

Methodology for Additional Social Baseline Studies

After having a detailed look at the ESIA Report prepared and the *kmz* files (e.g., expropriation borders) sent by REC, it was understood that there is no assessment directly related to analysis groups for ESIA plenary discussions and assessments. Considering this gap and the comments in the Ramboll's gap analysis report together with the relevant comments table in Excel format, the baseline studies in the following paragraphs are deemed necessary.

Within the scope of the additional social baseline studies, interviews will be conducted by preparing semi-structured forms for Mukhtars (village headman), Project Affected People (PAP) (e.g., landowner/shareholder and main users) who have been affected by the land acquisition, and PAPs whose lands have not been acquired but affected by the Project (due to dust etc.).

Regarding PAP, our social baseline survey team will use the expropriation list given in the Resettlement Action Plan, RAP (pg. 44-46) which had been prepared recently by another consultant. The list includes expropriation information for both private and public lands by villages. In addition, during the construction phase of the Project, the lands around the village roads to be used by heavy vehicles and the transportation roads intersecting, schools, units where livelihood activities are carried out (farm, retail shops, etc.) and villages affected by the transportation route will be also considered within the affected settlements. Within the scope of headman (Mukhtar) surveys, the effects of expropriation of common areas on the villages will be also covered. Furthermore, institutions considered within the primary stakeholders will be interviewed with face-to-face meetings or via digital platforms, if enough information had not been received during the preparation of the existing ESIA Report.

The proposed additional social baseline surveys along the Project route will be completed in 2 stages. Works on the Mersin-Tarsus-Adana line will be carried out on October 14-15-16, 2021, whereas works on the Adana-Osmaniye-Bahçe and Başpınar line will be done on October 20-21-22-23, 2021.

Field team for additional social baseline survey will be composed of three experts, as outlined below:

- Senior social impact assessment specialist,
- Senior researcher,
- Questionnaire survey expert.

Required information on private and public lands, previous stakeholder engagement activities, status of ongoing construction works, traffic route of construction machineries, camp sites, planning of the restoration of such sites as camps and borrow pits as well as quarries (if any),

land acquisition activities and planning, recruitment policies etc. was also requested from REC in order to use for planning the field surveys and carrying out the impact assessment studies.

Within the scope of the Additional ESIA assessment, the stakeholder face to face in-depth interviews conducted within the scope of ESIA have been accepted and will be evaluated within the scope of additional study.

In relation to the RAP, expropriation and households affected by expropriation are excluded from the scope. However, based on the expropriation KMZ data, the social and economic effects of the expropriation area, its effects on livelihoods and social life are assessed.

In this context, Mukhtar meetings are also held during these supplementary studies. It is important and necessary to hold meetings with the Mukhtars. Because, both in the assessment of the affected neighborhoods based on the KMZ data and in the first phase of the field study, it was determined that many neighborhoods within the impact area were not interviewed during the previous ESIA study. When the reasons for these are examined:

- Neighborhood boundaries have changed and are not reflected in the expropriation data, in other words, the expropriation data have not been updated,
- It has been observed that there are data deficiencies such as the fact that the land and houses in the impact area are registered to another neighborhood in an area away from the impact, but the name of the neighborhood or villages where the YHT line passes are different.
- Based on this situation, by conducting a field survey along the YHT line, the neighborhoods directly affected by the MAG Project are identified, and interviews are held with the mukhtars who have not been interviewed before.

In addition, land users who may be affected by the expropriation process and who carry on their agricultural activities right next to the train line are also interviewed.

In addition to PAPs that maintain agricultural activity, directly affected commercial enterprises are also identified and evaluated.

In this ESIA revision study, the following legislative framework and international lender standards will be considered:

Turkish Environmental Legislation,

- International Law including conventions and treaties adopted by Turkey and/or applicable to the Project as required by the Financing Parties,

- International Finance Corporation (IFC) Performance Standards on Environmental and Social Sustainability (2012),
- World Bank Group Environmental, Health and Safety (EHS) Guidelines in force at the time of this agreement, as applicable to the Project, including:
- General EHS General Guidelines (2007),
- EHS Guidelines for Railways (2007),
- EHS Guidelines for Construction Materials Extraction (2007),
- Equator Principles 4 (EP4) (2020), and
- Recommendation of the Council on Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence, as adopted by the Organization for Economic Co-operation and Development ('OECD Common Approaches') (2016).

