

RP1246v4

THE GOVERNMENT OF THE REPUBLIC TAJIKISTAN

STATE UNITARY ENTERPRISE “KHOJAGII MANZILIU KOMMUNALI” (SUE KMK)

ADDITIONAL FINANCINGFORMUNICIPAL INFRASTRUCTURE DEVELOPMENT
PROJECT (MIDP) FOR
FARKHOR TOWN

RESETTLEMENT ACTION PLAN (RAP)

GLOSSARY OF TERMS

DEFINITIONS

Unless the context dictates otherwise, the following terms will have the following meanings:

“Project affected persons” (PAPs) means persons who for reasons of the involuntary taking of their land or other assets as a result of the project.

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

a) Loss of benefits from use of such land;

b) relocation or loss of shelter;

c) loss of assets or access to assets; or

d) loss of income sources or means of livelihood, whether or not the PAP has moved to another location.

“Cut-off date” is the date by which PAPs and their affected assets 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.

“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.

“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.

“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 costs.

“Land acquisition” means the compulsory taking of or alienation of land, buildings or other assets thereon for purposes of the Project. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

“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.

“The Resettlement Policy Framework (RPF)” is an instrument to be used throughout project implementation. The RPF sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement, that may be necessary during project implementation. The RPF 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 (“RAPs”) for the Project will therefore be prepared in conformity with the provisions of this RPF.

“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 Tajikistan law for sale of land or property. In terms of land, this may be categorized as follows; (a) “Replacement cost for agricultural land” means the pre- project program 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;

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1. PROJECT CONTEXT

In Tajikistan, drinking water and sanitation services and infrastructure are inherited from the Soviet era and are plagued by fast deterioration, poor operation and maintenance, and weak institutional capacity. Tajikistan's municipal sector features substantial infrastructure gaps and degradation, as well as low institutional capacity, in particular in areas of urban water supply, sanitation and solid waste management. As of 2008, 94% of the urban population had access to an improved source of water supply, 83% to piped water supply. Although by official accounts 95% of urban residents have access to an improved form of sanitation, sanitary conditions in many small towns are dire¹. For a majority of towns such services fall under the responsibility of the KMK through its subsidiaries (branches) in the regions. Laws passed in 2009 and 2010 support the decentralization and transfer of public service responsibility from KMK to local governments, but are not being effectively enacted on the ground, due to various factors including the lack of capacity and sufficient funding. Most utilities are also ambiguously subordinated to both the central administration and the Mayor's office. The World Bank-financed improvements to urban services in provincial towns through the Municipal Infrastructure Development Project (MIDP) have mainly focused on water supply and solid waste management. A "Municipal Infrastructure Development Project Management Unit (MIDP-PMU)" has been established for this project.

The original IDA Grant for MIDP in the amount of SDR 10.6 million (US\$15 million equivalent) was approved on January 19, 2006 and became effective on April 12, 2006. The objective of MIDP (PDO) is to *improve the availability, quality and efficiency of delivery of basic municipal services to the population of the towns which participate in the project*. Implemented by the State Unitary Enterprise of Housing and Municipal Services (also known as Khochagii Manziliu Komunali, or KMK), the Project has three components: i) municipal infrastructure rehabilitation; ii) technical and institutional development; and iii) implementation support. Due to satisfactory implementation, MIDP is on track to achieving its stated Project Development Objectives which was to improve the availability, quality and efficiency of delivery of basic municipal services to the population of the towns which participate in the project, with particular emphasis on rehabilitation of water supply infrastructure and upgrades in solid waste management. MIDP has had a visibly positive impact on the delivery of municipal services across 8 participating towns – Dangara, Istaravshan, Kanibadam, Kulyab, Kurgan-Tube, Rasht, Vakhdat and Vose, documented by the increase of number of people provided with access to improved water source, the increase of number of hours of service and reductions in unaccounted for water.

In response to a request from the GoRT dated March 28, 2011, the project was restructured². The restructuring consisted of the following: (1) a trigger of a new safeguard policy on Involuntary Resettlement (OP 4.12) as the Project necessitated temporary land acquisition which was not originally envisaged during initial appraisal of the Project; (2) re-allocation of the Grant proceeds from the unallocated category to other categories to finance activities which were originally envisaged under the project but were not sufficiently covered by the original scope; and (3) On November 11, 2011, the Ministry of Finance asked for a second extension of the Project from February 28, 2012³ until August 31, 2012. The extension request has been approved by the Bank.

¹World Bank, 2011 "Tajikistan, Sanitation in Small Towns"

²The restructuring was approved on July 11, 2011

³First extension of the Closing Date was from August 31, 2011 to February 28, 2012 to allow sufficient time to fully meet the Project Development Objectives (PDO). This first six month extension was to allow completion of works due to i) delayed processing of safeguards policies for unplanned temporary land acquisitions and ii) the need for reconstruction following floods and mudflows that occurred in Garm in August 2010..

