
REPUBLIC OF TAJIKISTAN

**MINISTRY OF ENERGY AND WATER RESOURCES AND
AGENCY FOR LAND RECLAMATION AND IRRIGATION UNDER THE
GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN**

**TAJIKISTAN STRENGTHENING WATER AND IRRIGATION
MANAGEMENT PROJECT**

RESETTLEMENT FRAMEWORK

March 2022

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Abbreviations

ALRI	Agency for Land Reclamation and Irrigation
ESIA	Environmental and social impact assessment
ESMF	Environment and Social Management Framework
ESMP	Environmental and Social Management Plan
ESP	WB Environmental and Social Principles
ESS	WB Environmental and Social Standards
EU	European Union
FVWRMP	Fergana Valley Water Resources Management Project
GM	Grievance Redress Mechanism
GFP	Grievance Focal Point
GRS	WB Grievance Redress Service
GOT	Government of Tajikistan
IA	Implementing Agency
IL	Inventory of losses
LGB	Local self-government
LMP	Labor Management Procedures
M&E	Monitoring and evaluation
MEWR	Ministry of Energy and Water Resources
NGO	Non-governmental organization
NWS	National Water System
PAP	Project Affected Person
PCU	Regional Project Coordination Unit
PIG	Project Implementation Group
PMMIS	Project management and monitoring information system
PMU	Project Management Unit under ALRI
POM	Project Operational Manual
RBC	River Basin Council
RBO	River Basin Organization
RAP	Resettlement Action Plan
RF	Resettlement Framework
SDLRI	State Department for Land Reclamation and Irrigation
SEP	Stakeholder Engagement Plan
SWIM	Tajikistan Strengthening Water and Irrigation Management Project
WB	World Bank
WIS	Water Information System
WUA	Water User Associations

Glossary of terms

In this Resettlement Framework, unless the context dictates otherwise, the following terms will have the following meanings:

“Census” is a complete count of the population affected by a project activity including collation of demographic and property information. This will identify and determine the number of Project Affected Persons (PAP) and the nature and levels of impact.

“Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other types of assets (including fixed assets) or loss of livelihoods resulting from project activities.

“Consultation”: The process of gathering information or advice from stakeholders and taking these views into account when making project decisions and/or setting targets and defining strategies.

“Cut-off date” is the date by which PAPs and their affected assets, as relevant, have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. Persons whose ownership, use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.

“Economic Rehabilitation Assistance” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable PAPs to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

“Engagement”: A process in which a company builds and maintains constructive and sustainable relationships with stakeholders impacted over the life of a project. This is part of a broader “stakeholder engagement” strategy, which also encompasses governments, civil society, employees, suppliers, and others with an interest in the project.

“Environmental and Social Standards” (ESSs) set out the requirements for Borrowers/Clients relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. Ten ESSs establish the standards that the Borrower/Client and the project should meet through the project life cycle.

“Involuntary resettlement” means the involuntary taking of land resulting in direct economic and social impacts caused by:

- a) the involuntary taking of land resulting in:
 - relocation or loss of shelter;
 - loss of assets or access to assets; or
 - loss of income sources or means of livelihood, whether or not the PAP has moved to another location.
- b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

“Jamoat”: Refers to the local self-governing body at the sub-district level, administering several villages and functioning based on the Law of the Republic of Tajikistan “On Self-Government Bodies in Towns and Villages” (1994, amended 2009 and 2017).

“Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

“Land acquisition” refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the

landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.

“Livelihood” refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.

“Local communities”: Refers to groups of people living in close proximity to a project that could potentially be impacted by a project. (“Stakeholders,” in contrast, refers to the broader group of people and organizations with an interest in the project.)

“Non-Government Organizations”: Private organizations, often not-for-profit, that facilitate community development, local capacity building, advocacy, and environmental protection.

“Partnerships”: In the context of engagement, partnerships are defined as collaboration between people and organizations to achieve a common goal and often share resources and competencies, risks and benefits.

“Project”: Refers to this WB funded Tajikistan Resilient Irrigation Project.

“Project Area”: A geographical area within which direct and indirect impacts attributable to a project can be expected. Typically, a Project Area is (i) unique to a project (ii) larger than the actual footprint of a project; and encompasses socio-economic issues and impacts, as well as issues and impacts associated with other disciplines (e.g. environment, health and safety). Defining the Project Area is used to determine a project’s area of influence and responsibilities. It also provides guidance on the area within which impacts need to be monitored, and managed, and it also assists with defining project stakeholders that should be engaged during an ESIA process.

“Project affected persons” (PAPs) means persons who are impacted by involuntary resettlement as defined below.

“Restrictions on land use” refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.

“Resettlement Action Plan (RAP)” is a resettlement instrument (document) to be prepared when subproject locations are identified. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

“Resettlement Assistance” means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.

“Replacement cost for houses and other structures” means the prevailing open market cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) the cost of the materials, (b) transporting building materials to the construction site; (c) any labor and contractors’ fees; and (d) any registration or transfer costs.

“Resettlement Framework (RF)” is an instrument to be used throughout project implementation. The RF sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement, that may be necessary during project implementation. The RF guides the preparation of Resettlement Action Plans of individual sub projects in order to meet the needs of the people who may be affected by the project. The Resettlement Action Plans for the Project will therefore be prepared in conformity with the provisions of this RF.

“Replacement cost” means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on *Market rate (commercial rate)* according to the legislation of the Republic of Tajikistan. In terms of land, this may be categorized as follows; (a) “Replacement cost for agricultural land” means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.

“Replacement cost” is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

“Pre-Feasibility phase”: The phase of a project which includes a Screening Study to identify social and environmental fatal flaws, and a Scoping Study to identify and assess the social and environmental issues of a proposed project and evaluate project design alternatives prior to proceeding to project feasibility.

“Security of tenure” means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate. In no event will resettled persons be provided tenure rights that are in effect weaker than the rights they had to the land or assets from which they have been displaced.

“Stakeholder”: Refers to individuals or groups who: (a) are affected or likely to be affected by the project (*project-affected parties*); and (b) may have an interest in the project (*other interested parties*). Stakeholders are defined as *people or entities that are affected or may have an interest in the Project*.

“Subproject”: Refers to a subproject to be funded under the “Tajikistan Resilient Irrigation Project”.

“Voluntary Land Donation” - means communities or individuals may agree to voluntarily provide land for sub-projects for desired community benefits. The operative principles in voluntary land donation are “informed consent and power of choice”. Informed consent means the people involved are fully knowledgeable about the project and its implications and consequences and freely agree to participate in the project. Power of choice refers to the people involved have option to agree or disagree, without adverse consequences imposed formally or informally by others.

Introduction

The National Water Sector Reform Program (WSRP) for 2016-2025¹ stresses water as a valuable resource and calls for broad adoption of Integrated Water Resources Management (IWRM) on a river basin basis. To accelerate the process of the Integrated Water Resources Management principle implementation and rehabilitation of infrastructure in the Vakhsh river basin, the Government of the Republic of Tajikistan, with the financial support of the World Bank and the European Union, is developing a design for the “Tajikistan Resilient Irrigation Project” (SWIM) aimed at the rehabilitation and modernization of the large-scale irrigational infrastructure and increase of resilience of smaller irrigational systems exposed to flood and mudflows. The Project is fully aligned with the World Bank's Partnership Strategy Framework with the Republic of Tajikistan for 2019-2023 and the ECA Framework Program on "green" transition.

The Project will contribute to improving food security and livelihoods in rural areas by increasing productivity and sustainability of irrigation in three river basins in Tajikistan: the upper and lower sub-basins of the Vakhsh river, the Zarafshon river basin and the upper sub-basin of the Kofarnihon river.

The implementation of investment projects may be related to issues of land use restrictions and land acquisition, which can have a negative impact on communities and individuals.

The Project recognizes the importance of and adopts the World Bank's Environmental and Social Standards (ESS) for identifying and assessing and managing the environmental and social (E&S) risks and impacts associated with this investment Project.

The activities planned by the Project will not lead to involuntary land acquisition or resettlement as the rehabilitation of irrigation systems and the planned construction works will be carried out at the existing sites, i.e. on the territory of lands that are on the balance sheet of the Local State Water Management Organization and are used as operational sites for repair and maintenance activities. Already at the design stage, the Project will not take into consideration sites where there is a risk of land acquisition, restrictions on their use, or the risk of involuntary resettlement.

However, for unforeseen circumstances during the implementation of Project activities associated with any social or economic damage for a community or individual the Agency for Land Reclamation and Irrigation (ALRI) supported by the Ministry of Energy and Water Resources (MEWR) has developed a Resettlement Framework (RF). This document has been prepared in accordance with the World Bank Environmental and Social Standard 5 “Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement” (ESS 5), covers the provisions of the legislation of the Republic of Tajikistan and will be used by the Implementing Agencies as a Guide if necessary.

In compliance with the ESS 5, this Resettlement Framework (RF) was prepared, which serves the following specific purposes: (i) Reviews the existing national legal framework, compares it with the ESS 5 for gaps, if any, and indicates gap-filling measures; (ii) Describes the approach to the securing private land, assets and other common property resources; (iii) Specifies the scope of the project with a well-defined exclusion list; (iv) Defines the valuation process of impacted assets; (v) Defines the process for preparation of Social Impact Assessment and RAPs and their review; (vi) Defines of the cutoff date for Title and Non-Title holders; (vii) Identifies the consultation mechanisms/approaches to be adopted while preparing and implementing RAPs including public disclosures; (viii) Defines the monitoring and evaluation arrangements including Grievance Mechanisms (GM); and (ix) Defines the institutional and implementation arrangements --role/responsibilities of different stakeholders

The RF consists of nine chapters, which provide guidelines for the development of appropriate mitigation and compensation measures for adverse impacts caused by the project activities whose exact locations are not known.

¹ Republic of Tajikistan (2015): [Tajikistan Water Sector Reform Program for 2016-2025](#).

- Chapter One includes the Project Objectives and Brief Description of the project components. It also outlines the major project activities planned approaches merged from three distinct risks to be addressed: the socio-economic exclusion of young men and women; regional and cross-border challenges that result in heightened fragility risks; and cross-cutting governance challenges that constrain the implementation of participatory and accountable local governance practices.
- Chapter Two underlines the rationale of Environmental and Social Standard 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement and the scope of the present Resettlement Framework, which lays bare the next steps on preparing and implementing resettlement instruments.
- Chapter Three provides Objectives and Principles of Resettlement Planning to ensure that people adversely affected under the Project are adequately consulted with on project activities and receive compensation or assistance that will at least restore pre-project level of livelihoods.
- Chapter Four describes Legal Frameworks and Policies Related to Land Acquisition and Resettlement. It informs about the existing relevant national and international legislation and regulatory documents related to land acquisition, resettlement, citizen engagement, and other social issues.
- Chapter Five narrates the RAP Preparation, Approval and Disclosure Process. It indicates required steps towards resettlement action plan development through implementation of census, social and economic surveys, and inventory of losses.
- Chapter Six includes Eligibility Criteria and Procedures for Various Categories of Project Affected People. It sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage claims of ineligible people.
- Chapter Seven describes the Methods of Valuating Affected Assets. It sets out the guidelines for determining the value of affected assets, including types of compensation payments, preparation of asset inventory and valuation methods.
- Chapter Eight underlines the RF and RAP Implementation Arrangements and Procedures. It describes the optimal arrangements that build on responsibilities already in place in MoA PMU to ensure that the requirements of this RF are met for each project activity.
- Chapter Nine narrates the Public Consultations conducted during the RF preparation, RF disclosure and consultations to be implemented during the project implementation. It also describes the project-based GM structure and implementation.

Relevant Annexes are enclosed at end of this document to compliment the above-mentioned chapters.

1. Project Description

Project development objectives:

- (i) strengthen capacity for water resources planning and irrigation management in Tajikistan; and
- (ii) improve performance of selected irrigation schemes in the Vakhsh and Zarafshon river basins.

Project Areas:

The Project will cover 22 project districts located in the following river basins of the Republic of Tajikistan:

- 1) Districts of the Zarafshon river basin: *Panjakent, Ayni, Kuhistoni Mastchoh*
- 2) Districts in the upper and lower sub-basins of the Vakhsh river:
 - a) Upper: *Rasht, Tojikobod and Lakhsh.*
 - b) Lower sub-basin: *Levakant, Kushoniyon, Vakhsh, Balkhi, Jilikul and Dusti;*
- 3) Districts in the upper sub-basin of the Kofarnihon River: *Rudaki, Vahdat, Fayzabad, Gissar, Shahrinav and Tursunzade.*
- 4) In addition, the project area will be extended to the following districts: Dangara (Dangara tunnel), Jomi and Khuroson (Shurobad main canal).

Project components

This Project has four components, described below:

Component 1. Water Sector Reform and Institutional Strengthening

Sub-component 1.1: Strengthening national and basin-level water resources policy and planning. This subcomponent will be implemented by a Project Implementation Unit that will be established in MEWR. The subcomponent will support establishment of a National Water Council (NWC) and support MEWR and RBOs in the planning, management, and monitoring of water resources, at national and river basin levels. At the national level, support will be provided for NWC dialogues, MEWR capacity building, and for the development, institutionalization, and use of the national Water Information System (WIS). NWC functions and responsibilities are set out in the National Water Code and include approval of river basin plans, such as the Vakhsh Basin Plan to be developed under this subcomponent. River basin planning will be critical for enabling an adaptive approach to addressing projected climate change impacts on water resources. The subcomponent will support NWC establishment through drafting by-laws and regulatory documents, dialogues and study-tours, and capacity building for guiding planning, regulation, and management of water resources. It will design and deliver tailored trainings (covering at least three full non-duplicative modules) for MEWR, RBO staff, and RBC members, and support at least two intra-basin study tours for knowledge and experience exchanges. Delivery of the trainings will be phased starting from the second year of the project implementation and shall target at least 10 percent female participants. The component will strengthen MEWR capacity for regulation of water resources use, including in implementation of the Water Information System. Prior support for the WIS focused on system design and development, and on the coding of hydrological “objects”. Under this project the focus will shift towards ensuring (a) digitalization of all historical relevant meteorological, hydrological, and water resources data sets, (b) developing technical and user documentation, (c) enhancing/developing arrangements for inter-agency data exchange, (d) remote monitoring tools such as drone applications and remote sensing, (e) expansion of the data visualization functionalities of the WIS, and (f) development and dissemination of information products. Specifically, MEWR will be supported to institutionalize preparation and publication of an annual national water assessment report (or water cadaster report), indicated the status and use of all water resources, including through the strengthened link with the Main Department of Geology (on underground water resources) and Committee for Environmental Protection. At the basin level, support will be provided for building physical, technical, and human capacity of the RBO and RBC in the Vakhsh River Basin, including (i) design, supply, installation and commissioning of water flow measurement devices for

identified key gauging stations, (ii) construction of Vakhsh RBO office in Bokhtar and rehabilitation of the Rasht sub-office, (iii) provision of office furniture, IT equipment, laboratory equipment, and vehicles, and (iv) developing the WIS and the basin plan for the Vakhsh; and (v) development and delivery of tailored trainings to the water sector professionals, including on climate change-informed decision tools for river basin planning.