The main environmental legislative documents and articles in Turkey related to the Project are given below.

ENVIRONMENTAL AND SOCIAL LEGISLATION

The main law of National Environmental Legislation is the Environmental Law numbered 2872 which was issued on 11.08.1983 with the official gazette number of 18132. In this law, the Turkish Regulation on Environmental Impact Assessment (EIA) (Official Gazette, 17 July 2008, no 26939) is defined which includes a limited public disclosure process.

FOREST PERMISSIONS AND FOREST LAW

For the parts of the wind turbines that hit the forest area, permission will be obtained from the Regional Directorate of Forestry in accordance with Article 17 of the Forest Law No. 6831.

Article 17, which the Project is subject to and which is the basis for obtaining the forest use-easement permit, is as follows:

Defense, transportation, energy, communication, water, waste water, oil, natural gas, infrastructure, solid waste disposal and regular storage facilities; dams, ponds, stray animal shelters and cemeteries; The Ministry of Environment and Forestry may grant permission to real and legal persons, in return for a price, in case of public interest or necessity for the state-owned health, education, judicial service and sports facilities, penal institutions and all kinds of places and buildings related to them to be located on State forests. No fee is charged for those built and/or operated by the state. The duration of this permit cannot exceed forty-nine years.

In the scope of Turkish legal framework, land acquisition/expropriation is based on The Expropriation Law (no: 2942, amended by Law no: 6645 in 2015):

- The Expropriation Law states that in all cases where the owners of immovable properties are identified, the primary preference is to purchase the land through negotiation. For owners with whom agreement cannot be reached by negotiation or for owners with unidentified addresses, absent owners, or for immovable properties over which there are ownership disputes; a lawsuit is filed with the relevant court of first instance for valuation and registration.

According to Article 8 of Expropriation Law (no: 2942), in all cases where the owners of immovable properties are identified, the first-choice practice is to purchase the land through negotiation. For those owners with whom agreement cannot be reached by negotiation or for owners with unidentified addresses, absentee owners, or for immovable properties over which there are ownership disputes; a lawsuit is filed with the relevant court of first instance for valuation and registration, pursuant to Article 10 of the Expropriation Law, and the expropriation compensation set by the court in the course of the lawsuit is deposited into a bank account to be paid to the owner of the expropriated property. The expropriation compensation for immovable properties with unidentified owner is deposited into a time account with 3-month maturity terms. (A minimum two months is required for notification and negotiations before invoking of the Article 10 of the Expropriation Law. The actual time increases in proportion with the number of owners and land parcels.) Expropriation compensations are set pursuant to the criteria set out in Article 11 of the Expropriation Law. Turkish legislation does not require the payment of compensation to tenants, sharecroppers and illegal users of properties who have made no improvements (building and/or tree). However, persons who have spent money and constructed/erected buildings or other structures on the lands of other persons are compensated at replacement cost for trees and material costs for buildings¹.

Purchasing Upon Agreement / Payment of Compensation / Alienation: Negotiation commission is internally established by the agency responsible for land acquisition to negotiate with property owners. Each negotiation commission is comprised of at least three persons. Prior to negotiation stage, the aforesaid agency sends an official invitation letter to property owner without informing about the estimated value for the asset that had been previously estimated by the valuation commission. Then, negotiation session starts on determined date (Article 8 of Expropriation Law).

