

Islamic Republic of Afghanistan

Ministry of Economy

Resettlement Policy Framework

(RPF)

For

**ESHTEGHAL ZAIEE - KARMONDENA
(EZ-KAR)**

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Abbreviations and Acronyms

ARAZI	Afghanistan Independent Land Authority
CASA	Central Asia South Asia
CCAP	Citizens Charter Afghanistan Project
CDC	Community Development Council
CIP	Cities Investment Project
EA	Executing Agency
EMA	External Monitoring Agency
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
EZ KAR	Eshiteghal Zaiee – Karmondena (<i>the Pashto term ‘Karmondena’ means finding a job while the Dari term ‘Eshteghal Zaiee’ means job creation.</i>)
FP	Facilitating Partner
GA	Gozar Associations
GoIRA	Government of the Islamic Republic of Afghanistan
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
IA	Implementing Agency
IDLG	Independent Directorate of Local Governance
IRDP	Irrigation Restoration and Development Project
KM	Kabul Municipality
KMDP	Kabul Municipality Development Project
LAC	Land Acquisition Committee
LGU	Local Governance Unit
LLE	Law on Land Expropriation
M&E	Monitoring and Evaluation
MoEC	Ministry of Economy
MoF	Ministry of Finance
NGO	Non-Governmental Organization
PAP	Project Affected Person
PMU	Project Management Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
THRCP	Trans-Hindukush Road Connectivity Project

Definitions of words and phrases used in the RPF

Project-Affected Persons (PAPs), for the purposes of this Resettlement Policy Framework (RPF), mean all the people directly affected by project-related land acquisition that leads to their physical relocation or loss of assets, or access to assets, with adverse impacts on livelihoods. This includes any person, household (sometimes referred to as project-affected family), firms, or public or private institutions who on account of project-related land acquisition would have their (a) standard of living adversely affected; (b) right, title, or interest in all or any part of a house, land (including residential, commercial, artisanal mining, agricultural, plantations, forest and/or grazing land), water resources, or any other moveable or fixed assets acquired, possessed, restricted, or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (c) business, occupation, place of work or residence, or habitat adversely affected, with or without displacement. PAPs therefore include (a) persons affected directly by the acquisition or clearing of the right-of-way or construction work area; (b) persons whose agricultural land or other productive assets such as mining, trees, or crops are affected; (c) persons whose businesses are affected and who might experience loss of income due to project-related land acquisition impacts; (d) persons who lose work/employment as a direct result of project-related land acquisition; and (e) people who lose access to community resources/property as a result of project-related land acquisition.

Census means the pre-appraisal population record of potentially affected people, which is prepared through a count based on village or other local population data or census.

Compensation means payment in cash or kind for an asset to be acquired or affected by a project at replacement costs.

Cut-off date means the start date of census. People will not be considered eligible for compensation, if they are not included in the list of PAPs as defined by the census.

Displacement means either physical relocation or economic displacement directly caused by project-related land acquisition.

Detailed Measurement Survey means the detailed inventory of losses that is completed after detailed design and marking of project boundaries on the ground.

Entitlement means the range of measures comprising cash or in-kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and business restoration which are due to PAPs, depending on the type and nature of their losses, to restore their social and economic base.

Livelihood restoration means the measures required to ensure that PAPs have the resources to *at least* restore, if not improve, their livelihoods. Restoration of livelihood of all PAPs is one of the key objectives of the World Bank's resettlement policy. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels.

Inventory of losses means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.

Jerib is a traditional unit of measurement of Afghanistan. One jerib is equivalent to 2,000 m² of land. One hectare is equivalent to 5 jeribs.

Land acquisition means the process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns, possesses, or uses, to the ownership and possession of that agency, for public purposes, in return for prompt and fair compensation. This includes direct acquisition and easement.

Non-titled means those who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit, or grant.

Poor means those falling below the United Nations poverty line of US\$1 per person per day or equivalent to AFN 52.

Relocation means the physical shifting of a PAP from his/her pre-project place or residence, place of work, or business premises.

Rehabilitation means the assistance provided to severely affected PAPs to supplement payment of compensation for land acquired to improve, or at least achieve full restoration of, their pre-project living standards and quality of life to pre-project level.

Replacement cost means the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (for example, access to public services, customers, and suppliers or to mining, fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.

Resettlement means all social and economic impacts that are permanent or temporary and are caused by (a) acquisition of land and other fixed assets, (b) change in the use of land, or (c) restrictions imposed on land because of the project.

Resettlement plan means the time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring, and evaluation.

Severely affected PAPs means PAPs who are affected by significant impacts within the meaning of the definition below.

Significant impact means PAPs are (a) being physically displaced from housing or (b) losing 10 percent or more of their productive assets (income generating).

Sharecropper and/or tenant cultivator is a person who cultivates land s/he does not own for an agreed proportion of the crop or harvest.

Structures and encroachments mean all structures affected, or to be acquired, by the project such as living quarters, wells, hand pumps, agricultural structures such as rice bins, animal pens, stores/warehouses, and commercial enterprises including roadside shops and businesses.

Squatters and encroachers mean the same as non-titled person, that is, those people without legal title to land and/or structures occupied or used by them. World Bank policy explicitly states that such people cannot be denied assistance to restore livelihoods and living conditions based on the lack of title.

Temporary displacement means displacement where an occupier or owner of land is required to vacate land for a limited period to enable public works to be carried out on the land but can then return to the land and use it as before the displacement.

Vulnerable means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement, that is, (a) single household heads with dependents especially female-headed households, (b) Kuchis (pastoralists), (c) disabled household heads, (d) poor households, (e) elderly

households with no means of support, (f) the landless or households without security of tenure, and (g) ethnic minorities.

The RPF of the EZ KAR project draws on recently approved RPFs developed by the line ministries for the World Bank-funded Public-Private Partnerships and Public Investment Advisory Project (EZ KAR), Citizens' Charter Afghanistan Project (CCAP), Irrigation Restoration and Development Project Additional Financing, and Central Asia and South Asia (CASA)1000 and Trans-Hindukush Road Connectivity Projects (THRCP).

The EZ KAR RPF was adopted by the Ministry of Finance following reviews within the Ministry. This process followed similar reviews and consultations within the Ministry of Economic Affairs, the Independent Directorate of Local Governance and Kabul Municipality and their implementing projects, CCAP, KMDP and CIP. All Resettlement Action Plans (RAPs) to be developed under the EZ KAR and anticipated future investment projects will be subject to extensive consultations with the affected peoples.

The RPF is aligned with existing RPFs in line ministries which permits common standards and approaches to land acquisition and resettlement across government and increases efficiency and effectiveness in the administration of such programs. The aim is to ensure that affected persons (PAPs) in all projects will have greater confidence that they are being treated fairly and thereby reduce the likelihood of grievances and legal and other challenges to resettlement which can delay the implementation of projects. Common standards in practice will also make it easier to develop a national law on resettlement as and when the government decides to move in that direction.

Matrix III C (Comparison between Afghanistan's former Land Expropriation Law and the World Bank's Operational Policy 4.12 on Resettlement) in this RPF is currently being updated to reflect the provisions of Afghanistan's new Law on Land Acquisition (2017). On completion, the existing section IIIC will be replaced with an up to date matrix.

Executive Summary

Eshteghal Zaiee – Karmondena (EZ-KAR) Project

Project Context: Internal displacement and large-scale return of Afghans has put a huge strain on traditional coping mechanisms, service delivery, and increased competition for already scarce economic opportunities, at a time when Afghanistan is suffering from a stagnating economy. The concentration of the displaced in urban centres risks overwhelming the public services and generating large humanitarian needs. The already profound lack of meaningful livelihoods and access to basic services for host communities in this context, could exacerbate pre-existing risks of conflict and generate popular discontent. The large-scale population movements also present a chance to develop new economic opportunities in the affected cities, both for the displaced and for the host communities. EZ-KAR provides a mechanism for the Government of Afghanistan (GoIRA) to promote the integration of returnees and internally displaced persons (IDPs) into productive employment alongside settled communities and thereby providing a boost to productivity and growth. Properly supported, the returnees can help revitalize critical value chains; encourage participation in new industrial, commercial and service markets; and finance new businesses to the benefit of both hosts and returnees/IDPs.

Project Components:

COMPONENT 1: SUPPORT FOR AFGHAN REFUGEES IN PAKISTAN. In order to support the regional commitments that the Government of Afghanistan and Pakistan set out in the Solutions Strategy for Afghan Refugees (SSAR) framework and tripartite agreements, this component will support Afghan refugees in Pakistan and their voluntary repatriation by (a) increasing the capacity of the Ministry of Foreign Affairs (MoFA) to provide consular services; and (b) providing information to facilitate the refugees to access economic opportunities and social services. MoFA will be the Implementing Agency for the Component both in Afghanistan and in Pakistan, while support will be provided to the Ministry of Refugees and Repatriation (MoRR) with communications activities.

COMPONENT 2: SHORT TERM EMPLOYMENT OPPORTUNITIES AND MARKET ENABLING INFRASTRUCTURE UNDER IDLG. This component aims to increase economic opportunities in Jalalabad, Kandahar, Herat, Mehterlam, Puli Khumri, Khost Matun, Asadabad, Taluqan, Kunduz, Chaghcharan, and Maimana by (a) creating short term employment opportunities, (b) supporting municipal level regulatory and process reforms, and (c) investing in market enabling infrastructure.

COMPONENT 3: MARKET ENABLING INFRASTRUCTURE AND REFORMS FOR KABUL MUNICIPALITY. This component aims to address the challenges faced by Kabul's private sector in accessing economic opportunities. Kabul's private sector is dominated by a very large number of small- and micro-businesses. These are located throughout the city in: (a) formal market areas, (b) small semi-formal shops and factories located in commercial areas, and (c) on the sides of main transport roads informally. In general, these businesses are performing in a suboptimal manner due to productivity, value (quality), and connectivity challenges. This component aims to address these problems, while also allowing for cluster formation. This will be done by: (a) assisting Kabul Municipality to implement selected national level regulatory reforms and municipal level regulations associated with market upgrading; and (b) financing investments in market upgrading and connectivity improvements (e.g. roads

and drainage) that promote economic opportunities.

COMPONENT 4: PRIORITIZED URBAN INVESTMENTS IN FOUR PROVINCIAL CAPITAL CITIES. This component will be implemented by IDLG in the four provincial capital cities of Jalalabad, Kandahar, Herat and Khost (a) Prioritized Urban Investments (b) Given that Component-4 will be implemented by the CIP PIU at IDLG, sub-component will finance the cost of feasibility studies, detailed engineering designs, construction supervision and monitoring and evaluation.

COMPONENT 5: PROJECT MANAGEMENT, IMPLEMENTATION SUPPORT AND NATIONAL REGULATORY REFORMS. This component finances the efforts of the Ministry of Economy (MoEC) in (a) supporting national level regulatory reforms, and (b) coordinating the management of EZ-Kar project implementation.

Project Objective: to strengthen the enabling environment for economic opportunities in cities where there is a high influx of displaced people.

Project Beneficiaries: Afghan refugees living in Pakistan and citizens within Afghanistan in 12 cities: Jalalabad (Nangarhar Province), Kabul (Kabul Province), Kandahar (Kandahar Province), Herat city (Herat Province), Puli Khumri (Baghlan), Maimana (Faryab), Firozkoh (Ghor), Khost (Khost province), Asadabad (Kunar), Kunduz (Kunduz province), Mihtarlam (Laghman) and Taloqan (Takar Province).

Resettlement Policy Framework (RPF)

Purpose of the RPF. The main purpose of the RPF is to clarify resettlement principles, eligibility criteria, compensation entitlements, and organizational arrangements for land acquisition, asset loss, and resettlement of people that may be necessary during future EZ KAR investments.

Guiding principles of the RPF. (a) Avoid or minimise adverse impacts on persons and families likely to be affected by the project (PAPs), (b) all PAPs will be consulted throughout the operation, (c) all PAPs are eligible for compensation for losses resulting from project intervention irrespective of possession of title to land, and (d) all compensation for land or lost assets will be at replacement value(e) displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement program(f) displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least restore them in real terms to pre-displacement levels or levels prevailing prior to the beginning of project implementation.

Contents of the RPF. The RPF provides guidelines for preparation of Abbreviated Resettlement Plans and Resettlement Action Plans (RAPs). This will not only ensure consistency in resettlement planning but also develop the capacities of the implementing and supervising agencies gradually and simultaneously.

Legal and Policy Framework for Land Acquisition, Resettlement, and Rehabilitation

Afghan Law and Policy. There is yet no country-specific resettlement regulation in Afghanistan. A comprehensive land policy was approved in 2007 by the Cabinet, which has been revised and approved by the cabinet as the National Land Policy 2018. Ratified in early 2004, the Constitution of Afghanistan has three articles that closely relate to compensation and resettlement. For public interest purposes, such as the establishment/construction of public infrastructure or for acquisition of land with cultural or scientific values, land of higher agricultural productivity, large gardens, the Law on Land Acquisition (2017) replaces the Law on Land Expropriation (LLE, 2009) in providing the legal basis for land acquisition and compensation.

World Bank OP 4.12. This policy deals with the issues and concerns related to land/assets acquisition, their compensation for all categories of affected persons and affected assets, relocation, resettlement, loss of livelihood, access, and related issues. It requires, among other things, that appropriate and accessible Grievance Redress Mechanisms are established for those losing land/assets or being resettled.

The EZ-KAR RPF Approach

Eligibility for Compensation

General eligibility is defined as, “people who stand to lose land, houses, structures, trees, crops, businesses, income and other assets as a consequence of the project, as of the formally recognized cut-off date, will be considered as project affected persons (PAPs)”. For purposes of this RPF, the concepts of ‘general eligibility’ for compensation and who is a PAP will be extended to include persons who may be temporarily displaced, but who may be entitled to some compensation through loss of land by the sub-projects.

Although it is unlikely that many PAPs will be entitled to compensation or rehabilitation, on the grounds that they are losing a substantial amount of land under EZKAR , it is as well to set out the full picture on who PAPs might include and what they are entitled to under the project:

- (a) All PAPs losing land, with or without title, formal land-use rights, or traditional land use rights;
- (b) Owners of buildings, crops, plants, or other objects attached to the land; and
- (c) PAPs losing business, income and salaries.

The PAPs in the project are entitled to various types of compensation and resettlement assistance that will assist in the restoration of their livelihoods, at least to the pre-project standards. They are entitled to a mixture of compensation measures and resettlement assistance, depending on the nature of lost assets and scope of the impact, including social and economic vulnerability of the affected persons.

The practice of donating small amounts of land to enable community-based projects is common across Afghanistan. EZ ZAR’s 3 implementing projects KMDP, CCAP and CIP all recognise ‘voluntary land donations’. In accordance with traditional practices, individuals may elect to voluntarily contribute land or assets and/or relocate temporarily or permanently from their land without compensation. In these cases the following procedures will apply:

- (a) PAPs must be informed of their entitlements under the RPF
- (b) PAPs are permitted to donate only up to 10% of their total land holdings and may not be physically relocated.
- (c) Verification (for example, notarized or witnessed statements) of the voluntary nature of land donations must be obtained from *each* PAP donating land.
- (d) Where there is any doubt over the voluntary nature of the donation the land must be acquired under involuntary land acquisition procedures.
- (e) The donating of land must be a last resort. When considered, it should be fit for purpose and it should not disturb other land owners around. Voluntary donations should comply with World Bank Guidelines which are attached as Annex 5.

Unit Compensation Rates and Budget

To comply with the World Bank's OP. 4.12, rates used to compensate for lost land and assets must be *replacement cost at current market value*, to meet the policy objective of 'at least' restoring people's livelihoods and ensuring that people affected by a project are not left worse off. According to OP 4.12, 'replacement cost' is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs.

In the absence of any conclusion about the estimated land prices, this RPF provides guidance on the methods of valuation of assets and the development of a RAP to be prepared for each project that may involve land acquisition before the beginning of the construction activity in the project. The RAP also sets out detailed procedures for managing voluntary land donations. The budget is an essential part of each RAP/Abbreviated RAP which will be prepared after the RPF has been accepted and the final identification of PAPs. The GoIRA is responsible for all costs associated with RAP implementation.

Public consultation and participation. Meaningful consultations with affected communities and people is essential in the development and implementation of RAPs/Abbreviated RAPs. The RPF envisages a five stage consultation process at sub project level which will start at the preparatory period with discussions with community groups in CDCs and GAs to explain (i)the objectives of a sub project and the necessity of acquiring land for the sub project (ii) the census survey of displaced/affected persons and how it will be carried out as well as the processes of any resettlement or temporary displacement. Further discussions on RPF principles and guidelines will be held with different affected groups within communities, especially vulnerable groups, at stage two. A census survey with individual meetings with all affected PAPs to explain entitlements and compensation payment procedures as well as the GRM is carried out at stage 3. At stage four the approved RAP will be disclosed and explained to all PAPs and other stakeholders at CDC and gozar meetings. Stage five involves regular consultations with PAPs throughout RAP implementation. This consultation process will build on the approaches already in place in two of EZKAR's three implementing projects- CCAP and KMDP. The consultation process will be managed by CCAP's facilitating partners and KMDP and CIP's safeguards staff . It will involve separate discussions with women to make sure that they are made fully aware of the processes and their entitlements. Regular meetings will also be held with municipal district officials to ensure that they are fully appraised about the project, including the formulation of and details on the implementation of the RAP/ Abbreviated RAP.

Easy to understand project-specific information materials will be prepared and distributed to PAPs. Separate meetings will be held with each PAP regarding entitlements and compensation payment procedures as well as the Grievance Redress Mechanism (GRM).

Institutional arrangements. The primary institutions that are involved in the preparation of safeguards instruments addressing land acquisition and resettlement process in the EZ KAR are :

- MoEC
- Implementing Agencies – IDLG and KM¹
- Project Management Units of CCAP, KM and CIP
- Facilitating Partners of Implementing Agencies
- Focal teams within regional departments of sponsoring ministries

¹ The planning and implementation of all land acquisition/resettlement activities related to IDLG-managed investments will be done through the existing CCAP and the upcoming CIP: for KM-managed investments land acquisition and resettlement activities be handled through the existing KMDP.

- Municipal Local Government Units (LGUs)
- Afghanistan Independent Land Authority (ARAZI)

While the MoEC will have overall responsibility for ensuring compliance with RPF procedures, the implementing agencies and their facilitating partners will be responsible for the planning and implementation of resettlement and rehabilitation programs through designated safeguards staff at national and municipal levels. At the municipal level, safeguards teams and facilitating partners from CCAP, KMDP and CIP will act in close coordination with relevant provincial and district governments. Safeguards staff in the central PMUs of the CCAP, CIP and KMDP will be responsible for ensuring that MoEC PMU is kept informed and updated regularly on RAP development and implementation.

