Construction of the main sewage collector in Mogilev

Abbreviated Resettlement Action Plan

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I. PRINCIPLES AND AIMS OF RESETTLEMENT ACTION PLAN

Within the project preparation for the construction of the main sewage collector in Mogilev in accordance with the requirements of the World Bank Involuntary Resettlement Policy (OP4.12) and as per provisions of the Land Acquisition and Resettlement Framework prepared for Belarus Water Supply and Sanitation Project Mogilev City Executive Committee prepared the Abbreviated Resettlement Action Plan (further - RAP) for the construction of the main sewage collector in the city of Mogilev.

The aim of the present RAP is to determine the procedures necessary to be followed and the events necessary to be held for the persons facing negative impact of the project at least to preserve the level and conditions of living that existed before the project started or even to increase them.

RAP will determine the persons facing negative impact of the project and justify the necessary type and amount of reimbursement or assistance for the resettlement, considering alternatives, in order to avoid or minimize the consequences of resettlement.

The possible need of land plots for the above mentioned plan will be limited by the construction of the main sewage collector in Mogilev. Reimbursement will be paid with regard the following general principles:

- Careful selection of the necessary plots will allow to do everything possible to minimize the purchase of industrial lands, private lands as well as lands people live and perform business activities at.
- In connection with the above mentioned, the lands used for the construction of the main sewage collector in Mogilev will to a greater extent be state-owned lands.
- Purchasing private lands property and inheritance rights of persons negatively affected by this purchase will be taken into consideration, and the provisions of the present RAP will be followed.

Legislative provisions governing resettlement

In accordance with the supplementary agreement to the contract No. 1102/5-11 dated May 17, 2011, concluded between Communal Unitary Enterprise “Mogilevskoe oblastnoe upravlenie kapital’nym stroitel’stvom” (Mogilev Oblast Capital Construction Supervision) and Republican Subsidiary Unitary Enterprise “Proektnyi Institut Mogilevprozem”, the appraiser of Republican Subsidiary Unitary Enterprise “Proektnyi Institut Mogilevprozem” Brantsevich Nelli
Valentinovna (Appraiser’s Certificate of Attestation No. 30002 dated 27/04/2007 for the right of conducting independent evaluation of permanent structures (buildings, structures, isolated premises, uncompleted facilities on the territory of the Republic of Belarus, issued by the State Property Committee of the Republic of Belarus for 3 years, extended by the order No. 119 dated 09/04/2010), determined the approximate amount of damages caused to land users by seizure of land plots and demolition of immovable property objects located on them for the purpose of construction of the project component “Construction of the main sewage collector in Mogilev”.

The aim of the amount of damages determination is to compensate damages to land users;

- Evaluation of lands, types of business and other assets reimbursement is paid for will be performed on the basis of the full production cost – market price;
- Amount of damages caused to land users by seizure of land plots and demolition of dwelling houses and household buildings located on them is compensated only as per the market price in current usage without depreciation in accordance with the legislation of the Republic of Belarus;
- Any infrastructure objects, such as roads, water supply pipes and communication networks that will be damaged during the construction of the main sewage collector in Mogilev will be restored.
- The issues of reimbursement, registration and lands disposal will be solved with owners within the project without court interference.

The Decree of the President of the Republic of Belarus dated February 2, 2009 No. 58 “About some measures on protection of property rights in case of land plots seizure for public use” (further - Decree) determined that the local executive committee or, in accordance with its decision, the person granted a land plot is obliged, before making decision on seizure of a land plot for public use, to offer or provide, at the choice of an owner of a dwelling house or a flat in a linked or multi-apartment building (further – a flat unless the other is stated) (limited interest in joint ownership of residential space) implementation of one of his rights to receive:

- a fully owned flat of a standard consumer appeal, and in case the market price of the flat offered is less than the market price of the dwelling house or flat, structures, buildings and plantations near them subject to demolition (limited interest in joint ownership of the relevant immovable property) – reimbursement in the amount of this difference;
- reimbursement for the demolished dwelling house or flat, structure, building and plantations near them (for termination of right for limited interest in joint
ownership) in the amount of their market value, but not less the amount necessary for the construction of a dwelling house or flat, buildings, structures of equal consumer value.

The local executive committee, subject to the existence of objective possibility, including the one confirmed by the general plans of the towns and other residential areas, detailed town planning designs, approved in accordance with the legislation, is obliged to offer to an owner of a dwelling house (limited interest in joint ownership of residential space), in addition to the above mentioned rights, the implementation of one of the rights for:

- construction and (or) obtainment into ownership of a dwelling house, buildings, structures and plantations near it (limited interest in joint ownership of the relevant immovable property), equally improved and having the square equal to the square of the demolished ones;
- transfer (moving) and reconstruction of the demolished dwelling house, buildings, structures and plantations near it.