Urgent Expropriation: Article 27 of the Expropriation Law authorizes the organization responsible for expropriation to confiscate the properties required by the project earlier than the time needed in normal expropriation procedure. This process does not prevent challenges of the property owners against the determined valuation. Mainly, for the expropriation of needed immovable properties Article 27 of the Law prescribes that in cases of the necessity for national defence as for the implementation of the Law on Obligations for Natural Defence (No: 3634) or in cases of the urgency of land expropriation decided by the Cabinet or in cases of emergency, which are stipulated in special laws, any immovable asset can be confiscated by the organization responsible for expropriation. In this case, the sequence of operations (excluding evaluation of immovable properties) is completed later. Through the court (upon request of the responsible organization), the values of the immovable assets are evaluated by an expert commission according to the provisions of Article 10 and 15 of the Law within seven days. The confiscation can be carried out after the determined compensation is deposited in the bank (in the name of the owner) indicated in the invitation letter and an announcement in line with the Article 10 of the Expropriation Law, by the responsible organization².

In addition to the environmental legislation, the following labour and social regulations are also considered.

LABOR LAW

THE PRINCIPLE OF EQUAL TREATMENT

ARTICLE 5. Discrimination in employment is prohibited. No discrimination based on language, race, sex, political opinion, philosophical belief, religion and sex or similar reasons is permissible in the employment relationship. Except for biological reasons or reasons related to the nature of the job, the employer must not make any discrimination, either directly or indirectly, against an employee in the conclusion, conditions, execution and termination of his/her employment contract due to the sex or maternity of employee. The differential remuneration for similar jobs or work of equal value is not permissible.

LEGAL EGALITARIANISM

ARTICLE 10. Everyone is equal before the law regardless of distinction as to language, race, color, sex, political opinion, philosophical belief, religion or any similar reasons. Men and women have equal rights which are the obligation to be ensured exist in practice by the

government. Measures taken for this purpose shall not be interpreted as contrary to the principle of equality.

THE WORKER'S RIGHT OF THE IMMEDIATE TERMINATION FOR THE VALID REASON

ARTICLE 24. Whether or not the duration is fixed, the worker can terminate before the end of the contract or without waiting for the notice period. The employment contract is not subject to any special form unless the contrary is stipulated by the Law.

FREEDOM OF THOUGHT AND OPINION

ARTICLE 25. Everyone has the right to freedom of thought and opinion. For whatever reason and purpose, nobody can be forced to explain their thoughts and opinions; cannot be condemned and accused of their opinions.

FREEDOM OF EXPRESSION AND DISSEMINATION OF THOUGHT

ARTICLE 26. Everyone has the right to express and disseminate his thoughts and opinion by speech, in writing or pictures or through other media, individually or collectively. This right includes the freedom to receive and give information and ideas without interference from official authorities.

RIGHT OF PETITION

ARTICLE 74. Turkish citizens and foreign residents have the right to raise requests and complaints concerning themselves or the public in writing to the competent authorities and the Turkish Grand National Assembly.

LAW ON THE RIGHT TO INFORMATION

Everyone has the right to give information on the activities of public institutions and professional organizations, which qualify as public institutions. The procedure and the basis of the right to information according to the principles of transparency, equality and impartiality are regulated in the Law on Right to Information numbered 4982 and issued on 24.10.2003 with the official gazette number of 25269.

LAW ON THE USE OF RIGHT TO PETITION

ARTICLE 3. Everyone has the right to apply in writing to the Turkish Grand National Assembly and the component authorities concerning the requests and complaints concerning themselves or the public according to this article of the Law on the Use of Right to Petition No. 4982 which was issued on 01.11.1984 with the official gazette number of 3071.

PROHIBITION OF FORCED LABOR

ARTICLE 18. Nobody can be forced to work. Drudgery is prohibited. Employers are not allowed to take deposits of money from workers and retain ID Cards.

INTERNATIONAL FINANCE CORPORATION (IFC) PERFORMANCE STANDARDS ON ENVIRONMENTAL AND SOCIAL SUSTAINABILITY (2012)

IFC's Sustainability Framework defines strategic commitments to sustainable development. The standards defined within this scope are also an integral part of IFC's risk management approach. IFC's Environmental and Social Sustainability Policy and IFS Performance Standards are classified under 8 headings, and are given below:

- Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts
- Performance Standard 2: Labor and Working Conditions
- Performance Standard 3: Resource Efficiency and Pollution Prevention
- Performance Standard 4: Community Health, Safety, and Security
- Performance Standard 5: Land Acquisition and Involuntary Resettlement
- Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources
- Performance Standard 7: Indigenous Peoples
- Performance Standard 8: Cultural Heritage

Within the scope of the MAG Project social impact assessment report, 5 standards have been considered according to aims and issue of the ESIA.

