the Project.

The main objectives of the RPF are to:

- 1) Provide details on the policies governing land acquisition;
- 2) Provide details on the public information, consultation and participation, and grievance redress mechanisms in project planning, design and implementation;
- 3) Provide a framework for supervision, monitoring and evaluation of resettlement implementation.

The principle is that involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternatives in project design. If unavoidable, resettlement activities should be conceived and executed in accordance with OP 4.12. Furthermore, displaced persons should be meaningfully consulted and should be involved in planning and implementing resettlement activities and be assisted in their efforts to improve their livelihoods and standards of living; or at least to restore them, in real terms, to predisplacement levels or to levels prevailing prior to the beginning of Project implementation, whichever is higher.

6. Legal framework

Issues of permanent or temporary seizure of land plots for construction of state objects are regulated by the existing legislation of the Republic of Belarus:

1. Code of the Republic of Belarus about land revised 18.07.2016 (especially articles 6-9, 12, 14, 17, 20, 23-30, 32, 33, 34-43, 47-50, 60-69, 73-75, 84-88, 92-96, 646)
2. Presidential Decree of the Republic of Belarus dated 27 December 2007 № 667 “About seizure and provision of land plots”. It foresees regulation of relations in the sphere of protection and use of lands on the territory of the Republic of Belarus including the order of provision of land plots while selling immovable state-owned property, broadening of powers of local executive committees while solving issues of seizure and provision of land plots;

3. Presidential Decree of the Republic of Belarus dated 6 August 2009 № 10 “About creation of additional conditions for investment activity in the Republic of Belarus”;
4. Resolution of the Council of Ministers of the Republic of Belarus dated 26 March 2008 № 462 “About some measures on the implementation of the Presidential Decree of the Republic of Belarus dated 27 December 2007 № 667 with the Regulation on the order of repurchase of private-owned land plots for state needs, Regulation on the order of organization and conduction of auctions for the right to conclude lease agreements for land plots, Regulation on the order of determination of the amount of damages caused to land users by seizure of land plots and demolition of property objects located on them; Regulation on the order of recovery of losses in agricultural industry, Regulation on the order of recovery of losses in forestry industry, List of organizations performing the determination of the amount of damages caused by seizure of land plots and demolition of property objects located on them;
5. Resolution of the Council of Ministers of the Republic of Belarus dated 30 December 2001 №1780 “About approval of the Regulation on the order of change of designated purpose of land plots provided in due order to a citizen, individual entrepreneur, legal body including a resident of free economic zone in cases not prohibited by regulatory acts;
6. The Law of the Republic of Belarus “About drinking water supply”;
7. Presidential Decree of the Republic of Belarus dated 2 February 2009 № 58 “About some measures on property rights protection during seizure of land plots for state needs”.
8. Presidential Decree of the Republic of Belarus dated 11 December 2009 № 622 “About improvement of the order of land relations regulation and state control of lands use and protection”.
9. Decree dated 26 December 2017 №463 “About improvement of the order of seizure and provision of land plots”.
10. Decree of the Council of Ministers of the Republic of Belarus dated 23 March 2018 № 220 “About some measures on implementation of the Presidential Decree of the Republic of Belarus dated 26 December 2017 № 463”;
11. Constitution of the Republic of Belarus (article 13) that foresees the priority of state land ownership “minerals, waters and forests are exclusive state ownership. Lands of agricultural designation are state-owned”.
12. Civil code of the Republic of Belarus about land (dated 07.01.1998 , № 218-3) that establishes the legal status of civil circulation participants basis for emergence and the order of execution of rights to property, rights to intellectual activity results as well as regulates relations between persons carrying out business activity or participating in it, contractual and other obligations as well as other property and private non-property relations connected with them.
13. Civil code of practice of the Republic of Belarus (dated 11 January 1999 № 238-3) that regulates the order of review and judicial settlement of civil, domestic, labor and other cases as well as cases originating from administrative and legal relations, cases of special proceedings, cases of summary proceedings and other cases as well the order of enforcement.
14. World Bank Operating Policy on Involuntary Resettlement (OP 4.12).
The above mentioned regulatory acts determine the order of seizure and provision of land plots as well as competency of local governing boards and self-governing authorities in making decisions relating to lands acquisition.