In this case the questions regarding the provision of a land owner with another land plot in exchange for the seized one are solved in due order.

An owner can exercise only one of the rights stated in items 4 and 5 of the Decree at his own choice.

The persons facing negative impact will receive substitution of land or full reimbursement without the deductions connected with the land price decrease or deductions for other purposes existing by the beginning of construction works.

The aim of the resettlement is to increase safety conditions on the sites, in particular the necessity to perform above-ground works and underground works.

The route was chosen in order to minimize the necessity to resettle the persons stated in the item 5.2 hereof.

The Plan is applied to all the persons facing negative impact, independent of their total number, level of impact and ownership of a legitimate right for land or property. Among the persons facing negative impact special attention should be paid to the rights of the vulnerable groups of population.
II. PROJECT TERRITORY, LAND TYPE AND PROPERTY RIGHT

In accordance with the design of the main sewage collector in Mogilev, the land plots are located on the route of the existing residential construction of a country estate type (3 houses) under the land-use of citizens.

The route of the main sewage collector in Mogilev goes through the lands under housing development, the lands of common use of Mogilev, the lands of Republican Unitary Enterprise “Mogilevenegro”, the lands of State Specialized Educational and Sport Agency “Oblastnoi Tsentr Olimpijskogo Reserva po Hokkeju s Shaiboi” (Oblast Center of Ice Hockey Olympic Reserve), the lands of citizens, and unused lands.

The total square of the land plot to be used during the construction of the main sewage collector in Mogilev – 3.467 hectares.

**Land plots of individual private owners – 0.3398 hectares** (see Figure 1)
III. ALTERNATIVES CONSIDERED IN ORDER TO AVOID OR MINIMIZE CONSEQUENCES OF RESETTLEMENT

The main route of laying of sewage collector (diameter 2000mm, 9 meters deep) in Mogilev was developed with regard to its connection with the existing old collector and their mutual parallel arrangement. The displacement of the new collector from the selected route will inevitably lead to the increase in the number of persons facing the negative impact of the project (Please see Attachment 1. Map of the project construction site).

Laying of collector from point 1 to point 20 is foreseen under the Additional Financing. On this section (around point 6) resettlement would be required. Works would start in spring 2015 and shall be completed mid-2016.

IV. PARTIES FACING NEGATIVE IMPACT AND THUS ELIGIBLE TO COMPENSATION

All the users of the private lands located in the construction area, independent of property rights for the land, are determined as persons facing negative impact and have the right for compensation (or alternative forms of support). The list of these persons includes the following categories:

- Land owners, losing all their land or a part of it, premises on this land or property.
- Persons not being owners of land or property needed for the construction within the project, but means of sustenance of these persons directly depend on the lands or property needed for the construction within the project (e.g. the persons, whose household plots will be needed for the project or the persons doing business that will negatively affect the project).
- Owners of the lands used.

<table>
<thead>
<tr>
<th>Category of the persons facing negative impact</th>
<th>Compensative events</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private land owners</td>
<td>They will be provided with reasonable substitution with land of the equivalent level or reimbursement foreseen by the legislation, including provision of the other living space</td>
</tr>
<tr>
<td>Owners of the dwelling houses with the relevant land plots</td>
<td>Will receive living space</td>
</tr>
<tr>
<td>Enterprises, educational establishments</td>
<td>Will pass the lands for the project implementation without any reimbursement</td>
</tr>
</tbody>
</table>
The approximate amount of damages caused by the land owners in connection with the seizure of land plots and demolition of the dwelling houses and household buildings located on them makes up 398.0 million rubles as of 17.05.2011 at the USD rate of 3120 rubles. (To renew the data the Client has concluded the contract on re-evaluation with an independent organization).

In accordance with the Regulation on the determination of the amount of damages caused to the land owners by seizure of their land plot and demolition of the real estate objects located on them, approved by the Resolution of the Council of Ministers of the Republic of Belarus dated March 26, 2008 No. 462 “About some measures on implementation of the Decree of the President of the Republic of Belarus dated December 27, 2007 No. 667”, the approximate amount of damages is determined during the preparation of the land register documentation, necessary for the work of the committee on the choice of a place for the land plot location, and actual amount is determined during the development of the land plot allocation design development.

The approximate and actual amount of damages (further – amount of damages) caused to an owner (citizen, individual entrepreneur, non-government legal person) by seizure of a land plot and demolition of the single-unit dwelling house of flat in a linked or apartment building (further – a flat), buildings, structures located on it is determined as per their market price in accordance with the legislation, but not less than the costs necessary for the construction of a single dwelling house or flat of equal value.