IDLG and KM, through the PMUs of CCAP/CIP and KM, will be responsible for submitting RAPs to the World Bank for approval and clearance.

GRM. The Land Acquisition Committee (LAC), has been outlined in the new land Acquisition law (2017) performs the tasks of a Grievance Redress Committee (GRC). The LAC, in the first instance, will encourage PAPs to seek to resolve issues at local level. However, if after this negotiated approach, the issue remains unresolved, the affected person may elevate the matter to a GRC to try to resolve the issue. It should be pointed out, however, that this committee does not possess any legal mandate or authority to resolve land issues but rather acts as an advisory body or facilitator to try to resolve issues between the affected household and the sponsoring ministry/national focal team who would implement the valuation based on the decision of the LAC. The GRC will be composed of the following members:

- Affected person or his/her duly appointed representative
- Local representative from relevant implementing project (CCAP/CIP/KMDP)
- Representative of the local administration (from the office of the governor)
- Representative from municipality
- Representative from ARAZI
- Representative from the local legal department
- Representative of the implementing NGO (if appointed)

The GRC will register the unresolved matter and meet to try and resolve the issue. A recommendation should be made within 7–10 working days. If any of the members are absent during the decision-making process, an appropriate candidate will be nominated by the original representative. If no decision has been promulgated after 10 working days from the last meeting of the GRC, the affected person may take the issue to the next level. The affected person always has the final recourse to seek redress through the legal system.

Project Overview

A. Project Context

Project Context: Internal displacement and large-scale return of Afghans has put a huge strain on traditional coping mechanisms, service delivery, and increased competition for already scarce economic opportunities, at a time when Afghanistan is suffering from a stagnating economy. The concentration of the displaced in urban centers risks overwhelming the public services and generating large humanitarian needs. The already profound lack of meaningful livelihoods and access to basic services for host communities in this context, could exacerbate pre-existing risks of conflict and generate popular discontent. The large-scale population movements also present a chance to develop new economic opportunities in the affected cities, both for the displaced and for the host communities. EZ-KAR provides a mechanism for the Government of Afghanistan (GoIRA) to promote the integration of returnees and internally displaced persons (IDPs) into productive employment alongside settled communities and thereby providing a boost to productivity and growth. Properly supported, the returnees can help revitalize critical value chains; encourage participation in new industrial, commercial and service markets; and finance new businesses to the benefit of both hosts and returnees/IDPs

The proposed Project Development Objective is to strengthen the enabling environment for economic opportunities in cities where there is a high influx of displaced people.

Project Components

COMPONENT 1: SUPPORT FOR AFGHAN REFUGEES IN PAKISTAN

In order to support the regional commitments that the Government of Afghanistan and Pakistan set out in the Solutions Strategy for Afghan Refugees (SSAR) framework and tripartite agreements, this component will support Afghan refugees in Pakistan and their voluntary repatriation by (a) increasing the capacity of the Ministry of Foreign Affairs (MoFA) to provide consular services; and (b) providing information to facilitate the refugees to access economic opportunities and social services.² MoFA will be the Implementing Agency for the Component both in Afghanistan and in Pakistan, while support will be provided to the Ministry of Refugees and Repatriation (MoRR) with communications activities.

Subcomponent 1.1: Enhancement of MoFA's capacity to meet the documentation requirements of Afghan refugees in Pakistan. This subcomponent will finance costs associated with increasing MoFA's capacity to provide consular services (e.g. issuing passports, birth certificates, marriage certificates, school certificates, etc.) in Pakistan, such as, but not limited to (a) purchasing equipment; (b) increasing the number of temporary local staff working at the Operations Support Center in Kabul and the four MoFA missions in Pakistan; and (d) training MoFA staff on the operation of equipment. The procurement of equipment will focus on the database and IT equipment. This subcomponent will not finance the costs of salary of civil servants, and only finance the salary of temporary local staff, who are contracted on an annual basis by MoFA. The operating costs of the MoFA missions, including the salary of temporary local staff, will be financed for two years.

² Promoting the repatriation of Afghan refugees in Pakistan is not an objective of this component

Subcomponent 1.2: Provision of information to Afghan refugees in Pakistan. This subcomponent will finance information services to be provided to the Afghan refugees in Pakistan to help facilitate their access to economic opportunities and social services. This sub-component will be implemented by MoFA, in collaboration with MoRR³. The information will be provided in both demand-driven (responding to inquiries made by individuals) and supply-driven (widely disseminating commonly helpful information) methods. To provide demand-driven (responsive) information, information centers will be set-up at four MoFA missions (Islamabad, Karachi, Peshawar, Quetta) in Pakistan to receive and respond to specific questions by refugees related to legal issues, business registration, asset transfers, transaction of assets (real estates, business investments), education certificates, protection services, among others. The Information Centers will be complemented by a helpline (call center) and a website, which will respond to similar queries. A response manual will be developed for the help-desk personnel, who will be trained with the manual. On the supply-driven side, key information that can be beneficial and helpful to Afghan refugees in Pakistan will be widely disseminated through various communication means, such as announcements in social media, distribution of posters/brochures/flyers, TV/radio commercials, and other advertisements. A joint-MoFA/MoRR communications strategy that defines contents (including key policy parameters such as “facilitation of returns” as opposed to “promotion of repatriation”), audience, and modalities of information to be provided in detail will be developed. Once the joint communications strategy has been developed, a social media coordinator and a communications firm will be hired to implement the communications strategy. Additional consultants will also be recruited to support the MoRR to enhance its information and knowledge management capacity. A Joint Communications Committee will be established among MoFA, MoRR, and the Ministry of Interiors (MoI) to review and approve communications materials.

Subcomponent 1.3: Component 1 Project Management. This subcomponent involves (a) financial management, (b) procurement, (c) environmental and social safeguards, (d) monitoring and evaluation, and (d) the grievance redress mechanism for the component. Efforts will be made to recruit female staff to make services more accessible to female refugees, especially in the information center and the call center. Efforts will also be made to gather gender disaggregated data that can form the basis of further interventions for female refugees, and to have a dissemination strategy and grievance redressal mechanism (GRM) that has a broad outreach.

COMPONENT 2: SHORT TERM EMPLOYMENT OPPORTUNITIES AND MARKET ENABLING INFRASTRUCTURE UNDER IDLG

This component aims to increase economic opportunities in Jalalabad, Kandahar, Herat, Mehterlam, Puli Khumri, Khost Matun, Asadabad, Taluqan, Kunduz, Chaghcharan, and Maimana by (a) creating short term employment opportunities, (b) supporting municipal level regulatory and process reforms, and (c) investing in market enabling infrastructure.

Subcomponent 2.1: Short Term Employment Opportunities. This sub-component supports the request from the Government to provide some level of short-term employment support in urban areas for vulnerable

³ An MoU will be signed between MoFA and MoRR to define their roles and coordination arrangements.

households that may not benefit from other project activities. It also recognizes that large numbers of IDP/Rs in urban areas rely on daily wage work. To demonstrate quick results (i.e. immediately after CDC establishment), it will follow the design, implementation modality, and lessons learned from the ongoing Maintenance Cash and Construction Grants (MCCG) scheme under the MRRD-implemented Citizens' Charter Program (CCAP, P160567) – while customizing this to focus on urban communities.

The urban MCCG scheme will be implemented by IDLG, whose presence will be expanded from the three CCAP cities (Jalalabad, Kandahar, Herat) they currently operate in, into another eight cities where a total of 1,150⁴. Community Development Councils 5 (CDCs) will be established (each CDC comprises approximately 200 households). Facilitating Partners (FPs) will be contracted to establish CDCs, support communities in the elections of CDCs, and in line with the CCAP-MCCG selection process they will conduct a Well-Being Analysis (WBA)⁶ to identify vulnerable households who will participate in the daily wage work.

At least 60 percent of the grant will be used for paid labor which is expected to generate an estimated 40 days of work per household per year.⁷ Details of the subcomponent design, selection process, costs and benefits, monitoring indicators, and governance systems will be outlined in the Project Operations Manual. It is estimated that around 80,000 vulnerable households will benefit from the MCCG scheme in 11 cities.⁸ These activities are also expected to increase the target cities' and households' resilience to shocks (including those related to climate change) by creating jobs and source of income through labor intensive public work.

In an effort to ensure sustainability of the CDCs created under this sub-component and to maximize the socio-economic returns on the investment made, IDLG will actively promote CDCs (by municipalities, NGOs and development actors at the city level) to serve as the primary focal point for local development purposes for their given constituents. Similarly, when the CCAP program expands to these urban areas, the

⁴ The coverage is expected to be close to 90% of the city if using the Afghanistan's Central Statistical Office (CSO, 2018) urban population figures, which shows that there are 1,210 communities in these urban areas. However data from UN-Habitat's 'State of Afghan Cities' report (SoAC 2015, updated 2017), shows that there are around 2,035 communities. Saturation beyond 1,150 CDCs in the 11 cities can be carried out under CCAP as more resources are made available.

⁵ Covering only communities that are not covered by CCAP.

⁶ The Well Being Analysis (WBA) is part of the Participatory Learning and Action (PLA) tools, which is a participatory process that classifies all households in the community into socio-economic categories (rich or well-off, middle class, poor, and very poor). Each household in the poor or poorest categories of the WBA with an able-bodied member willing to participate in paid labor is considered a potential beneficiary for this component. If the total number of such eligible households exceeds 35 percent of the total households in the community, then a lottery approach is used exclusively from among the eligible households only to select the actual beneficiaries.

⁷ The MCCG will be calculated as per the following: 35 percent of the total households in the community x 40 days @ AFA 350/day = 60 percent of the total grant amount. The wage rate is proposed at AFN 350 per day for unskilled labor and AFN 650 per day for skilled labor – which is aligned with the CCAP-MCCG scheme.

⁸ 1,150 CDCs x 200 hh per CDC x 35 percent = 80,500 hh.

same CDCs will be used by CCAP. The CDC's Community Development Plans (CDP) will be updated as needed and the same FPs can be contracted to continue work under CCAP.⁹

Subcomponent 2.2. Support for Municipal Level Regulatory and Process Reforms. In an effort to move municipalities towards an investor friendly way of operating, this sub-component will support the following activities:

Undertaking a gozar and regulatory assessment for each city. The gozar/city level economic assessment will be conducted in all IDLG project cities. The assessment will include: (i) an overview of city level processes dealing with enterprises for Government related permits, licenses, certification, payments etc.; (ii) a summary of enterprise demographics which will be used in part to identify potential business gozars; and (iii) identification and recommendations for market-based infrastructure at the gozar level.

Supporting regulatory reforms identified by the economic assessment and complimentary measures necessary to achieve economic opportunities associated with infrastructure investments. Priority will be given to simplification of construction permits (in coordination with IFC and PRISEC), but other reforms relevant to Doing Business (DB) indicators could also be supported.

Under Component 4, the achievement of both the Public Financial Management (PFM) reform triggers under the parallel World Bank-funded CIP project as well as the Construction Permit (CP) reform triggers below under the EZ-Kar project represent the reform framework for the release of the three investment tranches below:

First Investment tranche of 5%: The first tranche of 5% will be available to all four PCCs upon project effectiveness. This will help establish the project, undertake design work, and complete the second tranche release condition.

Second Investment tranche of 45% release condition: Construction permit reform implementation plan for commercial properties developed in the three cities of Jalalabad, Kandahar and Herat with no objection from the World Bank. The construction permit implementation plan will be developed by March 2019 and will include the following actions: (i) detailed mapping of current steps, processes and stakeholders for obtaining a construction permit for commercial properties; and (ii) identifying redundant or duplicative or non-value-adding steps and processes. IDLG (with input from the three Municipalities) will be responsible for delivering this trigger. As for the city of Khost, compliance with the Public Financial Management (PFM) reform triggers under the parallel World Bank-funded CIP project will be the condition for releasing the second investment tranche under the EZ-Kar project.

Third Investment tranche of 50% release condition: Reduction in processing steps for obtaining a construction permit for commercial properties in the three PCCs of Jalalabad, Kandahar and Herat. Tranche 3 disbursement will be per city on a pro-rata basis of the actual-to-target reduction in steps. For example: if Jalalabad reduces 4 or more steps by December 2020, it receives the full tranche amount; for a reduction of 3 steps, it receives 75% of the tranche amount, and so on. This will be implemented by the three Municipalities under IDLG oversight. Compliance will be verified by an Independent Evaluation Agent procured under the project. The reduction in processing steps will be accomplished by December 2020 in line with the following targets:

⁹ A CDC's mandated tenure is only for 3 years, and if the CCAP is not rolled out within the 3-year mark from when the EZ-Kar CDCs were formed, they will hold new elections.

	Jalalabad	Kandahar	Herat
Reduction in processing steps – PDO Indicator			
Baseline	21	14	23
Target	17	12	19

Source for Baseline: Sub-National Doing Business in Afghanistan 2017

It is expected that the reduction in processing steps will be accompanied by a reduction in time taken for obtaining a construction permit for commercial properties in the three CIP cities. While the reduction in time taken is not a trigger for release of funds, it will be an intermediate indicator for the EZ-Kar project and the targets will be as follows:

	Jalalabad	Kandahar	Herat
Reduction in time (days) – Intermediate Indicator			
Baseline	104	96	133
Target	90	90	115

Source for Baseline: Sub-National Doing Business in Afghanistan 2017

As for the city of Khost, and similarly to Tranche 2, compliance with the Public Financial Management (PFM) reform triggers under the parallel World Bank-funded CIP project will be the condition for releasing the third investment tranche under the EZ-Kar project.

Subcomponent 2.3. Market enabling infrastructure: Gozar & Business gozar grants. The objective of this sub-component is to improve the poor market infrastructure which businesses complain¹⁰ constrains the enabling environment for business activity - which is essential for job creation and economic wellbeing, particularly among the urban population.

In order to organize the demand driven process and its implementation, IDLG will establish (i) Gozar Assemblies (GAs) and (ii) Business Gozars Assemblies (BGA) in the cities. A Gozar will be formed from four to five CDCs coming together who will elect their representative Gozar Assembly. While a Business Gozars will consist of an estimated 100 to 300 businesses¹¹, who will also elect their representative Business Gozar Assembly. Before a BGA is established, IDLG in consultation with the municipality will

¹⁰ Doing Business in Afghanistan: A Survey of Sub-National Performance, 2017 and Economic Cluster Analysis: Study of Food Processing and Informal Manufacturing Activities in Kabul City, prepared by Altai Consulting for the World Bank, March 2015.

¹¹ Businesses' includes all registered small and medium size enterprises, street vendors, enterprises etc.

conduct a Gozar Economic Assessment (GEA) to identify areas in the city with a high density of businesses and where EZ-Kar investments can have a high impact.

They will be established following the same governance structure which has proven to work in Afghanistan (under the CCAP), with the support of Facilitating Partners (FPs) who will facilitate the process of their elections, opening of bank accounts, capacity building in grant management and through a participatory and transparent process develop their Development Plans which will identify GA and BGA members priority economic infrastructure needs. The development plans for the GAs and BGAs will have the same positive menu (outlined in the operations manual) as the objective of their investments will be the same.

Roll out and coordination: The formation of the 1,150 CDCs and estimated 46 Business Gozars will take place in all cities in parallel. Once CDCs have been formed and have utilized their MCCG then an estimated 230 Gozar Assemblies will be formed (as GAs are a grouping of CDCs). Once formed, the IDLG and with the support of FPs will ensure that there is close coordination between GAs and BGAs (to avoid any duplication) and there is regular consultation with nahia administration and the Municipality Advisory Boards (MABs) in site selection, alignment with city network plans and to share information on the progress of EZ-Kar progress.

These processes are also expected to increase the resilience of businesses and households in the target cities to shocks (including those related to climate change) by improving public infrastructure, such as drainage, sanitation, and access roads, that would contribute to improved accessibility to social services, economic opportunities, and food supply. The participatory community driven development approach applied in the implementation of these investments is also expected to increase resilience by enhancing social cohesion. In addition, depending on the type of market infrastructure improved or constructed, the project may contribute to the reduction of heat loss in utilities and/or increased recovery of waste heat (Climate Finance Category 3.3 Energy efficiency improvements in the utility sector and public services).

Subcomponent 2.4: Component 2 Project Management. Activities under this component will be implemented using the existing CCAP Project Implementation Unit established under IDLG. This sub-component will therefore cover all the additional operations and management costs associated with the EZ-Kar activities in IDLG (up to 10% of the component amount), which includes costs associated with facilitating the activities of CDCs, Gozars, and Business Gozars; support for regulatory reforms; staffing; office and vehicle rentals; office/ IT equipment and accessories; training; and other incremental operating costs. The existing CCAP coverage extends only to 700 communities in three of the 11 cities selected for EZ-Kar implementation; hence, EZ-Kar specific Provincial Management Units (PMUs) will be set up in the remaining eight cities.

COMPONENT 3: MARKET ENABLING INFRASTRUCTURE AND REFORMS FOR KABUL MUNICIPALITY (Est. US\$40 million)

This component aims to address the challenges faced by Kabul's private sector in accessing economic opportunities. Kabul's private sector is dominated by a very large number of small- and micro-businesses. These are located throughout the city in: (a) formal market areas, (b) small semi-formal shops and factories located in commercial areas, and (c) on the sides of main transport roads informally. In general, these businesses are performing in a suboptimal manner due to productivity, value (quality), and connectivity challenges. This component aims to address these problems, while also allowing for cluster formation. This will be done by: (a) assisting Kabul Municipality to implement selected national level regulatory reforms and municipal level regulations associated with market upgrading; and (b) financing investments in market upgrading and connectivity improvements (e.g. roads and drainage) that promote economic opportunities.

Subcomponent 3.1: Regulatory and process reforms. Assistance will be provided to Kabul Municipality in realizing select national level regulatory reforms at the municipal level and regulations associated with market upgrading. The focus will be on the simplification of construction permits, but other reforms relevant to Doing Business (DB) indicators can also be supported. This sub-component will also help determine the allocation of investment resources under subcomponent 3.2. Investment resources will be allocated on a performance basis, and the same procedures and triggers explained in Subcomponent 2.3 will be used to release the three tranches for subcomponent 3.2 implementation. The reduction in steps and time will be accomplished by December 2020 in line with the following targets:

Kabul	
Reduction in steps	
Baseline	13
Target	10
Reduction in time (days)	
Baseline	354
Target	300

Source: Afghanistan Doing Business Reform Memorandum, March 2018

Subcomponent 3.2: Priority subprojects. The subcomponent will finance investments designed to promote economic opportunities through market upgrades and market connectivity improvements (roads, drainage, electricity, among others). These investments will be screened to ensure a focus on economic opportunities. Eligible investments will be limited to those that: (a) improve economic opportunities through improved productivity (reductions in wastage and pilfering), (b) increase the value of products (hygiene, packaging, etc.) or (c) improve connectivity to the market, and that (d) are located on land owned by the municipality, (e) are limited to a maximum of \$2.5 million and confined to market establishment or refurbishment and associated connectivity of services (e.g. drainage, roads), (f) consistent with Kabul's master plan (zoning, future development), and (g) have the concurrence of the private sector.