The Code of the Republic of Belarus about land foresees evaluation and checklist of agencies authorized to perform evaluation of losses sustained by land owners and land users as a result of seizure of land plots (temporarily or permanently). One more variant is foreseen: in case of permanent seizure to provide a land owner with a land plot of equal value at his/her wish (clause 4 of the Presidential Decree of the Republic of Belarus dated 2 February 2009 № 58 “About some measures of property rights protection during seizure of land plots for state needs”).

Gaps between national legislation of Belarus and the World Bank’s OP 4.12 on Involuntary Resettlement. The major difference between OP 4.12 and Belarus land legislation concerns informal or illegal land users. Under Belarus Land Code and other related legal acts, a person who is possessing land plots or illegally occupying them does not have the right to receive compensation. However, for the purposes of this project, in cases of any discrepancies (including in the area of informal land users) between national legislation and the World Bank’s OP 4.12, the latter as well as all the instruments that may be prepared following said policy, including this RPF will prevail and will be followed. It should be noted that in the context of Belarus the instances of public land encroachment is minimal, if not non-existent. This area is well regulated by the government, as well as local authorities. Nevertheless, the Ministry of Housing and Utilities, as well as any participating local authorities will propose sites for waste management component of this project during implementation taking into account the risks and potential impacts that land acquisition may entail both to legal and informal land users/land owners, in order to avoid or at least minimize such impacts.

7. Use of land during construction period

Compensation for temporary use of land during construction period is established by the Resolution of the Council of Ministers of the Republic of Belarus dated 26 March 2008 №462 and is paid in accordance with the Resolution on the order of repurchase of private owned land plots for state needs.

OP 4.12 relating to involuntary resettlement is involved in cases when consequences for means of support can appear as a result of project activity or purchase of natural resources can take place.

Requirements of the legislation of the Republic of Belarus with regard to the World Bank requirements consist in the following:

1. Investor shall take measures on minimization of land plots acquisition and involuntary resettlement;
2. Compensation for the loss of property shall correspond to property replacement cost;
3. The persons whose interests are affected shall be timely informed with clarification of variants of compensation (it is necessary to find reasonable variants depending on the citizens’ sources of income). As a rule, if residents get income from the use of land plots the best variant is to provide them with land plots of at least equal quality and square. In case of absence of land market provision of monetary funds will not be helpful in land acquisition. Compensation for agricultural crops shall also be paid. Assistance shall also be provided to residents during transition period;
4. In accordance with the existing legislation of the Republic of Belarus the individuals or entities having property rights to land can claim for compensation. The persons who illegally possess land plots or illegally live on them do not have the right to compensation of losses sustained by them during illegal use of land (article 72 of the Code of the Republic of Belarus about land).

Many aspects of land plots expropriation practice in the Republic of Belarus mainly correspond to the Bank’s policy requirements. But the regulatory documents of the Republic of Belarus do

not foresee providing assistance to affected persons not having full legally enforceable property right to lost lands or other property. In accordance with the legal documentation for the project, in case of differences between the national legislation and the Bank's policy OP 4.12 the Bank's policy and resettlement organization instruments based on it including the present Framework Document on Resettlement Policy and the Resettlement Action Plans that may be prepared will prevail over the national legislation. In case the national regulations does not meet the requirement about compensation in the amount of full replacement cost, additional measures ensuring meeting the above mentioned standard requirement of OP 4.12.

8. Evaluation of assets negatively affected by the project

Lands evaluation is performed by special organizations duly certified by the state to carry out the activity relating to land-use planning in accordance with the Resolution of the Council of Ministers of the Republic of Belarus dated 26 March 2008 №462 and the list below:

1. Republican Unitary Enterprise "Design Institute Belgiprozem".
2. Affiliated Unitary Enterprise "Design Institute Brestgiprozem" of the Republican Unitary Enterprise "Design Institute Belgiprozem".
3. Affiliated Unitary Enterprise "Design Institute Vitebskgiprozem" of the Republican Unitary Enterprise "Design Institute Belgiprozem".
4. Republican affiliated Unitary Enterprise "Design Institute Gomelgiprozem".
5. Affiliated Unitary Enterprise "Design Institute Grodnogiprozem" of the Republican Unitary Enterprise "Design Institute Belgiprozem".
6. Affiliated Unitary Enterprise "Design Institute Mogilevgiprozem" of the Republican Unitary Enterprise "Design Institute Belgiprozem".
7. Republican Unitary Enterprise "Brest Agency on State Registration and Land Cadastre".
8. Republican Unitary Enterprise "Vitebsk Agency on State Registration and Land Cadastre".
9. Republican Unitary Enterprise "Gomel Agency on State Registration and Land Cadastre".
10. Republican Unitary Enterprise "Grodno Agency on State Registration and Land Cadastre".
11. Republican Unitary Enterprise "Minsk Oblast Agency on State Registration and Land Cadastre".
12. Republican Unitary Enterprise "Minsk City Agency on State Registration and Land Cadastre".
13. Republican Unitary Enterprise "Mogilev Agency on State Registration and Land Cadastre".
14. Communal Real-estate Unitary Enterprise "Minsk real estate accounting center".
15. Communal Unitary Enterprise "Minsk City Real Estate Centre".
16. Republican Unitary Enterprise "Institute of Real Estate and Evaluation".
17. Republican Affiliated Unitary Enterprise "Vitebsk Institute of Real Estate and Evaluation".
18. Republican Affiliated Unitary Enterprise "Gomel Institute of Real Estate and Evaluation".
19. Borisov Republican Unitary Enterprise "Zemlemer".
20. Research and Development State Republican Unitary Enterprise "National Cadastral Agency".
21. Mogilev City Unitary Communal Enterprise "Center of Privatization"

A special organization determines the order and amount or recovered losses in accordance with the Regulation on the order of determination of the amount of damages caused to land users by seizure of land plots and demolition of property objects located on them; Regulation on the order of recovery of losses in agricultural industry, Regulation on the order of recovery of losses in forestry industry, List of organizations performing the determination of the amount of damages caused by seizure of land plots and demolition of property objects located on them.

All the costs shall be covered out of relevant state budget funds.

If a land owner does not agree with evaluation results, he/she has a right to hire another

evaluator at his/her own expense.

Each asset will be numbered and registered. The information relating to the cost of each type of assets will be printed in advance, shown to a negatively affected person and transferred with regard to the type and amount of losses sustained by this person. The total amount of compensation for this category of losses together with the total amount of all the losses will be indicated. During the first cost estimation the form sheet of inventory and evaluation will be signed, and its copy will be given to the negatively affected person. In this form sheet it will also be stated that the inventory will not be considered official before this person is not given the second signed copy notarized by supervisory personnel. At the same time the negatively affected person will also be given a copy of complaints handling order.

The owners of land plots (land users) dissatisfied with the solution of the committee will be able to turn to court in accordance with the procedures determined by the Belarusian legislation. A decision of the court also determines who shall pay the costs connected with litigation.

9. Land acquisition procedure

Land acquisition in Belarus during objects construction as a rule has three stages:

1. Preliminary approval of the choice of site location. At this stage the main project executive formalizes a document for site selection, accords it with expert authorities (sanitary, environmental, fire and other interested ones) and then it is approved in local executive committee. This document is the basis for design development.
2. Land acquisition design development. At this stage the solution relating to land acquisition is prepared, site borders are established, report on losses and damage is composed, which include into preliminary approved materials, land acquisition acts is formalized (the developer is Institute "Belgiprozem").
3. Registration of the right to a land plot. The main project executive is given a license (certificate) confirming the right to use a land plot. Based on this document and other document connected with getting permission for construction the main project executive receives permission for construction in construction supervision agencies.

One of the principles of land relations foreseen by the article 5 of the Code of the Republic of Belarus about land is the principle of publicity and consideration of public opinion while making land-use decisions, including lands acquisition, change of their designated purpose, establishment of limits or encumbrances for land plots as well as establishment of easement and protection of land users' rights.

Citizens are invited to participate in the consideration of issues related to their rights and interests protected by the law and connected with land plots acquisition through turning to local councils or executive committees, participation in local referendums, procedure of public environmental expertise, meetings as well as through non-governmental organizations in accordance with the legislation (article 22 of the Code of the Republic of Belarus about land).