Sub-component 1.2: Improving irrigation planning and management. This subcomponent, implemented by the PMU, will support improved irrigation management at agency (national and “sub-basin” ALRI) and WUA levels. The activities under this subcomponent are (i) preparation of a national irrigation strategy, and (ii) development and adoption of an irrigation management information system (IMIS), (iii) restructuring of currently sub-optimal irrigation institutional framework in the target area for improved irrigation scheme-level management, and (iv) ongoing strengthening of WUAs. Drawing on international expertise, the national strategy will establish a ten-fifteen-year roadmap for sector reforms and investment in the context of climate change and national economic development, along with the mid-term irrigation sector reform program for 2025-2030. The overarching strategy objective is to guide the transition of the sector to financial and environmental sustainability, and to far higher level of economic productivity. Two important studies to lay the foundation for the national strategy will be conducted: (i) an irrigation sector energy audit, and (ii) a systematic review of irrigation tariffs and subsidies. For the IMIS, a dedicated support unit will be established in ALRI. IMIS development will include conceptualizing and developing the national IMIS framework and establish performance-based irrigation management of target large schemes using the IMIS. The IMIS at the national level will include coding of all irrigation “objects” and have the following basic modules: (i) historical irrigation data on scheme configurations and withdrawals; (ii) asset management component based on the GIS-referenced inventory of assets; (iii) financial and commercial; (iv) irrigation management and service delivery (with the in-built feedback mechanism for WUAs and farmers); and (v) WUAs module. The IMIS will incorporate remotely sensed data for the Vakhsh basin focused on: (i) supporting regular data exchange with ARLI and the Ministry of Agriculture to guide agricultural land use/planting decisions, (ii) assessing climate impacts on irrigation delivery and agricultural production, and (iii) building irrigation management capacity at scheme and WUA level for improved irrigation planning and service delivery. Introduction of the IMIS is expected to significantly strengthen ALRI’s ability to identify and prepare for droughts or floods and their impact on I&D infrastructure. Restructuring of ALRI management structure in Lower Vakhsh basin and Upper Kofarnihon along (limited to the service area of the Big Hissar Canal only) will follow the guidance of the national Water Sector Reform Program to move from an administrative to a hydraulic basis for irrigation management but will also consider economies of scale and the constraints and synergies of irrigation scheme configurations to ensure the agencies reorganized as part of the restructuring process are optimal for scheme-level management and service delivery to WUAs. Capacity development for new ARLI management structures will include development of irrigation asset management plans for targeted schemes (underpinned by GIS inventories of hydraulic infrastructure) and training on financial and operational management and monitoring. At the national level, support to WUAs will include capacity development for the ALRI WUA Support Unit, and development of a national WUA database integrated into the IMIS and aligned with the performance-based irrigation management. The WUA Support Unit will be supported in development, facilitation, and administration of an WUA incentives program for targeted major schemes. For targeted large schemes, the project will introduce volume-based management of main canal flows and water delivery and the associated accounting and commercial software for tariff collection. Other differentiated support to WUAs in the selected irrigation schemes within upper Kofarnihon, Zarafshon the Vakhsh basins, will be provided, but focused on the 45 WUAs in the targeted major schemes in the Lower Vakhsh. This support will include (i) WUA training to enable provision of agronomic and irrigation advisory services to WUA members, covering not less than 30 percent of female participants (training modules to be developed in coordination with the research institutes of the Ministry of Agriculture), (ii) demonstration pilots of innovative irrigation techniques (managed by WUAs and monitored by ALRI and MoA), including on the territory of three demonstration plots under the jurisdiction of the MoA research institutes and TajiNigim, (iii) performance-based grants to WUAs within the targeted irrigation schemes, and (iv) development of feasibility studies and asset management plans. At the farm level, the WUAs will

be engaged in promoting climate-smart irrigation practices and resource utilization through (i) improved on-farm water management practices, (ii) deep ripping, and (iii) laser land levelling. This will address the rising impact of drought, high temperature and extreme heat risks related to climate change on crop yields and agricultural production. The project will prioritize capacity building of female farmers to improve their technical, leadership, and communication skills to build their confidence and increase their voice and role in WUA decision-making bodies. The WUAs will also receive a training on performance-based indicators and will be working within their service area on introducing and expanding self-administered citizen-engagement surveys. These surveys will be integrated in the IMIS to track satisfaction of WUAs and WUA members with the irrigation delivery. Administration of the WUA grants will follow a Grant Manual that will be developed by the PMU. The performance of WUAs supported by the project will be assessed annually; the PSC will approve WUA grants based on these assessments, prioritizing those WUA demonstrating the most significant improvements in performance, as outlined in the WUA manual. WUA grants will be capped at US\$20,000 and will require a 5 percent beneficiary cash contribution or 10 percent in-kind contribution. National (sectoral) and project-level grievance redress mechanisms will be established under this subcomponent.

Component 2. Irrigation Scheme Improvements.

Subcomponent 2.1: Improving small-medium large-scale irrigation schemes. This subcomponent will focus on the large Vakhsh and Shurabad schemes that span six districts of the southern Khatlon region in the lower Vakhsh basin. These were identified via a selection and prioritization process described under Technical Analysis and in Annex B. These two schemes encompass 128,000 ha and 45 Water WUAs. They are currently managed by seven district-level ALRI units, separate state management department for VMC and three pump irrigation management units under the Khatlon regional ALRI Department, and. These ARLI arrangements will be restructured under subcomponent 1.2. The subcomponent will finance rehabilitation and reconstruction of key infrastructure in these schemes taking a build-back-better approach to strengthen climate change resilience by mitigating the impacts of projected increases in irrigated crop water stress. The subcomponent will finance rehabilitation of irrigation headworks and primary and secondary canals. Performance indicators and pre-feasibility studies have been used to identify intake structures, headworks, control gates, main canals, collector and drainage networks, and pump stations, to be repaired or modernized. These works will improve hydraulic efficiency and water delivery control and reduce the energy intensity of irrigation. Final selection of modernization works will be based on detailed engineering studies to be conducted for each of these two schemes. Pump station modernization will include replacement or rehabilitation of pumps and electric motors and equipping workshops for routine maintenance of pumps and motors. Selection of pump stations for investment will consider energy efficiency improvements and efficiency of water delivery and prioritize stations that cannot be cost-effectively converted to gravity irrigation. Heavy machinery for maintenance of these schemes will be procured for ALRI. The sub-component will also finance emergency works for the Danghara diversion tunnel and the Beshkent distribution point in Kofarnihon Basin.

Sub-component 2.2: Improving small- and medium-scale irrigation schemes. Pre-feasibility studies for irrigation schemes in the upper Vakhsh basin have been completed. For priority schemes in the Zarafshon and Lower Vakhsh, rehabilitation or replacement of selected works will be undertaken. Feasibility studies for identified priority schemes will be conducted early during project implementation. For identified priority districts in the upper Vakhsh (Rasht, Tojkobod, and Lahsh) small-scale investments will be identified early during implementation based on consultations with local communities and local ALRI and the Vakhsh RBO. In the upper Vakhsh, consideration of flood/mudflow exposure (including under future climate change), cost-benefit analysis, and number of beneficiaries will guide investment selection. Investments will be coordinated with concurrent development projects and will be implemented using local/community labor. The subcomponent will finance the design, reinforcement, replacement, and protection of critical infrastructure at significant risk from extreme climate events. Civil works will focus on ensuring climate resilient infrastructure to increase resilience to floods and mudflows. Works may include slope protection and riverbank stabilization works adjacent to intake structures, canals, and pumping stations. The subcomponent will target off-farm infrastructure that is primarily the responsibility of ALRI. Capacity building for ALRI and TajikGiprovodhoz (design institute) will be undertaken at

national and district levels for the design, construction, and maintenance of such works, and for conducting climate risk assessments and hazard reduction planning. Specialized machinery will be procured for the upper Vakhsh improve emergency response and infrastructure maintenance.

Component 3. Project management.

The project will be implemented by MEWR and ALRI with separate responsibilities to be defined in the Project Operational Manual (POM). This component will support incremental operating costs for project execution, including project administration and management, management of social and environmental issues, financial management (FM), procurement, contract administration, project reporting, and monitoring and evaluation (M&E). It will finance consultancy services (individual and firm) hired to complement capacity of the implementation units (MEWR PIU and ALRI PMU) including for coordination with other activities under the EU-financed program, baseline and project completion surveys, preparation of assessments and data collection, annual project audits. A Project Coordination Unit will be established in Bokhtar to support the scope of activities in the lower Vakhsh. Additionally, project implementation support consultants will be hired for day-to-day coordination of project activities in Upper Vakhsh and Zarafshon. The component will cover retroactive finance payments for work on feasibility studies, detailed designs, and project preparation from September 24, 2021, until signing the Financing Agreement, limited to eligible expenditures approved by the World Bank on December 4, 2021. Finally, this component includes professional development and other interventions to promote gender diversity in MEWR and ALRI. For example, the project will support, among others, review of human resources policies on recruitment, promotion and retention in water sector entities, development of guidelines for a safe and comfortable work environment including sexual harassment reporting mechanism.

Component 4. Contingent Emergency Response Component.

This component would support government emergency responses in the event of an eligible emergency. This component with provisional “zero” allocation allows the Government to request the World Bank to recategorize and reallocate uncommitted financing from other project components to cover emergency response and recovery costs, but also to channel additional funds to fully or partially replenish funds reallocated to the CERC should they become available as a result of an eligible emergency. The CERC will be established and managed in accordance with the provisions of the World Bank Policy and World Bank Directive on Investment Project Financing. The CERC, if activated, will be able to finance eligible activities included in the positive list, stipulated in the POM.

2. Rationale for Use of ESS 5 and Scope of RF

Environmental and Social Standards establish requirements for Borrowers to identify and assess environmental and social risks and impacts associated with projects supported by the Bank through investment project finance. The Bank believes that the application of these standards, by focusing on identifying and managing environmental and social risks, will support Borrowers in their efforts to reduce poverty and improve well-being in a sustainable manner for the benefit of the environment and its citizens. The standards will: a) support borrowers to achieve international best practice in environmental and social sustainability; b) assist borrowers in meeting their national and international environmental and social obligations; c) strengthen measures to prevent discrimination, enhance transparency, participation, accountability and good governance; and d) enhance the effectiveness of sustainable development projects through the continued involvement of the stakeholders.

The ten environmental and social standards set the standards that the borrower and the project will meet during the project life cycle. ESS 5 Land Acquisition, Land Use Restrictions and Involuntary Resettlement recognizes that land acquisition and land use restrictions can adversely affect local communities and people.

In general, it is assumed that the proposed activities will not have a serious negative impact on human health and social environment. The Improving Sustainable Irrigation in Tajikistan project will aim to modernize large-scale irrigation systems and support small-scale irrigation infrastructure managed by farmers. The project activities will not lead to forced land acquisition or resettlement, since all activities will be carried out at the existing facilities, i.e. on the territory of lands that are on the balance sheet of the local state water management organization and are used as operational sites for repair and maintenance work. It is planned to rehabilitate the existing objects of the irrigation infrastructure. The Water Code of the Republic of Tajikistan, Article 84 indicates,

- *Water protection zones are territories that adjoin the coastline (boundaries of a water body) of rivers, streams, canals, lakes, reservoirs and on which a special regime is established for the implementation of economic and other activities in order to prevent pollution, clogging, siltation of these water bodies and depletion of their waters, as well as preservation of the habitat of aquatic biological resources and other objects of the animal and plant world.*
- *Coastal protection zones are established within the boundaries of water protection zones, on the territories of which additional restrictions on economic and other activities are introduced.*

Considering that the detailed information on the subprojects, the associated impacts will be known only after the detailed technical designs have been prepared, the document uses a framework approach. At the stage of project development as a whole, when preliminary work is underway to select objects and determine their compliance with the acceptance criteria, only a general assessment of the expected risks is possible. In the course of a further detailed survey of the project area, an assessment of the current state of the facilities will be carried out, including the identification of possible buildings, crops, tree plantations, etc. If the listed risks are identified at the stage of subproject design development, facilities where there is a risk of land acquisition, restrictions on their use, or the risk of involuntary resettlement will not be taken into consideration and further development.

Examples of possible solutions to such issues, taking into account the experience of previous World Bank funded projects to improve irrigation and infrastructure, are given below:

1. It is possible that some structures will be marked on the design irrigation canals. As practice shows, these objects do not interfere with project activities because their certificates contain notes that all repair and restoration and operational activities of water systems and structures are carried out at the expense of the owners of these buildings.
2. It is possible that part of the water protection zones is used for arable land, which is a temporary obstacle for construction and repair work. In this case, negotiations will be held with interested persons / parties to achieve a mutually beneficial and acceptable solution and conclude an

appropriate agreement on a voluntary basis. So, for example, mechanized cleaning of the canal can be postponed for periods that exclude damage to crops or harm the crop. Also, fertile sediment from the canal can be provided to the farmer as fertilizer.

3. There may be cases when wild bushes or small trees grow in the water protection zone of the canal. The uprooted shrubs, upon written agreement with local municipalities, can be provided for the needs of the local population, for example, for fuel. If valuable tree species are to be uprooted, also by agreement with local municipalities and nature protection authorities, sites for compensatory landscaping may be provided at the expense of the contractor. The volume and location of such plantings is stipulated in an additional act drawn up by all parties, which should be an integral annex to the Environmental and Social Management Plan (ESMP) and the contract with the contractor.
4. It is possible that some vacant land plots will be provided for temporary use to contractors during the construction period by local authorities or dekhkan farms. These aspects will be governed by the contractual relationship. After carrying out construction and restoration measures, all land plots provided for temporary use will be restored to their original state, and, if necessary, on access roads to the object measures to improve it will be organized. All of these activities are included in the ESMP and the contractor's bill of quantities.
5. Within subcomponent 1.2, it is envisaged to provide support to WUAs, in particular, it is possible to construct new office buildings for WUAs. To provide land for the construction of WUA buildings, a permit (certificate) will be obtained from local government bodies and the Committee on Land Management and Geodesy of the Republic of Tajikistan. The allocation of such lands is carried out only from the number of free state lands or on the territory of the jamoat administration.