The Government of Tajikistan has requested the World Bank to provide Additional Financing (AF) in the amount of US\$5.0 million IDA Grant to continue supporting municipal infrastructure development in small towns as part of the Municipal Infrastructure Development Project (MIDP). While stressing the importance of continuing the investments pursued under the original project and recognizing the urgency and the vast range of needs across the country, the Government of the Republic of Tajikistan (GoRT) and SUE “Khojagiyu Manzilliyu Kommunalii” (KMK) have requested that the MIDP-AF be less geographically dispersed than MIDP, in favor of better integrated investments in fewer towns, spanning urban centers and poor rural peri-urban areas as needed, and addressing the most urgent priorities to improve the delivery of basic municipal services such as water supply, sanitation and solid waste management.

As such, the Additional Financing of MIDP will cover only five urban centers – Farkhor, Vose, Dangara, Kurgan-Tube and Kolab located in the poorer southern region of Khatlon in Tajikistan. At the same time the GoRT is interested in piloting innovative approaches to tackling the issues in the water and municipal sector in support of its broader sector reform objectives in improving communal services provision.

Given the two pronged objective of the GoRT, the selection methodology of the urban centers followed a two-fold approach to scaling up interventions under the Additional Financing – i) Scale up in investment: maximum two urban centers would benefit from direct investments in rehabilitating and improving the water supply, sanitation and solid waste infrastructure; and ii) Scale up via institutional reform pilots: institutional and operational improvement pilots would be implemented in cities that have shown progress in improving utility performance due to investments and interventions made by EBRD and the World Bank.

Project Investment towns: The type of investments under the additional financing will remain the same under the project but would be scaled up in the urban centers of Farkhor and Vose. Farkhor is a new city that will be covered under MIDP AF and it was selected based on selection criteria agreed with KMK. Vose was already a beneficiary city under MIDP, however, it received the smallest amount of investments out of eight cities (Kurgan-Tube, Koliab, Dangara, Istarafshan, Garm, Vose, Kanibadam, Vahgdar) and as such only 25% of the population in Vose has uninterrupted water supply and 29% benefit from better solid waste management compared to the other cities. While coverage of water supply improved only by 17% in Kannibadam, it is not located in the Khatlon region and therefore will not be a covered under the additional financing.

Towns considered for institutional strengthening pilots: The cities of Kurgan-Tube, Dangara and Kolay would benefit from the scaling up through piloting the use of modern billing and collection technologies (electronic kiosks and installation of automated accounting systems due to the positive results in improving their billing and collection following investments and support received from EBRD and the World Bank. In addition, solutions to improving the solid waste management system will be piloted in Vose, Farkhor and the three cities named above.

The Project Development Objectives (PDO) of the AF remains the same as the MIDP to improve the availability, quality and efficiency of delivery of basic municipal services to the population of the towns which participate in the project. In doing so, the project will assist local governments in responding to pressing public service needs of the local population.

The additional financing will continue to finance the following original components of the MIDP:

1.1. Component A: Municipal Infrastructure Rehabilitation:

This component will continue to finance improvement of municipal services in an integrated manner. Physical investments will be limited to two towns, namely Farkhor and Vose in order to deepen the impact. The project will rehabilitate existing water supply and sanitation systems, including the construction of new water storage tanks, one in each town, limited extensions of the water distribution networks to increase coverage, and the improvement of water quality at intakes by rehabilitation of chlorination facility, construction of new wells and rehabilitation of electric supply at the site. The project will procure solid waste management and sanitation equipment. In Farkhor, the project would fund the establishment of a temporary solid waste deposit site within the bounds of the existing landfill, as well as the construction of additional public latrines. In addition, the project will improve the access road and sludge drying bed in the existing landfill.

This component will finance the following sub-components:

Sub-component A1: Infrastructure investments in Farkhor:

The proposed scope of investment in Farkhor includes i) water supply system improvements, with rehabilitation of wells and pumping station; rehabilitation and limited extension of urgently needed water supply trunk lines; construction of a new storage tank; rehabilitation of secondary water distribution lines; installation of water meters; ii) sanitation measures: rehabilitation and addition of public block latrines; procurement of vacuum trucks and excavators; iii) solid waste management: rehabilitation of existing waste collection points; procurement of containers and waste collection trucks; construction of temporary waste deposit site within existing landfill; improvement of access road to landfill and perimeter fencing of the temporary solid waste deposit site, installation of sludge drying beds in the existing landfill; and iv) procurement of solid waste management and sanitation equipment.

Sub-component A2: Infrastructure investments in Vose:

The proposed scope of investments in Vose will include i) water supply system improvements: construction of a new water storage tank at the Uchkhoz intake, replacement of the pressurized transmission main, replacement of the most deteriorated sections of the network, limited extension to Jugien neighborhood and enhancing the water quality on three remaining intakes by installing chlorination facility and repairing fences around protection zones; ii) sanitation measures include to construction of ventilated improved pit (VIP) latrine for multi-storey residential apartments; iii) solid waste management: provision of additional solid waste containers on public land in consultation with local community and procurement of equipment.