Article 66 of the Code of the Republic of Belarus about land states that acquisition of land plots is performed in accordance with the decision of a government body carrying out state regulation and management in the sphere of use and protection of lands in accordance with its competency foreseen by the present Code and other regulatory acts or in accordance with court resolution. If a person having a vested right to use does not agree with the decision related to acquisition of lands potentially affecting his/her interests he/she can appeal against this decision to a local court.

In case there are problems with lands acquisition during Project implementation citizens can turn to local land use agency at the place of land plot registration where they will be provided with necessary clarifications. It gives a possibility to the citizens whose interests are affected to solve the issues during construction works process.

As far as the land under the supervision of governing boards and self-governing agencies (rural, settlement, district, city and oblast executive committees) the persons whose interests are affected can also turn to this agencies with a complaint, where it shall be considered and a claimant shall be provided with a substantiated answer in accordance with the existing legislation of the Republic of Belarus (Law on citizens petitions, Presidential Decree of the Republic of Belarus dated 15 September 2010 № 49).

10. Content of Resettlement Action Plans

Before the start of any construction works that may cause negative consequences as per OP 4.12 of the World Bank, the Project Coordination Team (PCT) represented by SE “BELCOMTEHINVEST” shall prepare a Resettlement Action Plan (or if necessary multiple plans), and shall submit them to the World Bank for review in order to ensure that all such plans are prepared in accordance with OP 4.12 requirements. Such plans should be consulted on with affected communities and other stakeholders in a meaningful manner.

The typical content of Resettlement Action Plans will include the following:

- 1) Description of the project (especially in case restructuring had occurred);
- 2) Specific impacts under given sub-project site (i.e. clear identification of activities that give rise to resettlement; the zone of impacts, the alternatives that have been considered, as well as mechanisms established to minimize resettlement to the extent possible);
- 3) Objectives of a Resettlement Action Plan;
- 4) Related socio-economic studies, including among others -- census of project affected people in the affected area, characteristics of the households, the magnitude of expected loss, information on vulnerable people, if any;
- 5) Legal Framework, including the scope of the power of the government’s right or obligation to expropriate private land, applicable legal and administrative procedures;
- 6) Valuation of and compensation of losses;
- 7) Eligibility for compensation and criteria of determining such eligibility, including relevant cut-off dates;
- 8) Resettlement Measures, including description of compensation packages that will assist each category of displaced persons to achieve the objectives of the World Bank’s OP 4.12;
- 9) Site selection, site preparation, and relocation, if applicable;
- 10) Housing, infrastructure, and social services;
- 11) Grievance Redress Mechanism;
- 12) Institutional Framework and Organizational responsibilities;
- 13) Implementation schedule;
- 14) Cost and Budget;
- 15) Monitoring and evaluation arrangements.

11. Grievance redress mechanism

Transparency and accountability are core elements of the Project. For this purpose, the project will include a Grievance Redress Mechanism (GRM). The goal of the GRM is to strengthen accountability to beneficiaries and to provide channels for project stakeholders to provide feedback and/or express grievances related to project supported activities. The GRM is a

mechanism that allows for the identification and resolution of issues affecting the project. By increasing transparency and accountability, the GRM aims to reduce the risk of the project inadvertently affecting citizens/beneficiaries and serves as an important feedback and learning mechanism that can help improve project impact.

The mechanism focuses not only on receiving and recording complaints but also on resolving them. While feedback should be handled at the level closest to the complaint, all complaints should be registered and follow the basic procedures set out in this chapter.

SCOPE: Grievance Redress Mechanism will be available for project stakeholders and other interested parties to submit questions, comments, suggestions and/or complaints, or provide any form of feedback on all project-funded activities.

GRM's users: Project beneficiaries, project affected people (i.e. those who will be and/or are likely to be directly or indirectly affected, positively or negatively, by the project), as well as the broader citizenry can use the GRM for the above purposes (see Scope).

GRM's management: The GRM is managed by the MERP's Project Coordination Unit, under the direct responsibility of MERP's Executive Director.

Submission of complaints: Complaints can be expressed at any time throughout project implementation.

