

THE GOVERNMENT OF TAJIKISTAN

DUSHANBE VODOKANAL (DVK)

Second Dushanbe Water and
Sanitation Project.

RESETTLEMENT POLICY FRAMEWORK

January 2011.

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 and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said PAP physically relocate.

These people may have their:

- standard of living adversely affected, whether or not the PAP must move to another location;
- right, title, investment in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset temporarily or permanently possessed or adversely affected;
- access to productive assets temporarily or permanently adversely affected; or
- business, occupation, work or place of residence or habitat adversely affected.
- the cost of any registration and transfer taxes.

“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 of commencement of the census of PAPs within the project area boundaries (including unidentified owners). Beyond this date, any person not included in the census who lays claim to land or assets affected by the project (which they did not own before the cut-off date) will not be eligible for compensation.

“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.

“Involuntary Land Acquisition” is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. 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.

“Resettlement Action Plan (RAP)” is a resettlement instrument (document) to be prepared when subproject locations are identified. Land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. 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 which ever 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” refers to agricultural and/or non-agricultural land whether temporary or permanent and which may be required for the Project.

“Land acquisition” means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project under eminent domain.

“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, organisational 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 LWH Program 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 categorised 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;

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. Responsibility for the delivery of urban water and sewerage services resides with municipalities (Hukumats). Central agency Khojagii Manziliyu Kommunalni (KMK) ensures regulatory oversight and provides operational and investment support to all municipal operators, except for the capital city Dushanbe. To date, the World Bank, EBRD and the Swiss Cooperation are Tajikistan's main partners for urban water supply rehabilitations. The World Bank-financed improvements to urban services have mainly focused on water supply through two ongoing operations, the Dushanbe Water Supply Project (DWSP) and the Municipal Infrastructure Development Project (MIDP), targeting provincial towns.

The Dushanbe water supply and sewerage utility, or Dushanbe Vodokanal (DVK), is set-up as a "State Unitary Enterprise" operating under the direct and undivided control of the municipality. Dushanbe features a fairly developed yet degraded water supply and sanitation (WSS) infrastructure. Decades of underinvestment and DVK's limited technical and managerial capacity have caused levels of water supply loss (physical and commercial) and consumption to be extremely high. Poor quality surface water is often distributed in parts of the system without sufficient treatment. Sewerage assets suffer extensive degradation, resulting in chronic sewer overflows. A decrepit secondary sewage treatment plant provides marginal pollution reduction, with serious environmental impacts on the Varzob River.

The Dushanbe Water Supply Project 2 (DWSP 2) is designed as one part of a comprehensive Priority Investment Program (PIP) reconciling DVK needs and the envisioned availability of funding by IDA and other donors [European Consortium led by EBRD and including EIB and IFCA]. The IDA-funded DWSP2 would implement selected components of the Program, in parallel with other components funded by others. The Program aims at comprehensive improvement of quality and commercial sustainability of water service in Dushanbe. Overall investment needs for such Program, include (a) rehabilitation and upgrade of water systems, (b) systematic metering and billing, and (c) utility management capacity building.

The program will include four components:

Component 1 (US\$ 9.3 million of which financed by IDA US\$8.7 million): Water system upgrades for improved quality, reliability and efficiency of service, including: (i) network cleaning, (ii) NAP pump station and reservoir rehabilitation, (iii) SAM filter rehabilitation, (iv) chlorination systems rehabilitation; (v) water quality monitoring units; (vi) bulk metering and pressure zoning;

Component 2 (US\$ 16.8 million of which financed by IDA US\$ 0.0 million): Demand management for higher commercial revenue and reduced water wastage, including: (i)

installation of 165,000 residential and master meters; (ii) rehabilitation of plumbing in apartment buildings; (iii) rehabilitation of house connections.

Component 3 (US\$ 2.7 million of which financed by IDA US\$2.7 million): Capacity building for operational performance improvement, including (i) technical assistance to O&M; (ii) Consultancy for water master plan & hydraulic modeling, network information system, SCADA system and leak reduction strategy; (iii) TA for implementing NIS and hydro models; (iv) hardware and software; (v) training in energy efficiency; (vi) training for water quality monitoring; and (vii) TA for specialized O&M aspects.

Component 4 (US\$ 1.4 million of which financed by IDA US\$ 0.0 million): Capacity building for corporate development and financial performance improvement, including : (i) TA for corporate development and finance; (ii) Support accounting department; (iii) accounting and customer service/billing software; (iv) planning and budgeting of tariffs; (v) support billing and metering program; (vi) strengthen human resources functions; (vii) Customer relationship management.

Component 5 (US\$ 2.2 million of which financing by IDA US\$ 1.34 million): including (i) Engineering design and supervision of physical investments; (ii) PCU operating cost; (iii) Annual project audits.

2. Justification for and Scope of the Resettlement Policy Framework (RPF):

The Resettlement Policy Framework (RPF) provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by future project activities whose exact locations are not known. This RPF is the instrument through which the projects environmental and social impacts are identified, assessed, evaluated and have appropriate mitigation, management and monitoring measures, designed and incorporated within the sub project itself.

The project will develop a Resettlement Policy Framework (RPF) which will inform all activities involving land acquisition, restriction of access to land or services and loss of assets. The completed pre-feasibility studies indicate that the project will largely be limited to rehabilitation of existing structures. The planned new pumping station and reservoir of the Napornaya water treatment plant will be built on the premises of the authority, where there are no activities or residences. However, as project design is further detailed, there is a possibility that some construction may exceed available land and may have to take place on sites not yet identified. Further, some land within residence compounds may have to be temporarily occupied for works such as excavation of trenches. In addition, DWPS2 may establish a sanitary protection area along the upstream reaches of the Varzob river and canal, to avoid contamination of the water source of the NAP and SAM water treatment plants. In this case, the identified areas will need to be cleared of settlements (if any), and existing structures. Further, certain polluting/quality threatening activities will be restricted (e.g. livestock access). This activity will also include some mitigation measures such as installation of fences, septic tanks and drains.

Since these detailed impacts will only be known once project implementation commences, and the possibility of land acquisition and restrictions in access cannot be ruled out at this

stage, the borrower has agreed to develop a RPF. The RPF will identify the possible impacts from project activities, describe the range of potential impacts (temporary and permanent) to land use/access and structures and specify the compensation rates and procedures for the same. Where there is a gap between national and World Bank procedures, the latter will prevail for all activities financed under this project. The RPF will serve as a screening device to ascertain if there will be any impacts resulting from project activities. The RPF is intended as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for activities during implementation of the comprehensive program. If any impacts are identified, the Borrower will develop individual Resettlement Action Plans for each sub project based on the guidelines and procedures highlighted in the RPF document.

This RPF will be approved by the Municipality of Dushanbe city, and endorsed by WB. Once the document has been approved, it will be uploaded to WB's web-site and be available through the development centre/Infoshop, in compliance with the WB's policy. The RPF will be translated into Russian and Tajik and further will be distributed in such a way as to be available to central and local government agencies and potential PAPs. Implementation of the planned project investments will only take place following these approvals and information sharing/consultation.

3. Objectives and Principles of Resettlement Planning

This Resettlement Policy Framework (RPF) outlines the principles and procedures to ensure that if resettlement needs are identified, then the DVK follows the procedures for involuntary resettlement in compliance with the Government's own applicable laws and regulations along with the WB's policy OP 4.12 on Involuntary Resettlement. The RPF sets out the legal framework, eligibility criteria of displaced population, valuation methodology, compensation provision, entitlement matrix, implementation process, consultation procedures, grievance remedy mechanisms, entitlement payment procedures, and monitoring-evaluation procedures for land acquisition and resettlement under this project.

The basic objectives of the RPF are to: (i) guide the Ministry 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 subproject RAPs. The RPF 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 RPF is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized;

- Compensation must ensure the maintenance of the PAPs' pre-project living standards;
- PAPs should be fully informed and consulted on compensation options;
- Lack of formal legal land title should not be a hindrance to rehabilitation;
- Particular attention should be paid to socially vulnerable groups, such as ethnic minorities, female headed households, elderly households, etc...and appropriate assistance should be provided to help them improve their status;
- Land acquisition and resettlement should be conceived and executed as a part of the project, and the full costs of compensation should be included in project costs and benefits; and
- Compensation/rehabilitation assistance will be paid prior to ground levelling, demolition, and in any case, before an impact occurs.