Sub-component A3: Piloting the use of modern billing and collection technologies:

Installation of modern collection and billing system to use the existing infrastructure of electronic kiosks will be piloted to automate the relevant business processes in Kugan Tube, Koliab and Dangara by building on the improvements in their accounting systems which was supported by under the projects financed by EBRD.

Sub-component A4: Communication Campaign:

Improvements in services delivery will require behavioral changes by the benefiting population, both with respect to conserving water but also habituating consumers to pay for the services they receive. The sub-component will finance public information campaign to raise awareness on water conservation and solid waste disposal issues and advantages of metering to improve the public acceptance.

1.2. Component B: Technical and Institutional Strengthening:

This component will continue to support capacity building of a) KMK at the center and of b) local utilities, with specific focus on improving utility management, operations and maintenance and financial sustainability. As part of the scale up the project will also support KMK in developing a Management Information System (MIS) that will promote better collection and analyses of data required to monitor the performance of water utilities and allow participation in International Benchmarking Network (IBNET). At the local level the project will support some or all of the following: setting up and upgrade of accounting software in water utilities in the cities of Kurgan-Tube, Kolyab and Dangara; establishment of complaints handling and emergency repair unit within the local KMK branches; and staff training and institutional strengthening.

1.3. Component C: Implementation Support:

The component finances the Project Management Unit already established under the MIDP project, implementation consultants and other consultant services.

The proposed new component under the Additional Financing will be:

1.4. Component D: Communal Services Sector Development:

This component will support the GoRT in implementing the “Concept for Housing and Communal Services (HCS) Reform 2010-2020” approved in 2010 through the development of a Municipal Sector Strategy which will focus, but not limited to, on the issues and reforms required to improve the delivery of communal services excluding the issues related to the housing sector. The Strategy will also explore establishing rules based financing mechanism for Communal Services Development that would attract other donor (initially limited to water supply, sanitation and solid waste management). This component will also finance feasibility studies to prepare investment projects identified by the Municipal Sector Strategy for financing by the donors.

2. LEGAL FRAMEWORK

2.1. Relevant Legislation of the Republic of Tajikistan

The issue of damage compensation defined under the Action Plan is regulated by the following laws and normative acts:

- Constitution of the Republic of Tajikistan, which establishes an exclusive state land ownership;
- The Land Code of the Republic of Tajikistan - the most systematic set of rules, governing complex of legal relationships arising in the process of possession, use and disposal of land; (please refer to chapter 2.2)
- Law of the Republic of Tajikistan dated May 14, 2001 “On Land Appraisal” establishing the legal basis of the land appraisal
- Civil Code of the Republic of Tajikistan defining the legal status of participants of civil turnover, the grounds of arising and procedure of implementation of the rights, contractual obligations, property and non-property relations;
- The Law of the Republic of Tajikistan as of May 12, 2001 “On Land Assessment”, which establishes the legal basis of land appraisal;
- Law of the Republic of Tajikistan as of May 14, 2004 “On local government agencies”, establishing a regulatory framework of the allocation and land redistribution;

- Law of the Republic of Tajikistan as of January 5, 2008 “On land management”, regulating the relations connected with the legal frameworks in the field of land management;
- The State Land Cadastre as a system of information and documents on the natural, economic and legal regime of land, their categories, qualitative characteristic and economic value;
- Regulations on procedures of compensation for damages to land users and the loss of agricultural production approved by Decree of the Government of the Republic of Tajikistan dated December 30, 2000 under No 515, which establishes the procedure for compensation of losses to land users;
- Code of Civil Procedure of the Republic of Tajikistan determining the order, rules and terms of judicial protection in the event of judicial dispute on issues of involuntary resettlement;
- To implement the Resettlement Policy Program the provisions of the World Bank Policy on involuntary resettlement is also used
- SN 465-74 Norms of land allotment for power supply lines. According to this legal document the width of the land strips provided temporarily during the construction of overhead power supply lines of 10 kV constructed at the unified and standard supports, should be not more of 8 meter.

2.2. Land Code of the Republic of Tajikistan

The Constitution of the Republic of Tajikistan establishes exclusive state property on land. Land is not a subject to selling and buying, transfer and donation. Land is transferred to juridical and physical persons for use with the right of succession. The state as the land owner has the right to use it in accordance with the prospective of town planning and implementation of agricultural policy. Hence during the process of land acquisition cost parameters of land are not cited. Cost of realty, constructions and assets should be compensated to physical persons.

The Land Code of the Republic of Tajikistan is a systematized code of rules regulating the complex of legal relations arising during the process of ownership and use of land. Matters related to suspension of land use rights, in case of their acquisition, and compensation of losses of land users and losses connected to withdrawal of land 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 confiscate the land from land users for the needs of projects implemented in the interests of the state and at the state scale, and describes methods, system and protection of rights and interests of persons who's 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 # 515, dd. 30 December, 2000, establishes a concrete and detailed order of reimbursement of the land users' losses.