In view of the above, the Project will avoid, as far as possible, any adverse impacts associated with land use restrictions. However, in the event of unforeseen circumstances arising during the implementation of project activities resulting in economic damage to the local community or individual, the PMU/ALRI has developed a Resettlement Framework (RF) and will apply the provisions reflected in the framework document, if necessary.

RF is presented as a guide for Implementing Agencies in which outlines the sequential steps for preparing and implementing Resettlement Plans (RPs), resettlement principles, organizational arrangements and design criteria to be applied to subprojects or project components to be prepared during project implementation. Once the subproject or individual project components have been identified and the necessary information is available, the framework approaches will be detailed and expanded to allow for the development of a specific resettlement action plan for the respective site. Project activities that will result in physical and/or economic displacement will not commence until such specific plans are finalized and approved by the Bank.

Where there is a discrepancy between national and WB procedures, the latter will prevail for all activities financed under this project. The RF will serve as a scrutiny method to determine if there will be any impacts from the project activities. The RF is conceived as a practical tool to guide the preparation of social risk and impact mitigation tools such as Resettlement Action Plans (RAPs) and the necessary due diligence for activities during the implementation of a complex project. If any impacts identified in the ESS 5 are identified, the PMU will develop the RAP tools for each subproject based on the guidelines and procedures outlined in the RF.

The draft of this RF was disclosed on the websites of the implementing agencies (IAs) – MEWR and ALRI (<https://alri.tj/storage/uwbkrKbY2i3soSehMJpo.pdf> and <https://www.mewr.tj/?p=1832>).

On February 3 and March 17, 2022, public hearings were held for key stakeholders at the national and regional levels to inform about the goals and objectives of the project and receive from them relevant comments and suggestions on project materials that were presented as part of the events (minutes are attached). Similar events are planned at the level of the VMC and SMK systems and in the upper Vakhsh sub-basin for the Rasht, Lakhsh and Tajikabad districts.

After the approval of this document by the Government of the Republic of Tajikistan and its clearance with the World Bank (WB), the final version will be disclosed on the IA websites and the WB website and is available at local level, in accordance with the WB ESS 10. The RF will be distributed in such a way that it is accessible to central and local authorities and potential PAPs. Implementation of the planned investments within the framework of the project will be carried out only after these approvals and exchange of information/consultations.

3. Objectives and Principles of Resettlement Planning

The Resettlement Framework (RF) aims at describing policies and procedures to ensure that people adversely affected under the Project are adequately consulted with on project activities and receive compensation or assistance that will at least restore pre-project level of livelihoods.

The RF provides policies and procedures to determine requirements of the World Bank's ESS on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (ESS 5), to assess potential expected risks and impacts, to identify detailed steps to develop appropriate mitigation measures, including mitigation and compensation for the impact caused under the project including:

- involuntary land acquisition (temporary or permanent);
- loss of, or impact on, assets or access thereto;
- loss of standing crops, trees income source or livelihoods, regardless of whether the project affected persons (PAPs) will be resettled, or not;
- restricted access to natural resources, public places and services;
- legal framework, eligibility criteria of displaced population, valuation methodology, compensation provision, entitlement matrix, implementation process, consultation procedures,
- due diligence procedures in case of project interventions linked to other development activities supported by the Government and other funding agencies
- grievance redress mechanisms, entitlement payment procedures, and monitoring and evaluation procedures for land acquisition and resettlement under this project.

The basic objectives of the RF are to: (i) guide PMU/ALRI, the national and local governments (Provincial, District, Jamoat) in properly identifying, compensating, and restoring the livelihoods of Project Affected Persons (PAPs), (ii) serve as a binding document to ensure payment of compensation and assistance to PAPs, and (iii) provide direction in preparing, updating, implementing and monitoring subprojects RAPs. The RF includes measures to ensure that PAPs are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the Project.

The RF is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized.
- PAPs are to be suitably assisted in their efforts to improve, or at least restore, incomes and living standards.
- PAPs are fully informed and consulted on compensation options.
- Lack of formal legal land title is not a barrier to compensation or alternative forms of rehabilitation assistance.
- Particular attention is paid to socially vulnerable groups, such as ethnic minorities, female headed households, elderly households, etc. and appropriate assistance is provided to help them adapt to project-related changes.
- Land acquisition and resettlement is conceived and executed as a part of the project, and the full costs of compensation are included in project costs and benefits.
- Compensation/rehabilitation assistance will be paid prior to displacement and prior to ground leveling, demolition, and in any case, before an impact occurs.
- Compensation is to be paid at full replacement cost to PAPs, without deductions for depreciation or any other purpose.

It should be noted that according to World Bank's ESS 5, the term "involuntary resettlement" encompasses more than the 'physical relocation or resettlement' of affected people. It is defined as the direct social and economic impacts of a project that are permanent or temporary and are caused by the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (iv) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. The ESS 5 also applies in case any subproject activities found as 'linked' or 'associated facility'. This ESS requirements and provisions apply to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, i.e. in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

It should be further noted that no changes to the RF entitlement matrix, eligibility criteria, compensation rates or other entitlements to assistance can be made without prior approval of the World Bank. Any RAPs prepared on the basis of the RF will also be subject to prior approval of the World Bank.

4. Legal Frameworks and Policies Related to Land Acquisition and Resettlement

4.1 Relevant Legislation of the Republic of Tajikistan on Land Administration

The current subsection provides description/excerpts from the current legislation related to land administration issues:

The Constitution of the Republic of Tajikistan establishes exclusive state property on land whereas the state ensures its effective use in the best interests of the people. The amendments to the Land Code, that took place in August 2012 allow alienating land use rights and land use rights became subject to buying/selling, gift, exchange, pledge and other transactions. Amendments to the Mortgage Law, allow the individual land user to pledge his/her user rights to the land plot to another individual, bank or institution at the current market price. The implementing mechanisms for these amendments are being developed, although this right provides greater scope and flexibility to the land user. Cost of realty, constructions and assets should be compensated to physical persons.

The Land Code of the Republic of Tajikistan is the most systematized code of rules regulating the complex of legal relations arising during the process of exercising the land use rights. Matters related to suspension of land use rights, in case of their acquisition, and compensation of losses to land users and losses connected to withdrawal of land from the turnover are considered in two chapters and nine articles of the Land Code. These articles contain basic provisions on land acquisition for public and state purposes. The Code allows the state to seize the land from land users for the needs of projects implemented in the interests of state and at the state scale, and describes methods, system and order of protection of rights and interests of persons whose land is subject for withdrawal for the purposes of the project and provides for the complex of compensatory measures to cover the land users' losses. The Regulation about an order of compensation of the land users' losses and losses of agricultural production, approved by the Resolution of the Government of the Republic of Tajikistan # 641, dd. 30th December 2011, establishes concrete and detailed order of reimbursement of the land users' losses.

Following are main provisions regarding the problem of involuntary resettlement indicated in the Land Code:

- Acquisition of the land plots for the purposes of the state and public needs have to be done after provision of the equivalent land plot;
- New dwelling, production and other buildings, similar to those seized, have to be constructed on the new plot in established order;
- Losses occurred during the land plot acquisition have to be compensated in full amount, including missed profit, and losses should be calculated at market cost;
- Construction of buildings and compensation of losses will be made by the institutions and organizations in whose favor the land is seized (project beneficiaries);
- Provision of the new land plot, construction of buildings, compensation of all types of losses, including lost incomes, have to be done before the official land acquisition from the land users.

According to the Articles 41 and 43 of the Land Code of RT the land plot could be seized for the purposes of state or public needs but only upon equal compensation of realty, constructions and crops located on this plot. This compensation couldn't be less than the current market cost of such realty as the law states about the principle of compensation at the market price.

The Land Code requires that the institution which is interested in the land acquisition should justify the necessity of such acquisition and demonstrate that the plot of land should be seized and there is no alternative for the project implementation. The land plot could be seized in cases of need of construction of buildings and constructions or implementation of works of the state interest. If the project presents the

interest of the state, the beneficiary of the project has to prepare a proposal on land acquisition required for the purposes of commencement of such acquisition. In accordance with the Law, the process of acquisition has to be completed and all people and households which were included into the project zone provided with the compensation before permission is granted to commence construction.

Law of RT on Land Administration (2016) obliges the authorities to map and monitor the quality of land, including soil contamination, erosion and logging.

Table 1. Laws and Regulations on Land Administration in Tajikistan

<ul style="list-style-type: none">• The Constitution of the Republic of Tajikistan establishes land as an exclusive property of the state.• The Land Code, Civil Code, rules on land allocation for individuals and legal entities.• The Land Code of the Republic of Tajikistan is a systematized code of rules regulating complex of relations arising in the process of possession and use of land.• The Civil Code of the Republic of Tajikistan is regulating the legal status of participants of civil circulation, grounds for arising of rights and order of their implementation, contractual obligations, property and non-property relations.• The Law of the Republic of Tajikistan “On Land Valuation” establishes legal grounds for normative land valuation (2001)• The Law of the Republic of Tajikistan “On Local Bodies of the State Authority” establishes normative grounds for allocation and reallocation of land (2004)• The Law of the Republic of Tajikistan “On Land Management” regulates relations connected to legal grounds of activities in the sphere of land management (2008).• The State Land Cadaster is a system of information and documentation on natural, economic and legal status of lands, their categories, qualitative characteristics and economic value.• Regulation on the order of compensation for losses of land users and damage of the agricultural production process, approved by the Resolution of the Government of the Republic of Tajikistan # 641, establishes an order of compensation of losses of land users (2011).• The Civil Procedural Code of the Republic of Tajikistan establishes an order, rules and terms of judicial protection in case of legal proceedings on matters related to involuntary resettlement.• The Economical Procedural Code of the Republic of Tajikistan also establishes an order, rules and terms of judicial protection in case of legal proceedings on matters related to involuntary resettlement.
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4.2 National Sectoral Legal Provisions

The current subsection provides an outline description and/or excerpts from the current legislation regarding citizens' access to information and their active participation in the implementation of project activities.

Law of RT on Freedom of Information is underpinned by Article 25 of the Constitution, which states that governmental agencies, social associations and officials are required to provide each person with the possibility of receiving and becoming acquainted with documents that affect her or his rights and interests, except in cases anticipated by law.

Per the *Law on Public Associations*, a public association may be formed in one of the following organizational and legal forms: public organization, public movement, or a body of public initiative. Article 4 of this law establishes the right of citizens to found associations for the protection of common interests and the achievement of common goals. It outlines the voluntary nature of associations and defines citizens' rights to restrain from joining and withdrawing from an organization. August 2015 amendments to this legislation require NGOs to notify the Ministry of Justice about all funds received from international sources prior to using the funds.

Law of RT on Dehkan Farms (2016) provides the legislative basis for the establishment and operation of private dekhkan farms. It clarifies and fixes the rights of dekhkan farm members as land users. The law improves the management of dekhkan farms and defines the rights and duties of their members. It allows

farmers to legally erect field camps on land as temporary buildings, which makes it possible to significantly improve productivity at the agricultural season. The law requires dekhkan farms to take measures to improve soil fertility and improve the ecological status of lands, timely payments for water and electricity, and provide statistical information to government agencies.

Law of the Republic of Tajikistan “On Water Users Associations” determines the economic, organizational and legal basis for the activities of the water users’ association and is aimed at ensuring water conservation and effective use of hydraulic structures in the service area.

The 2014 *Law on Public Meetings, Demonstrations and Rallies* (Article 10) bans persons with a record of administrative offenses (i.e. non-criminal infractions) under Articles 106, 460, 479 and 480 of the Code for Administrative Offences from organizing gatherings². Article 12 of the Law establishes that the gathering organizers must obtain permission from local administration fifteen days prior to organizing a mass gathering.

Law on Local Governments (2004) assigns a district or city chairman the authority to control over the natural resource management, construction and reconstruction of natural protection areas, to oversee the local structures in sanitary epidemiological surveillance, waste management, health and social protection of population within the administrative territory. No public gathering is implemented without official notification of local government (district khukumat).

Law of Republic of Tajikistan on Appeals of Individuals and Legal Entities (2016) contains legal provisions on established information channels for citizens to file their complaints, requests and grievances. Article 14 of the Law sets the timeframes for handling grievances, which is 15 days from the date of receipt that do not require additional study and research, and 30 days for the appeals that need additional study. These legal provisions will be taken into account by the project-based Grievance Redress Mechanism.

4.3 World Bank Environmental and Social Standard on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (ESS 5)

The WB’s ESS 5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

ESS 5 Objectives

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

² These provisions concern the hampering of gatherings (Article 106); disorderly conduct (Article 460); disobedience to police (Article 479); and violation of rules of conducting gatherings (Article 480).

- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

This ESS 5 applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation:

- (a) Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- (b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- (c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- (d) Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;
- (e) Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- (f) Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- (g) Land rights or claims to lands or resources relinquished by individuals or communities without full payment of compensation; and
- (h) Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

This ESS does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land use restrictions imposed by the project. Such impacts will be addressed in accordance with ESS 1.

This ESS does not apply to voluntary, legally recorded market transactions in which the seller is given a genuine opportunity to retain the land and to refuse to sell it and is fully informed about available choices and their implications. However, where such voluntary land transactions may result in the displacement of persons, other than the seller, who occupy, use or claim rights to the land in question, this ESS will apply.

Where a project supports land titling or other activities intended to confirm, regularize or determine land rights, a social, legal and institutional assessment will be required under ESS 1. The assessment aims to identify potential risks and impacts, as well as appropriate design measures to minimize and mitigate adverse economic and social impacts, especially those that affect poor and vulnerable groups. This ESS does not apply to disputes between private parties in land titling or related contexts. However, where persons are required to vacate land as a direct result of a project-supported determination that the land in question is state land, this ESS will apply (in addition to the relevant provisions of ESS 1).

This ESS does not apply to land use planning or the regulation of natural resources to promote their sustainability on a regional, national or subnational level (including watershed management, groundwater management, fisheries management, and coastal zone management). Where a project supports such activities, the Borrower will be required to conduct a social, legal and institutional assessment under ESS 1, in order to identify potential economic and social risks and impacts of the planning or regulation, and

appropriate measures to minimize and mitigate them, in particular those that affect poor and vulnerable groups.

This ESS does not apply to management of refugees from, or persons internally displaced by, natural disasters, conflict, crime or violence.

ESS 5 Requirements

Project design

The Borrower will demonstrate that involuntary land acquisition or restrictions on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period of time. The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social, and financial costs and benefits, and paying particular attention to gender impacts and impacts on the poor and vulnerable.

Compensation and benefits for affected persons

When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Compensation rates may be subject to upward adjustment where negotiation strategies are employed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.

Community engagement

The Implementing Agency will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS 10 on Stakeholder Engagement and Information Disclosure. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.