The Bank Safeguard Policy OP 4.12 applies to all components under the program, whether or not they are directly funded in whole or in part by the Bank.

Legal grounds for land acquisition for the state and public needs (for project objectives) and regulations of resettlement.

The problem of land acquisition for the state and public needs and connected to it problem of involuntary resettlement and matters related to compensation of losses related to such acquisition are regulated by the following laws and normative acts:

- The Constitution of the Republic of Tajikistan establishes land as an exclusive property of the state;
- 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 dd. 12 May, 2001 "On Land Estimation" establishes legal grounds for land estimation;
- The Law of the Republic of Tajikistan dd. 14 May, 2004 "On Local Bodies of the State Authority" establishes normative grounds for allocation and reallocation of land;
- The Law of the Republic of Tajikistan dd. 5 January, 2008 "On Land Management" regulates relations connected to legal grounds of activities in the sphere of land management;
- The State Land Cadastre 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 # 515, dd. 30 December, 2000, establishes an order of compensation of losses of land users;

- 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.
- Regulations of the World Bank Policy on the matters related to involuntary resettlement are also used for the purposes of the Programme of Resettlement policy implementation.

4. Legal framework envisaging compliance of Tajik laws and regulations with the World Bank Policy and proposed measures to eliminate gaps.

Information of General Nature.

The Constitution of the Republic of Tajikistan establishes exclusive state property on land. Land is out of the civil turnover and 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 the most 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 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 confiscate 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 # 515, dd. 30 December, 2000, 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, analogues to confiscated 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 confiscated (project beneficiaries);

Under usual circumstances, the process of land acquisition should take not longer than one calendar year.

Provision on 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.

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 exemption.

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 in equal compensation of realty, constructions and corps located on this plot.

This compensation couldn't be less than the current market cost of such realty as the law runs about 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 namely this plot of land should be confiscated and there is no alternative for the project implementation. The land plot could be confiscated 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 proposal on land acquisition required for the purposes of commencement of such acquisition. In accordance with the Law the process of acquisition have to be completed and all people and households which were included into the project zone provided with the compensation before provision of permission to subcontractor on construction commencement.

5. 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 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 of 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 crediting 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 Dushanbe Municipality responsible for resettlement matters, and who carrying out the land acquisition, and representatives of the affected community (e.g. in case of the sanitary protection area some members can be elected to represent all the affected peoples); 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. Such a significant gap is seen in the issue of construction of structures on illegal land.

The Land Code does not define the status of persons who possesses the right of servitude on confiscated land plots (they do not pay official rent). The land Code establishes that in the absence of the servitude right, 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 cause any legal consequences. This clause provides for the absence of obligations of owner (the state) on compensation of damage to person who does not possess the servitude right of 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 the land) at replacement cost.

Furthermore, the policy of the WB provides 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.

The other 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 that way in case of disparity of the laws of the Republic of Tajikistan to the requirements of the policy of the WB on involuntary resettlement (OP 4.12), should be applied. This priority of WB norms over the national legislation is consolidated in the article 10 of the Constitution of the Republic of Tajikistan.

6. Eligibility Criteria and Procedures For Various Categories Of Affected People

This section sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow 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 or not. 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. OP 4.12 suggests the following three criteria for eligibility:-

- (a) Those who have formal rights to land including customary/communal land, traditional and religious rights recognized under Tajikistan Law.

(b) Those who do not have formal legal rights to land at the time the project or scensus commences but have a claim to such land or assets provided that such claims are recognized under the laws of Tajikistan or become recognized through a process identified in the RPF / RAP.

(c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from before the cut-off date, but are recognized under World Bank OP 4.12.

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

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 RPF, 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.

6.2 Eligibility Criteria and Entitlements

Defining eligibility criteria is essential for the resettlement/ rehabilitation process and compensation payments. The census and property inventories provide the basis of the identification of PAPs and assets. This section outlines the categories of Project affected peoples who are recognised as potentially affected by project activities and describes the categories of entitlements:

At the outset it needs to be reminded that as the RPF has already stated, all the land in the project area is owned by the GoT: “The Constitution of the Republic of Tajikistan establishes exclusive state property on land. Land is out of the civil turnover and 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.”

- Land occupiers whose land may be permanently acquired for construction of new treatment plants, for works or as part of the proposed sanitary protection area

along the upstream reaches of the Varzob river and canal. In the event that this category of PAP is identified, every effort will be made to provide an equivalent plot of same value and size in a nearby area to ensure that other aspects of economic and social life (e.g. job, school, kin support) is not disrupted. If a tenant is occupying the property, the land lord is expected to give the tenant adequate notice or compensate him/her as per the individual rental agreement between the two parties.

- House plot owners / tenants where land within the residence compound may be temporarily occupied for excavation works or whose access to the residential compound is temporarily disrupted by such works. The land will be restored to its original condition after the project works are completed. During the works, the project will take all precaution to ensure that there is minimal disturbance to the residents. However, in the case that the residents are affected (e.g. access to compound garage is not possible), the project will compensate the affected person to ensure that they can meet their needs through alternative means (e.g. allow street parking or pay for nearby car park). A reasonable amount of money determined by the Compensation Committee will be paid to the affected PAPs as a disturbance allowance for each week (7 days) of disturbance, calculated on a pro-rata basis. Where the PAP is a tenant, this compensation and disturbance allowance will be paid directly to the tenant as he/she is experiencing the disturbance. The house owner/landlord will be informed of this compensation and disturbance allowance amount so he/she is aware of it and is hence not obliged to compensate the tenant through reduction in rent.
- Vendors or other commercial businesses disrupted by excavation works. Any legal or illegal shop/vendor who was carrying out business prior to finalization of design and cut-off date, and whose business is disrupted, will be compensated for the loss of business for the period that he cannot carry out his trade. This will be calculated by the resettlement committee based on any records the vendor can show of business in the preceding 3 months. Where there are inadequate paper records, the daily business profit will be estimated by comparing to the average income of similar businesses. An additional disturbance allowance equivalent to 7 days of business profit will be paid. Every precaution will be taken not to damage existing structures. Where any structure is damaged, adequate compensation to replace that part will be paid at replacement cost. In the event that a structure has to be demolished, compensation will be at full replacement cost. However, in the event that the vendor is provided an alternative market site and a new structure to carry out business, the compensation will only be for loss of business which will be paid for actual days of business lost, plus the additional 7 days of lost business profit in lieu of disturbance allowance. The project will also bear full cost of transportation of goods to the new location of the business or to any storage area, and cover the cost of storage for the period of disruption. For legal structures additional compensation will be paid if there is title to land, equivalent to the market cost of the land as well as full compensation for all fees needed to make the replacement structure legal.

- Persons whose structures are demolished or where use and access to services is denied or restricted in the proposed sanitary protection area along the upstream reaches of the Varzob river and canal: It is understood that all structures in this area are legal and there is no private land in this area. Hence as per WB OP 4.12 PAPs will be recognised as those persons who own or use structures/ services in this area prior to the announced cut-off date and project social survey. The preference will be to replace the structure with another one of equivalent size, material and value. Where deemed appropriate, an alternative will be to compensate the structure at replacement cost. The compensation will be paid at a minimum of 3 months prior to the demolition of the affected structure to ensure that the new structure is fully operational when access to the old structure is restricted. Where access to a service/facility is restricted, the project will finance such a service accessible to the affected people at a distance which is, at most, not more than the distance of the lost service from their house. The new service will be fully operational prior to restriction of the affected service.

- Eligibility for Community Compensation

It is important to note that the eligibility may be claimed collectively e.g. as a community or religious group and does not necessarily have to be individuals or families. Communities on communal land that permanently lose land and/or access to assets and/or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market places, taxi parks, schools and health centres. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored.

Eligibility criteria will also be determined by the status of development up to when the census starts and will further be determined by other development approval as issued by the government. The consultant will interview key government officers in the district including provincial administration.