Following are the 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 plots;

- New dwellings, commercial and other buildings, equivalent to confiscated objects have to be constructed on the new plot in a proscribed order;
- Losses occurred during the land plot acquisitions have to be compensated to the full amount, including missed profit, and losses should be calculated at market cost;
- Construction of buildings and compensation for losses will be made by the institutions and organizations in who's favor the land is being confiscated (project beneficiaries);
- Under usual circumstances, the process of land acquisition should take no longer than one calendar year.
- Provision of a new land plot, construction of buildings, compensation for all types of losses, including lost incomes, have to be done before the official land acquisition from the land users is carried out.

The amount of compensation will be determined by an efficiently selected panel (commission), members of which will be appointed by the Mayor, and which will be consisting of the representatives of the relevant departments which have a claim/s for land and land users. Determination of losses of land users during the acquisition of agricultural lands should be established on the basis of corresponding documents, provided by the land user.

In case of non achievement of a consensus on the size of compensation of losses and amount of damage, the land user can apply to court with a request to fully compensate damage occurred during the land acquisition.

According to the Articles 41 and 43 of the Land Code the land plot could be confiscated for the purposes of state or public needs but only with an equal compensation of realty, constructions and corps located on this plot. This compensation cannot be less than the current market cost of such realty as the law is based on the principle of compensation at the market price. The market cost is determined as a basic market cost after taking into consideration the cost of realty, constructions, corps, trees and time required for their reproduction.

The Land Code requires that the institution which is interested in the land acquisition should justify the necessity of such acquisition and demonstrate that this specific plot of land should be confiscated and there is no alternative for the project implementation. The land plot could be confiscated for the construction of buildings or implementation of works in the state interest. If the project represents the interest of the state, the beneficiary of the project has to prepare a "proposal for 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 persons and households who were included into the project zone provided with the compensation before provision of permission to subcontractor for construction commencement.

2.3. Republic of Tajikistan Land Code and the World Bank Policy OP 4.12

The Land Code, Regulation on order of compensation of the land users' losses and other laws applied during the process of land acquisition and solution of the problem of involuntary resettlement in general are very detailed and do correspond to the WB Policy on the matters related to involuntary resettlement (OP 4.12). However, the Operational Policy of the WB, apart from compensation programmes, also provides for assistance to involuntary resettled people during certain transitional period needed for rehabilitation of sources and means of existence and life standards; similar assistance should be provided through improved access to credit and training programmes (p.6 "c" i, ii) In general OP 4.12 covers not only the fact of involuntary resettlement and processes connected to it, but a certain acclimatization period, required for

rehabilitation of the economic and social status of involuntary resettled and their integration into local recipient communities. For purposes of the full correspondence to the requirements of the OP/BP 4.12, it is necessary to:

establish an independent commission comprised of the specialists of MIDP-PMU responsible for resettlement matters, and who carrying out the land acquisition, and representatives of the affected community; this commission will be responsible for consideration of claims, applications, conflict situations arising in connection to the land acquisition and involuntary resettlement, but not limiting by this;

establish a group which will be exclusively dealing with the official documentation issues of resettled people (exchange of passports, re-registration of pension documents, identification cards, registration of the servitude right on the new land plots, signing of receipt of compensation); the same group will be dealing with the problem of legal documentation of unauthorized constructions and acquisition of the property right on them in order to get compensation.

Where there is a disparity of gap in the provisions of Tajikistan law and WB OP 4.12, the latter will hold as a minimum standard that has to be adhered to. The following significant gaps have been identified.

Illegal construction of structures

The Land Code does not define the status of persons who possess the right of servitude on confiscated land plots (they do not pay official rent). The Land Code establishes that in the absence of servitude rights, the land user does not possess any right in relation to this plot of land. Hence, the use of the land plot without the state registration of the servitude right itself does not establish any legal rights. This clause provides for the absence of obligations for the owner (the state) to compensate damage to persons who do not possess the servitude right for the land plot.

However, in the WB OP 4.12, this status 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. For this purpose it is necessary to carry out a line of certain administrative and court procedures on acquisition of the property rights on unauthorized construction.

Since the World Bank OP 4.12 takes precedence over National law for the purposes of WB financed activities, as in this project, the following will apply: Any person who has built a structure on illegal land, prior to the stated cut-off date, will not be compensated for the land, but will be compensated for the structure (i.e. investment into and on the land) at replacement cost.

Acclimatization period of the involuntary resettled to the new conditions and environment

The policy of the WB considers for the whole acclimatization period of the involuntary resettled to the new conditions and environment, and legislation of the Republic of Tajikistan, whereas the normative terms of the Government are limited by the moment of their actual transfer to the new place of residence. Hence as per this RPF, the project has to budget in the estimate of losses, (apart from the direct expenses on compensation of losses), the financing of certain period of acclimatization of involuntary resettled people to the new environment.

Grant support to non-governmental organizations on locations of involuntary resettlement

Another issue that is the targeted grant support to non-governmental organizations on locations of involuntary resettlement. Resources allocated for passing through the acclimatization period could be distributed among non-governmental organizations which already possess or will design the targeted programmes of support to involuntary resettled during the acclimatization period. This is especially advisable in situations where there is mistrust of or lack of capacity of local authorities to deal with the matters related to acclimatization of the involuntary resettled.