The costs necessary for the construction of a single dwelling house, a flat in a linked dwelling house, buildings and structures near them are determined on the basis of the regulations for the evaluation of dwelling houses, garden cottages, country houses as well as structures, household (service and yard) buildings located separately, approved by the Resolution of the Council of Ministers of the Republic of Belarus dated May 17, 2007 No. 623, without regard to physical wear of the evaluation objects on the basis of measurement performed by the specialists of the territorial organization on state registration of immovable property, rights to it and transactions with it in the presence of an owner and a local executive committee representative.

Republican Subsidiary Unitary Enterprise “Proektnyi Institut Mogilevprozem” 17/05/2011 composed the bill to determine the actual amount of the damages
caused to land owners by seizure of land plots and demolition of the immovable property objects located on them (Annex 3).

The approximate amount of damages was determined on the basis of this bill (table).

Persons (or private and state enterprises) having the right for reimbursement for the loss of land or damages caused, will receive reimbursement in full measure before the Client starts construction on the relevant land plots. (Possible start of works with regard to start of financing – 2014).

Given that the bill to determine the actual amount of the damages is issued in 2011 and projected start of work is 2014, the new evaluation to determine the estimated monetary compensation will be done upon taking the decision on further land seizure by the Mogilev City Executive Committee.

a. Private land owners

The list of land owners (is stated in p.5.2) facing negative impact of the project was prepared in accordance with the design documentation. The list was prepared based on the data received from the state land register and local government. The last revision of the list was made in June 2012. Minor changes regarding the square of separate land plots can be introduced after the lists are checked by the state expertise.

The mechanism of purchase and transfer of reimbursement to private land owners foresees the participation of the three parties: (1) private households owners; (2) Unitary Manufacturing Commercial Enterprise of Water and Waste Water Services “Mogilevoblvodokanal” and (3) local government agencies.

V. CENSUS OF PERSONS FACING NEGATIVE IMPACT OF THE PROJECT

Unitary Manufacturing Commercial Enterprise of Water and Waste Water Services “Mogilevoblvodokanal” is the Client of the design documentation for the project implementation and is responsible for the collection of data about the land, land owners and all the persons affected by the project as well as for the census. The complete data should be available in the land arrangement design (territory planning design) – State Land Register that is now under revision.

For the moment Republican Subsidiary Unitary Enterprise “Proektnyi Institut Mogilevprozem” has directed the materials on the preliminary approval of the choice of the place for land plots location for the construction of the “Main sewage
collector in Mogilev” (1st construction phase) from the main sewerage pumping station to the chamber No.9 for the construction and maintenance of inspection wells in Mogilev) to Mogilev City Executive Committee and to Unitary Manufacturing Commercial Enterprise of Water and Waste Water Services “Mogilevoblvodokanal”. These materials contain all the necessary information on land users for the 1st construction phase. The construction of the 1st phase will be performed on the lands of Mogilev, Republican Unitary Enterprise “Mogilevenegro” and State Specialized Educational and Sport Agency “Oblastnoi Tsentr Olimpijskogo Reserva po Hokkeju s Shaiboi”.

In the construction area there is also green planting. The decision on its removal will be made by Mogilev City Executive Committee on the stage of the design and cost-estimate documentation approval.

Census of the owners of dwelling houses with the relevant plots In accordance with the results of the poll held 28.08.2013 by the representative of Mogilev City Executive Committee

The census of the affected persons was conducted based on the compensation amounts defined as per the bill determining the actual amount of the damages issued in 2011. Given that projected start of work is 2014 and it is expected that the re-evaluation to determine the estimated monetary compensation will be done (upon taking the decision on further land seizure by the Mogilev City Executive Committee), the new census will be undertaken to identify the compensation option selected by the affected persons based on the revised assessment of the monetary compensation.