Grievance redress mechanism

The Implementing Agency will ensure that a grievance redress mechanism for the project is in place, in accordance with ESS 10 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance redress mechanisms will utilize existing formal or informal grievance redress mechanisms suitable for the project purposes, supplemented as needed with the project-specific arrangements designed to resolve disputes in an impartial manner.

Planning and implementation

Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The social assessment will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In conjunction with the census, the Borrower will establish a cutoff date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will

include posted warnings that persons settling in the project area after the cutoff date may be subject to removal.

To address the resettlement impact, this ESS requires preparation of a RAP for the land acquisition process, once the extent of the direct impact is known. Where an impact is minor (less than 200 people, no person is physically displaced, and less than 10 percent of their productive assets are lost), an Abbreviated RAP can be prepared. For projects with significant impacts, a full RAP is required. The ESS 5 requires that special attention is to be paid to the needs of vulnerable groups of the impacted population, especially to the residents living below the poverty line, the residents without land rights, the elderly, women, children, and ethnic minorities.

In principle, the Land Code of the Republic of Tajikistan and the World Bank ESS 5 both adhere to the objective of compensation at replacement cost, but Tajikistan legislation does not provide for rehabilitation and in practice this has been left to ad hoc arrangements made by the Government of the Republic of Tajikistan.

To clarify these issues and reconcile eventual gaps between Tajikistan legislation and World Bank Policy, this RF has been drafted for the Project, ensuring compensation at replacement cost of all items, the rehabilitation of non-titled people and informal settlers, and the provision of subsidies or allowances for PAPs who may be relocated, suffer business losses, or may be severely affected.

The main provisions affording reconciliation of the differences between Land Code of Tajikistan and World Bank's ESS 5 include:

- Any PAPs, regardless of title or not, will be entitled to compensation (for structures, crops and trees) and rehabilitation measures under the project. This includes land-less people using land and squatters.
- PAPs and affected communities will be consulted on options and any impacts of land acquisition and resettlement.
- A social screening will be conducted to identify the level of potential impacts and appropriate mitigation measures.
- If land for land compensation is not technically feasible or socially viable, compensation will be in cash at full replacement cost at current market value.
- Compensation for any other assets affected (structures, crops and trees, as well as business/income loss) will be in cash or kind at full replacement cost at current market value. Vulnerable and poor PAPs will be entitled to additional measures as relevant, and gender issues will be addressed.
- Maintenance works will avoid or minimize, as far as possible, the need for land acquisition and resettlement.
- Compensation for temporary loss of land or assets, or for temporary disruption of income will be provided.

It must be especially noted that under the WB ESS 5, status of those without legal title is clearly defined. In accordance with this policy, those people who do not possess official legal title or judicial rights for the land use, but still use the state land are entitled to receive compensation, taking into account the investments they made into the state land, their labor and lost assets, but not for land ownership as in the case of a titled owner. Instead, alternative sites are allocated for their use, or other forms of assistance in lieu of land compensation, are provided to those informally using or occupying land to the project cut-off date.

4.4 Comparison of national legislation and the WB ESS 5

Analysis of previous resettlement documentation including resettlement plans, frameworks shows that there are some divergences between World Bank Policy and Tajikistan's legislation in the sphere of compensation for involuntary resettlement took place in the investment projects. The main discrepancies are in public consultation before resettlement activities, detail explanation of entitlements to project affected households, and provision of just compensation instead of full replacement cost, carry out socioeconomic

surveys among PAPs. The Tajik Laws only provide compensation for land to the PAPs with land titles and no compensation to encroachers for the same. The World Bank ESS 5 provides for compensation for land to both legal owners and encroachers. ESS 5 states that where there is a conflict between the Bank and government frameworks, those of the Bank shall take precedence. World Bank ESS 5 provides for compensation for land to persons with formal legal title to land use or property; as well as to persons who do not have an official legal title to land or property, but making claims/claiming land or property, which is recognized or can be recognized in accordance with national legislation. ESS 5 also states that persons who do not have a legally recognized right or recognized claim to land or property that they occupy or use are entitled to compensation for the loss of non-land property, such as residential buildings and other elements of land improvement, according to replacement cost. As a result of consultations with PAPs without a recognized right, the Borrower, instead of compensation for land use, provides them with relocation assistance, which should be sufficient to restore the previous standard of living on an adequate alternative plot. In the event of a conflict between the Bank and government agencies, the Bank's framework documents have priority.

It is important to note that because of State ownership of lands in Tajikistan, land use is only possible with the permission of local authorities on the basis of a lease or on other terms. Accordingly, land use issues are fully covered by land legislation and are not governed by provisions of customary law, traditional practices, or neighborhood relationships, etc. According to the Tajik laws, those who use or occupy land without a lease or other type of official permission will not be entitled to legal compensation. The State will have the right to seize the land from those “illegal land users”. Persons who take up their residence on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance,

ESS 5 highlights that particular attention should be paid to the needs of the most vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, people with disabilities, women and children, indigenous peoples, ethnic minorities, and also other categories of displaced persons whose interests may not be protected by national legislation with regard to the compensations for the land plots subject to withdrawal.

In case of disparity of the laws of the Tajikistan with the requirements of the WB ESS 5 provisions on involuntary resettlement, the principles and procedures of ESS 5 should be applied. This priority of WB norms over the national legislation is required for World Bank financed projects and provided by the national legislation.

A comparison between the Tajik legislation and the World Bank ESS 5 is summarized in the Table below.

Legal Provisions	Tajik Law	WB ESS 5
Resettlement plans	No specific provisions for the process of resettlement planning, but commissions are established to determine the type and value of compensation	Resettlement instruments (RAP, RF, etc.) need to be prepared and implemented before any displacement can take place
Public consultations	No specific provisions	Consultations are an integral part of ESS 5 and 10
Entitlements: a) natural/legal persons who have formal legal rights to land	Entitled to compensation	Entitled to compensation
b) natural/legal persons who lack	Entitled to compensation	Entitled to compensation

formal legal rights to land when the census begins, but have a claim to such land or assets (provided that such claims can be recognized under Tajik laws)		
c) natural/legal persons who have no recognizable legal right or claim to the land they are occupying	Not entitled to compensation	In the event of physical relocation, they are entitled to compensation for the loss of non-land property, such as residential buildings and other elements of land improvement, at the replacement cost, as well as to receive relocation assistance, which must be sufficient to restore the previous standard of living on an adequate alternative plot.
Assistance to vulnerable and severely affected PAP	There are no special laws or regulations for livelihood restoration due to land acquisition and involuntary resettlement impact.	These PAPs are to be identified and special assistance is provided to restore/ improve their pre-project level of livelihoods.
Procedural mechanisms	<ul style="list-style-type: none"> • Information disclosure. Law on Access to Information requires information disclosure on regular basis, however resettlement related issues are never disclosed, as no specific requirement exists. • Public consultation. Matters of local importance to be publicly discussed with local authorities. But no requirement to consult directly the PAPs. • Grievance Procedures. Each state agency/ministry must follow to detail instructions (approved by government) on registering and reviewing the concerns and claims from citizens. No anonymous complaints are accepted. • Asset acquisition conditions. Property can be acquired only after full compensation is paid to PAPs. 	<ul style="list-style-type: none"> • Information disclosure. Resettlement-related documents to be timely disclosed in the PAP language. • Public consultation. Meaningful public consultations are to be held with the PAPs. PAPs should be informed about their entitlements and options, as well as resettlement alternatives. • Grievance procedure. A Grievance Mechanism (GM) is to be established for each project. Information on GM is to be communicated to the PAPs. Anonymous complaints are filed and processed. • Asset acquisition conditions. Property can be acquired only after full compensation is paid to the PAPs.

5. RAP Preparation, Approval and Disclosure Process

The first step in the process of preparing a RAP is the assessment to identify land plots and assets that may be affected by the Project. This assessment of land plots affected will be carried out by the PMU/PIU Social Specialists in conjunction with the representatives of local governments and will be used to identify the

types and nature of potential impacts associated with the activities proposed for implementation under the Project, to adopt respective impact mitigation measures. This assessment also shows that the prevention or minimization of resettlement is a key criterion in preparation of the RAP prior to implementation of the Project.

The assessment will be carried out according to the established criteria detailed in Annex 1 and will be documented in the form of a report on screening (see Annex 1-3) of the expected social impacts, following the adoption of main technical solutions or detailed sub-projects.

The design will not be completed until it is clearly established that all attempts have been made to minimize the impacts of resettlement. If the assessment indicates the need for physical displacement, land acquisition, impact on assets or negative impact on economic resources, whether or not there is physical displacement, the next step will be a social and economic census and inventory of the land resources and assets in order to determine the extent of the need for resettlement. This will be followed by the development of the RAP for the Project, following the steps outlined below.

5.1 Census, Social and Economic Surveys, Inventory of Losses

The census and socio economic survey shall be carried out using a structured questionnaire to record the details of the present occupants of land being acquired, their tenure status (primary land user or secondary land user), the extent of land required for the proposed improvements, in order to: (i) assess the magnitude of impact to private assets; and (ii) to assess the extent of physical and/or economic displacement, as well as standard of living, inventory of assets, sources of income, level of indebtedness, profile of household members, health and sanitation, perceived benefits and impacts of the sub-project and resettlement preferences of those who require to relocate. This information would facilitate the preparation of a resettlement action plan to mitigate adverse impact.

The purpose of the baseline socio-economic survey of affected persons is to capture the socio-economic characteristics of the affected persons and to establish monitoring and evaluation parameters. The key socio-economic indicators will be used as a benchmark for monitoring the socio-economic status of project affected persons. The survey shall cover all PAPs and the survey shall also collect gender-disaggregated data to address gender issues in resettlement. As part of socio-economic survey, a wide range of consultations with different impacted groups as well as other stakeholders will be conducted to ascertain their views and preferences. Based on the outcome of these consultations the design changes, if required, and mitigation measures will be incorporated. Consultations will include women and their concerns and reactions, in particular to land tenure, livelihood impacts, delivery of compensation, and resettlement planning, will be addressed through appropriate mitigation.

A cut-off date will be established during the census and will be the date of the population census and enumeration of impacted assets. Following the census, a RAP will be developed based on the collected data of impacts and impacted persons.

5.2 Preparation of Resettlement Action Plans

RAP will be prepared after the social and economic census and the identification of project affected parties. The RAP will be drafted in consultation with the project affected parties. In particular, consultations will be held on compensation entitlement, as well as on emerging obstacles to economic and livelihood activities, on assessment methods, compensation, possible assistance, PAPs' inspirations, grievance redress mechanisms, as well as on the timeline for implementation. The final version of the RAP will incorporate PAP's remarks/comments. The key RAP elements indicated in ESS 5 are listed below. The RAP contents are also outlined in Annex 5. However, given the sub-projects under the project, no interventions will result in physical or economic displacement.

Where a full RAP needs to be developed, it should include the following at minimum: (i) baseline census and socioeconomic survey information; (ii) specific compensation rates and standards; (iii) policy entitlements related to any additional impacts which are not identified in this RF but which are identified through the census or survey during implementation; (iv) programs for the improvement or restoration of livelihoods and standards of living; (v) implementation schedule for the resettlement activities; (vi) and detailed cost estimate.

5.3 Disclosure and approval

The following steps should be followed after RAP preparation:

- The draft RAP shall be subject to discussion with PAPs who will receive a copy of the RAP a week before the discussion. Public consultations shall be attended by PAPs, LSG representatives, ALRI, PMU representatives, and NGO representatives.
- After the discussion, comments and proposals shall be reflected in the RAP.
- The RAP shall include a section of the consultation process with the matrix of comments and proposals for the inclusion and implementation thereof.
- The Social Development Consultant shall submit the RAP to the Project Coordinator for approval.
- After inclusion of the comments received as a result of disclosure of the RAP and after approval thereof by the Project Coordinator, the RAP shall be officially sent to the WB for review and confirmation on the compliance with ESS 5 and other applicable policies/procedures.
- Once the World Bank confirms the acceptability of the quality of each RAP, it shall be disclosed on the WB website, published as a final RAP on the IA website and re-shared with all stakeholders. Private information about PAPs shall not be made publicly available.

No changes shall be made to the compensation entitlement matrix, eligibility criteria, compensation rates, or provisions for assistance without the prior World Bank's consent.

6. Eligibility Criteria and Procedures for Various Categories of Project Affected People

This section sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage claims of ineligible people.

6.1 Principles

The involuntary taking of land results in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance.

6.2. ESS 5 Eligibility Classification

Affected persons may be classified as persons:

- (a) Who have formal legal rights to land or assets;
- (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- (c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RF.

Persons covered under (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RF, if they occupy the project area prior to a cut-off date established by the project authorities in close consultation with the potential PAPs, local community leaders and the respective local authorities and acceptable to the World Bank.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land. It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land or had use of it, before the entitlement cut-off date.

Eligibility for assistance under World Bank ESS 5 also applies for project affected persons even if it is deemed that Tajikistan legal provisions provide for temporary or permanent acquisition of private land immediately adjacent to existing public roads without compensation.

6.2 Eligibility Criteria and Entitlements

The RF stipulates eligibility and provisions for compensating all types of losses (land, crops/trees, structures, business/employment, and workdays/wages). All PAPs including non-titled or informal dwellers will be compensated for lost assets (crops, structures, trees and/or business losses) and will receive (i) compensation (as required, to match replacement value), and/or (ii) replacement land, structures, seedlings, other resettlement assistance such as shifting allowance, assistance with rebuilding structures, compensation for loss of workdays/income.

The criteria for eligibility is based on PAPs belonging to one of three groups:

- (a) those who have title or formal legal rights to land;
- (b) those who do not have formal legal rights to land at the time of the Inventory of Losses (IOL)/Detailed Measurement Survey (DMS) or census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the RAP;³ and,
- (c) those who have no recognizable legal right or claim to the land they are occupying (i.e. non-titled users or informal settlers).

The PAPs who are entitled to compensation under the Project include:

- Persons whose structures are in part, or in total, affected temporarily or permanently by the Project;
- Persons whose residential or commercial premises and/or agricultural land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project;
- Persons whose businesses are affected in part, or in total, (temporarily or permanently) by the Project;
- Persons whose employment or hired labor or share-cropping agreement is affected, temporarily or permanently, by the Project;
- Persons whose crops (annual and perennial) and/or trees are affected in part, or in total, by the Project;
- Persons whose access to community resources or property is affected in part, or in total, by the Project.

Where land is to be acquired, titled or legal PAPs will receive compensation for land acquired by the Project at replacement cost. This will be in cash at replacement value or land-for-land with a combination of productive potential, location advantages, and other factors of which is at least equivalent to the advantages of the land taken to the satisfaction of the PAP (of equal size and/or productive value and be satisfactory to the PAP). Non-titled PAPs are not eligible for compensation for land but will receive compensation for assets attached to land and other assistance as required, in lieu of land compensation.