In principle, the Land Code of the Republic of Tajikistan and the World Bank Policy both adhere to the objective of compensation at replacement cost, but Republic of Tajikistan legislation does not provide for rehabilitation and in practice this has been left to ad hoc arrangements taken by project proponents in order to meet international donor requirements.

To clarify these issues and reconcile eventual gaps between Republic of Tajikistan and World Bank Policy, this RPF 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 that may be relocated, suffer business losses, or may be severely affected.

The main provisions affording reconciliation of the differences between Land Code and World Bank Policies 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;
- If land for land compensation is not technically or socially feasible, 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; and
- Compensation for temporary loss of land or assets or for temporary disruption of income will be provided.

In case of disparity of the laws of the Republic of Tajikistan with the requirements of the policy of the WB on involuntary resettlement (OP 4.12), the principles and procedures of OP 4.12 should be applied. This priority of WB norms over the national legislation is required for World Bank financed projects.

3. RESETTLEMENT POLICY FRAMEWORK

The Safeguard Policy “Involuntary Resettlement (OP/BP 4.12)” was triggered in this project.

The ongoing project triggered OP 4.12 and Resettlement Action Plans (RAPs) were prepared and implemented in 3 towns of Vahdat, Kurgan-Tube and Istarafshan. The implementation has been satisfactory to date and the PMU has gained capacity to understand the requirements of RAPs. Project Affected Persons (PAPs) were satisfied and payments of compensation were complete and satisfactory to the Bank. For the Additional Financing of investments in Farkhor and Vose a Resettlement Policy Framework (RPF) has been developed to set out the policy to compensate and assist any persons that may be affected by land acquisition. The RPF was disclosed to the public on January 30, 2012 and consultations conducted on February 3, 2012 in Dushanbe and February 7, 2012 in Vose and Farkhor (see also Annex 3 in the Second Interim Report).

4. COMPENSATION STANDARDS

4.1. 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 labour, equipment and materials.

Where land lost is only a small proportion of total land owned by the PAP, 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).

4.2. 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, whichever is higher 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 estimate, whichever is higher. 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 labour 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 by estimating the value of a full grown fruit tree of that kind for 5 years, using Government or highest market price, whichever is higher. For trees that are already at their maximum potential, the value of seven years of harvest will be given. Where the fruit tree is given on rent, the tenant will also be entitled to compensation along the same grounds for 2 years mature harvest and 3 years mature harvest if the tree is already at full maturity.

4.3. Compensation for Buildings

The preferred option is to provide alternate structures (huts, houses, farm outbuildings, latrines, storage facilities and fences etc.) of improved quality where possible. Where structures are dwellings, the replaced structure should provide improved living conditions.

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 and
- 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 acquired/ replacement land or building site;
- Estimates of construction of new buildings including labor required;
- Any associated taxes, registration fees.

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.

4.4. 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.

4.5. Compensation for Sacred Sites

This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. 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 local laws (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.

4.6. 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.

5. PROJECT IMPACTS

5.1. Permanent Land Acquisition

The projected measures in the city of Farkhor will permanently occupy 1000 m. of private land. Near to the site of the future high- level reservoir the construction of an informal building was started. Till now only the house foundation was finished. With the contract of July 13th 2012 the owner will be compensated with 9,922 TJS for the costs of the construction of the foundation. Copies of the needed documents are attached to this report. The compensation amount covers all the cost of materials for the new foundation as well as the labour costs. The compensation of 1000 m of land is in proportion to the land lost and is in a location that is next to his current land and it can be used to build the new foundation.

All other permanent land acquisition will be located on property of KMK or the city of Farkhor. Details of permanent land acquisition are given in Table 5-1.

5.2. Temporary Land Occupation

At a part of the site of the transmission main private land is temporary occupied for the time of the construction. So during the construction of this transmission main 5,000 m. of cotton fields will be occupied. With a contract the owners will be compensated with 4,635 TJS for the temporary land occupation and the loss of revenue (according to government recommended rates) during the time of the construction. This amount is at least the market rate of cotton for the year and takes into account the total harvest forfeited for the total duration of the period when the land is under temporary acquisition. Copies of the needed documents are attached to this report.

All other temporary land occupation will be located on property of KMK or the city of Farkhor. Details of temporary land occupation are given in Table 5-1.

5.3. Affected Ground Attachments

Due to the projected measure in the city of Farkhor only some cotton fields will be affected, which are already included in the temporary land occupation. Due to the fact that climate in Farkhor is very dry no other trees, green belts, etc. will be affected. The affected roads, etc. are property of the city of Farkhor and will be reconstructed immediately.

5.4. Project affected employees

At the present time the guard/ maintenance man of the water abstraction area (employee of Vodokanal) is living directly at the site in a small house with an unlined pit latrine in the backyard. Due to the possible impact of this pit latrine to the groundwater, it has to be reconstructed by during this project as a ventilated lined pit latrine, which is emptied in regular time intervals. The guard is an affected person, but his living situation is improving, so no compensations are designated.