PCT established the following channels through which citizens/beneficiaries/Project Affected Persons (PAPs) can make complaints regarding project-funded activities:

- a. By Email: Project's email addresses: [belcti@yandex.ru]
- b. Through the following web page [<https://bcp.by/>]
- c. In writing to PCT: Letter addressed to PCT, sent to the address of: *State Enterprise "Belcomtehinvest"* 25 Kalvariyskaya St., Room 220, Minsk 220079, Republic of Belarus
- d. By Fax to: [**8(017)204 62 31**]
- e. Other: Written complaints to project staff (through project meetings).

The project shall ensure flexibility in the channels available for complaints, as well as ensure accessibility to the contact information for individuals who make complaints.

The person receiving the complaint will complete a grievance form and will record the complaint in the Register of Complaints, kept under GRM designated staff. Then, the complaint is to be submitted immediately to the tracking system for sorting and redirecting to the appropriate department responsible for investigating and addressing the complaint, or to staff if the complaint is related to a specific project activity. The Project Coordinator is responsible for determining who to direct the complaint to, whether a complaint requires an investigation (or not), and the timeframe to respond to it.

When determining who will be the investigating officer, the Project Coordinator should ensure that there is no conflict of interest, i.e. all persons involved in the investigation process should not have any material, personal, or professional interest in the outcome and no personal or professional connection with complainants or witnesses.

Once the investigation process has been established, the person responsible for managing the GRM records and enters this data into the Register of Complaints.

The number and type of suggestions and questions should also be recorded and reported so that they can be analyzed to improve project communications.

According to the Law of the Republic of Belarus dated as of July 18, 2011 N 300-3 (edition as of July 15, 2015) "On the appeal of citizens and legal entities", with further amendments, the complaints shall be examined within 15 working days of the receipt of the grievance, and complaints that require additional study and document check shall be examined within one month. The person responsible for investigating the complaint will gather facts in order to generate a clear picture of the circumstances surrounding the grievance. The investigation/follow-up can include site visits, review of documents and a meeting with those who could resolve the issue.

The results of investigation and the proposed response to the complainant will be presented for consideration to the Project Coordinator, who will decide on the course of action. Once a decision has been made and the complainant informed, the investigating specialist describes the actions to be taken in the grievance form, along with the details of the investigation and the findings.

The complainant will be informed about the results of verification via letter, email or by post, as received. The response shall be based on the materials of the investigation and, if appropriate, shall contain references to the national legislation.

The deadline for investigating the complaint may be extended by 30 working days by the Project Coordinator, and the complainant is to be informed about this fact, whether:

- a) additional consultations are needed to provide response to the complaint;
- b) the complaint refers to a complex volume of information and it is necessary to study additional materials for the response.

Information about the Grievance Redress Mechanism is available at the [<https://bkp.by/>] website will be included in communications with stakeholders, project beneficiaries and project affected people. Websites of Territorial Executive Regulatory Authorities will also be responsible for dissemination of information about GRM, including on their websites.

Reporting to the World Bank. In the semi-annual project implementation reports submitted to the Bank, PCT shall include a GRM section, which provides updated information on the following:

- Status of establishment of the GRM (procedures, staffing, awareness building, etc.);
- Quantitative data on the number of complaints received, the number that were relevant, and the number resolved;
- Qualitative data on the type of complaints and answers provided, issues that are unresolved;
- Time taken to resolve complaints;
- Number of grievances resolved at the lowest level, raised to higher levels;
- Any particular issues faced with the procedures/staffing or use;
- Factors that may be affecting the use of the GRM/beneficiary feedback system;
- Any corrective measures adopted.

12. RPF Implementation Arrangements

Project Institutional and Implementation Arrangements. The main project involved institutions are: (i) the Ministry of Housing and Utilities, and its (PCT) – Belcomtehinvest, (ii) Oblast Administrations; (iii) participating rayons, local municipalities and their water utilities. The MHU reports to the Council of Ministers and is responsible for overseeing national investment plans in the communal services sector, including water, sanitation, and solid waste. Respectively, the MHU undertakes this oversight responsibility through Oblast Executive Committees, which

ensure that national programs (including this project) are implemented at the local levels in oblasts in a proper manner.