Households headed by single women with dependents and other vulnerable households will be eligible for further assistance to fully mitigate project impacts. Table below presents the Project’s entitlement matrix, based on potential losses.

Compensation eligibility will be limited by a cut-off date to be set for each subproject and PAPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however, will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated, and they will not pay any fine or sanction. Forced eviction will only be considered after all other efforts are exhausted.

6.3 Entitlement Matrix: Eligible PAPs, Assets and Compensation Guidelines

Project Impact	PAP Category	Asset Affected	Compensation Guide
Permanent acquisition of land for works such as construction of	Primary land user	Land	Replacement land of equivalent market value as priority option within 3 km radius. Failing availability of land, cash compensation at replacement cost. If over

³ This includes people who have not yet completed registration and who are considered as "legalizable" users (this will be identified as a form of land tenure in the IOL), they will be entitled to compensation as if they are legal/titled owners of land. The RAPs prepared will establish that continued facilitation of the registration process will be undertaken as part of livelihoods/wellbeing restoration under the Project’s resettlement process.

small infrastructure facilities (schools, water pipelines, energy sub-stations etc.)			10% of land is acquired, an additional 5% of replacement value will be paid (increasing to 10% if over 20%) as a severe impact subsidy. If the remainder of the plot is not economically viable the entire plot will be compensated
Temporary acquisition of land for works, or construction.	Primary land user	Land	Rental estimated value of land based on market rates and restoration of land and all assets thereon to former status. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis.
Temporary acquisition of land for works, or construction	User/occupier without certificate	Land	Restoration, replacement or compensation of all assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis.
Permanent acquisition of land for works such as construction of small infrastructure facilities.	Land renter or share-cropper	Land	In addition to land user compensation. Reimbursement of rent for remainder of contract period, plus 3 months of rent or 3 months of market price of share-cropping produce as disturbance allowance.
Permanent acquisition of land for works associated with the construction of small scale infrastructure.	User/occupier without certificate	Land	Compensation equal to 3 months of rent/share-cropping benefit as disturbance allowance.
Permanent acquisition of land for works associated with the construction of small-scale infrastructure.	Primary land user	Crops	In addition to land compensation, will be allowed to take standing crop and cash compensation for 2 seasons or annual crop yield depending on the crop.
Permanent acquisition of land for works associated with the construction of small scale infrastructure facilities.	Tenant farmer, share-cropper or informal user/occupier	Crops	In addition to land compensation, allowed to take standing crop and cash compensation for 2 seasons or annual crop yield depending on the crop.
Permanent acquisition of land for works associated with the construction of small-scale infrastructure facilities.	Owner	Business	In addition to land compensation, owner will be paid for the lost income during the transition period, calculated on the basis of average daily /monthly income. Further, an additional payment equivalent to three month's income will be paid to restart the business in the new location

Permanent acquisition of land for works associated with the construction of small-scale infrastructure.	Renter	Business	The renter will be reimbursed the rent for the remainder of the contract. Further, an additional payment equivalent to three month's income will be paid to restart the business in the new location.
Temporary acquisition of land for works, or construction.	Owner	Business	Rental value of land based on market rates and restoration of land and all assets thereon to former status. In addition, owner will be paid for the lost income during the transition period, calculated on the basis of average daily/monthly income.
Temporary acquisition of land for works, or construction.	Renter	Business	In addition to the reimbursement of rent during the transition period, the renter will be paid for the lost income during the transition period, calculated on the basis of average daily/monthly income.
Common Property uses such as Grazing	User	Grazing land	Grazing can continue. No expected impacts on grazing land.
Destruction of fruit tree (mature)	Owner	Fruit tree	Allowed to take standing crop. Price of a sapling and associated cost (fertilizer, water, labor) and cash compensation for the value of a mature tree harvest multiplied by number of years it will take for the sapling to reach maturity
Commercial tree owner	Owner	Commercial trees	Price of a sapling and cash compensation for the market value of the commercial tree. Any costs associated with planting of saplings in the new plot.
Permanent acquisition of legal structure.	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Replacement structure or cash compensation at replacement value of a new structure plus full compensation for all fees needed to make replacement structure legal. Affected buildings/ structures should be compensated in their entirety.
Permanent acquisition of illegal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Replacement structure or cash compensation at replacement cost. Affected buildings/ structures should be compensated in their entirety.
Temporary acquisition of legal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Structure restored to original condition. If inconvenienced, then build a temporary replacement structure to service the affected person.
Temporary acquisition of illegal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Structure restored to original condition with alternatives for legalization. If inconvenienced, then build a temporary replacement structure to service the affected person.
Vulnerable people	Identified on the basis of the socio-economic survey		In addition to compensation for assets lost, a lump-sum equivalent to 3 month of average

	and criteria developed such as income level, disability, household size, etc. Vulnerable people may include the disabled, pensioners, widows, female-headed households, and impoverished households) and only if project renders them vulnerable.		salary payments could be paid depending on the impacts. Any additional impacts to be identified and compensated, for example logistical support may be required for moving, and assistance in the restoration of livelihoods may be required.
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In none of these cases, the PAPs will be liable for any taxes and eventual transaction fees; these will be paid by the implementing agency from the resettlement budget to be contributed by the Government of Tajikistan. Besides, the amount to cover bank service fees will be added on top of the amount of cash compensation to be received by PAPs at the banks. Land certificate reissuing costs should be covered by the Government contribution.

6.4 Voluntary Land Donation

In case of small sections of land required for micro level subproject activities, the project may seek support from the community to donate lands. However, the community members have the right to make a contribution of their land or other assets without seeking or being given compensation at full replacement value. Voluntary contribution is an act of informed consent. Local Authorities must assure that voluntary contributions are made with the affected person's full and prior knowledge of the availability of other options (including compensation at replacement cost) and are obtained without coercion or duress. Also, voluntary donations are allowed only if the affected people are direct beneficiaries of the investments that cause such impact. Proposals including voluntary contributions will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users (the size of land contributed on a voluntary basis should not exceed 5% of that individual's total land holding).

Specifically, the following protocol will govern voluntary contributions under the project:

- Voluntary contributions are an act of informed consent and affected people are not forced to donate land or other assets with coercion or under duress or misled to believe that they are obliged to do so, without regard to the legal status of their land occupancy.
- Land alienation should not result in physical or economic displacement.
- The impacts must be minor. The households contributing land or other assets are direct beneficiaries of the sub-project; the impact is less than 5% of the total productive assets owned by said household.
- The facilities requiring land should not be site specific.
- The land in question must be free of squatters, encroachers, or other claims or encumbrances.
- The land must be identified by the khukumat land management authorities and not by PMU or other linier institutions or the Project bodies. However, the project technical authorities should ensure that the land is appropriate for sub-project purposes and that the sub-project will not have any adverse health or environmental safety hazards.
- Voluntariness will be ascertained by the PCU/PMU/PIU with due signing by a higher-level official. A process to this effect will be formulated by the PMU/PIU shared with the Bank for approval.
- Verification of the voluntary nature of land donations must be obtained from each of the persons/ household donating land. This should be in the form of signed statements.
- The PCU/PMU/PIU will also create awareness among the community to devise mechanisms to express a sense of gratitude to those households donating lands. These will find a place in the statements.
- Other things being equal, land donations will not be accepted from the female-headed households (FHHs) and elderly people.

The affected people are fully informed that they have the right to refuse to donate land or other private assets, and instead receive compensation at replacement cost, and that a grievance handling mechanism is available to them through which they can express their unwillingness to donate. Furthermore, people are encouraged to use the grievance handling mechanism if they have questions or inquiries, either in writing or verbally.

6.5 Methods to Determine Cut-Off Dates

Once the design of an activity has been finalized and legal procedures completed, a RAP will be prepared for the activity. As part of the RAP, a census will be undertaken to identify all the PAPs and the related levels of impact. The date when the census begins is the cut-off date for eligibility for resettlement and compensation. Hence, it is important that this date is fully communicated to all potential PAPs, including through local and national mass-media in the project affected area with sufficient time for these people to ensure their availability for the census.

This communication will be done through the PMU/ALRI and MEWR/PIU in line with the consultation procedures outlined in this document. The potential PAPs will be informed through both formal notifications including through local and national mass-media, in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

7. Methods of Valuating Affected Assets

This section sets out the guidelines for determining the value of affected assets.

7.1 Types of Compensation Payments

Compensation for all land use and assets in kind or cash as guided by the entitlement matrix will be required for the following:

- Land;
- Residential buildings, structures and fixtures;
- Cultivated crops (both cash and food crops) and trees; and
- Business houses like shops and restaurants.

In addition, disturbance allowance, storage of goods, replacement of lost services and other assistance will be given, as outlined in the Entitlement Matrix above. However, this is *for guidance only and it is essential that at the time of detailed RAP preparation current market values and replacement cost values are used to establish actual compensation*. All cash amounts will be adjusted to reflect any economic changes and buying power of currency since the preparation of this RF. The PMU/PIU will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and that it is consistent with Republic of Tajikistan laws as long as it meets the requirements of the WB ESS 5.

7.2 Preparation of Asset Inventory

During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the principles and guidance of the RF. The total list of affected assets and their assigned values including any additional compensatory measures will be recorded in a register and shown to the affected person for agreement. The register will be signed, and a copy given on the spot to the affected person. The document will indicate when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

7.3 Valuation Method

7.3.1. Compensation for Land

In the event of permanent land acquisition of titled land, the first premise is provision of replacement land. In the case where no alternative land is available within a reasonable distance such as to minimize disruption to other aspects of socio-economic life, cash compensation at full replacement value should be provided. This should be valued based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality. In addition, any associated costs of purchasing the land i.e., taxes, registration fees will need to be included in the compensation.

In addition, the PAP will be compensated for any permanent improvements made to the land (for instance irrigation structures). This will be calculated based on the price of making the permanent improvement at current prevailing market rates for labor, equipment and materials.

Where land lost is only a small proportion of total land owned by the PAP (as per discussion with the Government officials in Dushanbe, this will be likely the case with most of the land users), but renders the

remaining land as unusable, the compensation provided should be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land).

Where land is temporarily acquired, standing crop will be compensated at fully matured market rate or government rate, whichever is higher. The compensation will be paid to the tiller rather than the owner, where the tiller is not the owner (e.g. tenant or sharecropper). There will hence be no adjustment in the terms of the rent of share cropping agreement. Aside from the payment for standing crop, the project will ensure that the land is returned to its original form, so it is suitable to resume its former use.

7.3.2 Calculation of Crops and Fruit Trees Compensation Rate

The current prices for the crops will be determined taking into account the Government recommended rate and the highest market price, whichever is higher. Where land is rented, 2 seasons or annual crop estimate, depending on the crop will be compensated. Where land is owned, aside from the replacement land or cash compensation for land, the owner will also get compensation for 2 seasons or annual crop estimates depending on the crop. The crops used will be the ones that are currently or have most recently been cultivated on that land. In addition, PAPs will be encouraged to harvest their produce before loss of land. In order to ensure that this is possible, and that appropriate market prices are received for yields, there needs to be sufficient consultation beforehand so that harvesting can be properly planned.

The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation should be updated to reflect values at the time compensation is paid.

Fruit trees will be compensated to the owner based on the price of a replacement sapling along with the annual value of the fruit produced by that tree for the number of years it will take the sapling to reach full maturity, using Government or highest market price, whichever is higher.

7.3.3. Compensation for Structures

The preferred option is to provide alternate structures (latrines, storage facilities, fences etc.) of at least equal quality and of improved quality where possible. The second option is provision of cash compensation at full replacement value.

Replacement values will be based on:

- Measurements of structures and detail of materials used.
- Average replacement costs of different types of household buildings.
- Structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. poles, bricks, rafters, bundles of straw, corrugated iron sheets, doors etc.).
- Prices of these items collected in different local markets.
- Costs for transportation and delivery of these items to the acquired/ replacement land or building site.
- Estimates of construction of new buildings including labor required.
- Compensation will be made for structures that are (i) abandoned because of relocation or resettlement of an individual or household, or (ii) directly damaged by subproject activities.

7.3.4. Compensation for Community Assets

Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in kind and new facilities will be provided even if there are existing facilities at the new location.

7.3.5. Compensation for Sacred Sites

This policy does not permit the use of land that is defined to be cultural property by the Bank's Environmental and Social Standard 8. Sacred and genocide war memorial sites include but not restricted only to museums, altars, initiation centers ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by the legislation of the Republic of Tajikistan (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any project activity, is not permitted under this project. Relevant clauses will also be inserted in the civil works contracts.

7.3.6. Compensation for Loss of Businesses

Any structures will be replaced in an appropriate location as outlined above. In addition, compensation will be paid for the lost income and production during the transition period (time lag between losing the business and re-establishment). This will be estimated based on the daily or monthly income of the affected parties.

8. RF and RAP Implementation Arrangements and Procedures

8.1 Overview

The project will be implemented by the ALRI and MEWR. The PMU/ALRI will have primary responsibility for project implementation, including construction and related procurement and financial management), ensuring compliance with agreed environmental and social protection measures, and monitoring and evaluation (M&E) of the project. The PMU will ensure that the necessary communication and visibility measures are implemented. In parallel with this, a MEWR Project Implementation Unit (PIU) will implement subcomponent 1.1.

The PMU/ALRI has built up the necessary capacity to implement WB projects, staffed with appropriate personnel, including specialists in social and environmental safeguards, implemented appropriate control mechanisms and procedures. The PIU/MEWR will recruit a social development specialist and give him / her clear roles, responsibilities and authorities to implement and monitor stakeholder engagement activities and compliance with the requirements consistent with the project ESS.

The PMU/PIU will ensure their social development specialists availability until the end of the project specialists to ensure the proper implementation of the provisions of the RF and field monitoring at the local level. Also at the regional level, a Project Coordination Unit (PCU) will be established, whose staff will ensure the proper implementation of the provisions of the RPF and field monitoring at the local level.

For the purpose of the RF implementation, given that the project locations are in rural areas, the PMU Social Development Specialist will closely work with the representatives of PCUs, local khukumats, jamoats and affected settlements.