Table Showing Entitlement Matrix: Eligible PAPs, Assets and Compensation Estimates/Guidelines

Project Impact	PAP Category	Asset Affected	Compensation Guide
Permanent acquisition of land for works, construction of pump or as part of sanitary protection area.	Land occupier	Land	Replacement land of equivalent market value as priority option within 3 km radius.
Permanent acquisition of legal structure.	Owner of structure	Any structure including house, fence, 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 new structure legal.
Permanent acquisition of	Owner of structure	Any structure including	Replacement structure or

illegal structure		house, fence, sanitation structure etc.	Cash compensation at replacement cost
Tenant or House owner		Section of residential compound temporarily affected or access to house affected by works	Restoration of land to original condition after works. In kind compensation for affected need such as alternative car parking facility. Disturbance allowance for each week (7 days) of disturbance calculated on a pro rata basis.
Vendors or business entrepreneur		Loss of business due to works	Cash compensation of estimated business loss assessed from records of preceding 3 months or equivalent business (if no records). Disturbance allowance equivalent to 7 days of business profit
		Demolition of shop	Replacement structure or Cash compensation equivalent to replacement value of structure or provision of alternative structure in market area. Disturbance allowance equivalent to 7 days of business profit Transportation of goods to new shop and/or storage of goods until shop is functional again.
Owner of structure in proposed sanitary protection area		Demolition of structure or restriction of access to it	Replacement structure or Cash compensation at replacement cost for structure, payable at a maximum of 3 months prior to the demolition or restriction of access.
Service user (individual or community whose access to a service in the proposed sanitary protection area is restricted or denied		Restriction of access to service	Provision of equivalent service at a distance which is, at most, not more than the distance of the restricted service from house. The new service will be fully operational prior to restriction of access to the old service.
Farmer occupying land	Land occupier	Crops	In addition to land compensation, will be allowed to take standing crop and cash compensation for 2

			seasons or annual crop yield whichever higher at highest market rate. Labour invested also compensated.
Tenant farmer	Tenant	Crops	Allowed to take standing crop and cash compensation for 2 seasons or annual crop yield whichever higher at highest market rate. Labour invested also compensated.
Fruit tree owner	Owner	Fruit tree	Cash compensation for highest market price of 5 years harvest of full mature tree or 7 years if tree already at full maturity.
Fruit tree renter	Renter	Fruit tree	Cash compensation at highest market price for 2 years harvest of full mature tree or 3 years harvest if tree already at full maturity.

6.3 Vulnerable Sub-Groups

Particular attention will be given to identify PAPs falling into vulnerable groups such as the landless, women-headed households, households with orphans, elderly living alone, sick head of household to ensure that their needs are identified and that they are provided adequate support. Vulnerability will be defined at the household level and could be based on economic vulnerability (e.g. a street vendor who has minimum profit and survives on a daily basis on his income) or social vulnerability (e.g. a tenant in an apartment who lives alone, has HIV and jobless) or a combination of these. The socio-economic survey for each RAP will clearly identify the households that are deemed vulnerable in terms of project impact, provide a detailed justification describing the project impact and rationale for vulnerability.

The criteria must be linked to project impact. Hence if there is a household with elderly and no youth who are losing access to a bathing facility along the proposed sanitary zone, this household will have access to the alternative service provided by the project. Hence this household is by its nature vulnerable regardless of the project. In such a case it is not obligatory on the project but considered recommended practice for the project to perhaps finance something such as pipe connection to this vulnerable household if funds permit. On the other hand, the same household if losing a fence in the same sanitary zone, is seen to be vulnerable in lieu of project impacts. This is because unlike other households, it cannot rebuild the fence as it has no young labour. In this case, the project must include in

its resettlement package additional provision to finance the labour of the new construction over and above the entitled resettlement package.

The RAP will clearly describe the nature of the impact, the vulnerability and the detailed provisions offered to the household by the project that are specific to its particular needs and cater to its limitations. All vulnerable households will be included in the monitoring samples and follow up visits will be done for at least 1 year after completion of resettlement. Similarly, any grievance complaints made by vulnerable households will be given preference and they will be provided assistance to submit such complaints.

6.4 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 that the census begins is the cut-off date for eligibility for resettlement and compensation. It is key, therefore, that this date is fully communicated to all potential PAPs 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 Resettlement and Compensation Committees and in line with the consultation procedures outlined in this document. The potential PAPs will be informed through both formal notification in writing and by verbal notification delivered in the in the presence of the community leaders or their representatives.

Once the census had been undertaken, the lists will be verified and validated by the relevant authorities such as the district Departments of Internal Affairs, local authorities, etc). Once these lists have been approved, thereafter, no new cases of affected people will be considered. Once land users have been identified, their details and eligibility will be submitted to the Resettlement and Compensation Committee and these new PAPs will be considered eligible for compensation.

The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a risk to the project. Therefore, establishment of a cut-off date is of critical importance. The Resettlement and Compensation Committees will play a crucial role in identifying users of land.

Because the time period between the cut-off date and the time actual productive investments (civil works, etc.) would start, bearing also in mind that only after PAPs have been compensated and any replacement structures built according to the requirements of this RPF, is likely to be anytime period from six months on, special attention needs to be taken to secure the sites from rush and opportunistic invasion. These measures should include close consultation with the recognized PAP's, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders etc.

7. RPF and RAP Implementation Arrangements and Procedures

7.1 Overview

The overall coordination of the project will be provided by the DVK which will oversee all resettlement planning and coordinate all issues relating to the compensation. Given that the project location is in a major urban area, DVK will collaborate and rely on the Municipality of Dushanbe for certain procedures.

The implementation arrangements of the RPF build on:

- The implementation arrangements for the overall Second Dushanbe Water and Sanitation Project; and
- The implementation arrangements for resettlement and compensation activities in line with the Tajikistan legislation outlined in this document.

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

7.2 When is a RAP required ?

In order to scope potential resettlement implications, the steps to be undertaken at the design stage of each project activity include the following:

- a screening process;
- a socio-economic census and land asset inventory of the area; and
- identification of Project Affected Persons (PAPs).

The census is done once it is known that permanent or temporary acquisition of land or structures is required (i.e., once the activity design is finalized and all legal permits are secured). Once these steps are completed and there is evidence of resettlement issues, a Resettlement Action Plan (RAP) will be developed. This RPF provides a framework for the preparation of RAPs to address resettlement associated with the activities of this project.

When a project is expected to cause physical or economic resettlement, a RAP must be prepared by the sub-project Resettlement and Compensation Committee. This will be approved by Dushanbe Municipality, and ultimately signed off by the Mayor. The RAP will need to be as detailed as possible in order to guide resettlement of each of the activities.

In order to ensure robustness and consistency of the process, the preparation, implementation and monitoring of the RAPs will often need to be closely supported by training and technical assistance. In advance, DVK must undertake an assessment of the

relevant actors (namely the sub-project Resettlement and Compensation Committee, and related office in Municipality) to identify training and technical needs.

7.3 Public Consultation and Participation

Consultation with, and participation by, the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, there must be adequate consultation and involvement of the local communities and the affected persons.

Grievance redress is very important to the success of implementation of resettlement action plans. This is covered in more detail below.

7.4 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 by the consultants contracted to design the activity under the supervision of Land Management Department of Dushanbe Municipality. No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts. Should the screening process show that resettlement will be required, the next step will be to conduct a socio-economic census and land asset inventory to determine the extent of resettlement required. This will be followed by the preparation of a RAP for that activity.

7.5 Socio-Economic Census and Asset Inventory

An important input to preparing a RAP is to establish appropriate data to identify the persons who will be displaced by the project activity, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.

In essence, the census will achieve the following:

- provide initial information on the scale of resettlement to be undertaken;
- identifies gaps in information and gives an indication of further socio-economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and
- establishes indicators that can be measured at a later date during monitoring and evaluation.

The socio-economic census will be initiated by DVK who will contract an independent and qualified consultant, under close supervision of the Resettlement and Compensation Committees. The consultant will work closely with the relevant institutions such as the State Architecture and Construction Control Inspectorate, State Land Committee, etc) who

will be carrying out the design of the activity. It will be accompanied by a land and asset inventory.

7.6 Development of the RAP

Following the socio-economic census and identification of affected parties, a RAP will be developed. This will be coordinated by the sub-project Resettlement and Compensation Committees and overseen by DVK. It is anticipated that the work will be undertaken by a private consultant or NGO/CBO commissioned for this particular task.

It will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes. The basic elements of a RAP, as outlined in OP 4.12 are provided below. Each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available on the World Bank's website (www.worldbank.org) or in the World Bank's Resettlement and Rehabilitation Guidebook.