The funding for these investments will be conditional on regulatory reform achievements. The type of investments that are likely, include work on public markets (including women's markets) and roads, the provision of electricity connections and logistics infrastructure (warehouses etc.). Investment resources will be allocated on a performance basis in three tranches. As with the market infrastructure of Subcomponent 2.3, these processes are also expected to increase the resilience of businesses and households in the target cities to shocks (including those related to climate change) by improving public infrastructure, such as drainage, sanitation, and access roads, that would contribute to improved accessibility to social services, economic opportunities, and food supply. In addition, depending on the type of market infrastructure improved or constructed, the project may contribute to the reduction of heat loss in utilities and/or increased recovery of waste heat (Climate Finance Category 3.3 Energy efficiency improvements in the utility sector and public services).

Subcomponent 3.3: Component 3 Management. Activities under this component will be implemented using the existing Project Implementation Unit established under KMDP. This sub-component will therefore

cover all the additional operations and management costs associated with the EZ-Kar activities in Kabul, which includes costs associated with facilitating the selection of eligible investments, meeting the regulatory reforms and their release conditions, staffing, office and vehicle rentals, office/ IT equipment and accessories, training, and other incremental operating costs.

COMPONENT 4: PRIORITIZED URBAN INVESTMENTS IN FOUR PROVINCIAL CAPITAL CITIES (US\$25 million)

This component will be implemented by IDLG in the four provincial capital cities of Jalalabad, Kandahar, Herat and Khost. It consists of the following two sub-components:

Sub-Component 4.1: Prioritized Urban Investments: The funding of Prioritized Urban Investments (Priority Projects) under EZ-Kar will be conditional upon improvement in both the municipalities' public financial management (as per the principles of the parallel World Bank CIP Project) as well the construction permit issuance procedures. Priority Projects will be selected through consultations led by municipalities, with participation of Municipal Advisory Boards (MABs) and the private sector. Furthermore, budget allocation per participating city will be allotted according to the number of returnees in the past 3 years (2016-2018). This sub-component is also fully aligned behind the implementation arrangements under the parallel World Bank-funded Cities Investment Program (CIP) project. A clearing mechanism (within the IDLG CIP PIU) will be established to decide which of the Priority Projects will be financed under the CIP or the EZ-Kar Window. Priority Projects with high economic returns located in neighborhoods of high concentration of IDPs and returnees will be financed under the EZ-Kar window.

Buildings and Public Spaces	Road and Traffic Management	Streetscape Improvements
Greening of open spaces	Paving of flood-prone primary and secondary streets	New/restored storm water drainage canals
Reforestation of new/existing public parks and women's public parks	Construction of/ improvements to infrastructure for improving market accessibility, connectivity	Solar powered/energy efficient street lighting
Restoration of public markets and women's markets with resource efficient materials and designs	New/rehabilitated bus stops/stations	Sidewalk and pedestrian crossings
Small scale restoration of historic/cultural sites	Traffic management systems and signaling and calming	
Rehabilitation of toilet and storage facilities for markets including cold storage and warehousing facilities	Parking facilities	

Sub-Component-4.2 Project Preparation: Given that Component-4 will be implemented by the CIP PIU at IDLG, sub-component 4.2 will finance the cost of feasibility studies, detailed engineering designs, construction supervision and monitoring and evaluation for a budget equal to US\$5million. Progress and

financial reporting as well as output and outcome monitoring under this component will be reported upon under a separate reporting system along the same format of the CIP.

COMPONENT 5: PROJECT MANAGEMENT, IMPLEMENTATION SUPPORT AND NATIONAL REGULATORY REFORMS (Est. \$10 m)

This component finances the efforts of the Ministry of Economy (MoEC) in (a) supporting national level regulatory reforms, and (b) coordinating the management of EZ-Kar project implementation.

Sub-component 5.1: National level regulatory reforms. This sub-component seeks to move municipalities from providing “red tape” (bureaucratic and/or difficult processes) to providing a “red carpet” (an investor friendly way of operating). The Project will support the following red-carpet measures:

National level regulatory reforms. The national regulatory reform agenda will be identified and informed by: (i) the priority national reform agenda; (ii) the city level economic assessment; and (iii) issues that arise in the implementation of the economic opportunities infrastructure at both the city and gozar levels. The work will involve: (i) a mapping of reform processes; (ii) development of an implementation plan; (iii) implementation, (iv) monitoring, and (v) coordination with other stakeholders (the national level PRISEC process, the national Government and the private sector). At the national level, construction permits have been identified as a high priority. The immediate priority is the simplification of construction permits (in coordination with IFC and PRISEC) and will accomplish the following by December 2020:

Reviewing and assessing the gaps in existing national level legal and regulatory framework related to construction permit for commercial properties

- Developing a national level regulatory reform plan with detailed recommendations
- Updating the national level legal and regulatory framework as per the recommendations
- Developing a national level Building Code for Afghanistan
- Developing and implementing a risk-based inspection system based on type of buildings
- Developing an action plan for establishing quality control and safety mechanisms prior to occupation of newly constructed buildings
- Identifying ICT and technical assistance needs for automation of construction permitting procedures (online application and approval processes).

Feasibility assessment of business service centers in cities that do not already have them. At the city level, the individual cities in coordination with IDLG will be responsible for the actual city level interventions and infrastructure development. However, the feasibility studies for these centers will be procured and financed under the MoEC framework contract.

Development of coordination mechanisms with: (i) relevant central government ministries and the PRISEC reform process; (ii) the different units of the city government that interface with the private sector; and (iii) the private sector (in Kabul’s case this only applies to the PRISEC coordination). Implementing the Red Carpet program will require: (i) strong coordinating mechanisms; and (ii) access to technical assistance. Coordination will be achieved through establishing steering committees at the national and city levels. This coordination will be supported through the establishment of memorandums of understanding for

coordination and collaboration. The technical assistance will be provided through a combination of firms and individuals.

Subcomponent 5.2. Project Management. EZ-Kar Project is an inter-ministerial effort to improve economic opportunities in cities across Afghanistan. Ministry of Economy (MoEC) will serve as the lead line Ministry for the project responsible for inter-ministerial coordination among stakeholders within GoIRA. It will be responsible for overall management and project oversight across the Implementing Agencies (IAs).¹² To strengthen the linkages across components during project implementation, MoEC will establish two inter-ministerial bodies that will foster strong project specific engagement and coordination at the Deputy Ministers and the technical level. The terms of reference of these two bodies has been agreed with MoEC and will be outlined in the operations manual.

This sub-component will finance the operational planning; capacity building; management information and reporting systems; grievance redress mechanisms (GRM); human resource management; communications; donor and field coordination; financial management (FM) and procurement functions; and safeguards oversight. Funds will also be set aside to carry out mixed method evaluations. This component will therefore cover all expenditures associated with MoEC's management and oversight of the project as listed above, including technical assistance needed to support the Program Management Unit (PMU) and incremental operating costs (IOC).

C. Project Beneficiaries

The EZ-Kar project will reach Afghan refugees living in Pakistan and Afghans in Jalalabad (Nangarhar Province), Kabul (Kabul Province), Kandahar (Kandahar Province), Herat city (Herat Province), Puli Khumri (Baghlan), Maimana (Faryab), Firozkoh (Ghor), Khost (Khost province), Asadabad (Kunar), Kunduz (Kunduz province), Mihtarlam (Laghman) and Taloqan (Takar Province). These cities have been selected based on the influx of returnees and IDPs with data from GoIRA (CSO) sources (see Annex 6 for the population figures).

The project recognizes that returnees cannot be targeted at the expense of the hosts who face similar vulnerability and challenges. Except for Component 1 on documentation, which provides that path for returnees to repatriate and receive economic opportunities, all other components benefit both the displaced population and the host communities.

Why a Resettlement Policy Framework (RPF)?

The EZ KAR will finance investments in 12 cities in Afghanistan. Types of investments will include rehabilitation of municipal market spaces, public building and green spaces; improvement of traffic management, roads, pavements, electricity connections and drainage canals. The location of specific investments cannot be identified at this stage. Although no direct land acquisition and resettlement is anticipated as a result of these investment activities, environmental and social assessments and feasibility studies for these investments may identify the need for acquisition of land and/or loss of assets from people living or working near these proposed investments. The purpose of the RPF, therefore, is to clarify resettlement principles and compensation, as well as organizational arrangements, to be applied as necessary to future investment sub projects under the EZ KAR project. This will not only ensure consistency in resettlement planning but also develop the capacities of the implementing and supervising agencies gradually and simultaneously. Lessons learnt during the course of implementation can easily be integrated in improving the various issues related to resettlement planning and its monitoring.

¹² MoFA, IDLG, Kabul Municipality and coordination with MoF.

Two of EZ KAR's implementing projects – KMDP and CCAP – are currently planning and implementing investments similar to those envisaged under EZKAR. Both projects have approved RPFs and these will be reviewed and harmonized in line with this RPF.

The practice of donating small amounts of land to enable small community-based projects is common across Afghanistan. EZ-KAR's implementing projects KMDP, CCAP and CIP recognize 'voluntary land donations'. Under EZ KAR voluntary land donations will be accepted as a last resort and as long as the land donated is of good quality and fit for purpose, by insuring the land is not vulnerable to natural hazards. The implementing agency should also ensure that the land donated does not disturb land owners around the donated land, as it might result in future disputes or grievances. This RPF clarifies principles and procedures related to voluntary land donations. (Annex 5 sets out criteria for land donations)

The guiding principles of this framework are the following:

- Avoid or minimise adverse impacts on persons and families likely to be affected by the project (Project-Affected Persons [PAPs]).
- All PAPs will be consulted throughout the operation.
- All PAPs are eligible for compensation for losses resulting from project intervention irrespective of possession of title to land.
- All compensation for land or lost assets will be at replacement value.
- Acquisition 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.
- No more than 10% of a PAP's landholding may be donated to a sub project.
- Land may only be donated after diligent verification through all due government process (e.g. notarised or witnessed statements) of the voluntary nature of the donation. Particular attention will be paid to voluntary donations from female-headed households.
- The PAP who owns the land must provide all the required documents on the ownership of the land and should testify that s/he will not make any claim against the sub project in future.
- All PAPs donating land must be compensated either through an allocation of alternative community or land or cash payment which recognises the market value of the land.

This RPF spells out how these principles will be considered in the preparation of feasibility studies, including safeguards documents, and tender documents in the EZ KAR project. It should be said at the outset that while the relevant laws of Afghanistan might not cover these matters in any detail, there would appear to be nothing in the laws to stop these principles being affected in practice.

Legal and Policy Framework for Resettlement

A. Afghanistan Law and Policy on Land Acquisition

There is no country-specific resettlement policy in Afghanistan nor is there a country-specific resettlement regulation. The national 2007 land policy was revised in 2017 and approved in 2018. Ratified in early 2004, the Constitution of Afghanistan has three articles that closely relate to compensation and resettlement. For public interest purposes, such as the establishment/construction of public infrastructure or for acquisition of land with cultural or scientific value, land of higher agricultural productivity, or large gardens, the Law on Land Acquisition (2017) replaces the Law on Land Expropriation (LLE, 2009) that provides the legal basis for land acquisition and compensation. The acquisition of a plot or portion of a plot for public purpose is decided by the Council of Ministers and is compensated at fair value based on current market rates (Section 2).

The acquisition of a plot or part of it should not prevent the owner from using the rest of the property or hamper its use. If this difficulty arises, the whole property will be acquired (Section 4).

The right of the owner or land user will be terminated three months before the start of civil works on the project and after proper reimbursement to the owner or person using the land has been made. The termination of the right of the landlord or the person using the land would not affect their rights on collecting their last harvest from the land, except when there is emergency evacuation (Section 6).

In cases of land acquisition, the following factors shall be considered for compensation:

- Value of land
- Value of houses and buildings on the land
- Value of trees, orchards, and other assets on land (Section 8)
- The value of land depends on the category and its geographic location (Section 13) (see also the proposed new clause 45 of the Land Management Law published in December 2012).
- A person whose residential land is subject to acquisition will receive a new plot of land of the same value. He/she has the option to get residential land or a house on government property in exchange, under proper procedures (Section 13).
- If a landowner so wishes his/her affected plot can be swapped with unaffected government land and if this is valued less than the plot lost, the difference will be calculated and reimbursed to the affected plot owner (Section 15).
- The values of orchards, vines, and trees on land under acquisition shall be determined by the competent officials of the local body (Section 16).
- A property is valued at the current rate at the locality concerned. The owner or his/her representative must be present at the time of measuring and valuing of property.
- Compensation is determined by the Council of Ministers. The decision is based on the recommendation of a ‘committee’ consisting of the following persons:
 - The landlord or person who uses the land or their representatives
 - Official representative of agency who needs to acquire the land
 - Representative of local municipality
 - Representative of the Ministry of Justice

B. World Bank OP 4.12

The fundamental principles of policy which inform the World Bank’s position on resettlement and land acquisition and which will be followed under this RPF for the EZ KAR are the following:

- Involuntary resettlement should be avoided where feasible or minimized by exploring other viable alternatives.
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as a sustainable development program, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least restore to the extent of pre-displacement levels.
- Displaced persons may be classified and include those
- With formal legal rights to land, including customary and traditional rights recognized under the law of the country;
- Who do not have formal legal rights to land at the time the survey begins but have a claim to such land or assets, provided that such claims are recognized under the law or become recognized through a process identified in the resettlement plan; and

- Who have no recognizable legal right or claim to the land they are occupying.
- Compensation for losses will be delivered at replacement costs
- Compensation payments must be received before taking possession of the required land or other assets.

The objectives of the World Bank's policy can be clearly achieved by following the principles described therein. However, this RPF provides for a more detailed framework which not only justifies the World Bank policy's objectives but also the inherent spirit of it which entails a sensitive, transparent, and inclusive process of acquisition, displacement, and resettlement.

To what extent does law and practice in Afghanistan conform to the model of land acquisition and resettlement provided for by OP. 4.12. The following table compares the Land on Expropriation (2007) and OP.4.12. and suggests ways of reconciling them. This table is currently being updated by ARAZI to show a comparison between the new Land Acquisition Law and WB OP 4.12. On completion, the updated table will replace the comparison below. Notwithstanding the differences between the national laws and the World Bank's Operational Policies, in all PAP cases, between the two, the World Bank's Operational Policy will apply, unless the local requirement sets a higher standard or benefit for the affected person.

C. Comparison between the Law on Land Expropriation and OP 4.12 with Proposals for Reconciliation

Afghan Laws	OP 4.12	GAPs	Possible Solutions to GAPs	RPF Provides For...
PROVISION FOR A STRUCTURED RESETTLEMENT ACTION PLAN				
No special provision in Afghan Laws for a resettlement plan or any special arrangements for resettlement	<p>A detailed Resettlement Action Plan (RAP) to include involvement of and ensure PAPs their rights to</p> <p>Compensation,</p> <p>Relocation assistance, and</p> <p>Development assistance in new location.</p> <p>Distinction drawn between short and full plans, depending on numbers to be resettled.</p>	Major gap of substance	<p>The Afghan Law is silent on resettlement but there is nothing in the law to suggest that a resettlement plan or action to implement a resettlement plan would be illegal. The solution could be to provide for an RAP administratively but backed up by some regulations to ensure its implementation.</p>	A detailed RAP guided by the RPF will be prepared.
PARTICIPATION OF PAPs IN THE PROCESS OF ACQUISITION				
No legal opportunities provided to potential PAPs and others to challenge or discuss proposed acquisition and resettlement or for any public debate and approval on proposals. In practice early discussions do take place.	Principle that involuntary resettlement to be avoided where possible implies discussion of necessity for and alternatives to	The principle behind OP 4.12 can be followed; however, the law is silent on the matter.	This can be incorporated in the RPF; potential PAPs can be consulted; their views may not be decisive.	Potential PAPs must be able to discuss need for acquisition and alternatives with officials from the Project Implementation Unit and the ministry.