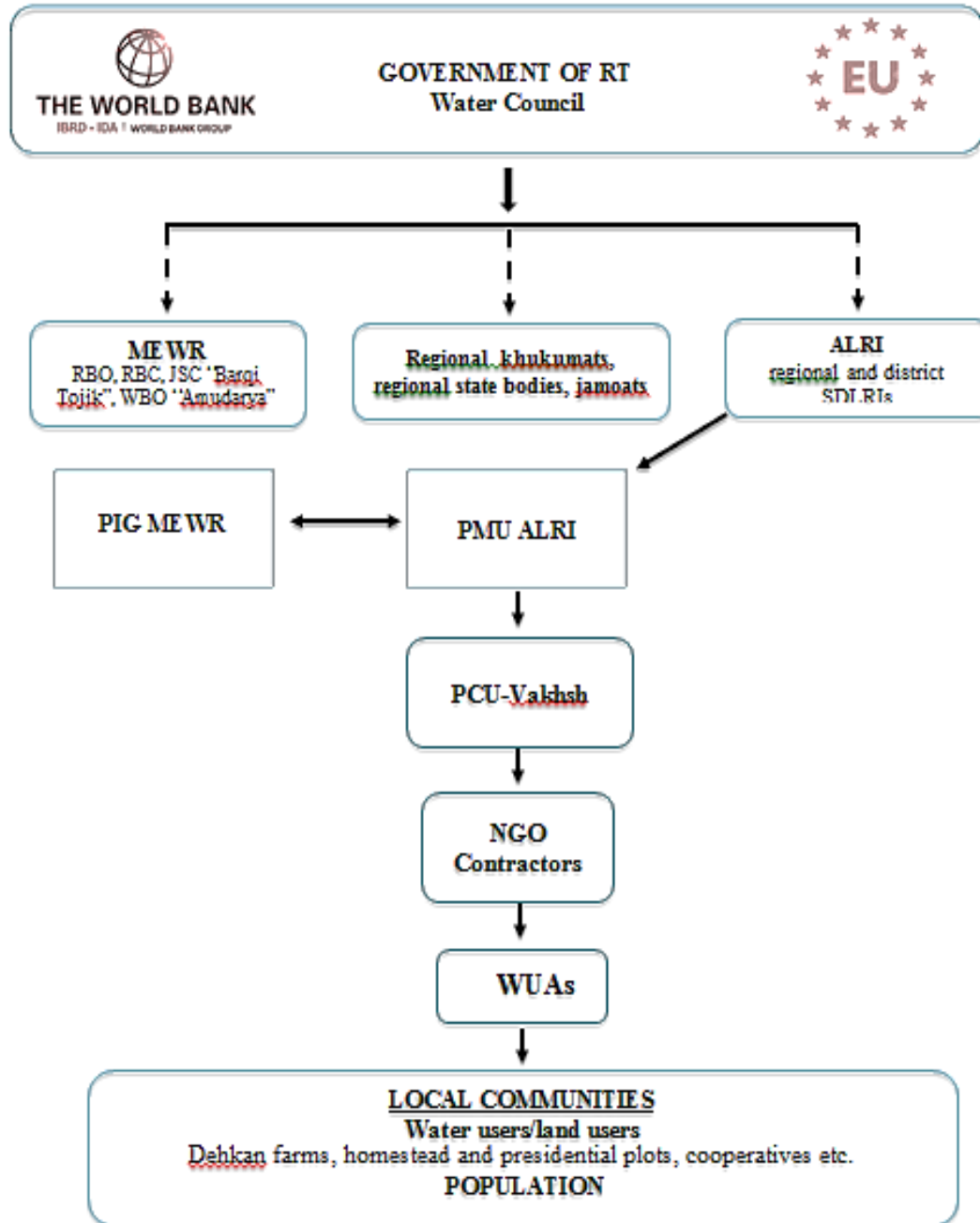
Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for sub-projects. This section describes the optimal arrangements that build on responsibilities already in place in the PMU/PIU to ensure that the requirements of this RF are met for each project activity. These are based on the institutional structure at the time of writing the RF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

With regards to RF implementation, the PMU/PCU and PIU in collaboration with local khukumats will be responsible for (i) implementing social screening and evaluation of subproject eligibility from the ESS point of view; (ii) communicating and coordinating with relevant government authorities (Land Administration Agency and its branches); (iii) ensuring proper implementation of the RF, requirements as well as social due diligence tasks during the subprojects' realization; (iv) addressing complaints and feedback from project stakeholders and the public, including grievances regarding environmental/social impacts of subprojects; (v) supervising mitigation measures stipulated in the RAP implementation; (vi) monitoring social impacts as part of overall monitoring of the subproject implementation; and (vii) reporting social impacts originated during implementation of sub-projects and analyzing the efficiency of mitigation measures applied to minimize negative consequences. Together with subproject implementers and beneficiaries, the PIU/PMU/PCU and local khukumats are responsible for the implementation of the above activities.

For successful implementation of the RF, the following project staff and structures will be required

- PMU/ALRI - 1 social development specialist, 1 M&E Specialist
- PIU/MEWR – 1 social development specialist
- PCU under the ALRI/PMU- in the Sughd Region, Districts of Republican Subordination and Khatlon Region - a relevant specialist / consultant responsible for resettlement issues in each region
- Khukumat (district administration) – 1 GM contact person and establishment of a GM commission/group.

PROJECT INSTITUTIONAL STRUCTURE



8.2 Screening of Project Activities

The first step in the process of preparing individual RAPs is the screening process to identify the land/ areas that may result in resettlement impacts. This screening is used to identify the types and nature of potential impacts related to the activities proposed under this project, and to provide adequate measures to address them. It also ensures that the avoidance or minimization of resettlement is a key criterion when designing project activities.

Screening will be undertaken in accordance with established screening criteria and procedures by PMU/PIU which is given the responsibility to manage and oversee the construction process under both Components. Completed screening forms will be prepared by the PMU/PIU Social Development Specialists. No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts.

8.2.1 List of Non-Eligible Activities for Subprojects

The initial screening for the eligibility of the subproject will be based on the list of excluded activities that will not be permitted by the WB. Therefore, subproject proposals that include these activities will not be considered for financing.

Non-eligible activities for subprojects are listed in Table 2 below.

Table 2. List of Non-Eligible Activities for Subprojects

- Have negative environmental or social impacts that are irreversible, create cumulative impacts and/or cannot be adequately mitigated;
- Production or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements, or subject to international bans, such as pharmaceuticals, pesticides/herbicides, ozone depleting substances, PCB, wildlife or products regulated under CITES;
- Production or trade in unbounded asbestos fibers;
- Production or trade in wood or other forestry products other than from sustainably managed forests;
- Production, trade, storage, or transport of significant volumes of hazardous chemicals, or commercial scale usage of hazardous chemicals (gasoline, kerosene, and other petroleum products);
- Production and processing of genetically modified organisms (GMOs);
- Use of banned pesticides;
- Use of species provided in Annex 1 to the Bonn Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- Will cause high negative impact on income/livelihood resources;
- Involve any kind of forceful evictions of people;
- Do not meet the required technical and quality specifications;
- Exclude the poor/marginalized population or otherwise vulnerable groups;
- Are financed, or scheduled to be financed, by the government or other development partners;
- Include the payment of compensation for land or asset loss from the proceeds of the World Bank financing;
- Production or activities involving forced labor
- Involve activities that cause or lead to child abuse, child labor exploitation or human trafficking within the subproject;

- Entail the purchase or use of illegal/illicit drugs, military equipment or other potentially dangerous materials and equipment, including chain saws, pesticides; insecticides; herbicides; asbestos (including asbestos-containing materials); or other investments detrimental livelihoods including cultural resources; and
- Involve development of new settlements or expansion of existing settlements in critical habitats, protected areas or areas proposed for certain levels of national protection (e.g., reserved forests).

8.3 Socio-Economic Profiling and Inventory of Losses

Should the screening process show that land acquisition will be required, the next step will be the socio-economic identification and profiling of Project Affected Persons (e.g. their age, asset dependence, income, family status etc.). This is the equivalent of a census conducted for large-scale resettlement. Similar to a census, 100% of PAPs will be profiled. This step should take place at the same time as the inventory and valuation of all assets affected for each individual PAP.

Once these steps are completed and there is evidence of resettlement issues, a Resettlement Action Plan (RAP) will be developed on the basis of the data collected. This RF provides a framework for the preparation of RAPs to address resettlement associated with the activities of this project.

The screening process will involve direct consultation with the PAP(s) who will work with the PMU/PIU representatives and officials from the Jamoat (sub-district), mahalla (village) and District Administration (or Mayor / Municipal Structures in case of cities and towns) on-site to verify the affected assets and discuss their socio-economic situation. Before the process begins, the PAP(s) will be advised in writing and verbally of their rights and will be consulted throughout the resettlement process. This will include sharing a copy of the grievance redress procedure and the entitlement matrix.

8.4 Due Diligence Review of Linked Activities

The local community driven interventions and socioeconomic infrastructures supported by the project may or may not be part of the Government and local government development activities. The initial review of some of the proposed interventions revealed that there might be some potential links to other development activities which need due diligence reviews. Therefore, in addition to above mitigation measures, some protocol should be established to review any infrastructure activities planned and/or implemented by other donors and/or government institutions, which may be associated or linked to the sub-projects to be supported under the Project will be reviewed by the PMU/PIU and the WB social development team members. Due diligence review report will be prepared to assess the associated social and reputation risks and to propose mitigation measures.

8.5 Estimates of affected population and assets in the project affected areas

Cases of temporary or permanent acquisition of individual land plots cannot always be avoided as suitable public land may not be available for the construction of infrastructure projects to be selected on competitive basis. The extent to which any temporary or permanent land acquisition will be necessary or whether the access and use of land will be constrained on a temporary or permanent basis is not yet known and can only be fully determined after each sub-project design is completed. ALRI PMU/MEWR PIU do not expect any demolition of capital structures during implementation of the Project, though the destruction of smaller-scale structures (fences etc.) cannot be fully precluded at this stage. Given that the impact on affected populations and/or assets are not yet clear, estimates will be produced when the project commences.

However, discussions with the officials from the Governors' administrations, PMU/PIU and Department of Land Management reveals that the impacts on the entire displaced population will be minor (i.e. affected

people are **not** likely to be physically displaced and less than 10% of their productive assets will be lost) and fewer than 200 people would be affected in any activity.

8.6. Roles and Responsibilities

This section describes the roles and responsibilities to implement resettlement plans addressing physical and/or economic displacement described ESS 5. The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures. The outline of the resettlement plans is enclosed in Annex 6.

A site-specific assessment will be conducted in accordance with the WB ESS 5, and site-specific resettlement plan will be prepared as a result of such evaluation. These will be the responsibility of PMU/PIU Social development Specialists supported by PCU consultants; however they will be supported by khukumats and jamoats. Table 3 indicates the process flow for the resettlement plans development:

Table 3: Resettlement Plans Development Process Flow

Step 1	<ul style="list-style-type: none"> a) The PIU/PMU social development specialists supported by PCU consultants will conduct screening of the subprojects with regard to prohibited/excluded activities; b) If the subproject passes the screening for the list of prohibited/excluded activities, the PIU/PMU social development specialists complete Social Screening Checklist; c) Based on the Social Checklist to determine the risk category;
Step 2	<ul style="list-style-type: none"> a) If the subproject requires a complete socio-economic profiling of Project Affected People (PAPs) and inventory of losses, it should be referred to the PMU/PIU for further action. b) For <i>Substantial and Moderate Risk subprojects</i>, the PMU/PIU Social Development Specialist notes potential social risks and indicates how they will be prevented/mitigated in the Social Screening Table
Step 3	If the subproject is selected for funding, the PMU/PIU Social Specialist supported by implementing partners, jamoats and khukumats will prepare resettlement plans
Step 4	The PMU/PIU will disclosure of the draft resettlement plans and organizes a public consultation, involving NGOs, community representatives, affected groups, etc. Formal minutes will be prepared to record inputs provided by the participants.
Step 5	<ul style="list-style-type: none"> a. The subproject applicant will submit the full set of resettlement documents for consideration and further decision on funding; b. Upon approval of sub-projects, the PMU/PIU will complete subproject appraisal and proceed with signing of the financing agreement with respective sub-project beneficiaries.

The implementation arrangements of the RF build on implementation arrangements for resettlement and compensation activities in line with the WB's ESS 5 outlined in this document. Distribution of the responsibilities of all parties involved in the resettlement plans implementation is given in Table 4.

Table 4: Roles and Responsibilities during Resettlement Plans Implementation

Responsible Party	Responsibilities
PMU/PIU	<ul style="list-style-type: none"> • Approve the resettlement plans with the WB and disclose them at the respective IAs websites • Arrange for the government funding approval and disbursements for the resettlement plans implementation • Implement resettlement plans on site and provide regular reporting on implementation to the WB • Summarize the resettlement issues related to project implementation to WB in regular progress reports.

	<ul style="list-style-type: none"> • Be open to comments from affected groups and local authorities regarding resettlement issues of project implementation. Meet with these groups during site visits, as necessary. • Provide guidance to the construction contractor and engineering supervision firm to follow the resettlement plans requirements on site together with local khukumat focal points. • Coordinate and liaise with WB supervision missions regarding environmental and social safeguard aspects of project implementation. • Conduct regular monitoring activities for the implementation of site-specific resettlement plans; • Manage GM database and provide regular reporting on the number and substance of grievances
PMU's Project Regional Offices/Social Consultants at the province level	<ul style="list-style-type: none"> • Hold consultation meetings, and prepare and distribute leaflets or other informative documents to inform communities, and its impacts and construction schedule as well as rights and entitlements of PAPs • Set up a multi-level GM, monitor and address grievances related to the project under specified timelines • Design and implement training and tools for building capacity of local khukumats in social screening • Manage the grievance redress mechanism at the district level and communicate grievances to the PMU regularly through RF/Resettlement Plans monitoring reports. • Monitor site activities on a regular basis (weekly, monthly) • Prepare the resettlement plans progress reports for the review of the PMU/PIU.
Local Khukumats	<ul style="list-style-type: none"> • Organize its disclosure of the final resettlement plans and organizes public meetings, involving NGOs, community representatives, affected groups, etc. Formal minutes will be prepared to record inputs provided by the participants. • Manage the grievance redress mechanism at the district level; • support implementation of social screening of project sites during project implementation.
Contractors	<ul style="list-style-type: none"> • Comply with the resettlement plans requirements; • Compensate or fix all damages occurred during construction (i.e. damages to crops, infrastructure) as set out in Resettlement plan/RF and cleared with the PMU/PIU. • Manage GM at the contractor's level
World Bank	<ul style="list-style-type: none"> • Review the site-specific Resettlement Plans and provide no objections to the PMU/PIU. • Disclose final Resettlement plans on WB's official website • Conduct implementation support and supervision missions in order to ensure that the Project is in compliance with the WB ESS 5.