<table>
<thead>
<tr>
<th>Address</th>
<th>Description</th>
<th>Square (m²)</th>
<th>Affected persons</th>
<th>Source of Income</th>
<th>Compensation Requested/Intended</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flat No. 1 in the house No. 1A, Chauskaya Bol’shaya St.</td>
<td>A single-storey linked dwelling house with a</td>
<td>28.7</td>
<td>owner N.P.Taradanchik, 01.07.1928 Died! son N.N.Taradanchik, Unemployed, doing</td>
<td>-Wishes to receive a substitution flat. -Asks to render him assistance in moving</td>
<td>In accordance with the legislation he will be</td>
</tr>
<tr>
<td>Flat No.</td>
<td>in the house No.</td>
<td>Chauskaya Bol’shaya St.</td>
<td>A single-storey dwelling house with a terrace, wind porch, cellar under the</td>
<td>owner</td>
<td>occasion</td>
</tr>
<tr>
<td>----------</td>
<td>-----------------</td>
<td>-------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>-------</td>
<td>----------</td>
</tr>
<tr>
<td>No. 2</td>
<td>1A,</td>
<td>25.0382</td>
<td>A.M. Muliukova, born 1954. There are no other persons registered or living in this flat</td>
<td>46.6</td>
<td>owner</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>born 25.01.1956 one more citizen is registered in the flat - a son – 9 years Unregistered persons do not live in this flat (in accordance with the results of the patrol of the local police inspector)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. 3</td>
<td>1A,</td>
<td>18.07.1957</td>
<td>N.N. Efremova, born 25.0382 two citizens are registered in the above mentioned flat - a husband and - a son - 9 years Unregistered persons do not live in this flat (in accordance with the results of the patrol of the local police inspector)</td>
<td>31.7</td>
<td>owner</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>born 25.01.1956 one more citizen is registered in the flat</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. 1</td>
<td>2,</td>
<td></td>
<td>I.V. Ovchinnikova, born 25.01.1956 one more citizen is registered in the flat</td>
<td>54.8</td>
<td>owner</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>born 25.01.1956 one more citizen is registered in the flat</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(^1\) The legislation of the Republic of Belarus determines only one variant of calculation of the square of the provided living space – the total square of a flat of a standard consumer appeal obtained into ownership should not be less than the total square of the dwelling house (flat) subject to demolition, or can be less than the total square of the dwelling house (flat) subject to demolition with consent of the owner, but not less the total square calculated on the following basis: 15 square meters for an owner and each member of his family, registered in a dwelling house subject to demolition.
| House, small-sized shed. The flat is equipped by local sewerage and bottled gas. Water supply is received from a local well. | her mother Unregistered persons do not live in this flat (in accordance with the results of the patrol of the local police inspector) | legislation she will be provided - with a living space with the total square not less than 54.8 m²*. - with transport for the portage of personal goods and tangible assets free of charge |
| Flat No. 2 in the house No. 2, Chauskaya Bol'shaya St. | owners A.V.Nikolaev, born 28.08.1958 one more citizen is registered in the flat – his daughter Unregistered persons do not live in this flat (in accordance with the results of the patrol of the local police inspector) | Retirement benefits Salary - wish to receive a flat - ask to render her assistance in moving |
| A single-flat single-storey wooden dwelling house with a terrace, privy and three yard structures. The flat is equipped by central water supply, local sewerage, and bottled gas. | The ownership is shared by: V.I.Lebedok, born 30.07.1969 (1/2) E.N.Lychkovskaya born 20.07.1979 (1/2) Unregistered persons do not live in this flat (in accordance with the results of the patrol of the local police inspector) | Salary - wish to receive a flat - ask to render her assistance in moving |
| House No. 38, Nadezhinskaya St. | owner V.I.Kandibor There are no unregistered persons in this dwelling | Salary - wish to receive a flat - ask to render her assistance in moving |
| The house is equipped by central water supply, sewerage, and bottled gas. | owner V.I.Kandibor There are no unregistered persons in this dwelling | The question about the reduction of the total price of the land and the rate of reduction could only be answered after Mogilev City Executive Committee makes a decision on seizure of a land plot for public use, because in accordance with the legislation, the instruction on evaluation of immovable property objects is executed on the basis of the above |
VI. THE MECHANISM OF LAND ACQUISITION

As determined by the “Regulation on the order of implementation of property rights of citizens and organizations in case of seizure of their land plots”, approved by the Decree of the President of the Republic of Belarus dated February 2, 2009 No. 58:

1. In case of necessity to seizure for public use of a land plot where objects of immovable property owned by citizens or organizations are located, the local executive committee makes a decision on the seizure and demolition of immovable property objects located on it (further on – decision on seizure of a land plot).

2. The decision on seizure of a land plot is made by the local executive committee within five working days after the approval (concordance) of the act on the choice of a place for a land plot location in case a place of location of a land plot is agreed preliminary in accordance with the legislation.

The period between making a decision on seizure of a land plot by the local executive committee and the decision on seizure and provision of a land plot cannot be less than three months.

The decision on the expropriation of a land plot should contain:

- reason for seizure;
- list of immovable property objects subject to demolition, both registered in due order and not registered, including incomplete objects, except for the ones constructed without permission;
- owners of these objects, rent recipients (in case immovable property is burdened with rent);
- options for exercising of the objects owners’ rights provided in the points 4 and 5 of the Decree, approving the present Regulation;
- instruction on evaluation of immovable property objects;
- persons authorized by the local executive committee to guarantee implementation of the rights of citizens and organizations provided in the points 4 and 5 of the Decree, approving the present Regulation, as well as to sign a protocol of disagreements in case it is necessary;
- rights and obligations of the person provided with a land plot (if necessary);
- other issues connected with further seizure of a land plot and demolition of immovable property objects located on it.