Afghan Laws	OP 4.12	GAPs	Possible Solutions to GAPs	RPF Provides For...
	acquisition and resettlement.			
By Article 6 of the LLE, the right to own or use land is terminated three months before the actual start of the project. So, information on land to be acquired is sent to PAPs three months before acquisition. Informal discussions and negotiations occur both on land to be acquired and on compensation.	Resettlement plan on how the project is to be implemented and resettlement issues are provided for therein. Emphasis on participation by PAPs in preparation for resettlement process and in project implementation. Early intimation of possible resettlement to be given to potential PAPs.	The LLE does not provide for what OP 4.12 requires. Some pre-planning of projects will exist and informal discussions with PAPs involve participation. Three months' notice may be too little where relocation is likely but not rigidly adhered to.	There is nothing in the LLE to prevent a more participative approach to acquisition as is called for in OP 4.12. The three-month rule could be interpreted to mean "not less than three months" which would allow for discussions on acquisition and its consequences.	A participatory approach to acquisition and resettlement planning and implementation is provided.
The Council of Ministers approves expropriation of land. Unlike the former law, there is no provision for the owner/user and/or agent to be present throughout all stages of acquisition. It follows that acquisition may proceed whether the owner is present or not. However, under Article 5 of the LLE, a commission is to be formed "by	No specific procedures required by OP 4.12 but content of resettlement plan implies PAPs will be involved in all stages of acquisition.	The spirit of OP 4.12 conflicts with the LLE's nonprovisional involvement of the owner apart from that provided for in Article 5. Though it is confined to "the Municipality," it can be assumed to be applicable to all authorities acquiring	The spirit of OP 4.12 could be met by more protective provisions and/or practice on dealing with absentee acquisition. The silence of the LLE on the details of acquisition may be taken quite legitimately as providing a gap which can be filled by appropriate participatory	Involvement of owners present on the land to be acquired and greater protection for absentee owners should be provided by a legal framework developed as part of the RPF, which could also serve as a prototype for regulations made under

Afghan Laws	OP 4.12	GAPs	Possible Solutions to GAPs	RPF Provides For...
the Municipality” on which the owner is represented to “determine damage incurred due to land expropriation” which is differentiated from compensation. Damage is explained in Article 18 of the LLE. Under Article 22, the owner is obliged to hand over all documentary evidence relating to land to the acquiring authority.		<p>the assets or implementing the project.</p> <p>There are some absentee owners; it may be unavoidable to allow absentee acquisition.</p>	<p>arrangements. There is no reason why the provisions of Article 18 should not equally apply to all acquisitions of land.</p>	Article 22(5) of the new law.
No specific provisions included in Afghan law but the traditional practice of voluntarily donating towards community-based projects is common throughout Afghanistan	Voluntary land donations are permitted if the PAPs are not physically displaced and the amount of land donated is less than 10% of their productive assets.	No major gaps	No issues with adopting provisions of OP4.12	
ASCERTAINING TITLE AND OWNERSHIP OF ASSETS				
The bulk of the LLE deals with compensation but says nothing about who is entitled to compensation. The assumption is that “owners” are entitled to compensation but the law does not define “owners”. The old law drew a clear distinction between those with legal title and those with customary title or no title with respect to the payment of compensation. Practice in rural	Fundamental principle of OP 4.12 is that all those on the land are entitled to fair compensation and assistance with resettlement irrespective of their title to land.	Major gap of substance in the law but given the practice in rural areas, it is not unbridgeable.	<p>Accommodate OP 4.12 by changing practices where necessary.</p> <p>Advantage may be taken of absence of legal definition of “owner” to accommodate those with customary titles, which is likely to be</p>	Given large numbers of people not having and not going to get formal legal titles to their land in the foreseeable future, the LLE should be interpreted so that those living and or working on the land at the census date receive fair compensation and resettlement assistance. This is the one major area

Afghan Laws	OP 4.12	GAPs	Possible Solutions to GAPs	RPF Provides For...
areas was quite accommodating to those with customary titles.			the majority in project areas.	where there is considerable divergence between the LLE and OP 4.12. It will be necessary to comply with OP 4.12. The RPF provides for compensation to occupants also but defined with limitation on who is eligible and who is not.
VALUATION AND ASSESSMENT OF COMPENSATION AMOUNTS				
Officials visit the area before any official action to assess land values; values so assessed are the basis of compensation. This is the practice as the LLE is completely silent on pre-acquisition procedures and processes.	Land values assessed as at pre-project or pre-displacement value, whichever is higher.	No real gaps; just different approaches to the same need to limit claims and compensation.	No gaps	RPF provides for valuation and market rates at a cut-off date; application of principles of equity with a common rate applicable for all PAPs.
Efforts are made to determine those entitled to compensation and resettlement.	Census conducted of persons in the area to determine eligibility for assistance and to limit inflow of people ineligible for assistance	No real gap here.	No issues with adopting OP 4.12 as the practice and to be followed in this RPF	RPF will require an identification of all eligible PAPs to be undertaken at the immediate pre-project stage, subject to cut-off date.
The Constitution provides for payment of prior and just compensation. Article 2 of the LLE at provides for the payment	OP 4.12 requires prompt and effective cash compensation sufficient to replace the	There does appear to be a gap between the LLE and OP 4.12. The LLE has a lot of gaps	The lack of any detail in the LLE on how to assess compensation and the content of compensation	RPF has provisions describing the process of

Afghan Laws	OP 4.12	GAPs	Possible Solutions to GAPs	RPF Provides For...
<p>of prior and adequate compensation. If there is a distinction between just and adequate, then the constitutional provision of just compensation prevails.</p> <p>Article 8 provides that compensation shall be “the price” of land or houses or trees and so on and Article 10 provides that the Council of Ministers shall determine the price. But Article 15 provides that the municipality and the administration for agriculture determine the compensation for trees and so on. Article 13 sets out detailed provisions for obtaining residential plots where a person has had land acquired; the more land acquired, the more residential plots are paid as compensation.</p> <p>Disturbance compensation not provided for.</p> <p>Compensation can be land for land.</p> <p>Unlike the former law which provided that compensation may be paid into a bank, the LLE is silent on the mechanics of paying</p>	<p>lost land and other assets at full replacement cost in local markets.</p> <p>Compensation for lost livelihoods required.</p> <p>Disturbance compensation required.</p> <p>Land for land compensation encouraged.</p> <p>Resettlement costs and ‘start up’ expenses required.</p>	<p>in it. Sensible not to insist on market value in the absence of reliable functioning markets.</p> <p>Biggest gap is compensation for squatters and even their best practice does provide some compensation to those with no legal title.</p>	<p>(apart from Article 13) allows for the creation of a clear, comprehensive, and fair code on compensation applicable to all acquisitions, including resettlement and retraining costs which can be a part of the RPF without being contrary to the existing law(s).</p>	valuation and assessment of compensation amounts.

Afghan Laws	OP 4.12	GAPs	Possible Solutions to GAPs	RPF Provides For...
compensation. No assistance for PAPs to access bank for their compensation.				
GRIEVANCE REDRESS MECHANISM				
LLE provides for administrative agencies to manage acquisition processes and deal with compensation. PAPs are part of some committees dealing with compensation. No provision for courts to be involved or for appeals. In practice, committees may act to solve grievances. No provisions, for example, legal aid to assist PAPs to make claims.	OP 4.12 requires that the RAP include “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” (Annex A, paragraph 17). It requires appropriate and accessible grievance mechanisms to be established for those being resettled. Logic of OP 4.12’s references to ‘meaningful consultation’ with PAPs and making use of community-based	A major gap on grievance mechanisms and current administrative arrangements in the LLE is difficult to reconcile with the participative approach of OP 4.12. Earlier laws involved payment of compensation in the presence of a judge and allowed an appeal, albeit from the judge to a minister.	Develop grievance handling practices but keep them administrative rather than legal. Make legal provision for appeals from administrative decisions and decisions on compensation to an independent body.	GRM to provide for cooperation with shuras and community councils.

Afghan Laws	OP 4.12	GAPs	Possible Solutions to GAPs	RPF Provides For...
	organizations (CBOs) and nongovernmental organizations (NGOs) suggests preference for decision-making process which is not just part of the administration.			
MONITORING AND EVALUATION				
The LLE does not provide for any external monitoring body or process	OP 4.12 states that the borrower is responsible for adequate monitoring and evaluation (M&E) of the activities set forth in the resettlement instrument.	Major gap on procedures but arguably, monitoring is not part of land acquisition, so no legal impediment to providing for the same.	Provide monitoring for World Bank projects as required by OP 4.12. Establish specialist monitoring agency for all projects involving acquisition and resettlement. Empower provincial and local institutions to monitor projects.	External monitoring agency (EMA) and monitoring by Project Management Unit is provided for.

I. Key Elements of the EZ KAR Resettlement Policy Framework

1. Avoid acquisition to the extent possible

2. Prepare a RAP/Abbreviated RAP and disseminate it adequately

3. Implement RAP /Abb.RAP

i) Notify acquisition

ii) Determination of claims and their payments

iii) Take possession

1. The framework for resettlement and rehabilitation of the PAPs will be adopted using the following approach.

First Step: Avoid acquisition wherever possible

2. The first step addressed by OP 4.12 is avoidance of land acquisition and resettlement, wherever possible. Land acquisition and resettlement should not be the easy first option; rather it should be a last resort.
3. The implementing projects, CCAP, KMPD and CIP, will ensure a participatory consultative process is in place to allow people likely to be affected by the project (PAPs) and other interested parties, to have an opportunity to contribute to, or comment on, the location of the proposed project and the necessity of acquiring the proposed land for the project. This involvement is separate and distinct from PAPs participating in the planning of any resettlement that must take place.
4. A cut-off date will be determined and announced at the start of the household census, after which no one coming into and obtaining land or a house in the potential project area will be entitled to any compensation. There will be a risk that there may be some speculative encroaching as word gets out unofficially about likely projects in the future. This will need careful management.

Second Step: Prepare a detailed RAP /abbreviated RAP through consultation and information disclosure

5. The next step is to develop a detailed RAP guided by the principles established in this framework document. This should include measures to ensure that PAPs

- (a) Are informed about their options and rights pertaining to resettlement and compensation ;
- (b) Are advised about the offered choices and provided with technically and economically feasible resettlement alternatives; and
- (c) Provided prompt and effective compensation at full replacement cost for loss of assets attributable directly to project-related land acquisition.
- (d) In case of physical relocation or displacement of the affected persons, the resettlement plan must include measures to ensure that the displaced persons are

- (a) Provided adequate and timely assistance (such as moving allowances) during relocation; and
- (b) Provided with residential housing, or housing sites, or, as required, sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages they had at the previous site.
- (c) In addition, where necessary, the RAP should also make provision to provide to the affected persons
- (a) Sufficient financial assistance for a reasonably estimated transition period to enable them to restore their livelihood and standards of living;
- (b) Appropriate development assistance in addition to the compensation measures such as land preparation, training, or job opportunities; and
- (c) Capacity building and training opportunities so that they can take up a new form of livelihood by being trained to a higher skill standard.

6. These provisions require a very judicious estimation of financial and other assistance and need to be dealt with very carefully. The RAP should also establish clear and transparent processes to provide for just, fair, and equitable distribution of assistance to minimize discretionary and biased approach in the decision-making processes.

7. The RAP document and the arrangements to implement it effectively should have structured and clear information on the following aspects:

- (a) The land to be acquired.
- (b) List of PAPs including all detailed socioeconomic information of the household.
- (c) Entitlement matrix and eligibility criteria.
- (d) Details of persons who will be required to move.
- (e) Detailed information about the place to which displaced people will be moved to.
- (f) The circumstances of the place to which persons are to be moved to, including whether the land is occupied and by whom and what the land is presently being used for and the condition of the land and its facilities.
- (g) All necessary arrangements made by the project implementing agency to facilitate resettlement and disbursement of moving allowances and so on.
- (h) The manner and form in which compensation amounts are to be paid with clear definitions of categories of land to be acquired and mechanisms to decide on land prices.
- (i) The heads of compensation payable.
- (j) An estimate of compensation payable and resettlement expenses.
- (k) Budget to implement RAP.
- (l) The procedures to be followed in executing the plan.
- (m) Participation of PAPs in the design, execution, and monitoring of RAP implementation. There will be informal day-to-day meetings among PAPs, MOF local staff, and other stakeholders. The more formal consultation process in the project areas will be through (i) one-on-one meetings with directly affected households, (ii) village and community meetings, and (iii) public consultations with government officials. Informative materials will have to be prepared and distributed within the project areas before the meetings.
- (n) The arrangements for PAPs to be involved in execution of the plan.
- (o) The arrangements to challenge plan execution and compensation (establishment of a GRM for PAPs and other stakeholders).
- (p) Appropriate institutional arrangements to implement the RAP.
- (q) The arrangement for a monitoring mechanism.

Abbreviated RAP:

8. The investments envisaged under EZKAR are not expected to involve significant land acquisition or resettlement and, similar to the sub projects currently being implemented by CCAP and KMDP, will for the most part require the preparation of an abbreviated RAP. Key elements of the land acquisition, entitlements and compensation guidelines currently being applied by the two projects are attached as annexes 3 and 4

The minimum requirements for an abbreviated RAP are:

- (a) A census survey of displaced persons and valuation of assets
- (b) Description of compensation and other resettlement assistance to be provided
- (c) Consultation with displaced people about acceptable alternatives
- (d) Compensation Matrix with all PAPs and their complete entitlements etc
- (e) Institutional responsibilities for implementation and procedures for grievance redress
- (f) Arrangements for monitoring and evaluation
- (g) A timetable and budget

Eligibility Criteria/Occupiers

9. These embrace those persons who

- Have formal legal rights to land (including customary and traditional rights recognized under Afghan law);
- Do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under Afghan law or become recognized through a process identified in the resettlement plan; and
- Have no recognizable legal right or customary claim to the land they are occupying.

10. The first two categories of occupiers are entitled to receive compensation for loss of their land. The third category is entitled to receive resettlement assistance. The rationale for this assistance is that people in this group are usually the poorest members of a community and those most likely to be the hardest hit by having to move. While this group does not have legal rights over the land, as part of the efforts to restore their livelihoods and living conditions, it is the OP 4.12 requirement to provide solutions that help ensure that those affected have security of tenure at their new relocation site, in the case of those being physically displaced or being offered land for land.

11. However, people who encroach on the project area after the cut-off date, which will be the completion of the census, will not be entitled to any compensation or other assistance.

Third Step: Implement the RAP

12. The third and final step is the execution of the RAP, that is, the acquisition of the land and the resettlement of those persons displaced by the acquisition. Only after compensation and/or physical resettlement has been completed will land be transferred for civil works. This is the central part of the process of acquisition and resettlement and is divided into two subsets.

- (a) **Acquiring the land.** This requires informing all the qualified owners and occupiers of the land of the intention to acquire the land and pay compensation for any land so acquired. This process will involve intensive personal contact with owners and occupiers of land and oral explanations of what is happening and what owners and occupiers should do to ensure that they obtain recognition for their occupation of land and compensation for same. Acquisition of land will also necessitate full and clear documentation of what is happening.
- (b) **Taking possession.** Ensure a peaceful and sensitized approach toward taking over of the land—taking possession of the land by the acquiring authority—and the departure and resettlement of PAPs.

13. Assistance with resettlement and displacement will include

- Assistance with packing up and moving, including moving back on to the land after temporary displacement;

- Working with and providing additional resources for the ‘host’ community;
- Advice and assistance to those being resettled; and
- Preparation of land and provision of accommodation and facilities.

Managing Voluntary Land Donation

14. Voluntary land donation should be seen as an act of informed consent. Under EZ KAR safeguards staff in KMDP, CCAP and CIP will ensure that voluntary land donations are only made in the knowledge that other options are available including compensation in replacement values and are obtained without coercion. PAPs have the right to refuse to donate their land/ asset and receive their entitlement for lands and assets lost. There must be very clear documentation that any person who ‘donates’ land to the project has been made fully aware of his or her right to receive compensation for any land which he or she is losing to the project and specifically waived that right.

15. As part of the process of harmonizing the existing RPFs with EZKAR, the safeguards staff in each project will pay particular attention to voluntary land donation. It is essential to make certain that such donations are genuinely voluntary and that the giver of the land does not expect some future benefit from the project because of the donation. Where there is any possibility of the expectation of same, the donor of the land should receive compensation under the resettlement plan rather than obtain special treatment outside the plan; in other words, a donor will be treated as if he or she had had their land acquired compulsorily. A voluntary land donation template is attached as annex 5b.

- Wherever land is donated, there will be documented evidence that the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them;
- The person donating the land was not subject to pressure to donate and that he/she could have opted not to donate;
- The donor has clear title over the land and such land is not being used by a third party who could be affected;
- The livelihood impact of land donation does not exceed 10 percent and is below 100 m²;
- The use of donated land does not disrupt productivity of the remaining land;
- Potential donors are aware that refusal is an option and have confirmed in writing their willingness to proceed with the donation;
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land; ARAZI needs to be consulted, to ensure the community have the right/authority to donate community land
- The borrower will maintain a transparent record of all consultations and witnessed agreements reached.

16. The bottom line is that no livelihood or living condition of the landowner and/or user should be adversely affected without having the corresponding mitigation measures.

17. CCAP and KMDP’s processes for managing land acquisition in ongoing sub projects are included as annexes 3 & 4.

II. Eligibility for Compensation

A. General Eligibility

18. General eligibility is defined as, “people who stand to lose land, houses, structures, trees, crops, businesses, income, loss of access to assets and other assets because of involuntary land taking by the project as of the formally recognized cut-off date will be considered as Project affected persons (PAPs).”

For the purposes of this RPF, the concepts of ‘general eligibility’ for compensation and who is a PAP will be extended to include persons who may be temporarily displaced but who may be entitled to some compensation through loss of land/assets or access to assets by the sub projects.

19. It is as well to set out the full picture on who PAPs are and what they are entitled to under the EZ KAR project:

- (a) PAPs losing land with or without title, formal land-use rights, or traditional land use rights
- (b) PAPs losing buildings, crops, plants, access to assets, or other objects attached to the land
- (c) PAPs losing business, income, and salaries.

20. Compensation eligibility will be limited by the cut-off date. The MOF and sponsoring ministries will inform local communities regarding this cut-off date through their regional offices and through the relevant local government agencies. Those that settle after the cut-off date are not eligible for compensation or assistance under the project.

B. Land Tenure and Compensation Entitlements

21. The PAPs in the case of the EZ KAR are those who will be affected by future investment projects to be prepared by this project. (See annex 1 for a summary of the different types of formal and informal land ownership/possession in Afghanistan.)

22. **The following categories of PAPs will be entitled to compensation for loss of land:**

- (a) **Legal title owners.** Owners having written evidences of land ownership under the formal system of property rights, including different kinds of deeds or legal documents with copies in the Court Registries or any other official documentation issued by or on behalf of the government, establishing their right as an owner of the land in question.
- (b) **Titles with customary documents.** Owners having documents recognized by both official and customary law as giving rise to ownership rights.
- (c) **Occupiers of land for a long period.** Persons who, with oral and other evidence with probative value, can prove that they or their family have been in occupation of the land for at least 35 years.
- (d) **Other occupants of land.** Limited to only those persons who have had open, continuous, and uninterrupted possession of land over a very long time, which effectively vests in them legal rights over the lands they occupy through acquisitive prescription.

C. Entitlements to Compensation and Livelihood Restoration

23. The PAPs in the project are entitled to various types of compensation and resettlement assistance that will help in the restoration of their livelihoods, at least, to the pre-project standards. They are entitled to a mixture of compensation measures and resettlement assistance, depending on the nature of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. The sub-project includes rehabilitation of last mile connectivity like roads, drains, electricity poles to markets and similar activities will be implemented for food security, and large tracts of land will not be required that will lead to irreversible adverse impacts nor will it make the asset unviable.

24. All PAPs are equally eligible for compensation and rehabilitation assistance (albeit with differences in entitlements), irrespective of their land ownership status, to ensure that those affected by the project shall be at least as well-off, if not better-off, than they would have been without the project.