It is expected that in this project, 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 displaced (economically or physically) for the entire project. Hence the RAP submitted may not include all the sections listed below and could be abbreviated accordingly, with adequate reference to the RPF for the common sections. Further, those sections that are not applicable may be omitted. For example, if there is no temporary disruption and the compensation is just cash, then there would be no need for a section on site selection or housing infrastructure. However, each RAP must contain the specific details of the affected PAPs and assets in detail, with costing and schedule.

World bank OP 4.12 article 25 sets the requirements of a full RAP to include;

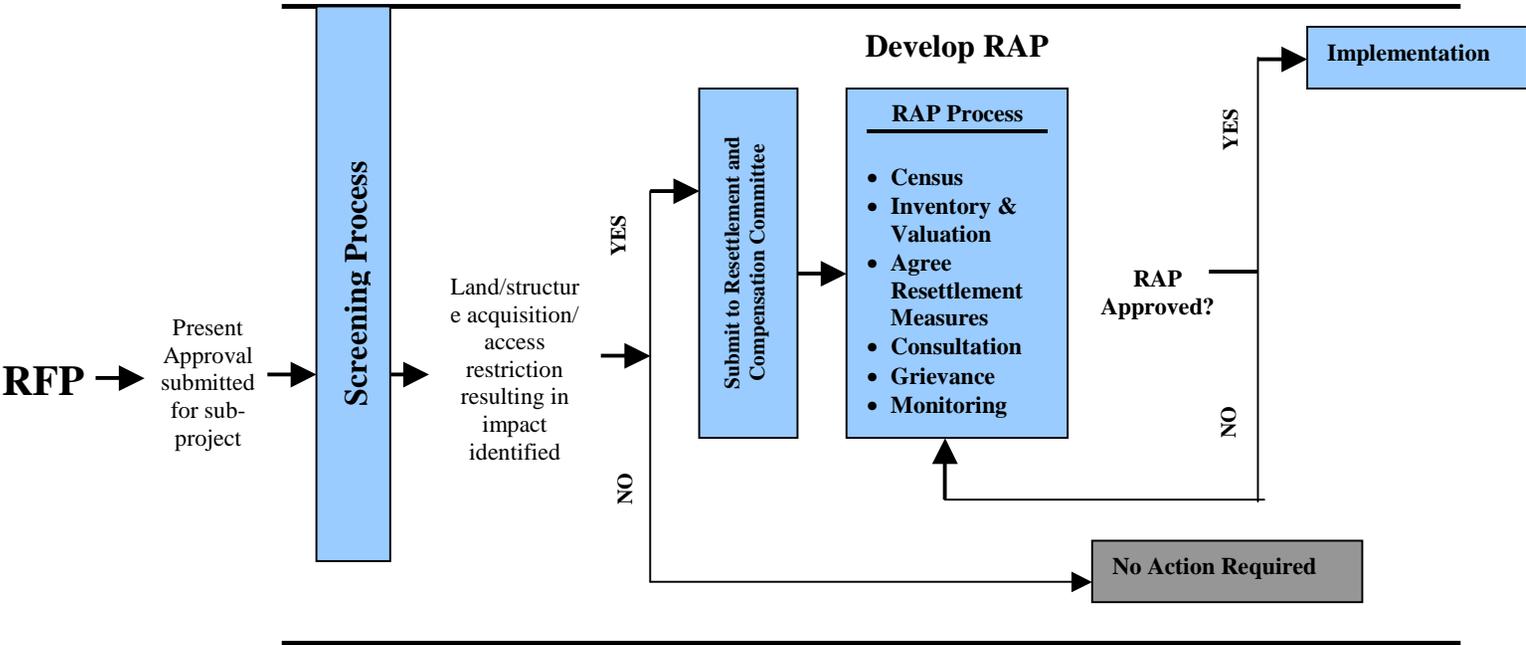
- Description of the project
- Potential Impacts
- Objectives
- Socioeconomic Studies
- Legal Framework
- Institutional Framework.
- Eligibility
- Valuation of and compensation for losses
- Resettlement measures
- Site selection, site preparation, and relocation
- Housing, infrastructure, and social services
- Environmental protection and management
- Community participation
- Integration with host populations
- Grievance procedures

- Organizational responsibilities
- Implementation schedule
- Cost and budget
- Monitoring and evaluation

7.7 Approval of RAP

Following completion of the RAP for an activity, the Resettlement and Compensation Committee must submit the RAP to the Mayor of Dushanbe city for approval. The RAP is also to be submitted to the DVK office to ensure compliance with the RPF, and consistency in approach between different activities. The RAP must also be sent to the World Bank to ensure compliance with OP4.12 and any other relevant policies/ procedures. Capacity for RAP review and approval will be built at the Dushanbe Municipality, DVK and in the Resettlement and Compensation Committee. This will be through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.

Figure 1. Outline of the RAP process.



7.8 Estimates Of Affected Population And Assets In The Project Affected Areas

The completed pre-feasibility studies indicate that the project will largely be limited to rehabilitation of existing structures. The planned new pumping station and reservoir of the Napornaya water treatment plant will be built on the premises of the authority, where there are no activities or residences. However, as project design is further detailed, there is a possibility that some construction may exceed available land and may have to take place on sites not yet identified. Further, some land within residence compounds may have to be temporarily occupied for works such as excavation of trenches. In addition, DWPS2 may establish a sanitary protection area along the upstream reaches of the Varzob river and canal, to avoid contamination of the water source of the NAP and SAM water treatment plants. In this case, the identified areas will need to be cleared of settlements (if any), and existing structures. Further, certain polluting/quality threatening activities will be restricted (e.g. livestock access). This activity will also include some mitigation measures such as installation of fences, septic tanks and drains. Final figures will become available when the designs are completed and a firm decision is taken on the proposed sanitary protection area. Once studies and designs are finalized, the censuses for the RAPs will be completed.

8. Methods Of Valuing Affected Assets

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

8.1 Type 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
- Loss of businesses or employment.

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. Similarly, amounts of disturbance allowance and other benefits will also be adjusted to reflect any economic changes and buying power of currency since the preparation of this RPF. The Resettlement and Compensation Committees will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and that it is consistent with Tajikistan law as long as it meets the requirements of WB OP 4.12.

8.2 Preparation of Asset Inventory

The asset inventory will be informed by the census survey, and will be carried out once an activity design is finalized and approved. In order to prepare an inventory of assets for a sub-project, a field team will visit the affected area to carry out an asset valuation survey.

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 in the entitlement matrix. 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.

8.3 Valuation Methods

Replacement Cost Approach

The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. The approach involves direct

replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

Gross Current Replacement Cost

Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.

Other methods

Rates from Contractors: When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

Schedule of rates: The Construction Departments in the Municipality of Dushanbe have a schedule of rates for preparing estimates for construction projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.^{9.5}

Compensation Calculation for Assets

The following methods of calculation should be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case by case valuations in the case of projects that have significant impacts.

8.4 Compensation for Various Assets

8.4.1 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 labor, 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).

8.4.2 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 before hand 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.

8.4.3 Compensation for Buildings and Structures

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.

8.4.4 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.

8.4.5 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.

8.4.6 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.

9. Implementation Schedule, Linking Resettlement Implementation To Civil Works

9.1 Overview

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required. Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs.

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed to between the Resettlement Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land/structures/services that PAPs are using. The dates must be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the

parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the local and national authorities, the RAP should be sent to the World Bank for final review and approval.

9.2 Implementation schedule

The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan should include a target date when the expected benefits for resettled persons and hosts would be achieved.

Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution.

Target dates for completion of compensation and various forms of assistance to the resettled persons should be disseminated to them. Planning and coordination of the tasks of the various actors is key to successful implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching to ensure a common understanding of the implications of this RPF. The workshops will focus on (i) taking stock of the legal framework for compensation, (ii) settling institutional arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan.

The stakeholders will be requested to participate in the decision making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule.

When the resettlement and compensation plans are submitted to the Mayor for approval, part of the screening process that would be used to approve RAPs would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank for final review and approval.

10. Grievances Redress Mechanisms

Grievance procedures are 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 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 (i) the eligibility criteria, (ii) community planning measures, or (iii) actual implementation. This chapter sets out the measures to be used to manage grievances.

10.1 Overview

A key element of resettlement activities will be the development and implementation of a grievance mechanism. Grievances will be actively managed and tracked to ensure that appropriate resolution and actions are taken. A clear time schedule will be defined for resolving grievances, ensuring that they are addressed in an appropriate and timely manner, with corrective actions being implemented if appropriate and the complainant being informed of the outcome. The grievance procedure will be simple and will be administered as far as possible, at the subproject level by the Resettlement and Compensation Committee to facilitate access by PAPs.

The grievance procedure does not replace existing legal processes. Based on consensus, the procedures will seek to resolve issues quickly in order to expedite the receipt of entitlements, without resorting to expensive and time-consuming legal actions. If the grievance procedure fails to provide a result, complainants can still seek legal redress.

The overall process of grievance is as follows:-

1. 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.
2. 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.
3. The project will use a local mechanism, which includes resettlement committees, peers and any established local representative bodies of the affected people. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
4. The response time will depend on the issue to be addressed but it should be addressed with efficiency.
5. Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

10.2 Grievance redress process

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and homesteads will have been

informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

All the grievances will be channeled to the existing structures in Tajikistan for handling grievances. A grievance log will be established by the project and copies of the records kept with all the relevant land authorities at the district, sector and village level and will be used in monitoring of complaints

The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time.

All grievance complaints submitted by vulnerable households will be dealt with as priority and assistance provided to them to submit and follow up these complaints.

DVK being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the grievance committee for resolution. The grievance committee will be comprised of at least 5 members of whom 2 are DVK and Municipality of Dushanbe representatives (but not those on the Resettlement and Compensation Committee). The other 3 should be independent of the project implementing authorities and Government of Tajikistan. They should be chosen from recognised NGOs/CBOs operating in Dushanbe along with eminent persons of appropriate standing (e.g. respected lawyer or professor). These professionals will be paid sitting fees for these sessions and will not be regular employees of any of the project agencies.

10.2.1 Management of Reported Grievances

The procedure for managing grievances should be as follows:

The affected person should file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to the subproject Resettlement and Compensation Committee. The grievance note should be signed and dated by the aggrieved person. A selected member of the Committee will act as the Project Liaison Officer (PLO) who will be the direct liaison with PAPs. The PLO should be working in collaboration with an independent agency/NGO person ensure objectivity in the grievance process. Where the affected person is unable to write, the local Project Liaison Officer will write the note on the aggrieved person's behalf. Any informal grievances will also be documented by the Project Liaison officer. The note should be embossed with aggrieved person's thumbprint. A sample grievance form is provided in Annex. A copy of this completed form should be submitted by the Project Liaison Officer to PCT.

1. The Project Liaison Officer and the sub-project Resettlement and Compensation Committee will consult to determine the validity of claims. If valid, the Committee will notify the complainant and s/he will be assisted.
2. The sub-project Resettlement and Compensation Committee will respond within 14 days during which time any meetings and discussions to be held with the aggrieved person will be conducted. If the grievance relates to valuation of assets, a second or even a third valuation will be undertaken, until it is accepted by both parties. These should be undertaken by separate independent valuers than the person who carried out the initial valuation. The more valuations that are required to achieve an agreement by both parties, the longer the process will take. In this case, the aggrieved person must be notified by the Project Liaison Officer that his/her complaint is being considered.
3. If the complainant's claim is rejected by the Committee, the Project Liaison Officer will assist the aggrieved person to take the matter to the Cell Land Adjudication Committee, legally responsible for resolving formally lodged grievances.

OR

4. If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time, s/he may lodge his/her grievance to the relevant Municipal Administration (Complaints handling Department at the Municipality of Dushanbe). If requested, or deemed necessary by the sub-project Committee, the Project Liaison Officer will assist the aggrieved person in this matter.
5. The relevant Municipal Administration will then attempt to resolve the problem (through dialogue and negotiation) within 30 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is dealt with through the Tajikistan courts (Civil Court) where possible.
6. The Resettlement and Compensation Committee will provide assistance at all stages to the aggrieved person to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.

10.2.2 Grievance Log

The Project Liaison officer will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:

- date the complaint was reported;
- date the Grievance Log was uploaded onto the project database;
- date information on proposed corrective action sent to complainant (if appropriate);
- the date the complaint was closed out; and
- date response was sent to complainant.

10.2.3 Monitoring Complaints

The Project Liaison Officer will be responsible for:

- providing the sub-project Resettlement and Compensation Committee with a weekly report detailing the number and status of complaints;
- any outstanding issues to be addressed; and
- monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints.

11. RPF Implementation Budget

R Resettlement and compensation will be adequately financed either through the existing budget for such land acquisition in the Municipality of Dushanbe (who is responsible for such activities), or through allocated project funds.

However, the actual cost of resettlement will depend on final designs and current market rates and hence might vary.

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, using the following template thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. The project will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the program. This budget will be subject to the approval of the World Bank.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows;

The City Finance Department at the Dushanbe Municipality will manage and monitor the resettlement budget and will finance it through the administrative and financial management rules and manuals as for any other activity eligible for payment under this project.

12. Mechanism For Consultations And Participation Of Displaced Persons In Planning, Implementation And Monitoring

12.1 Overview

The involvement of involuntary resettled persons and hosts in planning prior to the move is critical and initial resistance to the idea of involuntary resettlement is expected. To obtain cooperation, participation and feedback, the resettled persons will be systematically informed and consulted during preparation of the resettlement plan about their options and rights. Particular attention will be given to vulnerable groups such as the landless, women-headed households, households with orphans, elderly living alone, to ensure that they are represented adequately in such arrangements.

Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and DVK. Effective and close consultation with PAPs is a pre-requisite for project success. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households/homesteads when resettlement and compensation concerns are involved.

Public consultation will take place at the inception of the planning stages when the potential land areas are being considered. The participation strategy would evolve around the provision of a full opportunity for involvement. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place through out the entire project cycle. For example, public consultation would also occur during the preparation of the (i) the socio-economic study, (ii) the resettlement and compensation plan (iv) the environmental impact assessment and (v) during the drafting and reading of the compensation contract.

Public participation and consultation could take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/ application forms, public readings and explanations of project ideas and requirements, making public documents available at the National, local and homestead levels at suitable locations like the community centres. The compensation document for each household detailing the resettlement package will also serve to inform and guide PAPs.

Monitoring of this process would be done as a specific output, but within the overall monitoring and evaluation mechanism of the entire project. This requirement is line with the Bank policy on disclosure.

12.2 Implementation Operation

During implementation, the PAPs will be informed about their rights and options, at which point they will air their views. Cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

12.3 Monitoring and Evaluation phase

The PAPs representatives will participate in the project completion workshops, to give their evaluation of the impacts of the project. They will also suggest corrective measures, which may be used to improve implementation of other activities. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

13. Arrangements For Monitoring And Evaluation

This section sets out requirements for the monitoring of the implementation of the RPF. In addition, monitoring of social indicators will be mainstreamed into the overall monitoring and evaluation system for the project.

13.1 Overview

The arrangements for monitoring will fit the overall monitoring plan of the entire project which will be implemented through DVK. All RAPs will set major socio-economic goals by which to evaluate their success which will include (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts. In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. DVK will institute an administrative reporting system that will:-

- ③ Provide timely information about all resettlement arising as a result of project activities;
- ③ Identify any grievances that have not been resolved and require resolution through the involvement of the grievance committee or higher authority;
- ③ Document the timely completion of project resettlement obligations for all permanent and temporary losses;
- ③ Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- ③ Alert project authorities to the necessity for land acquisition in the project's planned activities

The objective will be to make a final evaluation in order to determine;

- if affected people have been paid in full and before implementation of any project activity that is causing resettlement ,
- if the people who were affected by the project activities have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or are they actually poorer than before.
- Specific impacts on vulnerable households

13.2 Indicators to measure impact on PAPs

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, access to services compared to before etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it;
- Specific impacts on vulnerable households
- The local communities remain supportive of the project.
- The absence or prevalence of conflicts

Most of the information for these indicators will be gathered the farmer cooperative or information collated through survey. The information for these indicators should be collated at regular intervals (e.g., quarterly or half yearly depending on circumstances) and compared over time. The pre-project Census information should provide most, if not all of the required information to set a baseline against which performance can be tracked.

13.3 Indicators to Measure RAP Performance

In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following provides a list of potential indicators for monitoring, which assess the change in the following for those who have been affected by project activities:

In terms of the resettlement process, the following indicators could be used to understand the success of the measures identified and the working of the relevant parties in implementation the RAP:

- percentage of individuals selecting cash or a combination of cash and in-kind compensation;
- the number of contentious cases as a percentage of the total cases;
- the number of grievances and time and quality of resolution;
- the ability of individuals and families to re-establish their pre-displacement activities, land and crops (if affected) or other alternative incomes;
- number of vulnerable households identified and given special assistance
- number of impacted locals employed by the civil works contractors;
- general relations between the project and the local communities.

These will be determined through the following activities:

- questionnaire data through the initial census, during preparation of RAP and in follow up M & E
- each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- DVK will maintain a complete database on every individual impacted by the project activities and land use requirements including
- relocation/resettlement and compensation, land impacts or damages; and the Resettlement and Compensation Committee should prepare Resettlement Completion Reports for each RAP, in addition to other regular monitoring reports

All vulnerable households will be included in the monitoring samples and follow up visits will be done for at least 1 year after completion of resettlement.

It is the responsibility of DVK to document information ideally integrated into existing databases. DVK will need to design a robust reporting system at the beginning of the project to ensure that these data are collated at appropriate intervals and in sufficient quantity and quality.

The Resettlement and Compensation Committee will facilitate coordination of information collation activities (such as surveys, supervising documentation) in accordance with procedures put in place. The project will finance any training and technical support to ensure that this happens.

13.4 Monitoring of RPF Implementation

The Resettlement and Compensation Committee will be responsible to manage the compilation of basic information on all physical or economic displacement arising from the project, and convey this information to DVK, on a quarterly basis.

They will compile the following statistics:-

- (a) Number of activities requiring preparation of a RAP;
- (b) Number of households and individuals physically or economically displaced by each activity;
- (c) Length of time from design finalization to payment of compensation to PAPs;
- (d) Timing of compensation in relation to commencement of physical works;
- (e) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- (f) Number of people raising grievances in relation to each sub-project;
- (g) Number of unresolved grievances.

The DVK will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the Project Coordinator, if there appears to be any discrepancies. Financial records will be maintained by the Resettlement Committee and DVK, to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis.

Each PAP household will be provided with a signed report recording his or her initial situation, all subsequent project use of assets and compensation agreed upon and received. The Local Authority and PCT will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages.

Each recipient of compensation will have a record containing individual bio-data, number of household dependents and amount of land available to the individual or household when the report is opened. Additional information to be acquired for individuals eligible for

resettlement and/or compensation include the level of income and of production, inventory of material assets and improvements in land and debts.

Each time land is used by the project; the report will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives. These reports will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for. It is normal that some compensation procedures and rates may require revision at some time during the project/program cycle.

This framework is suggesting that the M & E of resettlement is structured into the whole M&E component of the project. This would take the form of giving DVK the responsibility to contract an independent consultant/firm to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. Their report would then be sent to the Municipality and World Bank and become part of the official documents of the project.

13.5 Annual Audit

The annual audit of RPF implementation will include (i) a summary of the performance of each sub-project vis-à-vis its RAP, (ii) a summary of compliance and progress in implementation of the processes and (iii) a presentation of compliance and progress in the implementation of the RPF.

The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced. The audit will also assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank.

13.6 Socio-economic monitoring

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. During implementation of each sub-project RAP, an assessment will be undertaken on payment of compensation, restoration of income delivery of resettlement objectives. Monitoring of living standards will continue following resettlement. A number of indicators will be used to determine the status of affected people and appropriate parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance. For each activity with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to

monitor the performance of the RAP. All vulnerable households will be included in the monitoring samples and follow up visits will be done for at least 1 year after completion of resettlement.

14. ANNEX

ANNEX A: RESETTLEMENT SCREENING FORM

Sub-project name:

Subproject Location

Include map/sketch): (e.g. District, Sector, Cell etc).

Type of activity: (e.g. new construction, rehabilitation, periodic maintenance)

Estimated Cost:

Proposed Date of

Commencement of Work:

Technical

Drawing/Specifications

Reviewed : (circle answer): Yes No

This report is to be kept short and concise.

1. Site Selection:

When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

Issues	Site Sensitivity			Rating
	Low Medium High	Low Medium High	Low Medium High	
Involuntary Resettlement	Low population density; dispersed population; legal tenure is well-defined.	Medium population density; mixed ownership and land tenure.	High population density; major towns and villages; low income families and/or illegal ownership of land; communal properties.	

2. Checklist questions:

Physical data:	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to sub-project	
Any plans for new construction	

Refer to project application for this information.

Land and resettlement:	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>
Will the subproject involve loss of land and other resources?	
Will the project result into temporary or permanent loss of crops, household infrastructure like shelter, granaries or latrines?	
What is the likelihood of land purchase for the subproject?	
How will the proponent go about land purchase?	
What level or type of compensation is planned?	
Who will monitor actual payments?	

Refer to the Resettlement Policy Framework.

Actions:	
List outstanding actions to be cleared before sub-project appraisal.	
Approval/rejection	Yes/No answers and bullet lists preferred except where descriptive detail is essential.

Recommendations:

Requires a RAP to be submitted on date: _____

Does not require further studies

Reviewer: _____

Name: _____

Signature: _____

Date: _____

ANNEX B: CENSUS AND LAND ASSET INVENTORY FORM

Socio-economic Household Datasheet of PAPs

<i>Name of Interviewer</i>		<i>Signature</i>
<i>ID Code</i>		
<i>Name of Supervisor</i>		<i>(after verification of interview)</i>
<i>ID Code</i>		

<i>Cell Name</i>		<i>(GPS Coordinates)</i>	
<i>ID Code</i>			

Date:
 Day Month Year

<i>Name of Head of Extended Family :</i>	
<i>Number of Nuclear Families in Extended Residential Group (including household of head of extended family)</i>	

Household Interview

Name and Surname	Relation to Head of Family	Sex		Place of Birth	Age	Marital Status	Residence Tenure	Ethnic Group	Religion	Educational Level	Income Earner		Economic Activities	
		M	F								Yes	No	Primary	Secondary
1.														
2.														
3.														
4.														
5.														
6.														
7.														

Relation to Head of Family : 1 HoH; 2 Spouse of HoH ; 3 Child of HoH; 4 Spouse of child of HoH ; 5 Grandchild of HoH; 6 Parent of HoH; 7; 8
9 Other (specify) ; 0 No Answer.

Marital Status : 1 Married ; 2 Widowed ; 3 Divorced ; 4 Unmarried; 0 No Answer.

Residential Status: 1 PRP (Permanent Resident) ; 2 RA (Resident absent) ; 3 Member of non-resident HH; 4 Visitor; 9 Other (specify) ; 0 No Answer.

Occupations : -

Principle Occupation: 1. Govt employee ; 2 Private sector salaried; 3 NGO sector salaried ; 4 Self- employed professional; 5 Self – employed business man; 6 Religious leader ; 7 Artisan ;
8 Unemployed; 9 Other (specify) ; 0 No Answer Secondary Occupations: idem.