Project Coordination Team. The Belcomtehinvest will be responsible for daily project implementation. It was established in 2008 to coordinate daily project implementation and monitoring of the ongoing World Bank financed Water Supply and Sanitation Project and has already successfully completed implementation of the Integrated Solid Waste Management Project closed in 2017. The PCT will be responsible for coordinating the project amongst the MHU, Oblast and City Executive Committees, consultants, contractors and with the Bank. Its main responsibility will be to ensure that Bank fiduciary, social and environmental requirements are well known to participants and adhered to throughout the project. The PCT will be also responsible for collecting, consolidating and coordinating data on project monitoring and preparation of periodic reports on achievements and obstacles in project implementation. The PCT is led by a Project Director and has staff capacity in procurement, financial management, and technical sectors particularly for water supply and sanitation. The PCT has experienced and trained procurement, technical, financial management staff, as well as a Safeguards Specialist, which up to know have proved their knowledge and ability to comply with the national and WB rules and procedures regarding various aspects of project implementation.

PMU Environmental Safeguards responsibilities. The PCT Safeguards Specialist will oversee overall coordination of RPF and site-specific RAPs implementation, reporting to Ministry and to the WB regarding environmental safeguards issues, as well as of integrating safeguards requirements into bidding and contracting documents. She also will be responsible for interaction with the environmental authorities, ensuring an efficient implementation of safeguards documents and will undertake, randomly, field visits and environmental supervision and monitoring, assessing environmental compliance at worksites, advising contractors and supervising engineers on environmental and social safeguards issues. The PCT Safeguards Specialist will be, also, responsible for identifying training needs for all parties involved in RPF/RAPs implementation. Safeguards Specialist will also be responsible with liaising with local authorities as well as contractors in order identify which of the proposed sub-project sites may require land acquisition or cause physical or economic displacement. Safeguards Specialist will be responsible for the timely preparation of the Resettlement Action Plans and ensuring that all compensation is paid before the start of the civil works.

13. RPF Monitoring and Reporting

To assess the effectiveness of measures to mitigate environmental and social effects during the implementation of sub-projects, the PCT, Borrower (and local authorities) or their authorized persons should monitor and control the implementation of actions and measures provided for by RPF. Respectively, each of the RAPs that may be prepared shall include a monitoring plan and a plan on institutional responsibility both for the implementation of preventive and mitigating measures and for monitoring.

The PCT and municipality companies, - the subproject beneficiaries, will carry out control over the observance of obligations by Contractors, local authorities to comply with RAP (if any) requirements in full, including the submission of monitoring reports on RAP(s) and RPF implementation on quarterly basis.

During the project implementation, the subproject beneficiaries and the PCT will perform regular inspections of facilities (sub-projects) as well as lands where these sub-projects are being implemented with the purpose of confirmation of compliance/non-compliance of measures being

performed with the requirements stipulated in RPF and RAPs. In case of any inconsistency, the representatives of subproject beneficiaries and the PCT will determine causes of this non-compliance and propose measures for bringing the project (sub-project) into compliance with these requirements. Notwithstanding regular inspections of the PCT, and the Bank's experts will also visit the facilities periodically to confirm the compliance with these requirements.

The subproject beneficiaries should prepare and submit detailed reports on the facility (sub-project) on a monthly basis to the PCT, specifying if all RPF and RAPs measures have been implemented or not, being more detailed at the initial stage of the subproject implementation.

Subsequent reports can be more concise and can describe only changes (if any) in the measures stated above and later actions (implemented mitigation measures and their efficiency reports on labor safety incidents at a construction site; complaints/appeals of residents; etc.). The final report shall present the overall results of the sub-project RAPs implementation compared with the initial situation (i.e. status of compensation payments, grievances, if any, from project affected people, etc.) RAP monitoring reports may contain photo reports and materials on performed works, new housing, roads, and other livelihood infrastructure in cases where affected people choose land replacement compensation.