During the preparation of the decision on expropriation of a land plot the local executive committee evaluates the possibility to implement the rights of residential houses owners (limited interest in joint ownership of a residential house) in accordance with the first part of point 5 of the Decree, approving the present Regulation.

1. The local executive committee determines the place of possible location of a land plot to erect on it a dwelling house, buildings, structures and plantations of equal value to the ones demolished, the conditions of transferal and reconstruction of the existing immovable property objects, the variants of transfer into ownership a dwelling house, buildings, structures and plantations near it in exchange for the ones demolished. The decision on further seizure of a land plot shall contain concrete proposals on the implementation of the relevant rights or the reason for the impossibility to provide an immovable property objects owner with this right.

2. Decision on further seizure of a land plot can be disputed by interested persons in a judicial proceeding within two months from the day of its delivery.

3. Within three working days after making a decision on further seizure of a land plot the local executive committee directs to a citizen or organization being an owner of immovable property objects subject to demolition the copy of the above mentioned decision (extract from it) stating the reasons for the seizure and other data stated in the point 3 of the present Resolution by a registered mail to the place of residence of a citizen or the place of location of an organization.

4. At the same time the local executive committee informs state notary offices and the relevant territorial organization on state registration of immovable property, rights for it and transactions with it, at the place of location of the relevant land plot about further seizure of a land plot and demolition of immovable property objects located on it as well as the limitation of an owner’s rights to manage it. But an owner has the right to perform state registration of the immovable property objects that were not registered earlier located at the seized land plots apart from the ones constructed without permission in accordance with the legislation as well as formalize a right stating document for a land plot in due order.
In case a citizen being an owner of a demolished immovable property object is unknown, and his place of residence is unknown, and he did not authorize anybody of legal persons to solve the question of this property destiny, the local executive committee takes measures on his detection in accordance with the legislation through internal affairs agencies.

Compensation

1. After the receipt of the copy of the decision (extract from it) on further seizure of a land plot an owner of the demolished immovable property object does not have the right to divide, sell, exchange, present, pass for rent, or perform other assignment of immovable property subject to demolition as well as to pledge it without the consent of the local executive committee having made a decision on further seizure of a land plot.

2. The expenditures for conduction of events increasing the cost of a land plot or immovable property objects located on it, incurred by its owner after the reception of the copy of the decision (extract from it) on further seizure of a land plot without the consent of the local executive committee having made this decision, are not subject to reimbursement.

3. In case a demolished immovable property object owner chooses one of the rights stated in the points 4 and 5 of the Decree confirming the present Regulation, (s)he submits the relevant application to the local executive committee that made a decision on further seizure of a land plot. This application shall be submitted by an owner within a month since the reception of the proposals on the implementation of his rights stated in the points 4 and 5 of the Decree confirming the present Regulation.

4. Considering the application of a demolished immovable property object owner about the chosen way of the implementation of the rights stated in the points 4 and 5 of the Decree confirming the present Regulation, the local executive committee familiarizes him with a concrete options (variants) of the relevant rights provision in person. The change of the concrete option of rights implementation chosen by an owner can be made only with consent of a demolished immovable property object owner.

5. In case an owner of a demolished dwelling house (flat), buildings, structures and plantations near them (limited interest in joint ownership of the relevant immovable property) chooses the right for monetary compensation, this right can be implemented with consent of the full-aged members of his family registered in a dwelling house (flat) subject to demolition, and guardianship authorities if under-age members of the owners family acknowledged to have social risks or are in need of state support are registered in a dwelling
house (flat) subject to demolition, or citizens found incapable or incapacitated by the court live in a dwelling house (flat) subject to demolition, or the dwelling house (flat) subject to demolition is assigned to orphaned children or children deprived of parental care.

6. In case during the implementation of the rights stated in the points 4 and 5 of the Decree confirming the present Regulation, the market price of the provided dwelling house, buildings, structures and plantations near it or a flat of a standard consumer appeal exceeds the market value of the immovable property objects subject to demolition burdened by rent, the provision of such dwelling house (flat) is possible only with consent of a rent recipient.

7. In case co-owners choose one of the rights stated in the points 4 and 5 of the Decree confirming the present Regulation, their limited interest shall correspond to their ownership interest in the immovable property object subject to demolition.

8. In case an owner of an immovable property object subject to demolition chooses the right to obtain into ownership a *flat of a standard consumer appeal* in exchange for the immovable property objects subject to demolition, he is provided with a flat of a standard consumer appeal, and its total square shall be calculated on the following basis: not less than 15 square meters for the owner and each member of his family registered in the dwelling house (flat) subject to demolition.

9. The total square on the flat of a standard consumer appeal obtained into ownership should not be less than the total square of the dwelling house (flat) subject to demolition, or can be less than the total square of the dwelling house (flat) subject to demolition with consent of the owner, but not less than the total square calculated on the following basis: not less than 15 square meters for the owner and each member of his family registered in the dwelling house (flat) subject to demolition.