The above table describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RF are met for each project activity. These are based on the institutional structure at the time of writing the RF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

8.7 Monitoring and Evaluation Arrangements

Component 3 will support Monitoring and Evaluation (M&E) activities to track, document, and communicate the progress and results of the project. The PMU/PIU M&E Specialist will be responsible for overall compilation of progress and results. This Component will finance the PMU to prepare project reporting—semi-annual reports and quarterly unaudited IFRs—that will be submitted to the World Bank. This Component will also finance an MIS, which the PMU will establish and utilize for project monitoring, automatic generation of project reports, project transparency (sub-project information will be publicized on websites), and citizen feedback.

8.7.1 Monitoring Plans

The social issues included within the mitigation measures are monitored and supervised by the local implementing partners staff appointed by the PMU/PIU. Although the social impacts are expected to be low, the potential negative social impacts are planned to be prevented or mitigated during the construction and operation stages.

Environmental and social monitoring system starts from the implementation phase of the project through the operation phase in order to prevent negative impacts of the project and observe the effectiveness of mitigation measures. This system helps the WB and the PMU/PIU to evaluate the success of mitigation as part of project supervision and allows taking an action when needed. The monitoring system provides technical assistance and supervision when needed, early detection of conditions related to mitigation measures, follows up on mitigation results, and provides information of the project progress.

Environmental and social monitoring to be implemented by the PMU/PIU has to provide information about key environmental and social aspects of the subprojects, particularly the project environmental and social impacts and the effectiveness of taken mitigation measures. Such information enables to evaluate the success of mitigation as part of project supervision and allows corrective action(s) to be implemented, when needed. In this regard the Monitoring Plan identifies monitoring objectives and specifies the type of monitoring, and their link to impacts and mitigation measures. Specifically, the monitoring section of the RAP provides: (a) a specific description and details of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements; and, (b) monitoring and reporting procedures;

8.7.2 Monitoring and Reporting Responsibilities

The PMU/PIU will monitor all sub-projects that it finances to ensure conformity to ESF requirements during construction, operation and maintenance. They will ensure full compliance with the contract conditions to the RF/Resettlement Plans. Final payment to the contractor should be contingent on the final inspection, with particular attention to the requirement to restore the site to its original condition upon completion of rehabilitation activities.

PMU/PIU Social Development Specialist will visit the sub-project sites as and when necessary. Based on performance of different sub-projects, the PMU/PIU Social Development Specialist will advise on the subsequent disbursements that should be done for the contractors awarded a contract to implement sub-projects under the Project. If it is found that there is no RF and/or ESF compliance, further disbursements will be stopped until ESF compliance is ensured.

In addition, in the project areas the PMU/PIU will be responsible for the environmental and social monitoring activities identified above as part of the preventive actions and mitigation measures proposed to address potential adverse impacts. This monitoring will be incorporated into the overall project monitoring plan required by the World Bank as part of project performance.

As part of its environmental and social monitoring activities, the PMU will conduct random inspections of project sites to determine the effectiveness of measures taken and the impacts of sub project activities on the surrounding environment. The PMU/PIU are also responsible for processing, addressing and monitoring complaints and other feedback, including that on environmental and social issues.

The PMU/PIU will be responsible for RF/Resettlement Plans reporting and will:

- Record and maintain the results of project supervision and monitoring throughout the life of the project. It will present summary progress reports on RF/Resettlement Plans implementation and the social and environmental risks of subprojects on a semi-annual basis to the World Bank,

- Prepare semiannual reports on the progress of implementation of measures proposed by the RF/Resettlement Plans for selected sub-projects, and as part of this reporting, provide updates on any Project related as grievances/feedback that was received, that has been addressed and that may be pending;
- Prepare semiannual reports on the social impacts originated during implementation of sub-projects and analyze the efficiency of mitigation measures applied to minimize negative consequences;
- Prepare outlines and requirements for Contractors' reports on resettlement mitigation measures, and review Contractor's monitoring plan and reports
- Present the impact of mitigation and environmental and social protection measures for general public via specific publications or/and by annual public seminars.

8.8 Implementation Budget

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of this project. However, when these locations are known, and after the conclusion of the site-specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for each RAP will be prepared. Each RAP will include a detailed budget, which will provide costs of the following:

- Compensation may include, for example: costs for land, structures, crops; restoring structures; community structures and services.
- Relocation costs may include, for example: costs of resettling PAPs, administrative costs of resettling PAPs.
- Income restoration costs may include, for example: temporary income support for PAPs.
- Administrative costs may include, for example: staff costs, training and capacity building costs, monitoring and evaluation.

The PMU is responsible for implementing the Resettlement Framework and RAP, including payment of compensation, provision of other types of assistance, implementation of the grievance redress mechanism to be covered through the resettlement budget to be contributed by the Government of Tajikistan.

9. Public Consultations and Disclosure

9.1 RF Disclosure

The draft RF was posted on the PMU/ALRI website late January 2022 (<https://alri.tj/storage/uwbkrKbY2i3soSehMJpo.pdf>). The final version of the RF will be officially submitted to the World Bank for disclosure in English on the WB external webpage. The final English and Russian versions will be also posted on the web page of the ALRI website. The final version of this document will be used by respective government agencies and other Project stakeholders during the project implementation.

9.2 Public Consultations

On February 3, 2022, and March 17, 2022, the PMU/ALRI conducted public consultations at the national and regional level on this RF project and invited all interested organizations, including national and local representatives of other government bodies, such as local agriculture departments, health and labor departments, local khukumats, jamoats, chairmen of mahalla committees, as well as local NGOs from target areas at two locations. During the consultations, the PMU/ALRI provided brief information on the projects

of the ESMF, SEP, LMP and RF. In particular, the audience was informed about screening projects, conducting environmental and social assessments in relation to sub-projects that pose a substantial risk, potential impacts that may arise, and measures to be taken to prevent / mitigate potential impacts. Note that these consultations included resettlement aspects and as such this section only focuses on relevant environmental and social questions that were asked during the consultations.

Consultation on sub-project social assessments. The disclosure of resettlement documents for Substantial Risk subprojects is mandatory, and these are to be made accessible to project-affected groups and local NGOs. There will be a round of consultations after preparation of the RAP (including disclosed of the draft RAPs on the ALRI / PMU website and by presenting their hard copies to the local structures/ khukumats and jamoats).

Consultation on simple subprojects. In the case of new small construction, insignificant reconstruction, change of machinery and equipment etc., which will not have a significant affect on the society, public consultations can be conducted virtually or in key sites in local public administration offices. For construction/reconstruction activities a notice plate will be installed at the project site.

9.3 Grievance Mechanism

Grievance procedures will be required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The procedures also ensure that the entitlements are effectively transferred to the intended beneficiaries. Stakeholders will be informed of the intention to implement the grievance redress mechanism, and the procedure will be communicated at the time that the RAPs are finalized.

Grievances may arise from members of communities who are dissatisfied with eligibility criteria use, community planning and resettlement measures, actual implementation or compensation.

9.3.1 Overall Process

- a) During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances.
- b) The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases. Having an effective GM in place will also serve the objectives of: reducing conflicts and risks such as external interference, corruption, social exclusion or mismanagement; improving the quality of project activities and results; and serving as an important feedback and learning mechanism for project management regarding the strengths and weaknesses of project procedures and implementation processes.
- c) The project will use a local mechanism, which includes resettlement committees, peers and local leaders of the affected people. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
- d) The response time will depend on the issue to be addressed but it should be addressed with efficiency.
- e) Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

9.3.2 Procedures

Grievances can be filed at the following **three levels**:

Level I (local). This level provides for the receipt of complaints and other types of appeals that can be received as part of the implementation of infrastructure measures, i.e. when carrying out construction and restoration work from the local community located in the project area and provides for the following steps:

Step 1. Getting about messages from the local community and water users begins with contacting local government bodies (khukumat/jamoat/mahalla), who in turn informs PMU regional consultants about the received appeals on biweekly basis. Further, the appeal is registered and categorized. If the appeal has the nature of a complaint and cannot be resolved by the local authorities within 10 days, then it is transferred to the next level. In the register of complaints and suggestions, a record is made about the solution of the problem or the decision to move to the next level.

Step 2. Further, the beneficiary shall submit his complaint in writing to the PMU/PIU. The complaint statement is signed and dated by the affected party. The Social Development Specialists of the PMU/PIU will act as contact persons, which is the direct channel of communication with the beneficiary. The complaint must be reviewed and resolved within 15 days.

Step 3. If, after receiving a response from the PMU/PIU, the complaint is not resolved, the Project will use the Conflict Resolution Commission (CRC) as an appeal mechanism. The CRC consists of at least 5 members, 2 of whom are employees of the PMU and the other three must be represented at the level of the ALRI/MEWR representatives and representatives of local government authorities. The Conflict Resolution Commission is created at the request of the applicant, from the PMU/PIU or the local Khukumat (in the districts of the Project implementation zone). The decisions taken by the Commission and agreed between all parties are legalized in the form of an order of the participating Khukumats.

If the beneficiary has any objections to the CRC's decision, the case may be referred by the affected party to the court.

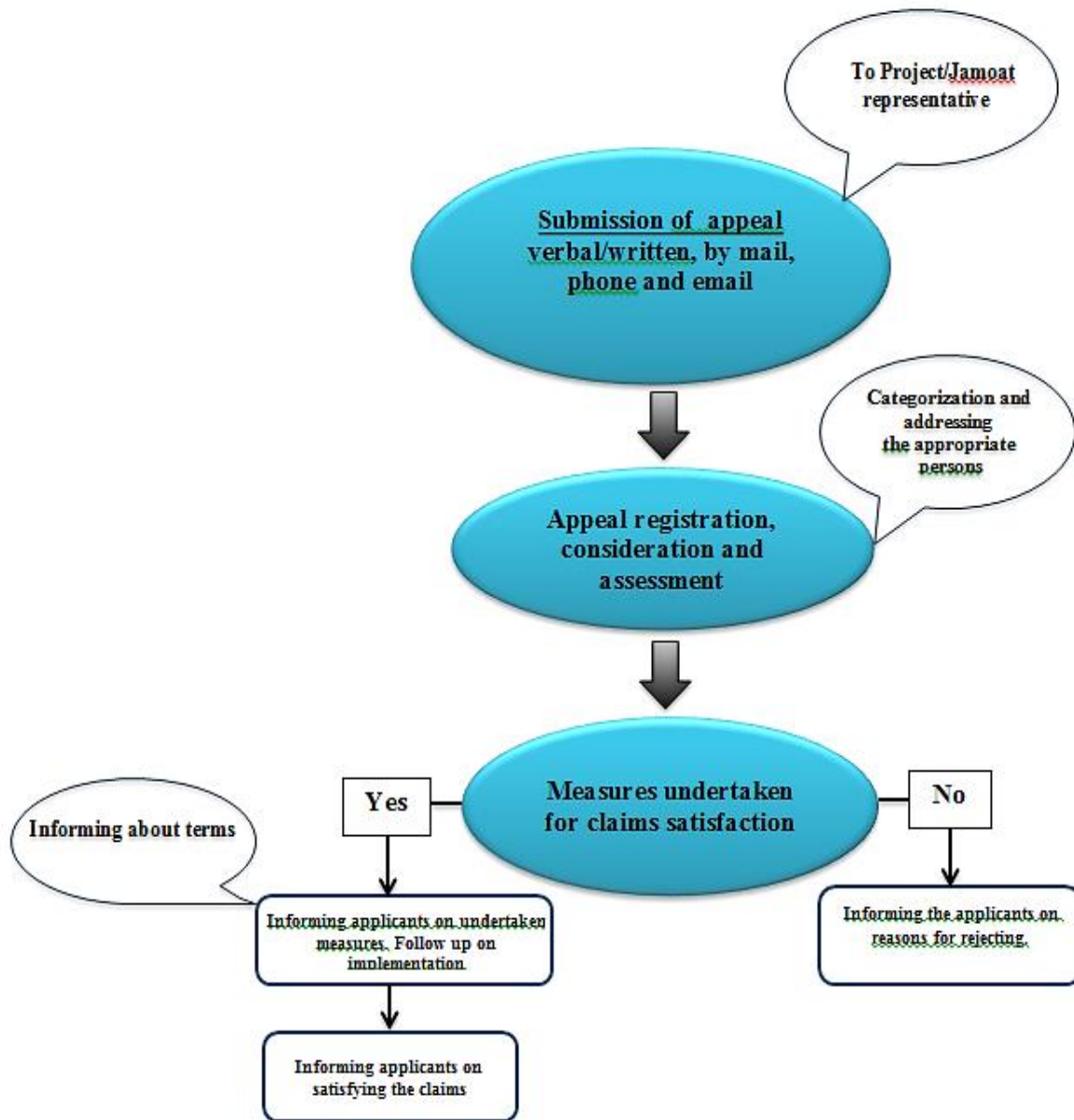


Fig. 1. GM at the local level.

Level 2 (basin).

Provides for consideration of applications submitted by participants in water relations during the implementation of the project with the involvement of representatives of NGOs, representatives of the PMU/ALRI and/or PIU/MEWR (each according to its specifics of work). If complaints between the participants at the basin and sub-basin level are not resolved, they will be considered at the national level i.e. project implementing agencies MEWR and ALRI.

Level 3 (national).

This level will be based on the existing mechanism of MEWR and ALRI, where, according to the legislation of the Republic of Tajikistan, the legal provisions reflected in the "Law of the Republic of Tajikistan on applications of individuals and legal entities" are used. Within the framework of the Project implementation, information on the GM for the Project will be posted on the websites of the executing agencies ALRI and MEWR. The online feedback mechanism will also function as the GM, allowing users to submit comments or file complaints. Contact details of PMU/ALRI and PIU/MEWR representatives will also be available on the websites. The creation of an information and communication center of ALRI within the framework of the Project will strengthen work with the public and will allow communication remotely.

In the absence of technical components or its poor quality, the applicant can apply to through a number of procedures: verbally (by phone), in writing or on the established visiting days and hours. Information about the reception schedule is posted on the bulletin board and posted on the IA's websites. Applications related to the implementation of project activities are subject to consideration. On the basis of the application, a working commission is created to consider complaints, which will be represented at the level of the responsible person of the ALRI and/or MEWR (each in its own specificity of work) and representatives of the PMU/MEWR and the PIU/ALRI. The terms for consideration and resolution of the complaint will be established in accordance with the provisions reflected in the Law on appeals of individuals and legal entities of the Republic of Tajikistan.

The basin and national level will deal with complaints and disputes related to water issues. Based on the activities planned by the project, the main participants in the complaints may be water users, WUAs, SDLRI / reformed operational sections and ALRI sub-basin management.

GM at the basin and national levels will be finalized at the initial stage of the project implementation and adjusted throughout the project life cycle as required.

The period for consideration of complaints at the national level will be 15 days from the date of receipt of a complaint that does not require additional study and research, and 30 days for applications that require additional study. The applicant will be informed of the result immediately and at the latest within 5 days from the date of the decision.