The Consultant strongly recommends the definition of land use and operational procedures at the abstraction area, as the present site is also used for livestock grazing and agriculture by the guard. The sanitary protection zone, according to Tajik law, of the existing well field (water intake area), the water pipelines, the 2nd booster pumping station and pure water intermediate tank is to remain as per the project of 1977:

Orders of sanitary protection zone (SPZ):

The main measures on the grounds of the sanitary protection zone (SPZ)

I-zone:

1. The territory of 1st zone has to be fenced
2. Construction of drainage for meteoric water (precipitation run off)
3. Plantation on the territory
4. Not allowed on the grounds are:
 - a) all kind of constructions, except civil and operation works
 - b) living of people, including operational staff
 - c) planting of fruit and berry crops and of orchards
 - d) pond for cattle watering
 - e) application of pesticides and fertilizers
 - f) grazing of livestock
5. After completion of construction removal of garbage (solid waste) from the grounds and in the future not to allow littering

In the past grazing of livestock and use for agriculture by the guard has apparently been tolerated by Vodokanal. In the framework of this project Vodokanal has been instructed by SUE KMK that this is not in accordance with Tajik law regarding sanitary protection zones for water abstraction areas.

Therefore, the issues relating to the irregular land use by Vodokanal staff inside the water abstraction area have been regulated internally by Vodokanal.

Table5-1: Affected property

Mahalla/ Jamoat	Land use situation			Temporary Land Occupation		Permanent Land Acquisition	Targeted task	Compensation [TJS]	Note
	Property	Actuality	Owner	Time [month]	Area [m ²]	Area [m ²]			
Comsomol	Private	Foundation without building & green land	Rakhimov Rizoshoh			1000	Foundation - high level reservoir	9922	MIDP AF 002 Construction of new water tank (2000m ³) in Farkhor
Darkad	Private	Cotton field	Dekhkan farming "Mullo Nabi"	From July 2012	5000		Construction of pressure pipelines	4635	MIDP AF 003 Reconstruction of transmission mains in Farkhor
Total land used [m²]					5000	1000	14557		

6. IMPLEMENTATION

6.1. Responsible agency

PMU and KMK are the controlling and responsible bodies for the implementation of RAP. The contractor/contracting firm that carries out the line construction will be responsible for the timely payment of the compensation (for the damage from temporary project impact on the cultivated areas of these farms).

6.2. Source of the Budget and Cost Estimate

The cost of compensation calculated as per this RAP will be paid from the PMU budget from the share of the Government of the Republic of Tajikistan under the Contract.

6.3. Resettlement Schedule

No civil works will commence within none contract until the full payment of compensation has been made to the owners.

6.4. Monitoring and Evaluation/Sequential Execution of Activities

PMU and KMK are the main responsible institutions for implementation of this Action Plan and simultaneously the representatives of local KMK and the heads of the farms and other affected persons will also abide by this RAP. No civil works will commence on any land until the full compensation payment has been made. The PMU and KMK Monitoring Specialist will verify that this payment has been made before allowing commencement of civil works. After execution of the construction works by Contractor, the Monitoring Specialist and Independent Monitoring Consultant will submit a field based verified report on implementation of this Action Plan.

Not later than one month after completion of works, and prior to the final payment to the Contractor, the representatives of PMU, KMK, Contractor, representatives of the farms and other affecter persons must conduct inspection and resolve any issues that may be pending in connection with the affected areas. The Contractor must get into the original shape the affected areas and there should not be any obstacles to land cultivation. The final payment cannot be made to the Contractor until this has been verified by the Monitoring Specialist and the Independent Monitoring Consultant.

6.5. Grievance Procedure

In the case of the complaint or grievance each PAP (affected person) may apply to PMU Director, Mr. J. Tabarov. The address and telephone numbers will be provided in the written form to each affected household and is included in this RAP (56. N.Karabaeva Street, Dushanbe, Republic of Tajikistan, tel: 2338825, fax (99237) 233 13 30, email: office@midp.tj).

In case if controversial questions are unable to be resolved by PMU, Contractor and PAP (affected person) the latter may apply to judicial authority or to the Chairperson of the local KMK of Farkhor town. Any matters in controversy will be solved according to the existing legislation of the Republic of Tajikistan.

7. TOTAL COSTS AND BUDGET

Expenditures for the RAP in Farkhor are estimated at **14,557 TJS** and will be financed by MIDP. Its implementation is the responsibility of the Government of Tajikistan. The PMU will closely follow up its implementation and the World Bank will also follow up on issues during supervision missions. The estimated cost breakdown is shown below in Table 7-1:

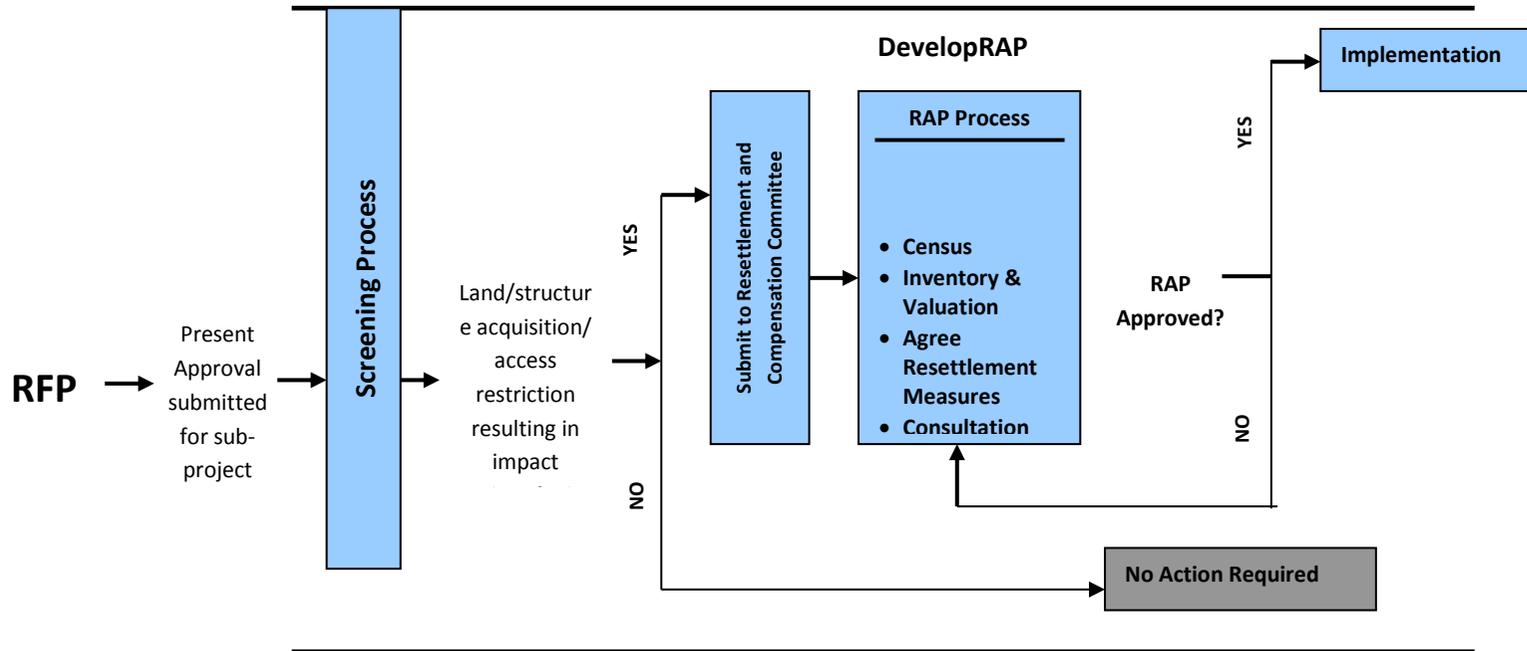
Table 7-1: Budget breakdown and cost

No.	Activity	Cost in TJS	Note
1	Compensation for permanent acquisition of land (including compensation of existing constructions and all labour costs). In addition according to the Resolution of the Chairman of the Hukumat of Farkhor the land parcel is provided to affected person with the area of 1000 m ³	9,922.--	MIDP AF 002 Construction of new water tank (2000m ³) in Farkhor
2	Compensation for permanent occupation of farm land (including compensation for loss of revenue of one cotton crop, which is not less than the market value of the current year)	4,635.--	MIDP AF 003 Reconstruction of transmission mains in Farkhor
Total		14,557.--	

8. DISCLOSURE

This RAP is a public document and will be available in English, Tajik and Russian in the World Bank Infoshop, at the World Bank office in Dushanbe, at the office of the PMU (56. N.Karabaeva Street, Dushanbe, Republic of Tajikistan, tel: 2338825, fax (99237) 233 13 30, email: office@midp.tj) and at the office of the local KMK in Farkhor town.

ANNEX 1: ORGANIZATION CHART OF RFP AND RAP IMPLEMENTATION



Annex 2: Copy of documents on determination of compensation scope



ҶУМҲУРИИ ТОҶИКИСТОН ВИЛОЯТИ ХАТЛОН
БАХШИ СОХТМОН ВА МЕЪМОРИИ МАҚОМОТИ ИҶРОИЯИ ҲОКИМИЯТИ
ДАВЛАТИИ НОҲИЯИ ФАРҲОР

Шаҳраки Фарҳор, кӯчаи ба номи С.Сафаров №1, тел: 2-23-97

аз «13» 07 2012

№ 118

ш.Фарҳор

Ба Маркази лоиҳаи барқарорсозии
таъминоти оби нушоқӣ дар назди
КДФ «ХМК» буда.

Бахши сохтмон ва меъморӣ мақомоти иҷроияи ҳокимияти давлатии ноҳияи Фарҳор, дар робита бо ҳамкорию дастгирии ҳаматарафаи Шумо ҷиҳати ободонии ноҳия бо арзи эҳтиром ва самимияти хоса изҳори миннатдорӣ менамояд.