Following standards are considered as out of scope according to scope and purpose of the social issues of the ESIA of the Project.

- Performance Standard 3: Resource Efficiency and Pollution Prevention
- Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources were considered as out of scope.
- Performance Standard 7: Indigenous Peoples has been considered as "not applicable" due to no indigenous people in the project affected area.

The 2012 edition of IFC's Sustainability Framework, which includes the PSs, applies to all investment and advisory clients whose projects go through IFC's initial credit review process after 1st January 2012. IFC PSs are showed in Table 1.

Tablo 1 Objectives of IFC Performance Standards

IFC Performance Standard (PS)	Objective
PS1 – Assessment and Management of Environmental and Social Risks and Impacts	<p>To identify and evaluate environmental and social risks and impacts of the project.</p> <p>To adopt a mitigation hierarchy to anticipate and avoid, or where avoidance is not possible, minimize, and, where residual impacts remain, compensate/offset for risks and impacts to workers, Affected Communities, and the environment.</p> <p>To promote improved environmental and social performance of clients through the effective use of management systems.</p> <p>To ensure that grievances from Affected Communities and external communications from other stakeholders are responded to and managed appropriately.</p> <p>To promote and provide means for adequate engagement with Affected Communities throughout the project cycle on issues that could potentially affect them and to ensure that relevant environmental and social information is disclosed and disseminated.</p>
PS2 – Labor and Working Conditions	<p>To promote the fair treatment, non-discrimination, and equal opportunity of workers.</p> <p>To establish, maintain, and improve the worker-management relationship.</p> <p>To promote compliance with national employment and labor laws.</p> <p>To protect workers, including vulnerable categories of workers such as children, migrant workers, workers engaged by third parties, and workers in the client's supply chain.</p> <p>To promote safe and healthy working conditions, and the health of workers.</p> <p>To avoid the use of forced labor.</p>
PS4 – Community Health, Safety and Security	<p>To anticipate and avoid adverse impacts on the health and safety of the Affected Community during the project life from both routine and non-routine circumstances.</p> <p>To ensure that the safeguarding of personnel and property is carried out in accordance with relevant human rights principles and in a manner that avoids or minimizes risks to the Affected Communities.</p>

PS5 – Land Acquisition and Involuntary Resettlement	<p>To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs.</p> <p>To avoid forced eviction.</p> <p>To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected.</p> <p>To improve, or restore, the livelihoods and standards of living of displaced persons.</p> <p>To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure⁵ at resettlement sites.</p>
PS6 – Biodiversity Conservation and Sustainable Management of Living Natural Resources	<p>To protect and conserve biodiversity.</p> <p>To maintain the benefits from ecosystem services.</p> <p>To promote the sustainable management of living natural resources through the adoption of practices that integrate conservation needs and development priorities.</p>
PS8 – Cultural Heritage	<p>To protect cultural heritage from the adverse impacts of project activities and support its preservation.</p> <p>To promote the equitable sharing of benefits from the use of cultural heritage.</p>

EQUATOR PRINCIPLES – EP4

Equator Principles – EP4 includes 10 principles as given below:

- Principle 1: Review and Categorization
- Principle 2: Environmental and Social Assessment
- Principle 3: Applicable Environmental and Social Standards
- Principle 4: Environmental and Social Management System and Equator Principles Action Plan
- Principle 5: Stakeholder Engagement
- Principle 6: Grievance Mechanism
- Principle 7: Independent Review
- Principle 8: Covenants
- Principle 9: Independent Monitoring and Reporting
- Principle 10: Reporting and Transparency

Within the scope of the MAG additional assessment of the ESIA, 4 of the 10 Principles have been considered according to aims, scope and issue of the Project.

These are:

- Principle 2: Environmental and Social Assessment
- Principle 3: Applicable Environmental and Social Standards
- Principle 5: Stakeholder Engagement
- Principle 6: Grievance Mechanism.