10. During the determination of the total square the following persons are not taken into consideration: tenants and citizens who received the right to own and use a dwelling house (flat) after the reception of the copy of the decision (extract from it) on further seizure of a land plot (apart from the owner and married couples living in this accommodation, full-aged and under-age disabled children, disabled persons both of the owner and of the members of his family who were provided with the right to own and use living space in due order).

11. In case it is impossible to obtain into ownership one flat of a standard consumer appeal with a total square not less than the one determined in the
first part hereof, an owner can obtain into ownership several flats of a standard consumer appeal.

12. The citizens having the right to receive additional space above the determined minimal norm of the total square of living space in accordance with legal acts, are provided with additional space in the form of a living room or 15 square meters of the total square.

13. In case the organization being an owner of a demolished immovable property object chooses the right stated in the second paragraph of the point 4 of the Decree confirming the present Regulation, this organization is provided with a flat (flats) of a standard consumer appeal, with a total square equal to the one of the dwelling house (flat) subject to demolition.

14. In case a citizen being an owner of a demolished immovable property object chooses the right to obtain into ownership a dwelling house or flat of a standard consumer appeal in exchange for the immovable property object subject to demolition, the members of his family registered in the demolished dwelling house (flat) and other citizens having the right to possess and use this immovable property object acquire the right to possess and use the dwelling house (flat) passed to the owner under the same conditions they used the previous dwelling house (flat).

15. Dispossession of an owner of a demolished immovable property object and his family members of a dwelling house (flat) located at the land plot subject to seizure, by judicial procedure as well as demolition of a dwelling house (flat), buildings, structures and plantations near them can be executed only after the state registration of the property right of a citizen for an immovable property object provided to him instead of the one subject to demolition or the right to receipt of monetary compensation for the demolished immovable property objects by the owner.

**Dispute resolution**

1. In case the application was not submitted in due term or a demolished immovable property object owner and the local executive committee having made a decision on further seizure of a land plot or a person provided with a land plot in accordance with its decision failed to reach an agreement on the choice of a right stated in the points 4 or 5 of the Decree confirming the present Regulation, or its implementation, and in case an owner does not agree with the amount, way and (or) conditions of compensation of damages caused to him, the local executive committee composes a protocol of disagreements that shall be signed by the owner, the official body authorized
by the owner, the official body authorized by the relevant local executive committee and the person provided with a land plot (if any).

2. In case an owner of a demolished immovable property object refuses to sign a protocol of disagreements the relevant note is made in the protocol and attested by the signature of the person who composed the protocol. The owner having refused to sign the protocol of disagreements has the right to clarify the reasons for the refuse that is entered in the protocol or is attached to it (in this case the relevant note is made in the protocol).

3. The local executive committee or the person provided with a land plot claims to the court for repurchase of the immovable property object or dispossession of the owner, members of his family and other citizens having the right for possession and usage of this immovable property object, with their provision with other immovable property objects meeting the requirements of the present Regulation and the Decree confirming the present Regulation, within two weeks from the day of the protocol of disagreements signature. In such case, the decision on withdrawal and allocation of land can be taken by the local executive committee only after the entry into force of the court order.

4. In case during the implementation of the rights stated in the points 4 and 5 of the Decree confirming the present Regulation, the market price of the provided dwelling house, buildings, structures and plantations near it or a flat of a standard consumer appeal exceeds the market value of the immovable property objects subject to demolition, the difference between their prices is not levied from the owner.

**Defining the scope of compensation**

1. To determine the composition of the property in the immovable property objects subject to demolition and to solve other issues connected with this property the local executive committee creates a committee on inspection of the empty immovable property including the representatives of the local executive committee, internal affairs agencies as well as territorial organization on state registration of immovable property, rights for it and transactions with it. In case of detection of movable property in the above mentioned immovable property objects the committee on inspection of the empty immovable property makes an inventory of the detected property (name, main distinctive features, degree of wear and other data), that is directed to the local executive committee, having created the committee on inspection.
2. In case in the immovable property objects there is property that does not have an owner, or its owner is unknown, or property an owner abandoned property right for, the local executive committee applies to the court to acknowledge it abandoned property and pass to the relevant administrative and territorial entity.

3. In case tenants live in a dwelling house (flat) subject to demolition, the owner of which was not detected as a result of events held in accordance with the legislation, the tenants are evicted to the living space in the temporary public housing of the local executive committee before the end of the lease agreement terms.

4. An organization or a citizen, being owners of a demolished immovable property object, accommodated on the basis of the lease agreement, are obliged to pass the received dwelling house (flat) to the citizens living in the demolished living space for possession and ownership under the conditions of the lease agreement concluded earlier.