Дар ҳақиқат хонаи истиқомати шаҳрванд Раҳимов Ризошо сокини деҳаи Наврӯзи ҷамоати деҳоти Комсомол дар ҳудуди обанбори ба нақшагирифта шуда, ҷойгир буда, аз тарафи бахши меъморӣ харҷнома ба маблағи нух ҳазору нухсаду бисту ду сомонӣ (9922) тартиб дода шудааст.

Аз ин лиҳоз аз Шумо хоҳиш карда мешавад, ки дар харҷномаи азнавсозии обанбори ба нақшагирифта шуда, маблағи мазкурро ҳамчун харҷи иловагӣ барои пардохти бинои кӯчонидашавандаи шаҳрванд Раҳимов Ризошо, ки бояд талофӣ (компенсатсия) карда шавад.

Тибки қарори раиси ноҳия 14 оилаи эҳтиҷмандоне, ки қитъаҳои замини назди ҳавлигиашон дар ҳудуди обанбори ба нақшагирифта шуда дохил мешуданд, аз сабаби оғоз накардани сохтмони хонаҳои истиқоматиашон ба талофӣ эҳтиҷ надоранд, бо қитъаҳои замини наздиҳавлигӣ аз дигар ҷой таъмин шуданд.

Мудир



С. Ҳафизов

Объём

визуальное измерение ущерба вокруг строящихся резервуаров (2шт) мусорной воды на территории завода «Комсомолец» Фарфорского

1. Перевозка грунтово-песчаного смеси на расстоянии 15 км Крайск аркамаз $V = 40 \text{ м}^3$
2. Перевозка битового камня на расстоянии 30 км аркамаз Крайск $V = 30 \text{ м}^3$
3. Устройство фундамента из бетона М-150 (бетонной смеси $68 \times 0,4 \times 0,5 \text{ м}$) $V = 16,3 \text{ бет}$

подготовил Рижжабов И. 18.04.12г

Но учетной принадлежности это/пошаго ГР

№, видной	Наименование каботы	Ед. изм.	Количество		Стоимость	Всего	
			Но ед.	Но объ.			
1.	Учетной с/б и/руч- раменты из БМ 150. З/трудо фобозух. Белтон.	мз.	4,5	73,35	5,3	389	
			102.	46,6			
				4	800	800	
				3	450	1350	
9922.							

Результаты
 Проверки.
 Проверка № 113
 2-й. Коллекция.
 Территория.
 504 24 6636
 дофав. Р5450001.

Махалла/Чамозат	Ситуация землепользования		Временное владение земель		Постоянный отвод земель		Затронутые зоны		Намеченные задания	Компенсация	Замечания
	Частное	Фактическое	Владелец	Время [месяц]	Площадь [м²]	Площадь [м²]	Ед.	Кол-во			
	государственные земли, дороги, мд, общественны и, частные земли	обрабатываемые земли, борозы, зеленые лосы, дома, зеленый наем, частные борозды, ...	или владельца или главы домохозяйства				например "числитель" для борозы ...	еобход, распределитель маг соль, усовершенствованный резарер...	сумма компенсации (сан)... сравните с таблицей на стр. 17-18 от...	земельные работы, строительство	
Комсомол	Частный	-	Рахимов Ризошох	с 01.2012	20x50	10 соток	шт	1	Устройство фундамента	9922	РЧВ
Total:											
										9922	

Пример



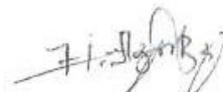
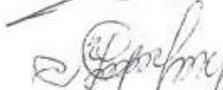
Тасдиқ мекунам:
Сардори Раёсати кишоварзии
ноҳияи Фархор
Н. Валиев

С А Н А Д

Монда шуд аз тарафи мо имзокунандагони зерин: Азаматов Н – сараграноми Раёсати кишоварзи, Маҳмуродов Ш – мутахассиси Кумитан заминсозии ноҳия, Розиков С – коргари Идораи оби нушокии ноҳия, Саидов Н – мутахассиси шӯъбаи меъмории ноҳия, Муллоев Ҷ – сарвари хоҷагии деҳқонии «Муллои Наби» дар он хусус, ки мувофиқи лоиҳаи барқарорсозии таъминоти оби нушоки дар назди КДФ «ХМК» буда дар ноҳияи Фархор, ҷамоати деҳоти Дарқад, хоҷагии деҳқонии «Муллои Наби» ба минтақаи Уртабуз хатти обгузаронии зеризамини гузаронида мешавад. Масоҳати ҷойгиркунии ин хатти обгузар аз ҳисоби хоҷагии деҳқонии Мулло Наби 0.50 гектарро ташкил медиҳад.

Барои кандану ҷо ба ҷокунии ин миқдор замини кишт ташкилоти номбаршуда хароҷоти пурраи зироатҳои киштшударо, ки асосан пахта мебошад ва 4635 (чор ҳазору шашсаду сию панҷ) сомониро ташкил медиҳад ба ҳуди хоҷагии деҳқонии «Муллои Наби» баргардонида медиҳад.

Бинобар ин санадро дуруст гуфта дар зер имзо мегузорем.

 Н. Азаматов
 Ш. Маҳмуродов
 С. Розиков
 Н. Саидов
 Ҷ. Муллоев