Parties affected by the Project can also submit their complaints to the ALRI/MEWR directly through the Assistant Minister and / or the Office of Document Management and Records Management. The term for consideration of the claim is 30 days from the date of its registration.

Appeal Mechanism. If the complaint is still not resolved to the satisfaction of the complainant, then s/he can submit his/her complaint to the appropriate court of law.

9.3.3 Grievance Log

The Grievance Focal Points will maintain local grievance logs to ensure that each complaint has an individual reference number and is appropriately tracked, and recorded actions are completed. When receiving feedback, including grievances, the following is defined:

- Type of appeal
- Category of appeal
- People responsible for the study and execution of the appeal
- Deadline of resolving the appeal.
- Agreed action plan

The GM Focal Points (PMU/PIU Social Development Specialists, local authorities in target districts and jamoats) will ensure that each complaint has an individual reference number and is appropriately tracked, and recorded actions are completed. The log should contain the following information:

- Name of the PAP, his/her location and details of his / her complaint.
- Date of reporting by the complainant.
- Date when the Grievance Log was uploaded onto the project database.
- Details of corrective action proposed, name of the approval authority.
- Date when the proposed corrective action was sent to the complainant (if appropriate).
- Details of the Grievance Committee meeting (if appropriate).
- Date when the complaint was closed out.
- Date when the response was sent to the complainant.

9.3.4 Monitoring and Reporting on Grievances

The PMU/PIU social development specialists will be responsible for:

- Collecting and analyzing the qualitative data from GM FP on the number, substance and status of complaints and uploading them into the single project database;
- Monitoring outstanding issues and proposing measures to resolve them;
- Submitting quarterly reports on GM mechanisms to the PMU/PIU M&E Specialist.

Quarterly reports to be submitted by the PMU/PIU shall include Section related to GM which provides updated information on the following:

- Status of GM implementation (procedures, training, public awareness campaigns, budgeting etc.);
- Qualitative data on number of received grievances \ (applications, suggestions, complaints, requests, positive feedback), highlighting those grievances related to the WB ESS 5 and number of resolved grievances;
- Quantitative data on the type of grievances and responses, issues provided and grievances that remain unresolved;
- Level of satisfaction by the measures (response) taken;
- Any correction measures taken.

9.3.5 World Bank Grievance Redress System

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit www.inspectionpanel.org. A complaint may be submitted in English, Tajik or Russian, although additional processing time will be needed for complaints that are not in English. A complaint can be submitted to the Bank GRS through the following email: grievances@worldbank.org

Communities and individuals who believe that they are adversely affected by a project supported by the World Bank may also complaints directly to the Bank through the Bank's Country Office of the Republic of Tajikistan through the following channels.

By phone: +992 48 701-5810

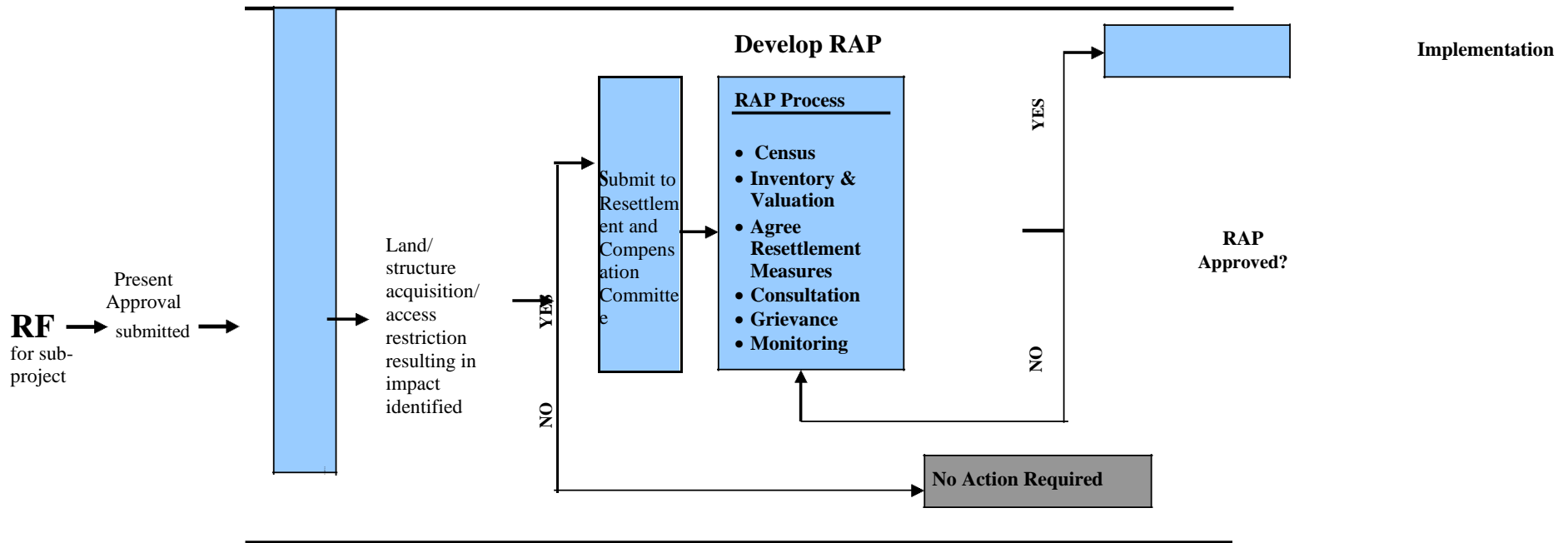
By mail: 48 Ayni Street, Business Center "Sozidanie", 3rd floor, Dushanbe, Tajikistan

By email: tajikistan@worldbank.org

The complaint must clearly state the adverse impact(s) allegedly caused or likely to be caused by the Bank-supported project. This should be supported by available documentation and correspondence to the extent possible. The complainant may also indicate the desired outcome of the complaint. Finally, the complaint should identify the complainant(s) or assigned representative/s and provide contact details. Complaints submitted via the GRS are promptly reviewed to allow quick attention to project-related concerns.

ANNEXES

Annex 1. Outline of the RAP process.



Annex 2: Screening report form of expected social impacts

(The report should be brief)

Sub-project _____

Sub-project implementation location _____

(Indicate location of implementation with the designation on the map-scheme with photos)

Kind of activity: _____

(new construction, reconstruction, rehabilitation, maintenance)

Estimated cost _____

Estimated start date: _____

Technical drawings / specifications discussed: _____

Checklist:

№	Possible impact factor	Availability (Yes/ No)	Comments
1.	Does the sub-project fall into private land?		
2.	Is it necessary to physically or economically relocation of residents or businesses? Will there be involuntary acquisition of land? Will there be impact on assets?		
3.	Are social impacts potentially significant?		
4.	Is it required to determine the level of assessment of institutional resources necessary for protection measures?		
5.	Are there any third-party assets at the project site?		
6.	Are there any disputed territories?		
7.	Will there be access roads and pedestrian paths to residential buildings and commercial structures during construction?		
8.	Will the construction lead to changes in social environment, will the incomes of commercial structures and the population decrease?		
9.	Will the planned construction affect the health of the population and harm somebody?		
10.	Will the sub-project cause protests and concerns among residents?		
11.	Will activities cause unfavorable impact on the living conditions of the population, its values, and way of life?		
12.	Will the sub-project cause inequality between population groups?		
13.	Is the degree of public interest in the sub-project high?		
14.	Are there any facts of the past impact of involuntary resettlement in a given territory, which require corrective actions for not mitigated past relocations?		
15.	Is this subproject linked with any other infrastructure development project		

Based on the above checklist it will be determined if a RAP is required.

Recommendations:

Taking into account responses to monitoring questions, it will be determined whether further actions are required or not to apply procedures of the WB ESS 5 _____

Completed by (full name and contacts): _____

Signature: _____ Date: _____

Annex 3: PAP census form and inventory of the land fund

Household interviews

	Name	gender		age	Marital status and educational level	supporter		employment		family income level	Rented or own housing	Does the family receive social assistance?
		m	f			yes	no	yes	no			
1.												
2.												
3.												

Consultant's full name: _____ Signature: _____ Date: _____

Annex 4: Inventory of PAP's land assets

Location _____ Date: _____

# of interview	Full name of household head	Number of household members	Total land area owned by the family, incl. with the right of ownership, irrigated or bogharic	Land area to be seized m2 / ha	Total loss %	% Loss of assets, (m ² , m, pcs, etc.) (specify type and number of assets: structures, fences, wells, etc.)		Loss of housing stock, (m ²)	Loss of harvest			Other losses, (specify type of loss: rented housing, building, etc.)
						Permanent	Temporary		Fruit trees, species and quantity, (pcs.)	Loss of crops	Other (specify)	
1.												
2.												

INTERVIEWER NAME _____ Signature _____ / Date _____ /

Annex 5: PAP rights for compensation

# Of interview	Full name of household head	Compensation for land			Compensation for construction			Compensation for crop and trees			Compensation for other assets and losses (wells, business, etc.)		
		amount (m ² or hectares)	Unit price per (m ² or ha)	Land Title (Yes/ No)	Number (m ² or ha)	Unit price per (m ² or ha)	Title (Yes/ No)	Number (m ² or ha)	Unit price per (m ² or ha)	Title (Yes/ No)	Number (m ² or ha)	Unit price per (m ² or ha)	Title (Yes/ No)

INTERVIEWER NAME _____ Signature _____ / Date _____ /

Annex 6: Outline of the Resettlement Action Plan and Abbreviated Resettlement Action Plan

Table of content Resettlement Action Plan The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

1. *Description of the project.* General description of the project and identification of the project area.
2. *Potential impacts.* Identification of
 - (a) the project component or activities that give rise to resettlement;
 - (b) the zone of impact of such component or activities;
 - (c) the alternatives considered to avoid or minimize resettlement; and
 - (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.
3. *Objectives.* The main objectives of the resettlement program.
4. *Socioeconomic studies.* The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including
 - (a) the results of a census survey covering
 - (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
 - (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
 - (iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;
 - (iv) information on vulnerable groups or persons as provided for whom special provisions may have to be made; and
 - (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
 - (b) Other studies describing the following:
 - (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
 - (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
 - (iii) public infrastructure and social services that will be affected; and
 - (iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.
5. *Legal framework.* The findings of an analysis of the legal framework, covering

- (a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;
- (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- (d) laws and regulations relating to the agencies responsible for implementing resettlement activities;
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land--including claims that derive from customary law and traditional usage.

6. *Institutional Framework.* The findings of an analysis of the institutional framework covering

- (a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) an assessment of the institutional capacity of such agencies and NGOs; and
- (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

7. *Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

8. *Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

9. *Resettlement measures.* A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy (see ESS 5). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

10. *Site selection, site preparation, and relocation.* Alternative relocation sites considered and explanation of those selected, covering

- (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) legal arrangements for regularizing tenure and transferring titles to resettlers.

11. *Housing, infrastructure, and social services.* Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

12. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement³ and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

13. *Community participation.* Involvement of resettlers and host communities,
- (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;
 - (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
 - (c) a review of the resettlement alternatives presented, and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals, families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
 - (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.
14. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including
- (a) consultations with host communities and local governments;
 - (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;
 - (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and
 - (d) any measures necessary to make them at least comparable to services available to resettlers.
15. *Grievance procedures.* Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance redress mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.
16. *Organizational responsibilities.* The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.
17. *Implementation schedule.* An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.
18. *Costs and budget.* Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.
19. *Monitoring and evaluation.* Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Annex 7: Voluntary Land Donation Criteria and Form

Voluntary Land Donation Criteria

In case of small sections of land required for micro level subproject activities, the project may seek support from the community to donate lands. However, the community members have the right to make a contribution of their land or other assets without seeking or being given compensation at full replacement value. Voluntary contribution is an act of informed consent. Local Authorities must assure that voluntary contributions are made with the affected person's full and prior knowledge of the availability of other options (including compensation at replacement cost) and are obtained without coercion or duress. Also, voluntary donations are allowed only if the affected people are direct beneficiaries of the investments that cause such impact. Proposals including voluntary contributions will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users (the size of land contributed on a voluntary basis should not exceed 5% of that individual's total land holding).

Specifically, the following protocol will govern voluntary contributions under the project:

- Voluntary contributions are an act of informed consent and affected people are not forced to donate land or other assets with coercion or under duress or misled to believe that they are obliged to do so, without regard to the legal status of their land occupancy.
- Land alienation should not result in physical or economic displacement.
- The impacts must be minor. The households contributing land or other assets are direct beneficiaries of the subproject; the impact is less than 5% of the total productive assets owned by said household.
- The facilities requiring land should not be site specific.
- The land in question must be free of squatters, encroachers, or other claims or encumbrances.
- The land must be identified by district khukumat/land management department, not by the PMU or other line agencies or project authorities. However, the project technical authorities should ensure that the land is appropriate for subproject purposes and that the subproject will not have any adverse health or environmental safety hazards.
- Voluntariness will be ascertained by the PMU with due signing by a higher-level official. A process to this effect will be formulated by the PMU and shared with the Bank for approval.
- Verification of the voluntary nature of land donations must be obtained from each of the persons/ household donating land. This should be in the form of signed statements.
- The PMU will also create awareness among the community to devise mechanisms to express a sense of gratitude to those households donating lands. These will find a place in the statements.
- Other things being equal, land donations will not be accepted by female headed households and elderly people.
- The affected people are fully informed that they have the right to refuse to donate land or other private assets, and instead receive compensation at replacement cost, and that a grievance handling mechanism is available to them through which they can express their unwillingness to donate. Furthermore, people are encouraged to use the grievance handling mechanism if they have questions or inquiries, either in writing or verbally.

Voluntary Land Donation Form

Province:					
Local Authority:					
Village/Jamoat:					
Sub-project name:					
Date of Village/Public Meeting					
Name of land title owner:		Land Title Number:	Beneficiary of the sub-project: Y/N		
Sex:		Age:	Occupation:		
Address:					
Description of land that will be taken by the sub-project:		Area affected:	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact:					
	Details		Number		
Trees that will be destroyed					
Fruit trees					
Trees used for other economic or household purposes					
Mature forest trees					
...					
Describe any other assets that will be lost or must be moved to implement the project:					
Value of donated assets:					
Will the donated land/asset is less than 5% of the land/property owned?					
Gratitude by the Mahalla:					

By signing this form, the PMU representative here by affirm that land donations are voluntary and that it confirms to the protocol agreed with the World Bank.

By Signing this form, Mahalla committee (representative) hereby affirm that land donations are acknowledged and agreed on extending the gratitude as described above.

By signing this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign, and ask for compensation instead.

Date:.....

The PMU representative's signature

Date:.....

Mahalla representative's signature

Date:.....

Affected persons' signatures (both husband and wife)