5. In case an organization or a citizen, being owners of a demolished immovable property object, choose the right for monetary compensation, this right can be implemented if they provide citizens registered in the dwelling house (flat) subject to demolition with a dwelling house or flat of a standard consumer appeal under the same conditions they used the dwelling house (flat) subject to demolition.

6. The state registration of a land plot and (or) a dwelling house or flat of a standard consumer appeal located on it, provided in exchange for the seized land plot and demolished immovable property objects as well as the rights, limitations (burdening) of them is performed under the application of a candidate for right holders (one of them for state registration of shared ownership). The state registration of the rent right and pledge right for immovable property objects obtained into ownership by a rent payer is performed under the application of a rent payer simultaneously with the state registration of creation or transfer of property right for the relevant immovable property objects.

7. In case a candidate for right holders, including a rent payer, evades from submission an application for state registration of the immovable property objects passed to him, the court has the right, in accordance with the requirement of the local executive committee, the person provided with a land plot, rent recipient or attorney to render a decision on the state registration of the land plot and (or) the dwelling house or flat of a standard consumer appeal located on it that were passed to the candidate for a right holder, including a rent payer, as well as the rights, limitations (burdening)
of the rights for them. In this case the state registration is performed in accordance with the judicial decision.

8. Immovable property objects subject to demolition (or their parts) cannot be used by a former owner or other persons since the day of implementation of the rights stated in the points 4 and 5 of the Decree confirming the present Regulation, including the implementation of these rights in accordance with the points 8, 17 and 20 of the Decree. The implementation of the above mentioned rights confirmed documentarily in the order determined by the legislation, shall result in the disposition of the property right and other corporeal rights for the demolished immovable property object.

VII. IMPACT ON INFRASTRUCTURE OBJECTS

A lot of infrastructure objects adjoined to the route of the construction of the main sewage collector in Mogilev have been built during the last twenty years. As of the time of construction of each of these objects the perspective location of the territory adjoined to the construction route was taken into consideration.
VIII. AWARENESS OF PERSONS FACING NEGATIVE IMPACT OF THE PROJECT

Social consultations and participation in the process of the plan preparation and implementation are necessary, because they provide the persons facing negative impact of the project with the possibility to make a contribution to both the development and implementation of the project, to reduce the probability of conflicts origin and to increase benefits for these persons.

Social consultations will be held by the Communal Unitary Enterprise “Mogilevskoe oblastnoe upravlenie kapital’nym stroitel’stvom” (Mogilev Oblast Capital Construction Supervision) – 212030, Mogilev, Arhireiskij Val, Kanisskogo St., 3.

The consultations will be held and the resettlement will be completed before the works start.

The materials of the social consultations will be preserved by the project implementation group.

The process of consultations should guarantee holding of consultations with all the persons determined as interested parties.

The information about the project will be presented to public before the start of the resettlement through local media, articles in newspapers and on the Internet in order to have the possibility to get a significant payment and to increase the success of the project. Unitary Manufacturing Commercial Enterprise of Water and Waste Water Services “Mogilevoblvodokanal” is responsible for publication of the information and collection of opinions and comments.

IX. COMPLAINTS MANAGEMENT PROCEDURE

It should be pointed out that the risk of filing complaints will be reduced to a minimum, because the citizens who have to be resettled will participate in the work of the evaluation committee and will have the possibility to reach an agreement during the public discussion. If such an agreement is not reached, the citizens will be able to file a complaint to the authorities regarding the fact that the decision of the evaluation committee will cause damages to them at the address: Mogilev, Pervomaiskaya St., 28a. The complaints will be reviewed within fifteen days, the complaints regarding additional investigation and check – within a month.
A complaint can be directed to Mogilev City Executive Committee in written form or online on the web site http://city.mogilev.by. The term of filing a complaint is not determined by the legislation, because a person considering that his (her) rights are violated can file a complaint any moment.

After the resettlement plans regarding the relevant land plot are approved, the persons facing negative impact can carry on negotiations with Unitary Manufacturing Commercial Enterprise of Water and Waste Water Services “Mogilevoblvodokanal” and local authorities, because the market price of immovable property objects located in the construction footprint as well as plantations near them is determined only after Mogilev city Executive Committee makes a decision on further seizure for public use, and the evaluation of immovable property objects is performed. Negotiations will be held on any stage if necessary.

The complaints connected with any aspect of the project will be reviewed by means of negotiations aimed at reaching a mutually acceptable agreement. The persons facing negative impact may act in accordance with the following procedures:

A person facing negative impact fills the complaint form and submits it to Unitary Manufacturing Commercial Enterprise of Water and Waste Water Services “Mogilevoblvodokanal” for review. The complaint form is provided at the end of the document (Annex 1).