The compensation packages shall reflect replacement costs for all losses (such as land, crops, trees, structures, and so on) as detailed here:

- (a) **Loss of agricultural land.** Compensation at replacement value of land in cash based on current market rates. The MoEC will shoulder all transaction costs such as fees, taxes, and other charges, as applicable under relevant laws. It is important to note that preference should be given to land-based resettlement strategy.
- (b) **Severe agricultural land impacts.** In case of an affected person losing more than 10 percent of his/her total agricultural landholding, PAPs (owners and other occupiers defined as eligible herein), in addition to the compensation explained above, will be entitled to get an additional amount for severe impacts which is equal to the market value of a year's net income crop yield of the land lost. Also, these PAPs will be having access to the capacity building and training program on a priority basis for development of an alternative sustainable livelihood.
- (c) **Loss of residential/commercial land.** These impacts will be compensated at replacement value in cash at current market rates free of deductions for transaction costs. Also, PAPs will be provided with choices among feasible resettlement options, including residential housing or housing sites. Apart from this, the owners/renters of residential buildings will be assisted with finding alternative accommodation and provided with a monthly relocation allowance for a period not exceeding three months or till they move to an alternative accommodation, whichever is earlier. The monthly amount payable will be clarified in the RAP.
- (d) **Loss and damages to houses, buildings, structures, and settlement utilities.** These impacts will be compensated in cash at replacement cost and free of depreciation, salvaged materials, and transaction costs deductions. Compensations will include the cost of lost water supply, electricity, or telephone connections. Renters/leaseholders will receive an allowance geared to the rent they are paying for three months to cover emergency rent costs.
- (e) **Income from crops losses.** These losses will be compensated at current market rates for the affected people. In case of share cropping, crop compensation will be paid to landowners and tenants based on their specific sharecropping arrangements for the full harvest of one agricultural season. Affected agricultural land leaseholders will receive cash compensation corresponding to one year's crop yield of land lost. Agricultural workers, with contracts which are interrupted, will get an indemnity in cash corresponding to their salary in cash and/or kind or both, as applicable, for the remaining part of the harvest—duration to be determined in RAP.
- (f) **Tree losses.** These impacts will be compensated in cash based on the principle of income replacement. Fruit trees will be valued based on the age of the tree in two categories: (a) not yet productive and (b) productive. Productive trees will be valued at gross market value of one-year income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees will be valued based on the multiple years' investment they have required. Non-fruit trees will be valued at dry wood volume basis output and its current market rates.
- (g) **Business losses.** Compensation for business losses, including fishing, will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance computed as AFN 7,500 per month. Permanent business losses will be based on actual income loss or in cash for the period deemed necessary to reestablish the business (6 months). Compensation for temporary business losses will be cash covering the income of the interruption period up to 6 months based on

a monthly allowance of AFN 7,500. Business loss is computed at AFN 250 per day as average net income of typical road businesses such as small stores, repair and vulcanizing shops, and small food establishments. The details should be part of the RAP. In the absence of any substantial and verifiable system to calculate incomes of such small businesses in the rural areas of Afghanistan, the compensation for business losses cannot be ascertained. However, these businesses will be entitled to compensation for any loss of asset as described above. Such affected persons or members of their families will also be entitled to avail the capacity building and training opportunities made available to the other PAPs.

- (h) **Community structures and public utilities.** These will be fully replaced or rehabilitated to satisfy their pre-project functions.
- (i) **Vulnerable households.** Vulnerable people, especially women household heads, Kuchis and households headed by persons with disabilities will be given assistance in the form of a one-time allowance equivalent to AFN 7,500 for vulnerable PAPs and priority in employment in project-related activities.
- (j) **Impacts on irrigation canals.** Projects will ensure that any irrigation channels are diverted and rehabilitated to previous standards.
- (k) **Temporary impacts.** Landowners who lose use of their land temporarily because of project activities will be compensated in cash covering the period of interruption based on an agreed monthly allowance.
- (l) **Transitional livelihood allowances.** PAPs forced to relocate will receive a livelihood allowance of AFN 7,500 for the duration of the livelihood interruption. Transitional livelihood allowance is computed based on the prevailing wage rate of AFN 250 per day times duration of interruption of their livelihood activities. This is also the basis for cash compensation on lost wages.
- (m) **Land replacement values.** This will be assessed based on a survey of land sales in project areas over the last 3 years plus transaction cost. Land values and compensation for other assets will be negotiated between PAPs and competent authorities if concrete data on land market rates are unavailable.

III. Unit Compensation Rates and Budget

A. Establishing Rates for Land Acquisition and Resettlement

25. The LLE refers to prompt and adequate compensation but is silent on the details of compensation. In the absence of detailed rules, it will not conflict with the LLE for details to be developed in the context of this RPF and applied to the project. Also, to comply with the World Bank's OP. 4.12, rates used to compensate for lost land and assets must be *replacement cost at current market value*, to meet the policy objective of "at least" restoring people's livelihoods and ensuring that people affected by a project are not left worse-off. According to OP 4.12, "replacement cost" is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs.

26. In applying this method of valuation, depreciation of structures and assets should not be considered. For losses that cannot easily be valued or compensated for in monetary terms, attempts will be made to establish access to equivalent and culturally acceptable resources and earning opportunities.

27. Currently KMDP and CCAP calculate compensation as follows: local officials (Wakil Gozar) visit the area, use the census survey and other data to assess the land/assets to be acquired by a sub-project and, in close consultation with the PAP and CDC members, use local market values in

neighboring areas to estimate and agree the replacement value of the property/assets. The process then is either ‘willing buyer –willing seller’ or the PAP agrees to accept either alternative land of the same type or the cash equivalent. Compensation either in alternative land or cash is paid in advance before the start of construction works.

28. In their ongoing sub projects KMDP and CCAP procedures are in place to enable safeguards teams to determine the numbers of PAPs likely to be affected and the way in which they would be affected; for example, loss of land, loss or diminution of assets, loss of livelihood etc. These procedures include pre-screening consultations with affected communities on the proposed investment, environmental and social screening consultations, including a Transect Walk, to assess likely environmental and social impacts and check sub project alignment; consultations on final sub project design. A census survey , involving one to one meetings with individual PAPs completes the process. The project teams then work with municipal government colleagues to estimate the compensation cost for an investment. EZ KAR will apply the principles and methods of compensation rates in place in KMDP and CCAP, which have been shown to be sound, and develop a budget indicating the amount of money that would be needed at the proposed rates to satisfy the requirements of compensation for the PAPs in a sub project area.

29. An RPF is prepared “when it is not possible to identify precise siting alignments or specific impacts/affected population during Project preparation and Projects with multiple projects)” and “a Resettlement Action Plan is [then] prepared for each project that may involve land acquisition, before the project is accepted for Bank financing.” So, an RPF cannot be accompanied by a budget showing the probable total project costs of the rates of compensation which the RPF is suggesting should be applied. The budget would be a part of each RAP which would come forward once the RPF had been accepted and the project had started. However, the budgeting agency (MoEC) needs to ensure that funds are available for any resettlement costs, including not only compensation to the PAPs but also cost of consultations throughout the process, sustaining a GRM, M&E, and independent consultants as required (for example, for final review of RAP implementation).

B. Valuation of Land

30. The location of the land influences the actual price per square meter: the nearer the land to a built-up area (, the higher the valuation and perception of the affected households. Hence, the valuation of the land is pegged on, an average, the actual value depending on the proximity to a built-up area. In the valuation of agricultural land, the availability of water is very important to determine the fair value or market rates. Residential and commercial lands are largely dictated by the existing road alignment for accessibility rather than crop potential. The land prices are based on the district land prices in the municipal district government. The prices follow the trend that the nearer the land to a population center, the higher the price of the land.

C. Valuation of Structures

31. The classification of structures (temporary, semipermanent, and permanent) refers to the materials used in construction. The valuation of structures into class 1 (mud/brick/wood walls, mud/tin roof), 2 (tiled roof and normal cement floor), and 3 (reinforced cement concrete [RCC], single/double storey building) will be determined after various consultations with some owners who recently built their houses, local contractors, and some engineers in the government.

D. Valuation of Crops and Trees

32. The estimation of valuation of crops is quite problematic because of lack of reliable data in terms of yield. Hence, in computing crop losses, a combination of four major crops was used to get the average yield and price. The unit price for crop losses for a square meter of land devoted to the four main crops will be estimated per m² but will be fine-tuned in the preparation of an RAP document.

33. The compensation for productive trees is normally based on the gross market value of 1-year income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees are to be valued based on the multiple years' investment they have required. However, during interviews on trees, the fluctuation of the value of tree products was influenced largely by the supply and demand and the absence of post-harvest facilities. Farmers are forced to sell tree crops when everyone else is doing so during off-season months, and the prices of tree crops quadrupled. The compensation rate for a fruit-bearing tree is the average yield per tree times the age of the tree. For the non-fruit-bearing trees, the usual propagation method is grafting. Farmers buy these saplings and these are ready to be transferred in the fields after two years. In the fourth year, the tree starts to produce fruits. Hence, it is on this basis that the valuation of non-fruit-bearing trees can be determined. The compensation for non-productive fruit-bearing tree is the cost of the sapling plus the cost of maintaining the tree up to the time that the tree was cut because of the project.

E. Valuation for Livelihood Restoration Support

34. The resettlement strategy is to provide compensation for all lost assets at replacement cost in order that PAPs' incomes and livelihoods are not adversely affected and where possible improved. All PAPs whose livelihoods are affected will be supported for building their capacities for livelihood restoration measures (including allowances and interventions for severely affected, poor, and vulnerable PAPs).

35. **Income restoration allowance for crop losses.** These impacts will be compensated through cash compensation at current market rates for the full harvest of one agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.

36. **Income restoration allowance for business losses.** Based on the computation for business losses set out in paragraph 44 (average daily rate of Afs 250 for 30 days) Compensation for permanent business losses will be in cash for the period deemed necessary to reestablish the business (6 months). Permanent business will receive AFN 7,500 each month for 6 months. Compensation for temporary business losses will be cash covering the income of the interruption period based on a monthly allowance of AFN 6,000. The duration is to be determined in the RAP.

37. **Income restoration allowance for business workers and employees.** This covers indemnity for lost wages for the period of business interruption. The duration is to be determined in the RAP.

38. **Income restoration allowance for severe agricultural land impacts.** When more than 10 percent of the agricultural land is affected, the affected person (owners, leaseholders, and sharecroppers) will get an additional allowance for *severe impacts equal to* the market value of a year's net income crop yield of the land lost. Also, these PAPs will have access to the capacity-building and training program on a priority basis for development of an alternative sustainable livelihood.

39. **Vulnerable group allowance.** Vulnerable people (PAPs below the poverty line, women household heads, households headed by persons with disabilities, and so on) will be given assistance in the form of a one-time allowance equivalent to AFN 7,500 and priority in employment in project-related jobs.

40. **Transitional livelihood allowance.** PAPs losing agricultural land or losing employment or business will receive a livelihood allowance of AFN 7,500 per month until livelihood restoration is completed.

41. **Rental allowance.** House renters, including house owners forced to relocate, will receive a rental allowance equivalent to the prevailing market rate for the duration of three-month rental.

42. **Project-related employment (for unskilled and semiskilled tasks during construction).** Vulnerable groups will be given priority for project-related employment opportunities as drivers, carpenters, masons, clearing and digging work, and if possible as clerks or basic administration support staff.

F. Matrix of Compensation Entitlements and Rates

ELIGIBILITY	CRITERIA	FOR	PAPs
Who is eligible	What are they eligible for	How to determine eligibility and compensation levels	Comments
Landowners	Loss of agriculture land and rights to land	1. Official documentation issued by or on behalf government 2. Customary documents, that is, documents recognized by both official and customary law as giving rise to ownership rights 3. Oral and other evidence with probative value that the claimant and his/her family have been in occupation of the land for at least 35 years 4. Open, continuous, and interrupted possession of land over a very long time, which effectively vests in them legal rights over the lands they occupy through acquisitive prescription	As the matrix on the comparison of the LLE and OP 4.12 shows, there is nothing in the LLE which prevents the approach of OP 4.12 being adopted here.
Squatters and encroachers	Permanent improvements they have made to the land they have occupied	Observance of permanent improvements; questioning the squatter and neighbors on when improvement was made; consulting PAPs and other relevant documents	Same as above
Agricultural tenants	Loss of income	Cash compensation corresponding to one year's crop yield of land lost	Same as above
Sharecroppers	Loss of income	Their share of the harvest at market rates plus one additional crop compensation	Same as above
House owners/renters	Costs of relocation to other accommodation	Relocation allowance equivalent to AFN 7,500 per month until suitable accommodation established. Renters/leaseholders will receive an allowance geared to the rent they are paying for 3 months to cover emergency rent costs.	Not specifically provided for in the LLE but nothing to stop it being paid
Loss of livelihoods by agriculturalists	Replacement costs for all losses	1. Losses will be compensated at replacement value in cash based on current market rates plus an additional indemnity up to 6 months based on a monthly allowance of AFN 7,500 as transitional livelihood allowance. 2. When >10% of agricultural land is affected, PAPs will get an additional allowance for <i>severe impacts equal to the market value of a year's net income crop yield of the land</i> .	This is already an approach which has been accepted in Afghanistan
Residential/commercial land impacts	Replacement costs for all losses	Replacement value in cash at current market rates free of deductions for transaction costs	Same as above

ELIGIBILITY	CRITERIA	FOR	PAPs
Who is eligible	What are they eligible for	How to determine eligibility and compensation levels	Comments
Those who lose or have buildings damaged	Replacement costs	These impacts will be compensated in cash at replacement cost, free of depreciation, salvaged materials, and transaction costs deductions. Renters/leaseholders will receive an allowance geared to the rent they are paying for 3 months to cover emergency rent costs.	Same as above
Those who lose income from crop losses	Replacement of lost income	These impacts will be compensated through cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.	Same as above
Those who have lost income from loss of trees	Replacement of lost income	Income replacement based on types of trees lost.	Same as above
Those who have suffered business losses	Replacement of lost income	Compensation for business losses will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance. Duration to be determined in RAP.	Same as above
Those who have suffered loss of wages	Replacement of lost wages for a limited period	Compensation based on actual income loss for time duration until income source reestablished.	Same as above
Vulnerable households	Additional compensation over and above strict loss of income	Vulnerable people (PAPs below the poverty line, women household heads, households headed by persons with disabilities, and so on) will be given assistance in the form of a one-time allowance equivalent to AFN 7,500 and priority in employment in project-related jobs.	Same as above
Transitional living allowance for PAPs forced to relocate	Disturbance compensation	PAPs forced to relocate will receive a livelihood allowance of AFN 7,500 per month until livelihood restoration is completed. Transitional livelihood allowance is computed based on the prevailing wage rate of 250 Afghanis per day times during transition time.	Same as above

ESTABLISHING	VALUATION	RATES	ACQUISITION
What is being valued	How is valuation conducted		
Matters common to all specific types of valuation	Rapid appraisal; consultation with PAPs; information derived from census and from local authorities		

ESTABLISHING	VALUATION	RATES	ACQUISITION
Land	Valuation of the land is pegged on, an average, the actual value depending on the proximity to a built-up area. Land prices are based on the district land prices in the district government		
Structures	Structures may be classified (temporary, semipermanent, and permanent) based on the materials used in construction. They may be classified into class 1 (mud/brick/wood walls, mud/tin roof), 2 (tiled roof and normal cement floor), and 3 (RCC, single/double storey building).		
Crops	In computing crop losses, a combination of four main crops was used to get the average yield and price.		
Trees	Compensation for productive trees is based on the gross market value of one-year income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees are valued based on the multiple years' investment they have required. Compensation for non-productive fruit-bearing tree is the cost of the sapling plus the cost of maintaining the tree up to the time that the tree was cut because of the project.		
Restoration of income			
1. Crop losses	Cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.		
2. Business losses	Compensation for permanent business losses will be in cash for the period deemed necessary to reestablish the business (compensation for temporary business losses will be in cash).		
3. Income restoration for workers and employees	Indemnity for lost wages for the period of business interruption up to a maximum of 3 months		
Income restoration allowance for severe agricultural land impacts	When >10% of the agricultural land is affected, PAPs will get an additional allowance for <i>severe impacts equal to</i> the market value of a year's net income crop yield of the land lost.		
Vulnerable group allowance	Vulnerable people (PAPs below the poverty line, women household heads, households headed by persons with disabilities, and so on) will be given assistance.		
Transitional livelihood allowance	PAPs losing land or losing a house and forced to relocate will receive a livelihood allowance.		
Rental allowance	House renters forced to relocate will receive a rental allowance and will be assisted in identifying alternative accommodation		

IV. Public Consultation and Participation

A. National Level

43. Under the EZ KAR, the MoEC, in close coordination with IDLG and KM and the 3 implementing projects -CCAP, CIP and KMPD, will facilitate the disclosure of, and public consultations with a range of stakeholders at national level on, the RPF and related tools including RAP/ Abbreviated RAP.

44. Safeguards officers in CCAP, CIP and KMPD, in liaison with those in MoEC, will consult regularly with relevant central government agencies e.g. ARAZI, on all issues related to RAP/Abbreviated RAP development and implementation.

B. Sub project level

45. The consultation processes on the RPF at sub project level will build on the awareness raising and consultation approaches currently adopted by KMDP and CCAP in the development and management of abbreviated RAPs for their respective ongoing sub projects. In KMDP the process is overseen by the safeguards team in close cooperation with the relevant women and men's Gozar councils. In CCAP, the facilitating partner through its sub project engineer coordinates the process with affected CDCs. CIP, currently in its preparatory phase, is likely to follow a similar process.

46. Five main consultation stages are envisaged at the sub project level as part of the process of developing an Abbreviated RAP or RAP for EZ KAR investments. All consultations will be recorded and copies shared with environmental and social safeguards officers in central PMUs.

47. *Stage One:* During the preparatory meetings with women's and men's CDCs and Gozar Councils the objectives of a proposed EZ KAR investment will be explained as will the necessity for transparent processes to deal with any land/ asset acquisition or temporary displacement. Social Organizers and Community Mobilisers from CCAP, KMDP and CIP will introduce and explain key elements of the RPF placing particular emphasis on PAPs' entitlements and compensation payment procedures under the RPF and the GRM. At the same time they will circulate information about the RPF in the relevant language.

48. *Stage Two:* Further explanation of the entitlement and compensation related to land/asset acquisition, temporary displacement as well as procedures relating to voluntary donations of land will form part of community mobilizers and social safeguards' staff discussions with different community groups at the screening stage. During this stage emphasis will be placed on ensuring that vulnerable groups in the proposed investment area, including returnees and IDPs, female-headed households, people with disabilities and kuchis, are aware of RPF procedures. The Transect Walk with members of affected communities and municipal representatives through the proposed sub project site is an extremely important element of screening when a strip plan is used to identify project-impacted land and properties and their owners.

49. *Stage Three:* A census survey in the affected area ,carried out by ARAZI representatives in close coordination with safeguards officers and local municipal officers, will confirm and list the names of the owners/users of assets to be acquired, temporarily used, or damaged, for which compensation will be payable. Individual meetings will then be held with each PAP regarding their entitlements and compensation payment procedures as well as those of the GRM. Following which the relevant implementing project will prepare an Abbreviated RAP or ,if required ,a full RAP, for each defined section of a proposed investment that will ensure that all affected assets are justly compensated.

Stage Four: Safeguards staff from the implementing project will present and explain the approved RAP to all affected households and persons and other interested parties.

Stage Five: Throughout the implementation of a RAP safeguards staff from the implementing projects will consult with PAPs and, if required, act on their behalf of and support their claims for compensation.