Minutes of Public Consultations

MINUTES of
public discussions relating to the review of draft
Environmental and Social Management Framework and
Resettlement Policy Framework for Utility Efficiency and
Quality Improvement Project proposed to be implemented
out of IBRD funds

23 October 2018

Minsk

Invitees:

Brest, Vitebsk, Gomel, Grodno, Minsk and Mogilev executive committees, Ministry of Natural Resources and Environmental Protection, Ministry of Economy, Ministry of Finance, Ministry of Labor and Social Protection; the following non-governmental social organizations, and project beneficiaries or project affected people (through announcement in local newspapers):

Association of water and waste water enterprises “Aqua-Bel”, Enterprise “Center of environmental investigations”; international public association “Ecoproject “Partnership”; and other local executive and regulatory agencies, non-governmental public organizations, housing and utilities organizations, design and scientific organizations, citizens and other interested persons.

Chairman: M.A. Tolstik – Head of communal services and energy department of the Ministry of Housing and Utilities of the Republic of Belarus

Attendees:

Iryna G.Marshak – consultant of the Ministry of Labor and Social Protection;

Ekaterina V. Ramas’ko – consultant of the Ministry of Nature;

Aleksey G. Filanovich – consultant of communal services and energy department of the Ministry of Housing and Utilities of the Republic of Belarus;

Vladislav L. Morozov – Director of SE “BELCOMTEHINVEST”;

Nikolai N. Gil – Chief Specialist of SE “BELCOMTEHINVEST”;

Raisa A. Kirpicheva – Consultant of SE “BELCOMTEHINVEST”;

Anna V. Pinchuk – Chief Specialist of Water Supply and Sewerage Department of the State Association “Minsk Oblast Housing and Utilities”.

Via videoconference:

Andrei A. Kruglei – Head of Brest Oblast Unitary Enterprise “Housing and Utilities Authority”;

Aleksey N. Hvalko – General Director of SE “Vitebskoblvodokanal”;

Svetlana V. Kuzmich – Chief Specialist of Communal Services Department of Vitebsk Oblast Executive Committee Housing and Utilities;

Elena P. Sergeeva – Head of Material and Technical Supply and Sanitation Department of the State Association “Vitebsk Oblast Executive Committee Housing and Utilities”;

Adam I. Isachenko – Leading Specialist on Labor Protection of the State Association “Gomel Oblast Executive Committee Housing and Utilities”;

Vladimir V. Latkevich – Head of the Department on Citizen Petitions and Mass Media the State Association “Grodno Oblast Executive Committee Housing and Utilities”;

Sergey L. Vashkevich – Head of the State Association “Mogilev Oblast Housing and Utilities”;

AGENDA:

Public discussion of the draft Resettlement Policy Framework for Utility Efficiency and Quality Improvement Project.

LISTENED TO:

M.A. Tolstik – about the necessity to accept the above-mentioned Framework.

After review and approval of Frameworks by the Bank (with regard to the results of their public discussions) they will be included into the package of supporting materials for the Board of Directors of the Bank to make a decision on provision of the Loan for the Project implementation.

The Framework proposed for discussion is the guidelines for clients, contractors, design organizations, PCT and interested persons during the Project implementation.

The Chief Specialist of SE “BELCOMTEHINVEST” N.N. Gil informed the attendees about the main provisions of the Resettlement Policy Framework, legislation of the Republic of Belarus relating to the issues of land withdrawal for state needs, the Bank’s Operating Policy relating to involuntary resettlement and the comments received from the Bank as well as the responses to these comments.

The Republic of Belarus expressed its consent to applying the principles and procedures stated in the World Bank Operating Policy OP/BP 4.12 “Involuntary Resettlement” in case the Project implementation causes land withdrawal or other consequences connected with resettlement.

The aims of the Resettlement Policy Framework preparation are to relocate (or deprive of resources) as few people as possible in accordance with Project requirements and to observe general principles of non-causing damage, avoiding resettlement or minimizing cases of resettlement during preparation of all the subprojects (project components).

Oblast executive committees (sub-borrowers) together with the Clients of project components will bear responsibility for preparation and implementation of Resettlement Action Plans.

The Ministry of Housing and Utilities through the Project Coordination Team (PCT) represented by SE “BELCOMTEHINVEST” will be acting as a project coordinator, will implement and bear responsibility for organization of control over implementation of foreseen actions.

There were no other major comments and questions from attendees relating to the draft Framework.