If understanding or peaceful agreement is not reached, or a person facing negative impact does not receive an answer, this person can turn to local authorities. A specialist will be assigned in the project implementation group, who will register pretensions and complaints and will try to solve problems on a local level. During public meetings the persons facing negative impact will receive concrete information on how to connect with this specialist. Further registration of complaints will be performed, and the relevant information will be directed to the World Bank from time to time.

If a person facing negative impact is not satisfied with the decision made, he can finally turn to the court of the relevant jurisdiction.

The complaints examination procedure should be presented on a local level during public meetings devoted to the Resettlement Action Plan. Besides, the complaints examination mechanism should be available for local population in local authorities. In accordance with the Law of the Republic of Belarus “About appeals
of citizens and legal persons” dated July 18, 2011 No. 300-3, the appeals should be reviewed within fifteen days, and the appeals requiring additional investigation and check – within a month.

X. EXPENDITURES AND BUDGET

Local authorities will be responsible for financing the resettlement of the citizens. The exact amount of the expenditures for resettlement will be determined after the end of the final evaluation and consultations with dwelling houses owners. The process of land plots evaluation will be executed in accordance with the existing legislation of the Republic of Belarus.

XI. MONITORING AND EVALUATION

Mogilev City Executive Committee will assign a specialist to monitor the procedures of living space purchase or compensations payment and submission of the reports on the progress of execution of events and allocation of reimbursement in accordance with the actions agreed in the RAP as well as on any violations and drawbacks in the implementation of the RAP regarding certain houses, or on any unexpected negative consequences for persons facing negative impact, to Mogilev City Executive Committee and the World Bank.

To monitor the resettlement Mogilev City Executive Committee will prepare a report on the resettlement project implementation and will submit it to the World Bank.
LEGAL BASIS

Land Code of the Republic of Belarus;

Decree of the President of the Republic of Belarus dated December 27, 2007 No. 667 “About seizure and provision of land plots”;

Decree of the President of the Republic of Belarus dated August 6, 2009 “About creation of additional conditions for investment activity in the Republic of Belarus”;

Resolution of the Council of Ministers of the Republic of Belarus dated March 26, 2008 No. 462 “About some measures on the implementation of the Decree of the President of the Republic of Belarus dated December 27, 2007 No. 667”;

Housing Code of the Republic of Belarus.


Decree of the President of the Republic of Belarus dated February 2, 2009 No. 58 “About some measures on protection of property rights during seizure of land plots for public use”.

Regulation on the order of determination of the amount of damages caused to land owners by seizure of land plots and demolition of immovable property objects located on them, approved by the Resolution of the Council of Ministers of the Republic of Belarus dated March 26, 2008 No. 462 “About some measures on implementation of the Decree of the President of the Republic of Belarus dated December 27, 2007 No. 667”.
Annex 1

Complaint form

Unitary Manufacturing Commercial Enterprise of Water and Waste Water Services “Mogilevoblvodokanal”
212030, Belarus, Mogilev Oblast, Mogilev, Dzerzhinskogo, 7

Full name of a citizen____________________
____________________________________
Residential address____________________
____________________________________
____________________________________

Complaint

_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________
_____________________________________________________________________

«____» ____________ 2013          __________             _____________
Date, month                                                 Signature                                                       Full name
### Annex 2

#### Implementation Schedule

<table>
<thead>
<tr>
<th>No.</th>
<th>Action</th>
<th>Basis</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Public disclosure of the resettlement action plan and architectural design</td>
<td></td>
<td>1 month</td>
</tr>
<tr>
<td>2</td>
<td>Discussion of the resettlement action plan and architectural design</td>
<td>p. 1 of the table</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>The executive committee makes a decision on further seizure of land plots</td>
<td>Approved land allocation act</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Receipt of written applications from the affected persons on the choice of compensation type</td>
<td>p. 3 of the table</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>The executive committee makes a decision on provision of the citizens with flats, land plots or reimbursement (in accordance with the applications submitted earlier)</td>
<td>p. 3 of the table and written applications of the citizens</td>
<td>1 month</td>
</tr>
<tr>
<td>6</td>
<td>Resettlement of citizens</td>
<td>p. 5 of the table</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>The executive committee makes a decision on seizure of land plots for public use and demolition of buildings located on them (after the end of the resettlement process)</td>
<td>Land arrangement activities and implementation of p. 5 of the table</td>
<td>1 month</td>
</tr>
</tbody>
</table>

**TOTAL:** 3 months
Attachment 1. Map of the project construction site

Main sewage conduit construction in Mogilev

Laying of collector from point 1 to point 20 is foreseen under the additional financing. On this section (around point 6) resettlement would be required. Works would start in spring 2015 and shall be completed mid-2016.