Consultations with Government Officials and other stakeholders

50. Concurrent with consultations with project affected communities staff from the facilitating partner and safeguards team will meet municipal and local officials to ensure that they are fully apprised about the proposed investment activities, including the formulation and details on the implementation of the RAP. CCAP/CIP/KMDP safeguards staff in the central PMU, supported as necessary by the PMU in MoEC, will coordinate with land valuation committees. There will be coordination with the municipal district governors, which have jurisdiction over the areas where investment activities will be implemented as well as community leaders. Information about the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders.

C, Preparation of Project-specific RPF Informative Material

51. The safeguards teams in the central PMUs of CCAP, KMDP and CIP will liaise closely with the safeguards officers in the MoEC PMU to develop relevant ‘bite-sized’ information material on key elements of the RPF. This material will be circulated to affected communities and PAPs by the community mobilizers and social organizers of the implementing projects. The aim will be to create awareness among the PAPs of their entitlements and compensation payment procedures under the RPF as well as the GRM.

52. EZ KAR project-specific informative materials will be prepared and distributed to the PAPs to create awareness among the PAPs regarding their entitlements and compensation payment procedures and grievances redress mechanism.

53. The RPF will be translated into local languages and disclosed to the stakeholders, especially persons affected by the proposed investment , through CCAP/KMDP and CIP facilitating partners and safeguards staff and consultants and at CDC/ Gozar meetings. Abbreviated RAPs for proposed investment projects will be made available to the concerned district governments and village leaders, directly affected households. This RPF will also be disclosed on the websites of the MOF, MoEC, CCAP, KMDP, CIP as well as IDLG and KM.

54. A summary of this RPF will be prepared specifically for this purpose and will be translated into local languages and presented to all PAPs in the form of a pamphlet/brochure, to enable the PAPs and local communities to read it by themselves and be aware of the benefits/compensations to be made available for various types of PAPs. Facilitating Partner and safeguards staff will distribute the brochures through CDC/Gozar meetings and will explain the mechanisms and procedures of the consultation program and how PAPs will be engaged in resettlement activities and the overall process.

55. A check disbursement schedule – or preferably transfer of compensation to the PAP’s bank accounts explaining the date, time and venue for disbursement of compensation checks of each affected person – will be prepared in local languages and distributed to all PAPs. This will also be disclosed in the village and neighborhood meetings

56. A package containing the following information will be prepared for each affected person.

- Inventory of affected person’s losses

- Schedule for compensation check disbursement explaining the date, time, and venue for receiving check, vacating land, and demolition of structures
- Pamphlet/brochure in local languages
- GRM details
- Any other relevant information for the affected person

C. Disclosure

57. Consultations on the draft RPF and Environmental and Social Management Framework (ESMF) took place on 28th October 2018 which were attended by the line ministries, academia, and NGOs.. The updated ESMF and RPF were shared with stakeholders to seek their feedback and comments. The summary of the consultations and participants' lists are provided in the ESMF (annex).

58. The updated RPF and ESMF were cleared by the World Bank on 29th October, 2018 and redisclosed in country on the MoEc website and on the World Bank's external website on 29th October 2018.

V. Institutional Arrangements

A. General

59. The resettlement and rehabilitation program described in this RPF involves distinct processes, dynamics, and different agencies. This section deals with the roles and responsibilities of different institutions for the successful implementation of the project. The primary institutions that are involved in the land acquisition and resettlement process are the following:

- (a) The MOF
- (b) The MoEC
- (c) PMUs within Implementing Agencies: IDLG and KM
- (d) Safeguards Teams within Implementing Agencies
- (e) Facilitating Partners
- (f) CDCs and GAs
- (g) Municipal District Government Units (LGUs)
- (h) Afghanistan Independent Land Authority (ARAZI)

60. The agencies involved in the planning and implementation of a resettlement and rehabilitation program are: the MOF as the overall authority; the MoEC as the lead Coordinating Agency; Implementing Agencies (IAs) - Independent Directorate of Local Governance (IDLG) and Kabul Municipality (KM) - and their appointed Facilitating Partners ,the provincial and district governments together with Community Development Councils (CDCs). IDLG and KM will act in the project through Project Management Units (PMUs) established for existing projects – Citizens Charter Program (IDLG) and Kabul Municipality Development Project (KM). The expanded PMUs for those projects will be responsible for ensuring effective RAP preparation and implementation and for ensuring that MoEC's PMUs is updated regularly on RAP implementation. At sub project or investment level the IAs will act either through appointed

Facilitating Partners or their own municipal safeguards teams who will coordinate all resettlement activities with relevant local government agencies and Community Development Councils (CDCs).

B. Overall Organization - Ministry of Economy

61. Under EZ KAR MoEC will have overall oversight of resettlement activities and will be responsible for ensuring that the guidelines and procedures set out in this RPF are adhered to by IDLG and KM through the 3 implementing projects, CCAP, KMDP and CIP.

62. The Director and Deputy Director of IDLG and the Directory and Deputy Director of Kabul Municipality will be responsible for the overall policy level decision, planning, implementation and coordination of project activities in the EZ KAR cities. The EAs will have proper coordination with other departments of the Government of Afghanistan to resolve the following issues:

- **Land records and ownership.** To resolve issues related to land records and ownership, a land management committee will be formed at the central level and will include members from MoEC, IDLG, KM , MOF, Ministry of Justice, and ARAZI.
- **Assets valuation.** Values of land and other assets for compensation is determined by the Council of Ministers under the LAL, based on the principles set out in this RPF. The decisions are based on the recommendation of a committee consisting of the following:
 - (a) The landlord or person who uses the land or their representatives
 - (b) An official representative of the agency that needs to acquire the land (for example, Ministry of Public Works)
 - (c) A representative of the local CDC
 - (d) A representative of the MOF
 - (e) A representative of the Ministry of Justice

C. Project Implementation

63. IDLG and KM are the designated implementing agencies and will execute planned investments through existing projects – CCAP (IDLG) and KMDP (KM) with approved ESMFs and RPFs – and through a new project under development CIP (IDLG).

64. At the central level safeguards teams within the PMUs of CCAP, KMDP and CIP will be responsible for overseeing the effective implementation of RAPs for those EZ KAR investments for which they have executive authority.

65. CCAP and CIP's Facilitating Partners and KM's safeguards staff, in close liaison with colleagues in the central PMUs, will collaborate closely with municipal and district government offices, ARZAI officials and women and men's CDCs to coordinate the implementation of RAP activities including , consultation meetings with PAPs, the organization of surveys and the fixing of specific compensation rates based on the principles set out in the RPF.

66. Facilitating Partners and local safeguards staff of the CCAP, KMDP and the CIP will be responsible for the sub project-level activities, getting all the necessary clearances required to initiate and implement all land/asset acquisition and resettlement works. They will also be responsible for ensuring that all stages of the processes of land acquisition, resettlement, determining and paying of compensation, and acquiring of land are fully documented and that hard and soft copies of the records are at all times kept in a safe and secure environment.

67. Under EZ KAR it is anticipated that CCAP , KMDP and CIP - through facilitating partners and their own social development teams - will carry out the following RAP- related tasks. If required, each project may recruit a NGO to provide additional support to ensure the tasks are carried out.

- (a) Generate awareness about livelihood restoration activities and assist the PAPs to make informed choices, including participating in government development program.
- (b) Identify training needs of PAPs for income generation activities and provide/conduct such trainings.
- (c) Provide counselling and awareness generation to resolve RAP-related grievances and assist in seeking redress to unresolved grievances from land acquisition and resettlement disputes with the Grievance Committee.
- (d) Assist the PAPs in claims for just compensation, including the collection of timely and complete payments.
- (e) Submit periodic reports on RAP implementation to CCAP/KMDP and CIP PMUs.
- (f) Conduct and/or undertake any other activities that may be required in the successful implementation of the RAP.

68. Any NGO recruited to support CCAP, KMDP and CIP in RAP implementation must be a nonprofit organization, be legally registered as an NGO in Afghanistan, have operated for at least 3 years in the country, have a minimum of five paid staff, be committed to the principles of gender equality in terms of its own staffing, have a management or advisory board, maintain a proper accounting and financial system, have a long-term presence and credibility in districts relevant to the project area, have work with government focal agencies, and must be willing to undergo training in resettlement work for project implementation.

C.2 Local Government

69. The cooperation and coordination of LGUs are vital in RAP implementation. In the case of EZ KAR these are the municipal district governments, of the 12 cities where the project operates. Issues related to land records and ownership and assets valuation originate from this level and will only be taken to the Council of Ministers if these issues are not resolved locally. The Municipal government, in cases of disputes on valuation of land, will constitute a land valuation committee to determine the disputes on rates.

70. In cases of disputes regarding land ownership, land records go through three offices at municipal district level: (a) district administrator, (b) revenue collector (Mustowfiet), and (c) the District Court. These offices have the jurisdiction on any matters related to land acquisition and verification of land entitlements. Staff of the Revenue Department (Mustowfiet), with the local municipality, will carry out the tasks of identifying the titles and verification of ownership. The Office of Wloswal (the appointed district head) is expected to play a coordinating role.

C.3 Gender

71. The EZ KAR will adopt and strengthen measures in the 3 implementing projects to increase women's participation in the RAP/Abbreviated RAP process. CCAP, KMDP and CIP are required to ensure that their social teams or facilitating partners include local female social organizers to enable outreach to women. Gender awareness training is required for all implementing agency staff. To ensure a safe workspace EZ KAR will also require the implementing agencies and their facilitating partners to abide by and enforce them

72. In EZ KAR, special attention will be paid to female-headed households, both those with and without land, as they are generally among the most vulnerable in communities and risk having their rights ignored. Although women's ownership of land is not widespread, it is important to ensure that their land rights receive equal recognition in the project and in any resettlement activities. Ensure that the EZ KAR actively promotes outreach to women's CDCs;

VI. Preparatory Actions and RAP Implementation Schedule

A. Preparation Actions

73. The MOF/MoEC and the respective implementing project will begin the implementation process after its approval by the World Bank. They will initiate tasks regarding implementation of the RAP as follows:

- Establishment of official cut-off date as per need
- A series of public consultative meetings and workshops with PAPs and local representatives and active involvement of PAPs for the preparation of the full RAP or Abbreviated RAP
- Endorsement of the full RAP, or abbreviated RAP, by the PMU Director of the respective implementing project and the PMU Director of MoEC and its submission to World Bank for clearance
- Establishment of criteria, requirements, and procedure for disbursement of compensation payments by the CDCs/GAs (as applicable)
- Development of internal monitoring indicators and procedures
- Identification of external monitoring agent to undertake independent monitoring

74. The MOF, through either IDLG or KM and their respective projects (CCAP/KMDP/CIP), is also committed to provide adequate notice to the PAPs and pay their due compensation based on the eligibility criteria defined in this RPF for resettlement, including relocation and income restoration/assistance before start of construction work. The PAPs of affected structures/assets (houses, shops, and so on) will be paid their due compensations at least three months (90 days) before demolition of any structures. This time will allow them to dismantle and remove all salvageable material for rebuilding of houses and reestablishment of businesses.

75. Payment of compensation of assets other than structures (land, crops, and trees) will be made at least 90 days before actual possession of the space being utilized by the PAPs. However, in case of a dispute regarding the compensation amount, up to 70 percent of the assessed/allocated amount of compensation will be paid to PAPs and the rest pledged in an escrow account in the names of the concerned PAPs, pending

the resolution of the dispute. In case of dispute over rightful ownership, the compensation would be deposited in an escrow account awaiting the court resolution of rightful ownership. In such an exceptional case, IDLG/KM through CCAP/CIP/KMDP may possess the land without full payment of compensation. Grievances or objections (if any) will be redressed as per grievance redress procedure adopted in this RPF. However, all activities related to land acquisition and resettlement will be completed before initiation of construction activity. In case of absentee owners (for example, conflict displaced persons), the compensation amount would be deposited in an escrow account and issued to the rightful affected person, upon verification of identity and claim. The escrow is the offered amount plus 10 percent for contingency. The government will take all appropriate means (through electronic and written media, word of mouth through community relations) to identify/locate absentee landowners and provide documentation of these efforts.

B. Process of RAP/Abbreviated RAP Implementation

76. The following paragraphs explain in detail how compensation will be delivered to PAPs and the prerequisites needed to trigger the release of financial resources to the ultimate beneficiaries. These steps are formulated in the light of the assumed availability of finance and the security situation. No account is taken of the likely situation in any province or district where projects might take place.

77. The steps for the delivery of compensation for all eligible PAPs will be the following:

- (a) **Obtain financial resources.** This is based on the final budget of each RAP. The national focal team in the sponsoring ministry shall obtain the needed money for its counterpart to fund the land acquisition component from the MOF.
- (b) **Verification of the list of qualified PAPs.** Facilitating Partners/safeguards team, through the implementing NGO, will verify the list of PAPs provided in the RAP to ensure that all eligible PAPs will be properly compensated and non-eligible PAPs will be excluded. To ensure that identification and qualifications are guaranteed, village elders and CDCs will be consulted to resolve issues rising from the list.
- (c) **Notification of a detailed compensation package.** Facilitating Partners and safeguards staff, will prepare and provide each affected person with a detailed breakdown of affected assets and the unit cost of each asset affected and the total compensation that they will receive.
- (d) **Final conciliation/expropriation.** PAPs who disagree with the amount of the detailed compensation package and how it was arrived at will be provided with a last or final chance to settle these issues, with the implementing NGO facilitating this meeting. If the facilitating partners and safeguards staff of the implementing agency and the PAPs still cannot agree, the implementing agency will file expropriation proceedings in the appropriate court, asking that it be permitted to take possession of the affected asset. The implementing agency will pay the affected person 70 percent of the contested sum and deposit the remaining amount in an escrow account in a bank. The escrow is the offered amount plus 10 percent for contingency.
- (e) **Locate absentee owners.** CCAP/KMDP/CIP through either their facilitating partners, their own safeguards staff or the implementing NGO and village leaders, shall try to locate absentee owners of affected assets. There are some cases where owners are residing or working in other places and every effort must be undertaken to locate these absentee owners.
- (f) **Notification to the public.** Available media and community bulletin boards will be utilized to inform the public that lands with the corresponding owners will be affected by the sub

project. These will provide sufficient time for any adverse claimants on lands that will be affected to raise their opposition or claims over the affected lands.

- (g) **Preparation of invoices.** Invoices for each of the eligible PAPs will be prepared by facilitating partner/project safeguards staff or implementing NGO. This document entitles each of the PAPs to receive the amount indicated in the invoice.
- (h) **Delivery of the money to local bank.** The money from the MOF/implementing agency through the implementing project will be remitted to a local bank closest to the project site. However, the MOF/implementing agency may remit the money for compensation to any bank of its choice. The bank account will be opened by the facilitating partner or local safeguards team of the implementing agency, which will receive, from Kabul, the compensation on behalf of the PAPs.
- (i) **Payment.** The PAPs will each receive a check for the whole amount of compensation from the facilitating partner or local safeguards team of the implementing agency. The affected person will sign a document acknowledging the receipt of the whole compensation and a waiver attesting that s/he has no longer any pending claim over the affected property. A photograph shall be taken with the affected person receiving the check, as part of project documentation. The affected person will cash the check by presenting his/her national identification card (NIC) and/or election registration card to the bank. Persons without NICs will have to explain to the pertinent authorities the reasons why they are not in possession of the NIC. PAPs will be encouraged to open a bank account in any bank and only carry necessary money to their respective villages to avoid unnecessary exposure to those who might wish to illegally or with force relieve them of their cash. The benefits of having a savings account will be part of the information to be provided by the implementing NGO and/or the facilitating partner.

VII. Complaints and Grievance Redress

78. In line with Afghan Law, when private landholdings are acquired for public purposes, compensation is paid to the owner based on the category and location of the affected land and the values of land for compensation are determined by the Council of Ministers. The decision is based on the recommendation of a Land Acquisition Committee (LAC) consisting of the following members:

- Affected person or his/her duly appointed representative
- Local representative from relevant implementing project (CCAP/CIP/KMDP)
- Representative of the local administration (from the office of the governor)
- Representative from municipality
- Representative from ARAZI
- Representative from the local legal department
- Representative of the MOF
- Representative of the Ministry of Justice

79. The land acquisition process is initiated with the constitution of the LAC. As land and other assets are acquired for a public purpose, the law does not permit any objection to the acquisition of an individual's property by the state. Usually, dissatisfactions arise with these acquisitions, mostly relating to the value of compensation. The LAC enquires into the matter and reviews the valuation and tries to arrive at a win-win solution. The whole process is based on a negotiated approach and as the affected person or his/her

representative is a member of this legally constituted LAC, a consensus is reached on the replacement value of the land and assets lost. The LAC thus also performs the tasks of a Grievance Redress Committee (GRC).

80. The LAC, in the first instance, will encourage PAPs to seek to resolve issues at local level. However, if after this negotiated approach the issue remains unresolved, the affected person may elevate the matter to a GRC to try to resolve the issue. It should be pointed out, however, that this committee does not possess any legal mandate or authority to resolve land issues but rather acts as an advisory body or facilitator to try to resolve issues between the affected household and the sponsoring ministry/national focal team who would implement the valuation based on the decision of the LAC. However, if after this negotiated approach, the issue remains unresolved, the affected person may elevate the matter to a GRC to try and resolve the issue. The GRC will be composed of the following members:

- Affected person or his/her duly appointed representative
- Representative of the local administration (from the office of the governor),
- Representative from either the facilitating partner or local safeguards team
- Representative from the local legal department
- Representative of the CDC

81. The GRC will register the unresolved matter and meet to try and resolve the issue. A recommendation should be made within 7–10 working days. If any of the members are absent during the decision-making process, an appropriate candidate will be nominated by the original representative. If no decision has been promulgated after 10 working days from the last meeting of the GRC, the affected person may take the issue to the next level. The affected person always has the final recourse to seek redress through the legal system. However, every effort must be exerted to avoid this alternative because it entails loss of time and expenses on the part of the affected person.

82. The process of grievance redress has been made simple to speed up decision making and facilitate effective implementation. The GRC includes a representative from the local administration and the affected individual. Grievances are expected to be redressed locally within the existing framework.