Educational Level : 1 Illiterate ; 2 Three years or less; 3 Primary School ; 4 Secondary School ; 5 Technical School ; 6 Religious School;
0 No Answer

Religion : 1 Muslim ; 2 Christian ; 9 Other (specify) ; 0 No Answer

Entitlements of Project Affected People

Sector: _____

Date: _____

Cell: _____

Survey no.	Name of Head of Household	Compensation for Land			Compensation for structures			Compensation for crops and trees			Compensation for other assets and losses (e.g., graveyards, wells, businesses, etc)			<i>Total (Frw)</i>
		Quantity (m ²)	Unit price (Frw) per m	Entitlement (Frw)	Quantity (m ²)	Unit price (Frw) per m	Entitlement (Frw)	Quantity (m ²)	Unit price (Frw) per m	Entitlement (Frw)	Quantity (m ²)	Unit price (Frw) per m	Entitlement (Frw)	

ANNEX C: SAMPLE GRIEVANCE REDRESS FORM

Grievance Form				
Grievance Number		Copies to forward to:		
Name of the Recorder		(Original)-Receiver Party		
District/ Sector/ Cell		(Copy)-Responsible Party		
Date				
INFORMATION ABOUT GRIEVANCE				
Define The Grievance:				
INFORMATION ABOUT THE COMPLAINANT				Forms of Receive
Name-Surname				<input type="checkbox"/> Phone Line <input type="checkbox"/> Community/ Information Meetings <input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other
Telephone Number				
Address				
Village/ Cell				
Sector/ District				
Signature of Complainant				
DETAILS OF GRIEVANCE				
1. Access to Land and Resources a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	2. Damage to a) House b) Land c) Livestock d) Means of livelihood e) Other	3. Damage to Infrastructure or Community Assets a) Road/Railway b) Bridge/ Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other	4. Decrease or Loss of Livelihood a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	5. Traffic Accident a) Injury b) Damage to property c) Damage to livestock d) Other
6. Incidents Regarding Expropriation and Compensation (Specify)	7. Resettlement Process (Specify)	8. Employment and Recruitment (Specify)	9. Construction Camp and Community Relations a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other	10. Other (Specify)

Annex D: Template for Preparing Resettlement and Compensation Plans (RAPs).

This template is extracted from OP 4.12 Annex A which can also be found on the Banks website at www.worldbank.org.

The scope and level of detail of the resettlement plan vary with 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 displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

Description of the sub project: General description of the sub project and identification of sub project area.

Potential Impacts: Identification of (a) the sub 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.

Objectives: The main objectives of the resettlement program.

Socio-economic studies: The findings of socio-economic 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 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, 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 sub project area.
 - (ii) The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub 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, non governmental organizations (NGO's) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

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 sub 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 and traditional usage .

Institutional Framework: The findings of any 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.

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

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.

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 OP 4.12. 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.

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 eligible persons at the selected sites,
- (c) Procedure 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.

Housing, infrastructure, and social services: Plans to provide (or to finance resettler's provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

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

Community Participation: a description of the strategy for consultation with and participation of resettlers and host communities, including

- (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of 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 individual families or as parts of pre-existing 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, landless, and women are adequately represented.

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 augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or 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.

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.

Costs and budget: Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable 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.

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 H. TERMS OF REFERENCE FOR A RESETTLEMENT POLICY FRAMEWORK AND A RESETTLEMENT SURVEY

1. BACKGROUND

The Dushanbe Water Supply Project 2 (DWSP 2) is designed as one part of a comprehensive Priority Investment Program (PIP) reconciling DVK needs and the envisioned availability of funding by IDA and other donors [European Consortium led by EBRD and including EIB and IFCA]. The IDA-funded DWSP2 would implement selected components of the Program, in parallel with other components funded by others. The Program aims at comprehensive improvement of quality and commercial sustainability of water service in Dushanbe. Overall investment needs for such Program, include (a) rehabilitation and upgrade of water systems, (b) systematic metering and billing, and (c) utility management capacity building.

The program will include four components:

Component 1 (US\$ 9.3 million of which financed by IDA US\$8.7 million): Water system upgrades for improved quality, reliability and efficiency of service, including: (i) network cleaning, (ii) NAP pump station and reservoir rehabilitation, (iii) SAM filter rehabilitation, (iv) chlorination systems rehabilitation; (v) water quality monitoring units; (vi) bulk metering and pressure zoning;

Component 2 (US\$ 16.8 million of which financed by IDA US\$ 0.0 million): Demand management for higher commercial revenue and reduced water wastage, including: (i) installation of 165,000 residential and master meters; (ii) rehabilitation of plumbing in apartment buildings; (iii) rehabilitation of house connections.

Component 3 (US\$ 2.7 million of which financed by IDA US\$2.7 million): Capacity building for operational performance improvement, including (i) technical assistance to O&M; (ii) Consultancy for water master plan & hydraulic modeling, network information system, SCADA system and leak reduction strategy; (iii) TA for implementing NIS and hydro models; (iv) hardware and software; (v) training in energy efficiency; (vi) training for water quality monitoring; and (vii) TA for specialized O&M aspects.

Component 4 (US\$ 1.4 million of which financed by IDA US\$ 0.0 million): Capacity building for corporate development and financial performance improvement, including : (i) TA for corporate development and finance; (ii) Support accounting department; (iii) accounting and customer service/billing software; (iv) planning and budgeting of tariffs; (v) support billing and metering program; (vi) strengthen human resources functions; (vii) Customer relationship management.

Component 5 (US\$ 2.2 million of which financing by IDA US\$ 1.34 million): including (i) Engineering design and supervision of physical investments; (ii) PCU operating cost; (iii) Annual project audits.

2. WORLD BANK OP 4.12 INVOLUNTARY RESETTLEMENT

(OP 4.12)¹ is applied to any Bank financed project that involves the taking of land resulting in relocation or the loss of shelter, the loss of assets or access to them, and the loss of income or means of livelihood whether or not the affected persons move to another location or not. Similarly the policy is applied if there is limited access to legally designated parks or protected areas resulting in impacts on livelihoods of displaced persons. The Bank describes all these processes and outcomes as “involuntary resettlement,” or simply resettlement, even when people are not forced to move. Resettlement is involuntary if affected people do not have the option to retain the status quo that they have before the project begins.

The project requires a process entailing the preparation of two instruments. First is a **Resettlement Policy Framework (RPF)** that will guide and govern the entire LWH as civil works packages are defined for funding. Second are the specific **Resettlement Action Plans (RAPs)** for each package where the acquisition of land described above will take place. **Abbreviated RAPs (ARAPs)** may be used if the impacts are minor or fewer than 200 people are displaced for the entire LWH project. The RPF will specify the process for reviewing, approving and implementing subsequent RAPs/ARAPs before the relevant civil works are initiated.

The RPF is a statement of the policy, principles, institutional arrangements and procedures that the project will follow in each civil works package involving resettlement. It sets out the elements that will be common throughout the project. Preparing it allows the Bank and the DVK to agree on principles and processes so that these need not be discussed for every works package. It also allows DVK staff, who may be in many different locations, to undertake planning for specific packages without having to re-negotiate fundamental agreements.

The RPF and the individual RAPs/ARAPs will be fully complementary to one another. The more that is agreed in the RPF, the less that needs to be discussed for each case.

The principles and requirements underlying both RPFs and RAPs/ARAPs are contained in OP 4.12. Annex A of OP 4.12 sets out the basic contents of both RPFs and RAPs/ARAPs.

SCOPE OF WORK

The Consultant will:

- a) Prepare an RPF for the LWH to meet World Bank standards (Section 4 below);
- b) After the RPF has been prepared, review procedures used to acquire land for project financed infrastructure to determine the extent to which compensation given to affected persons/users under Tajikistan law and customary procedures conforms to the RPF standards (Section 5 below)

In undertaking this work, the Consultant will, at least;

¹ Available at <http://wbIn0018.worldbank.org/Institutional/Manuals/OpManual.nsf/tocall/CA2D01A4D1BDF58085256B19008197F6?OpenDocument>

- Review relevant Tajikistan law and procedures regarding land taking and compensation;
- Review relevant Tajikistan land law and procedures regarding land loss and land taking ;
- Review RPFs prepared for other recent World Bank projects in Tajikistan
- Undertake a reconnaissance field survey of a sample of project investments to assist in defining the content of the RPF
- Consult with the appropriate government officials at national and local levels; and
- Consult with persons receiving resettlement compensation to date from the project.

RESETTLEMENT POLICY FRAMEWORK (RPF)

The Consultant will prepare an RPF that meets the requirements elaborated below. The RPF will specifically follow the World Bank requirements as stated in OP 4.12. It will also meet the legal requirements of the GOR.

The RPF should be an operational document (i.e. who does what, why, when, where and how) with annexes providing more detailed supportive and background information. The Consultant will refer to OP 4.12 for specific direction concerning the preparation and content of the RPF. In summary, it will include:

Project Description: Provide a brief description of the project, for readers of the RPF who may not see other project documentation. Be more detailed with components and activities for which land acquisition and resettlement are required.

Impacts, Land Acquisition, and Resettlement: Discuss the land acquisition, or restrictions of access, that may be required. Given the nature of the project, describe why resettlement is necessary, and why there needs to be an RPF. State that RAPs/ARPA for individual packages of civil works will be prepared, approved, disclosed and implemented before the relevant civil works are initiated.

Principles and Objectives Governing Resettlement Preparation and Implementation: Describe the basic principles and vision of the resettlement program. State that the resettlement objectives are to move as few people as possible consistent with the requirements of the project, and that general principles of doing no harm, of avoiding or minimizing resettlement are to be followed in all subprojects. Show why acquisition of land or resources is needed and resettlement cannot be avoided in every case. Demonstrate that the commitment is to ensure that affected people are meaningfully consulted, compensated fully and fairly for their losses, and assisted in their efforts to improve their livelihoods and standards of living or at least to restore them. Describe any particular conditions in the Project that may present special problems or opportunities, and show how the resettlement will be done, in principle, so as to overcome risks or take advantage of such opportunities.

Legal Frameworks for Resettlement: Review the laws of Tajikistan governing the taking of land or other assets. Because such legal instruments may come from many sources, make this section as extensive as is warranted. Set out the requirements of the process for land takings. Discuss discrepancies among the various legal instruments, if found. Summarize what laws and regulations may apply to different categories of affected people. Next, set out any requirements of the Bank for resettlement that apply to the types of cases that will arise in the project. Analyze all gaps between national and Bank requirements, and say how such gaps may be bridged.

Estimated Population Displacement and Categories of Affected People: For the LWH, it may be difficult to estimate eventual total displacement, but every effort should be made -- in part to estimate budgets, but also to evaluate consultation requirements and potential challenges to the DVK staff. Different categories of those displaced may include, for example, those losing legal title and those without it, those losing lands or those losing housing or those losing both, those losing temporary access or those losing permanent rights, business or residential property. Discuss the unit of analysis, whether “cases” (such as properties or fields), or households or individuals. Discuss whether uniform approaches will be taken across all civil works packages, and how records will be kept.

Organizational Elements, Responsibilities and Procedures for Delivery of Entitlements: State who in the overall LWH organization will be responsible for resettlement, centrally and in the regions, and what facilities they will have available to them. Describe the process by which individual RAPs/ARAPs will be prepared and submitted to Project authorities, considered and approved, and how entitlements will be delivered. If there is no unit(s) or officer(s) with the training and job description to oversee resettlement issues, describe the way in which such capacity will be developed, structured, and given authority. In an annex, provide TOR for such unit(s) and officer(s) and describe interim arrangements until such capacity is functioning. Recommend whether some or all RAPs/ARAPs should be reviewed by the Bank, and how this will happen. Set out the schedule by which resettlement will arise and be treated, both in terms of the overall management of the Project and the scheduling of the civil works.

Eligibility Criteria for Various Categories of Affected People: Determine the method for setting a cut-off date (see OP 4.12) for eligibility for compensation. Set out the different categories of people affected by the project, and show the types of losses such people may suffer, whether to land, income, rights of access, housing, proximity to work, and others, and including combinations (house and land, for example). Define the criteria that are to be used to identify the eligibility for compensatory measures for each category of affected people, whether losses are partial or total, whether people have their own land or also rent land, what happens when buildings are occupied by more than one business tenant or household, for example. Make the criteria user-friendly, so that those applying the principles to civil works packages “on the ground” will be able quickly to identify whether affected people are eligible for compensatory measures, and how. Describe who will judge eligibility in difficult cases, and how such processes will work.

It may be necessary for country approval to define categories of people eligible under national law and, separately, any others who must be compensated because of the requirements of World Bank policy. The unit of compensation need to be defined – individuals, families, collectivities (or all three, because some losses may be sustained by individuals, others by the community as a whole or by associations within it). Some impacts may be defined as non-compensable, or as compensable with a generic payment – e.g. minor strips of land of a meter or two along a water distribution line route. Finally, cash payments may be more acceptable where losses constitute a very small fraction of incomes, than when the income source [or residence plot] is so compromised that the entire holding or structure should be replaced. Defining the treatment to be applied to the major variations of all the main types of impacts in the RPF eliminates the need to negotiate these issues for each package of civil works in perhaps different regions.

Methods of Valuing Affected Assets: Describe the GOR’s methods of valuing those assets that it deems eligible for compensation, and those that must be compensated under the policy principles that meet the World Bank’s requirements. Explain the methods for *inventorying* assets, *assigning values* to each type of asset, and *coming to agreements* with each affected person or group on the total profile of losses and compensation. Present, to the degree possible, an “entitlement matrix” which shows the types of affected people, the types of losses, and the forms and amounts of compensatory actions that will be taken for each type.

Grievance Redress Mechanisms: Describe the mechanisms available to affected people to complain about aspects of their treatment under the RPF. Show how the mechanism will be accessible (in terms of language, distance, and cost) to affected people, and what recourse/appeal from the local grievance mechanism may be available.

Budget, and Funding Arrangements: Estimate the overall costs of resettlement, including funds for RAP/ARAP preparation, general oversight, and implementation of civil works packages. Show the sources of funds. Show that the overall budget estimates have been included in the project budget.

Methods for Consultation with, and Participation of, Affected People: Consultation is to be done for both the RPF which sets many of the parameters by which resettlement will be carried out, and the individual RAPs/ARAPs which will be done for each package of civil works. For the RPF, show that meaningful consultation was carried out with a broad array of stakeholders including both Borrower officials at every level and the types of people who may be the beneficiaries of, and affected by, typical civil works. Show that the draft RPF is to be, or has been, circulated to interested parties, and that further consultations will take place before finalization. Include a record of all such consultations in an annex to the RPF. For the individual RAPs/ARAPs, show how the people affected by the particular package of civil works will be consulted throughout the process of RAP/ARAP formulation, as prescribed in OP 4.12.

Monitoring: Provide an appropriate mechanism for monitoring the effective implementation of resettlement, either as part of the overall monitoring of project

progress, or separately to affirm the achievement of resettlement goals of ensuring that all affected people are addressed. Describe how overall project achievements will be monitored, and at what frequency. Show how the results of monitoring will be fed back into project implementation. Where appropriate, set up monitoring checklists or templates to focus the work of local monitors.

The RPF shall therefore include a section of monitoring and evaluation (M&E), including monitoring by the implementing agency and where required independent monitors. In addition to this, a RAP implementation report shall be required for each of the sites.

Preparation of Individual RAPs/ARAPs: Taking account of the degree of detail provided in the RPF, provide a template for individual RAPs/ARAPs for distinct civil works packages as they are defined. Provide a step-by-step procedure, including consultation methods, typical questions to ask, checklists and forms, for completing a RAP. Include in the RAP design the minimum information required to complement what has already been determined in the RPF.

Insofar as possible, show any further information that may be needed during Project implementation, or where the general issues need to be supplemented due to differing local laws, special situations or effects on people, or the additional contributions of specialists to the individual RAP preparation.

STAFFING, REPORTING AND TIMEFRAME

Fluent in Russian and Tajik, knowledge of both languages will be an advantage

The Consultant will be knowledgeable of World Bank resettlement policy requirements (RPFs and RAPs), and similar requirements in Tajikistan, and have demonstrated experience in successfully meeting these requirements.

The Consultant team will have an extended experience, at least 5 in social science, social development, economy, law, resettlement experience and intimate familiarity with the World Bank OP 4.12, asset evaluation (for determining methods), and training. Knowledge of local language will be important for the field consultations.

The deliverables of the consultancy include:

- a) An RPF, and
- b) A Resettlement Action plans.

It is expected that the levels of effort to carry out the various elements of these TOR will be approximately as follows:

- RPF- 4 person weeks

All draft final reports will be submitted to the DVK as they are completed, and no later than 4 weeks after contract signature.

All draft final reports will be reviewed by the DVK and the World Bank. The approved RPF will be disclosed in Tajikistan and submitted by the GOT to the Bank for disclosure through the World Bank InfoShop, according to Bank policy.

All reports will be prepared using recent versions of MSWord and Excel, in English and Russian and submitted in both hard and electronic copies. Organize workshop to present findings and recommendations to key stakeholders and partners.

6. **SERVICES AND FACILITIES TO BE PROVIDED BY DVK**

DVK will provide the following services:

- Make available all relevant documentation, studies and surveys, and operational data; and
- Make all necessary arrangements for facilitating the work of the Consultant and to provide access to government authorities, project sites, and local community members.