A. Matrix of Actions under the RPF

ACTIONS	TO	IMPLEMENT	THE	EZ KAR
Who	What	When	Why	Comments
MoEC and Implementing Agencies 1.IDLG through CCAP and CIP 2. KM through KMDP	Establish institutional liaison arrangements.	At the beginning of the project	To implement RPF and ensure safeguards compliance	Preparatory work to be done before approval of RPF
MoEC/IDLG/KM	Appoint additional safeguards staff within the PMUs of MoEC, CCAP, KMDP and CIP to manage effectively EZ KAR RPF responsibilities	Desirable to appoint these officers well before the commencement of EZ KAR	To oversee safeguards compliance in the implementation of RPF	Early appointment will facilitate training of these officers;
MoEC and Implementing Agencies – IDLG and KM through CCAP/KMDP/CIP	Review/update existing RPFs to take account of EZ KAR RPF requirements.	Prior to dissemination of materials on RPF to affected communities and PAPs	To make sure there is a reasonably consistent approach to implementing RPF requirements across the project	Consistent approach applies to voluntary land donations as well as involuntary acquisition
MoEC and Implementing Agencies – IDLG and KM through CCAP/KMDP/CIP	Commence the preparation of materials on the RPF for distribution to probable PAPs.	During the initial stage of project implementation	To give as much advance publicity to the EZ KAR as possible and to alert probable PAPs of resettlement	This work should start as soon as possible.
MoEC and Implementing Agencies – IDLG and KM through CCAP/KMDP/CIP in close cooperation with MoEC	Continue with process of locating sites and preparing technical plans and so on for project investments under the EZ KAR.	Ongoing	To ensure no delay in beginning implementation of EZ KAR	Self-evident action.
MOF and Implementing Agencies – IDLG and KM through CCAP/KMDP/CIP (ARAZI)	Where likely resettlement will be involved in a site located for investment under the EZ KAR, begin preparation of RAP under the RPF.	This action should begin to be incorporated into plans for developing the sites for action under the EZ KAR.	To ensure no delay in beginning of implementation of the EZ KAR	Processes for preparing RAP set out in the text of the RPF

ACTIONS	TO	IMPLEMENT	THE	EZ KAR
Who	What	When	Why	Comments
ARAIZI in close cooperation with through CCAP/KMDP/CIP as well as municipal government departments	Census of residents and probable PAPs within project area	As early as possible after studies completed	An essential first step in the process of resettlement	Explanation of the importance of this in the RPF
MoEC/IDLG and KM through CCAP/KMDP/CIP PMUs and their facilitating partners or local safeguards teams.	Begin the processes of publicity and consultation with PAPs.	Alongside taking the census of PAPs	An essential first step in the process of planning resettlement and developing an RAP	Consultation must be genuine. As much information as possible must be given to PAPs. Utilize village and other meetings.
MoEC/IDLG and KM through CCAP/KMDP/CIP PMUs and their facilitating partners or local safeguards teams	Consult and liaise with local governments and regional offices of associated ministries on above actions.	Alongside consultation with PAPs	Essential to ensure that implementing agencies and local governments know what is happening	These bodies will be needed to assist with village meetings and consultation with PAPs.
MoFC/IDLG and KM through CCAP/KMDP/CIP PMUs and their facilitating partners ,local safeguards teams, municipal government, ARAIZI	Undertake the process of inviting PAPs to submit claims for compensation; assessing, discussing, and settling claims with PAPs	Part of the process of consultation and preparing an RAP, as an RAP must contain precise details of the compensation and resettlement payments	Compensation and the process of resettlement is at the heart of an RAP and its implementation.	Safeguards staff in facilitating partners and local safeguards teams will be involved throughout.
GRC	The GRC will be involved in attempting to settle any grievances which PAPs may have over the compensation that they are being offered.	The GRC should be ready to be involved from the commencement of the process of assessing and determining the compensation payable to PAPs.	To assist in the process of settling claims to compensation	The GRC must be prepared to work speedily and flexibly to ensure that a project does not get bogged down in never-ending disputes about compensation.

ACTIONS	TO	IMPLEMENT	THE	EZ KAR
Who	What	When	Why	Comments
Safeguards staff within CCAP/KMDP and CIPs PMUs in close liaison with MoEC	Finalize RAP	Preparation of RAP is a continuous process commencing with consultation regarding census taking.	A necessary step to commence action on the ground	RAP must be approved by World Bank.
IDLG and KM through CCAP/KMDP and CIPs safeguards staff and facilitating partners.	Prepare information pack for each affected person.	The information pack to be distributed when RAP is approved	The pack provides all the basic information which an affected person will need to know: what is to occur on resettlement, how much compensation will be provided, how the compensation will be provided, and the opportunities for complaints and settling same.	This is a vital component of an RAP. The details of what must be in the information pack are contained in the RPF.
MOF/ ARAZI: IDLG and KM through CCAP/KMDP and CIPs' facilitating partners and safeguards staff in consultation with MoEC	Implement the compensation and resettlement processes of the RAP.	Everything should be ready to be rolled out once the RAP is approved.	Once the PAPs have been paid their compensation and been resettled, infrastructural activities on the ground may commence.	It is vital to bear in mind that all PAPs claims must be settled (subject to the limited exception, such as in case of absentee owners or land/properties dispute issue, the compensation amount would be deposited in an escrow account and issued to the rightful affected person upon verification of identity and claim) before entry may be made to land from which PAPs have been moved and infrastructural activities may commence.
Implementing NGO ¹³	1. Work closely with/support safeguards staff and facilitating partners of KMDP, CCAP and CIP to generate awareness of all	Throughout the execution of the RAP	to act on behalf of and support PAPs in their claims for compensation is designed as a guarantee that the process complies with	This is a key element in the RPF. It will be important that a reputable and effective NGO is appointed and that the external monitoring body has

¹³ CCAP, KMDP and CIP may, if necessary, recruit an NGO to assist with implementation of RAP

ACTIONS	TO	IMPLEMENT	THE	EZ KAR
Who	What	When	Why	Comments
	<p>aspects of resettlement and compensation.</p> <p>2. Work closely with PAPs in assisting in making, negotiating, and if necessary taking to the GRC claims for compensation.</p> <p>3. Submit regular reports on the process to safeguards staff in Implementing Agencies PMUs/ MoEC and the external monitor.</p>		principles of substantive and procedural (administrative) justice.	terms of reference that embrace the monitoring of the NGO.
GRC	Handle affected persons' grievances over compensation.	During the process of determining compensation. Meet regularly and settle disputes within 10 days.	As with the implementing NGO, a GRC is a further guarantee to PAPs that the process is both substantively (a second and independent opinion on compensation) and procedurally (an affected person can have a hearing and put forward his/her case) fair.	Another key element on the RPF. Important that the members of the GRC see themselves as independent and operate accordingly. They are not there 'to save government money'.
National and regional safeguards staff and facilitating partners within the CCAP/CIP and KMDP	Internal monitoring conducted by safeguards staff within IDLG and KM PMUs as well as MoEC	Throughout the process of the implementation of a RAP with regular reports to the World Bank	To ensure compliance with the RPF procedures	An essential aspect of the RPF as it provides an element of project assurance to the World Bank with respect to the implementation of the EZ KAR investments.
The EMA must be independent of all bodies involved in the implementation of the EZ KAR and with independent standing in its own right. Could be a university department	External monitoring conducted by the EMA	Throughout the process of the implementation of the EZ KAR with regular reports to MoF, implementing agencies and the World Bank.	An independent overview of the implementation of EZ KAR investments	The independence of the EMA must be assured in the contract between it and the MOF. The World Bank has a substantial interest in the EMA and its outputs, so will likely be involved in the selection process.

ACTIONS	TO	IMPLEMENT	THE	EZ KAR
Who	What	When	Why	Comments
or a consortium of departments.				

Annex 1: Summary of different types of formal and informal land ownership and possession in Afghanistan

1. The system of Afghan property rights is broadly divided into two categories: formal and informal. Under the *formal system*, the land law defines ownership of immovable property as *private, public, and mawat lands*. Written evidences of land ownership under the formal system of property rights are different kinds of deeds or legal documents with copies in the Court Registries. Other formal written documentation may also be used for this purpose. Details are to be found in Article 5 of the Law on Land Management.
2. Immovable property owned by an individual is considered as private property. According to Shari'a, private property can be owned individually or collectively. Private ownership may be acquired through (a) purchase, (b) allocation from a municipality, or (c) transfer of ownership, of which the most common form is inheritance. In addition, private land can be acquired through the principle of 'dead land' or '*zameen-e-Bayer*'. This classification entitles all legal owners to compensation for affected land.
3. Public land is classified as (a) owned by the state, (b) owned by public juridical persons, (c) allocated for public interests, and (d) recognized by law as public property. In addition to the above, cultivable land which has no owner is deemed to be public land. The law prohibits acquisition of such land without the permission of the government. The state has recently strengthened its grip over land based on a statute of limitation which states that all individual claims to land that has been held by the state for a period exceeding 37 years shall be barred and the state shall be considered the owner of the property. The decree provides that all land in which the ownership of individuals is not established legally shall be considered the property of the state. This classification does not entitle an occupant to compensation for the affected land but such a person is entitled to compensation for all immovable assets which are permanently fixed on the land.
4. *Mawat* land means 'dead land'. In practice, this term refers to land which is not suitable for cultivation. The concept of *mawat* requires three elements: (a) the ownership history of the land is not known; (b) the land has not been cultivated and constructed, and (c) currently the land is not owned by any person. Even barren land (*zameen-e-bayer*) that does not have an owner may only be acquired with the permission of the government. The person who acquires and develops barren land with the permission of the government shall own the land. Shari'a generally recognizes *mawat* land as property neither owned by a private individual nor by the state and which could be acquired through renovation. Consistent with this, *mawat* land is recognized under the laws, but whoever wants to acquire *mawat* land must first secure permission from the President. In theory then, private property may be acquired in accordance with this concept. If *mawat* land is in the process of being legally acquired or has been acquired by an individual but some formal legal requirements have not been complied with, the possessor/owner is entitled to compensation for his/her affected land.
5. **Informal system of property rights.** There are two types of owners/possessors under the informal system that will be entitled for compensation over land affected by the project. The first group entitled for compensation is the customary or traditional owners of land and their heirs. These are individuals who inherited land that their ascendants occupied for more than 50 years. The original owners were either individuals who received royal land grants (*Firman*) in the form of decrees or legal letters and so on from the ruler of the time or the original settlers of the land or their survivors who peacefully occupied the land for many generations. In the rural areas, these occupants may have (a) tax receipts or are included in the tax records, (b) unofficial land deeds, and (c) been declared or recognized as legitimate users of lands by community development councils (CDCs), jirgas, or local elders. Households or persons who hold customary or traditional deeds for their properties are people who acquired de facto ownership of their land through purchase from customary or traditional owners of land.
6. The second type of owners/possessors under the informal system entitled to compensation are de facto owners of property who have bought land or a house from legal owners but did not fulfil the legal formalities required to formalize ownership. The transaction was legal but the legal formalities required to obtain a legal deed from the competent court were not completed. In many instances, buyers and sellers conclude customary agreements based on good faith and traditional norms and disregard the need to formalize the sales transaction in a competent court. Many persons perceive that a customary deed suffices to prove ownership of their property, especially when the original owner holds a formal document.

7. The two types of ownership/possession under the informal system of property rights have customary documents called '*orfi*' to prove their ownership/possession. These documents are usually witnessed by their neighbors, especially local village and/or religious leaders. These documents include bills of sale and purchase, pawn agreements, wills' subdivision agreements, and so on. These two types of informal ownership/possession will receive compensation for land affected by the project.

8. These two types of land rights under the informal system cannot be classified any more as public land. In the customary or traditional rights, the adverse, open, continuous, and uninterrupted possession of owners over a very long time has effectively vested in them legal rights over the lands they occupy through acquisitive prescription. In the second type of land rights under the informal system, the lands involved have been effectively segregated from the classification of public land because the lands have been titled by the former owners and the failure of the new owners to comply with the formal requisites to register the lands under their names do not change the private character of these lands. Hence, the two types of land under the formal system are by their very nature private lands and as a consequence, owners will be compensated.

Annex 2a: Resettlement Action Plan Content

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

1. Description of the Project Area

General description of the project and description of the project area

2. Potential Impacts

Identification of

- The project component or activities that give rise to resettlement;
- The zone of impact of such component or activities;
- The alternatives considered to avoid or minimize resettlement; and
- The mechanisms established to minimize resettlement to the extent possible during project implementation.

3. Objectives

The main objectives of the resettlement program

4. Socioeconomic Studies

The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including the following:

- The results of a census survey covering (a) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance; (b) 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; (c) the magnitude of the expected loss—total or partial—of assets, and the extent of displacement, physical or economic; (d) information on vulnerable groups or persons as provided for in OP/BP 4.12 paragraph 8, for whom special provision may have to be made; and (e) 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.
- Other studies describing the following: (a) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based systems (including fishing, grazing, or use of forest area) governed by local recognized land allocation mechanisms and any issues raised by different tenure systems in the project area; (b) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project; (c) public infrastructure and social services that will be affected; and (d) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (for example, community organizations, ritual groups, NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

5. Legal Framework

The RAP is based on the RPF which sets out the legal and regulatory framework governing resettlement, land acquisition, and asset loss for the EZ KAR project (see section II of the RPF).

6. Institutional Framework

The findings of an analysis of the institutional framework covering

- The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- An assessment of the institutional capacity of such agencies and NGOs; and
- Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for the resettlement implementation.

7. Eligibility

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

8. Valuation of and Compensation for Losses

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

9. Resettlement Measures

A description of the packages of compensation and other resettlement measures, including an entitlement matrix, that will assist each category of eligible displaced persons to achieve the objectives of the policy (see OP 4.12 paragraph 6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons and prepared in consultation with them.

10. Site Selection, Site Preparation, and Relocation

Alternative relocation sites considered and explanation of those selected covering

- 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;
- Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- Legal arrangements for regularizing and transferring titles to resettlers.

11. Housing, Infrastructure, and Social Services

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

12. Environmental Protection and Management

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

13. Community Participation, Involvement of Resettlers, and Host Communities

- A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities
- A summary of the views expressed and how these views were considered in preparing the resettlement plan
- 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 preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (for example, places of worship, pilgrimage centers, cemeteries)
- Institutionalized arrangements by which displaced persons can communicate their concerns to project authorities throughout planning and implementation and measures to ensure that vulnerable groups such as indigenous peoples, ethnic minorities, the landless, and women are adequately represented

14. Integration with Host Populations

Measures to mitigate the impact of resettlement on any host communities, including

- Consultations with host communities and local governments;
- Arrangements for prompt tendering of any payment due to the hosts for land or other assets provided to resettlers;
- Arrangements for addressing any conflict that may arise between resettlers and host communities; and
- Any measures necessary to augment services (for example, education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

15. Grievance Procedures

Grievances and complaints raised during the implementation of the RAP will be dealt with in accordance with the GRM set out in Section VIII of the RPF. The LAC, established by the Council of Ministers under the LLE, also performs the duties of a GRC in relation to the value of land and/or assets acquired. The LAC will use a negotiated approach to reach a consensus on the replacement value of lands and assets. If this approach fails, an affected person may bring the matter to a GRC which will try and resolve the issue and make a recommendation within 7–10 days. If no decision is reached after 10 days, the affected person may seek recourse through the legal system as a last resort.

16. Organizational Responsibilities

The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; any measures (including TA) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to of responsibility local authorities or resettlers themselves for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

17. Implementation Schedule

An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and termination of the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

18. Costs and Budget

Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

19. Monitoring and Evaluation

Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the World 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 activities.

Annex 2 b Abbreviated Resettlement Action Plan

In compliance with WB/OP4.12, if there are fewer than 200 Project Affected People (PAPs) the following abbreviated RAP shall be followed in order to restore housing and issue economic compensation for loss of land and livelihood through a consultative and mutually agreed process.

Process:

1. Survey of land and assets of PAPs, including squatters and informal settlers:
 - a. The surveyed land and assets should be identified, marked and photographed, and by the defined eligibility cut-off date
 - b. The PAPs should be identified and registered with full data and photographed
 - c. A compensation package in line with the principles of the RPF should be developed.
 - d. Initial consultations should be conducted to identify any salient issues or concerns impacting on PAPs. Separate consultations should be conducted with women in order to properly ascertain their views and concerns

An abbreviated RAP must contain a minimum of the following elements:

- (h) A census survey of displaced persons and valuation of assets
- (i) Description of compensation and other resettlement assistance to be provided
- (j) Consultation with displaced people about acceptable alternatives
- (k) Compensation Matrix w. all PAPs and their complete entitlements etc
- (l) Institutional responsibilities for implementation and procedures for grievance redress
- (m) Arrangements for monitoring and evaluation
- (n) A timetable and budget

The compensation package and abbreviated Resettlement Plan should be submitted to the Bank for clearance.

Annex 3: Abbreviated RAP/Process of developing an abbreviated RAP

In compliance with WB/OP4.12, if there are fewer than 200 Project Affected People (PAPs) the following abbreviated RAP shall be followed in order to restore housing and issue economic compensation for loss of land and livelihood through a consultative and mutually agreed process. The Resettlement Framework outlines the principles and approaches to be followed in addressing and mitigating the social impacts due to the project. The implementing projects social safeguards teams in co-ordination with the Shura/CDCs/gozars at municipal district level and engineer of respective subproject will be responsible for the planning and implementation of resettlement framework addressing social issues. The most important issue will be documentation of these proceedings to avoid any communication gap in future. The procedures are as follows:

Abbreviated Resettlement Action Plan

An abbreviated RAP must contain a minimum of the following elements:

- (o) A census survey of displaced persons and valuation of assets
- (p) Description of compensation and other resettlement assistance to be provided
- (q) Consultation with displaced people about acceptable alternatives
- (r) Compensation matrix with all PAPs and their complete entitlements and so on
- (s) Institutional responsibilities for implementation and procedures for grievance redress
- (t) Arrangements for M&E
- (u) A timetable and budget

Annex 3: KMDP's current operational guidelines for Land and Asset Acquisition, Entitlement and Compensation

3. (i) Framework for Abbreviated Resettlement Action Plan

In compliance of the Bank's Operational Policy 4.12, in case of less than 200 Project Affected People (PAPs), the following abbreviated Resettlement Framework shall be followed in order to restore housing and issue economic compensation for loss of land and livelihood through a consultative and mutually agreeable process.

Principles ○ All land should be surveyed and mapped and agreement reached with government on explicit eligibility cut-off date.

- Where land is disputed or land ownership is not clear, the land will be surveyed and a map hereof issued to the affected families. In case of land disputes, attempts should be made to settle disputes prior to project start.
- Customary and collective rights, e.g. to grazing land and commons, should be verified and documented through community-level consultations and local authorities. Customary and collective rights are also subject to compensation.
- Compensation for land, housing and assets are based on principles of replacement cost and mutually agreeable solutions based on consultative approach with PAPs.
- where affected land provide income, the equivalent to the value of the crop lost will be given in compensation, based on the value of the harvests lost until the replacement crop (e.g. fruit trees) come into full production. ○ if land forms basis for other income, the value of the income hereof will be subject to third party assessment
- If PAPs are squatters/informal settlers on the land, they will receive economic/material compensation to re-establish themselves elsewhere (e.g. on government land) without suffering damage to their livelihood or living standard.

Process

1. Survey of land and assets & census of Project Affected Peoples, including squatters and informal settlers:

- The surveyed land and assets should be identified, marked and photographed, and by the defined eligibility cut-off date the areas should be secured against encroachers.
- the Project Affected People should be identified and registered with full data and photographs
- a compensation package should be developed (categories of impacts and appropriate entitlements to formal and informal settlers landholders and squatters), and
- Initial consultations should be conducted to identify any salient issues or concerns impacting on affected people. Gender separate consultations should be conducted in order to properly ascertain the views of the women.

2. Calculation of individual entitlements. There should be continued consultations with the affected people regarding the project, land acquisition and compensation package in order to reach mutually agreeable solution to land/asset acquisition and/or shifting of house. In case any PAP refuses to shift, an abbreviated Resettlement Plan, compliant to OP 4.12, should be developed.

Outline of an Abbreviated Resettlement Plan

An abbreviated plan covers the following minimum elements:

- a. A census survey of displaced persons and valuation of assets;
- b. Description of compensation and other resettlement assistance to be provided;
- c. Consultations with displaced people about acceptable alternatives;
- d. Institutional responsibility for implementation and procedures for grievance redress;
- e. Arrangements for monitoring and implementation; and
- f. A timetable and budget.

3. The compensation package and abbreviated Resettlement Plan should be submitted to the Bank for approval, using the formats included in the Safeguards Framework (**Annex 2 (ii-iv)**)

4. The acquisition process is only completed with the actual payment of compensation to Project Affected People and settlement of any grievances they may hold.

Annex 3(ii) -Land Acquisition Assessment Data Sheet

(To be used to record information on all land to be acquired)

1. Quantities of land/structures/other assets required:

Date to be acquired:

1. Sketch of project land plot, identifying:

Location and area of each individual piece of land/structure involved:	Category of land (private/communal/government etc) and Owner(s)*	Current uses	Users	Multiple claimants/users Yes/No	Method of acquisition**
(a)					

* Provide documentary proof, where available.

** Donation/Acquisition against Compensation/Purchase. This should be determined following consultations with PAPs

In case of Multiple customary claimants/users, specify for each individual piece of land involved:

- Number of Customary claimants:
- Number of Squatters:
- Number of Encroacher:
- Number of Owners:
- Number of Tenants:
- Others (specify): Number:

4. Transfer of title:

- Ensure these lands/structures/other assets free of claims or encumbrances.
- Written proof must be obtained (notarized or witnessed statements) of the voluntary donation, or acceptance of the prices paid, from those affected, together with proof of title being vested in the community, or guarantee of public access, by the title-holder.

5. Describe grievance mechanisms available:

Annex 3 (iii) -Format to Document Contribution of Assets

The following agreement has been made on..... day of.....

between.....resident of(the Owner)
and(the Recipient).

1. That the Owner holds the transferable right ofjerib of land/structure/asset in.....
2. That the Owner testifies that the land/structure is free of squatters or encroachers and not subject to other claims.
3. That the Owner hereby grants to the Recipient this asset for the construction and development offor the benefit of the villagers and the public at large.

(Either, in case of donation:)

4. That the Owner will not claim any compensation against the grant of this asset.

(Or, in case of compensation:)

4. That the Owner will receive compensation against the grant of this asset as per the attached Schedule.
5. That the Recipient agrees to accept this grant of asset for the purposes mentioned.
6. That the Recipient shall construct and develop the.....and take all possible precautions to avoid damage to adjacent land/structure/other assets.
7. That both the parties agree that the.....so constructed/developed shall be public premises.
8. That the provisions of this agreement will come into force from the date of signing of this deed.

Signature of the Owner:

Signature of the Recipient/MRRD/MPW:

Witnesses:

1._____

2._____

(Signature, name and address)

(Attestation by District/Province Judge, Date)

Confirmation of CDC:

Signature/Stamp

Confirmation of District Authority:

Signature /Stamp

Annex 3(iv) -Compensation of Asset Requisition

Summary of unit/item	Units to be Compensated	Agreed Compensation affected
-----------------------------	--------------------------------	-------------------------------------

a. Urban/agricultural land (jerib): _____

b. Houses/structures to be demolished (units/jerib): _____

c. Type of structure to be demolished (e.g. mud, brick, etc.)
_____ Not Applicable.

d. Trees or crops affected (units/jerib): _____

e. Water sources affected: _____

Compensation Detail:

Type of compensation.....
Amount of Compensation: in AFS(.....) In USD
(.....).

Signature of PAP signifying his/her agreement:

Signatures of local community representatives, shura head:

Include record of any complaints raised by affected persons:

Map attached (showing affected areas and replacement areas):

(Attestation by District/Province Judge, Date)

Annex 4: CCAP's Operational guidelines for Land and Asset Acquisition, Entitlements and Compensation

4(i): Guidelines for Land and Asset Acquisition, Entitlements and Compensation

I. Objectives

Land acquisition will be kept to a minimum and no person will be involuntarily displaced under sub-projects financed by the proposed CCEP in rural and urban area. Subproject proposals that would require demolishing houses or acquiring productive land should be carefully reviewed to minimize or avoid their impacts through alternative alignments. Proposals that require more than minor expansion along rights of way should be reviewed carefully. No land or asset acquisition may take place outside of these guidelines. A format for Land Acquisition is attached as Annex (2i). For prevention of paper work for obtaining of Land for sub-project needs minor pieces of land less than 20sqm in different spots but inside a project (such as shallow well) Land Acquisition Attachment (2ii).

These guidelines provide principles and instructions to compensate affected persons to ensure that all such persons negatively affected, regardless of their land tenure status, will be assisted to improve, or at least to restore, their living standards, income earning or production capacity to pre-project levels.

II. Eligibility

PAPs are identified as persons whose livelihood is directly or indirectly affected by the project. PAPs deemed eligible for compensation are:

- (1) those who have formal legal rights to land, water resources or structures/buildings, including recognized customary and traditional rights;
- (2) those who do not have such formal legal rights but have a claim to usufruct right rooted in customary law;
- (3) those whose claim to land and water resources or building/structures do not fall within (1) and (2) above, are eligible to assistance to restore their livelihood.

Acquisition of Productive Assets and Compensation

PAPs are eligible for replacement costs for lost assets as described below:

- a. *Voluntary contributions.* In accordance with traditional practices, individuals may elect to voluntarily contribute land or assets and/or relocate temporarily or permanently from their land without compensation.
- b. *Contributions against compensation.* A contributor/asset loser considered "affected" will be eligible for compensation from the local community or alternatively from the Government. A PAP shall lodge his/her claim for compensation to the local community representatives/shura head and it shall be verified by the implementing agency. The claim shall be lodged within 2 weeks of completion of the consultations with the concerned community, and before project implementation begins.

Voluntary contribution, or contribution against compensation, should be documented. The documentation should specify that the land is free of any squatters, encroachers or other claims.

III. Compensation Principles

The project implementing agencies shall ensure that any of the following means of compensation are provided in a timely manner to affected persons:

- (1) Project affected persons losing access to a portion of their land or other productive assets with the remaining assets being economically viable are entitled to compensation at replacement cost for that portion of land or assets lost to them. Compensation for the lost assets will be according to following principles:
 - a. replacement land with an equally productive plot, cash or other equivalent productive assets;
 - b. materials and assistance to fully replace solid structures that will be demolished;
 - c. replacement of damaged or lost crops and trees, at market value;
 - d. other acceptable in-kind compensation;
 - e. in case of cash compensation, the delivery of compensation should be made in public, i.e. at the Community Meeting.
- (2) Project affected persons losing access to a portion of their land or other economic assets rendering the remainder economically non-viable, will have the options of compensation for the entire asset by provision of alternative land, cash or equivalent productive asset, according to the principles in (1) a-e above.

Annex 4(ii): Land Acquisition Form

Province:

Community/Gozar:IP: GPS

Coordinates:

District/Nahiya:
prt: Yes

Community ID:Is Land Acquired for sub-
No

A) Land Acquisition Assessment

Voluntary donation /purchase / government		Current use	
Quantity of land		Squatters	
Location		Encroachers	
Owner/Owners		Tenants	
(کروکی زمین داده شده) * Attach the location plan			
North:		Eas t:	
South:		We st	
Right of way		buffering area (m2)	
Water right		Inherit status 00	

B) Transfer of ownership agreement

- The following agreement has been made onday ofbetweenresident of(The Owner/s) with National ID/s registration number, page, volume and(the Recipient).
- That the Owner/s holds the transferable right ofjerib/m² of land in
- That the Owner/s testifies that the land is free of squatters or encroachers and not subject to other claims.
- That the Owner/s hereby grants to the Recipient this asset for the construction and development offor the benefit of the villagers and the public at large.
 - a. That the owner/s will not claim any compensation against the grant of this land. (in case of donation)
 - b. That the owner/s will receive compensation against the grant of this land as per the Schedule of Compensation of Asset Requisition.
- That the Recipient (CDC) agrees to accept this grant of land for the purpose mentioned and shall construct and develop the and take all possible precautions to avoid damage to adjacent land/structure/other assets.
- That both the parties agree that theso constructed/developed shall be public premises.

- That the transfer of the title of the land is in accordance with the law.
 - That the provisions of this agreement will come into force from the date of signing of this agreement.
-

Signature of the Owner
Recipient (CDC)

Signature of the

Witnesses: 1.....

2..... (Signature, name and
address)

Schedule of Compensation of Asset Requisition

Summary of Compensation	Units to be Compensated	Agreed
Affected unit/item		
a. Urban/agricultural land (m ²):		
b. Houses/structures to be demolished (units/m ²):		
c. c. Type of structure to be demolished (e.g. mud, brick, etc.)		Not Applicable.
d. d. Trees or crops affected:		
e. e. Water sources affected:		

Signatures of local community representatives, shura head:

Include record of any complaints raised by affected persons:

Map attached (showing affected areas and replacement areas):

Signature and Stamp of District Manager or Regional Office (ناحية مربوطة) to confirm the transferring of mentioned amount of Land to the subproject:

.....

Annex 4(iii): Land Transaction Form For sub-projects required minor pieces of land (less than 20sqm project such shallow well),

Province:

Village/Guzar:

GPS Coordinates:

District/region:

Community ID:

Details and Agreement of Land Donors

S r .N	Name	F. Name	Type of Land Provided		Am oun t of Lan d (M ²)	Locations	Thumb of the Owner	Name and Thumb of the witnesses	
			Priv ate	Purcha sed				First	Second
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

Transfer of ownership agreement

The following agreement has been made onday ofbetweenresident of(The Owner/s) and(the Recipient) That the Owner/s holds the transferable right ofsquare meter of their land (details are in upper table) and testifies that the land is free of squatters or encroachers and not subject to other claims for the construction and development offor the benefit of the villagers and the public at large.

That the provisions of this agreement will come into force from the date of signing of this agreement.

Signature of the Recipient

Witnesses: 1..... 2..... (Signature, name and address)

Note: all other terms and conditions are applicable based on CCEP ESMF Land Transaction Guidelines.

Signature and Stamp of District Manager to confirm the transferring of mentioned amount of Land to the subproject:

.....

Annex 4(iv): Abbreviated RAP: Procedures

The Resettlement Framework outlines the principles and approaches to be followed in addressing and mitigating the social impacts due to the project. The provincial PMUs, in co-ordination with the Shura/CDC at the village/district level and project engineer of respective subproject will be responsible for the planning and implementation of resettlement framework addressing social issues. The most important issue will be documentation of these proceedings to avoid any communication gap in future. The procedures are as hereunder:

Task 1:

- **Selection of Roads/other community infrastructure**, for widening/rehabilitation/ new construction
- **Dissemination of Project Information**, after selection of roads and prior to finalization of the alignment through Transect Walk;
- **Finalization of alignment** through community planning involving the local communities and provincial departments during Transect Walk Consultations, a strip plan will be used to make inventory of social features and identify impacted properties;
- **Consultation with affected persons**, to verify whether concerns of the communities and PAPs have / have not been incorporated into the project design through disclosure of outputs of Transect Walk.
- **Integrating Abbreviated RAP in project document where additional land is required**, ensuring that the designs for the ARAP AF roads are sensitive to social issues and have incorporated the social considerations;

Task 2:

- **Disclosure of process of land requirement and entitlement provisions**, to provide information to PAPs.
- **Census of PAPs**
- If land acquisition is taken place with compensation to PAPs, compensation shall be issued and received by each PAP prior to physical acquisition and start of physical works.
- **Serving Advance Notice (not less than 3 months)**, for removal of encroachments and clearance of assets or standing crops;
- **Entering MoUs between CDC/CCEP and Individual/Group Landowners**, to be coordinated by Regional PIU, which will submit a copy each to district governor and PIU at Kabul. This will ensure documented record of land donated or transferred to the ministry against compensation. In case of projects where individual PAPs are not significant in terms of numbers and amount of the land/asset loss of each PAP, MoU between PAPs and CDC /NRAP can be signed. In such case, MoU paper shall contain name and signature of all the persons whose land/asset will be transferred to the road voluntarily.
- **Information Disclosure and Consultations before construction:** The community representative/contractor, as the case may be, shall, prior to mobilization of work, provide

details of temporary impacts during construction such as disruption on existing pathway, increased pollution levels, possible damages to adjacent land due to movement of machinery and project completion date so that community is well aware of the project issues. Similar provision shall be made for separate consultation with women of the community.

Compensation Criteria

In accordance with World Bank OP/BP 4.12, on involuntary resettlement, a project requires a full Resettlement Action Plan (RAP) in case the number of affected people is from 200 and above and/or when the land acquisition has significant impact, i.e. exceeding 10 percent of the total holding and/or livelihood impact. Such sub-projects will not be funded under the present ARAP AF project. If 200 people or less will be involuntarily displaced or affected, an Abbreviated Resettlement Action Plan (ARAP) will be prepared (format attached).

In this regard, with the support of established social committee comprehensive consultations and discussion will be conducted with each PAP, community elders, CDCs (male and female), local government agencies, rich people and other stakeholders as declared in CCM to encourage them to provide necessary compensation for PAPs.

The resettlement framework for addressing various social impacts created by the project is summarized in the Table below:

Impact Category	Proposed Measures
<i>Title Holders</i>	
Land	<ul style="list-style-type: none"> • Alternative design options to be considered • Verify land ownership and that land is not subject to competing claims • In case of unavoidable acquisition: Identify all formal and informal landowners and cultivators along alignment. Accelerate consultation with PAPs and encourage community in order to provide compensation and support to PAPs through: <ul style="list-style-type: none"> (i) Alternate land sites and or Monetary compensation by community/CDC/Shura with the technical support of PIU • Following payment of compensation or donation in case of limited impact, a MoU should be issued reflecting the transfer of the land from the private owner to the ministry incl. the conditions of transfer (against compensation or free donation).
Structures	<ul style="list-style-type: none"> • Affected assets and structures on acquired land should be compensated in kind or cash by community and CDC/Shura with the technical support of PIU

	<ul style="list-style-type: none"> • Any walls, water channels, structures and other local properties damaged by project implementation will be rehabilitated by the project free of cost to the owner
Common Property Resources	<ul style="list-style-type: none"> • Relocation by Shura/community/CDC with technical inputs from PIU ,or • Reconstruction of asset by the project and or Shura/community/CDC
Customary Right Holders/Informal Settlements	
Land	<ul style="list-style-type: none"> • Verification of land ownership through local evidence and community consultations facilitated through CDC/Shura • Follow same procedures as in case of acquisition of formal land (see above)
Structures	<ul style="list-style-type: none"> • Affected assets and structures on acquired land should be compensated in kind or cash by ARAP AF project, community and CDC/Shura with the technical support of PIU • Any walls, water channels, structures and other local properties damaged by project implementation will be rehabilitated by the project free of cost to the owner
<i>Serving Advance Notices:</i>	
<ul style="list-style-type: none"> • Advance notice to removal of assets/standing crops and subsequent clearance; • Involvement of Shura/CDC/community in sensitization and clearance of land 	

In addition, the job priorities will be given to those PAPs who are identified as poor, disabled, and widows or put suffering adverse impacts on their livelihood by losing their properties or losing their sharecropping or tenancy contracts due to project. The above mentioned vulnerable groups may also need some on the job training.

Annex 5: Guidelines for Voluntary Land Donations in EZ-KAR sub projects¹⁴

- Land to be donated must be identified by the community through a participatory approach
- Impacts of proposed activities on donated land must be fully explained to the donor
- The potential donor is aware that refusal is an option, and that right of refusal is specified in the donation document the donor will sign
- The act of donation is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities
- The donor may request monetary or non-monetary benefits or incentives as a condition for donation
- The proportion of land that may be donated cannot exceed the area required to maintain the donor's livelihood or that of his/her household
- Donation of land cannot occur if it requires any household relocation
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land
- Verification must be obtained from each person donating land (either through proper documentation or through confirmation by at least two witnesses)
- The implementing project (CCAP/KMDP/CIP) establishes that the land to be donated is free of encumbrances or encroachment and registers the donated land in an official land registry
- Any donated land that is not used for its agreed purpose is returned to the donor.

37. Each instance of voluntary land donation in an EZ-KAR sub-project must be documented. This requires written notification indicating the location and amount of land that is sought and its intended use for the subproject, and requires a formal statement of donation, establishing informed consent and signed by each owner or user involved. The implementation project maintains a record with documentation for each instance of land donation. The documentation is made available for review in any grievance that may arise, and is provided to the World Bank upon request.

38. The EZ-KAR sub-project must specify means by which land donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

¹⁴ Extrapolated from '*How to Note on Application of Social Safeguards Policies to Community-Driven Development Projects*' World Bank, (2015)

Annex 5b. Voluntary(Land) Donation Template

Municipality		
District		
CDC/Gozar		
Sub Project ID		

Name of Land Owner(s)		Beneficiary of the Project: Y/N	
Sex	Age	Occupation	ID Number
House Number/Street Number			
Has the sub project verified that the donor is the legitimate owner of the land/assets?			
Is the landowner fully aware of his entitlements under the EZ KAR RPF?			
Description of land that will Be taken for the sub project	Area Affected:	Total Landholding Area	Ratio of land affected to total land held
Description of what the land is being used for now and sub project impact			
		Details	Number
Trees that will be destroyed			
House or portion of a house that may be destroyed			
Businesses that may have to move			
Other			
Describe other assets that may be lost or must be moved to implement the sub project			
Value of donated assets			

By signing or providing thumb print on this form the land owner agrees to contribute assets to the sub project and in so doing relinquishes any future claim against the sub project. The

contribution is voluntary. The land owner does not wish to contribute her/his assets to the sub project , she or he should refuse to sign or provide a thumb print and ask for compensation instead

Representative from Municipality's signature

Affected Person's signature

Date:

Date: