

CASA 1000

Government of the Republic of Tajikistan

RESETTLEMENT POLICY FRAMEWORK

February 2014

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## GLOSSARY OF TERMS

### DEFINITIONS

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

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

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

(a) the involuntary taking of land resulting in:

i) relocation or loss of shelter;

ii) loss of assets or access to assets; or

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

(b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

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

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

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

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

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

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

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

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

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

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

## 1. Project Context

The Central Asian (CA) Republics have large energy resource potential relative to their domestic needs. However, hydro-rich countries like Tajikistan have not been able to realize their potential, in part because of the significant resources needed to develop the associated transmission lines and the lack of regional cooperation. The result is that a lot of water is wastefully spilled in summer without any electricity generation.

Tajikistan is heavily dependent on hydroelectric power, with about 95 percent of the electricity generated are coming from hydroelectric sources. The power balance is highly seasonal, resulting in power generation far exceeding demand in summer and deficits occurring in winter. The electric transmission and distribution system is in serious need of improvement and modernization. As a result, Tajikistan is forced to import and export a significant amount of power. This imperfect system has also led to inconsistent power supply to remote areas. More energy producing capacity is needed to resolve domestic energy problems and provide them the ability to export electricity to neighboring countries.

Afghanistan (AF), the Kyrgyz Republic (KR), Pakistan (PK) and Tajikistan (TJ) have been pursuing the development of electricity trading arrangements and the establishment of a Central Asia - South Asia Regional Electricity Market (CASAREM) for a number of years. One of the key components of this initiative is the development of the cross-border transmission interconnection between these countries to facilitate the transfer of surplus power within the region. The development of the first phase of CASAREM, which is to establish the necessary transmission and trading infrastructure and systems to enable a trade of 1000 MW to 1300 MW of electricity between Central Asia and South Asia, is referred to as “CASA-1000”.

The CASA 1000 project comprises construction of a transmission line to enable electricity exports from Tajikistan and the Kyrgyz Republic to Afghanistan and Pakistan. The recommended project configuration is as follows:

- A 500 kV AC line from Datka to Khujand (477 km) to transfer the surplus power from the Kyrgyz Republic to Tajikistan, where the internal network transfers this power to Sangtuda;
- A 500kV single-circuit AC line (115km) in Tajikistan between Regar and Sangtuda substations;
- A 1,300 MW AC-DC convertor Station in Sangtuda;
- A 750 km HVDC line from Sangtuda to Peshawar via the Salang Pass and Kabul;
- A 300 MW DC-AC convertor Station in Kabul; and
- A 1,300 MW DC-AC convertor Station in Peshawar.

The length of the HVDC line is 117 km in Tajikistan, 562 km in Afghanistan and 71 km in Pakistan.

The project cost is estimated at about US\$ 900 million based on current market conditions which may change eventually in response to market volatility.

## **2. Justification for and Focus of the Resettlement Policy Framework (RPF):**

The Resettlement Policy Framework (RPF) provides guidelines for the development of appropriate mitigation and compensation measures for land acquisition impacts caused by project activities whose exact locations are not known.

This RPF will inform all activities involving land acquisition, restriction of access to land, or loss of assets. OP 4.12 on Involuntary Resettlement has been triggered for the project, as the High Voltage Transmission line may go through areas where it may require temporary or permanent land acquisition, rehabilitation or construction of new structures involving temporary or permanent land acquisition, and crops or fruit trees that may have to be cut.

Since these detailed impacts will only be known once detailed designs are prepared, and the possibility of land acquisition and restrictions in access cannot be ruled out at this stage, the Government of the Republic of Tajikistan has agreed to develop an RPF. The RPF will identify the possible impacts from project activities, describe the range of potential impacts (temporary and permanent) to land use/access and structures and describes how compensation rates will be determined and procedures for the same. Where there is a gap between national and World Bank procedures, the latter will prevail for all activities financed under this project. The RPF will serve as a screening device to ascertain if there will be any impacts resulting from project activities. The RPF is intended as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for activities during implementation of the comprehensive project. If any impacts are identified, the Government of the Republic of Tajikistan will develop individual Resettlement Action Plans for each sub project based on the guidelines and procedures highlighted in the RPF document.

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

## **3. Objectives and Principles of Resettlement Planning**

This Resettlement Policy Framework (RPF) outlines the principles and procedures to ensure that if resettlement needs are identified, then the Government of Republic of Tajikistan will enact a decree on resettlement for CASA 1000. The Minister of Energy and Water Resources will have the overall responsibility for supervision and management of CASA 1000 including any resettlement issues. The PIU will follow the procedures and comply with the legislation including the decree on resettlement by the Government of Republic of Tajikistan along with the WB's policy OP 4.12 on Involuntary Resettlement. As noted below, in case of disparity of the laws of the Republic of Tajikistan with the requirements of the policy of the WB on involuntary resettlement the principles and procedures of OP 4.12 should be applied. The RPF sets out the legal framework, eligibility criteria of displaced population, valuation methodology, compensation provision, entitlement matrix, implementation process, consultation procedures,

grievance remedy mechanisms, entitlement payment procedures, and monitoring and evaluation procedures for land acquisition and resettlement under this project.

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

The RPF is based on the following principles:

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

It should be noted that according to World Bank's Policy OP 4.12, the term resettlement encompasses more than the 'physical relocation or resettlement' of affected people. It is defined as the direct social and economic impacts of a project that are permanent or temporary and are caused by the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (iv) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

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



## 4. Relevant legislation of the Republic of Tajikistan

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

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

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

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

The amount of compensation is determined by an interdepartmental commission established at the district level where the acquisition will take place. This commission is chaired by the Deputy Head of District and members include representatives from various line departments, Barqi Tojik and community. Determination of losses of land users during the acquisition of agricultural lands should be established on the basis of corresponding documents, provided by the land user.

In case a consensus is not achieved on the size of compensation of losses and amount of damage, the land user can apply to court with a request to compensate damage occurred during the land exemption.

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

The Land Code requires that the institution which is interested in the land acquisition should justify the necessity of such acquisition and demonstrate that the plot of land should be seized and there is no alternative for the project implementation. The land plot could be seized in cases of need of construction of buildings and constructions or implementation of works of the state interest. If the project presents the interest of the state, the beneficiary of the project has to prepare a proposal on land acquisition required for the purposes of commencement of such acquisition. In accordance with the Law, the process of acquisition has to be completed and all people and households which were included into the project zone provided with the compensation before permission is granted to commence construction.

The following laws and normative legal acts regulate land acquisition for the state and public, involuntary resettlement and compensation of losses related to such acquisitions:

- The Constitution of the Republic of Tajikistan establishes land as an exclusive property of the state.
- The Land Code, Civil code, rules on land allocation for individuals and legal entities.
- The Land Code of the Republic of Tajikistan is a systematized code of rules regulating complex of relations arising in the process of possession and use of land.
- The Civil Code of the Republic of Tajikistan is regulating the legal status of participants of civil circulation, grounds for arising of rights and order of their implementation, contractual obligations, property and non-property relations.
- The Law of the Republic of Tajikistan dd. 12 May, 2001 "On Land Valuation" establishes legal grounds for normative land valuation.
- The Law of the Republic of Tajikistan dd. 14 May, 2004 "On Local Bodies of the State Authority" establishes normative grounds for allocation and reallocation of land.
- The Law of the Republic of Tajikistan dd. 5 January, 2008 "On Land Management" regulates relations connected to legal grounds of activities in the sphere of land management.
- The State Land Cadastre is a system of information and documentation on natural, economic and legal status of lands, their categories, qualitative characteristics and economic value.
- Regulation on the order of compensation for losses of land users and damage of the agricultural production process, approved by the Resolution of the Government of the Republic of Tajikistan # 641, dd. 30 December, 2011, establishes an order of compensation of losses of land users.
- The Civil Procedural Code of the Republic of Tajikistan establishes an order, rules and terms of judicial protection in case of legal proceedings on matters related to involuntary resettlement.
- The Economical Procedural Code of the Republic of Tajikistan also establishes an order, rules and terms of judicial protection in case of legal proceedings on matters related to involuntary resettlement.

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

Differences between Tajikistan Law (Land Code) and WB policy are outlined in the table below.

**Table - Comparison of Republic of Tajikistan Land Code and WB Policy**

<b>Provisions of Republic of Tajikistan's Land Code</b>	<b>WB's Policy on Involuntary Resettlement</b>
<p>Compensation for acquired land only for titled landowners, those with formal land use shares. Any informal agreements between primary land user and renter are not acknowledged.</p>	<p>Lack of formal title to land will not bar PAPs from entitlements, those people without legal title to land and/or structures occupied or used by them are entitled to various options of resettlement assistance, provided they cultivated/occupied the land before the eligibility cut-off date.</p>
<p>Consultation with PAPs or communities not required.</p>	<p>PAPs are to be fully informed and consulted on compensation, entitlements and resettlement options incl. relocation sites. Includes consultation, participation, information dissemination campaigns, and opportunities to participate in monitoring based on the nature and scale of impacts. Resettlement plans to be developed and prepared in consultation with PAPs and other stakeholders. Grievance redress mechanisms are to be established. Requirement for gender specific consultation and information disclosure.</p>
<p>Land compensation is at replacement rates through provision of land for land or in cash. Normative land prices are established through coefficients. No specific reference as to whether depreciation and/or deductions should be factored in.</p>	<p>Land for land as a priority, with replacement land to be acceptable to PAPs and combination of productive potential, location advantages, and other factors of which is at least equivalent to the advantages of the land taken. If suitable land cannot be found, compensation in cash, or a combination of land and cash, at replacement value, that is current market value plus any transaction costs associated with transfers or the purchase of replacement land.</p>
<p>Compensation for other assets (structures, crops and trees and business income) is at market rate. No provision for replacement cost, severe impacts or vulnerable PAPs. Does not clearly provide for transition expenses/costs.</p>	<p>The amount of cash or kind needed to replace an asset in its existing condition, at current market price without deduction for depreciation or any material salvaged, and including the costs of any transaction (administrative charges, taxes, registration or titling costs). Includes provision of transfer or relocation allowances as needed.</p>
<p>At infrastructure planning stage, proposals for acquisition of agricultural or high-yielding land discouraged when other land</p>	<p>Any land acquisition and resettlement is to be avoided, or if it cannot be avoided, it should be minimized by exploring all viable options.</p>

is available.	
No clear provision for livelihood disruption.	Requires compensation for disruption of livelihoods and loss of income as a result of land acquisition for project purposes.
Compensation for temporary land acquisition limited to compensation for current losses and costs associated with standing crop for one year at Government rates.	Compensation for temporary land acquisition for standing crop, all structures regardless of legal status at replacement cost or re-construction of replacement structure as well as compensation for any disruption in access that may affect income (e.g. for shops) or livelihood (e.g. access to schools).

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

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

The main provisions affording reconciliation of the differences between Land Code and World Bank Policy include:

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

It must be especially noted that under the WB OP 4.12, status of those without legal title is clearly defined. In accordance with this policy, **those people who do not possess official legal title or judicial rights for the land use, but still use the state land are entitled to receive compensation, taking into account the investments they made into the state land, their labor and lost assets, but not for land ownership as in the case of a titled owner. Instead, alternative sites are allocated for their use, or other forms of assistance in lieu of land**

**compensation, are provided to those informally using or occupying land to the project cut-off date.**

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

## **6. Eligibility Criteria and Procedures for various categories of Affected People**

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

### **6.1 Principles**

The involuntary taking of land results in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. OP 4.12 suggests the following three criteria for eligibility:

- a) Those who have formal rights to land recognized under Tajik Law.
- b) Those who do not have formal legal rights to land at the time the project or census commences but have a claim to such land or assets provided that such claims are recognized under the laws of Tajikistan or become recognized through a process identified in the RPF / RAP.
- c) Those having no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from before the cut-off date, but are recognized under World Bank OP 4.12.

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

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

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

Eligibility for assistance under World Bank OP 4.12 also applies for project affected persons even if it is deemed that Tajikistan legal provisions provide for temporary or permanent acquisition of private land immediately adjacent to existing public roads without compensation.

## 6.2 Eligibility Criteria and Entitlements

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

The criteria for eligibility is based on PAPs belonging to one of three groups: (a) those who have title or formal legal rights to land; (b) those who do not have formal legal rights to land at the time of the Inventory of Losses (IOL)/Detailed Measurement Survey (DMS) or census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the RAP;<sup>1</sup> and, (c) those who have no recognizable legal right or claim to the land they are occupying (i.e. non-titled users or informal settlers).

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

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

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

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<sup>1</sup> This includes people who have not yet completed registration and who are considered as "legalizable" users (this will be identified as a form of land tenure in the IOL), they will be entitled to compensation as if they are legal/titled owners of land. The RAPs prepared will establish that continued facilitation of the registration process will be undertaken as part of livelihoods/wellbeing restoration under the Project's resettlement process.

Households headed by single women with dependents and other vulnerable households will be eligible for further assistance to fully mitigate project impacts. Table 5.1 below presents the Project’s entitlement matrix, based on potential losses.

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

6.3 Entitlement Matrix: Eligible PAPs, Assets and Compensation Guidelines

<b>Project Impact</b>	<b>PAP Category</b>	<b>Asset Affected</b>	<b>Compensation Guide</b>
Permanent acquisition of land for works such as construction of transmission towers or sub stations or any other structures associated with the construction of transmission lines.	Primary land user	Land	Replacement land of equivalent market value as priority option within 3 km radius. Failing availability of land, cash compensation at replacement cost. If over 10% of land is acquired, an additional 5% of replacement value will be paid (increasing to 10% if over 20%) as a severe impact subsidy. If the remainder of the plot is not economically viable the entire plot will be purchased.
Temporary acquisition of land for works, or construction.	Primary land user	Land	Rental value of land based on market rates and restoration of land and all assets thereon to former status.
Temporary acquisition of land for works, or construction	User/occupier without certificate	Land	Restoration, replacement or compensation of all assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis.

Permanent acquisition of land for works such as construction of transmission towers or sub stations or any other structures associated with the construction of transmission lines.	Land renter or share-cropper	Land	In addition to land user compensation. Reimbursement of rent for remainder of contract period, plus 3 months of rent or 3 months of market price of share-cropping produce as disturbance allowance.
Permanent acquisition of land for works such as construction of transmission towers or sub stations or any other structures associated with the construction of transmission lines.	User/occupier without certificate	Land	Compensation equal to 2 months of rent/share-cropping benefit as disturbance allowance.
Permanent acquisition of land for works such as construction of transmission towers or sub stations or any other structures associated with the construction of transmission lines.	Primary land user	Crops	In addition to land compensation, will be allowed to take standing crop and cash compensation for 2 seasons or annual crop yield depending on the crop.
Permanent acquisition of land for works such as construction of transmission towers or sub stations or any other structures associated with the construction of transmission lines.	Tenant farmer, share-cropper or informal user/occupier	Crops	In addition to land compensation, allowed to take standing crop and cash compensation for 2 seasons or annual crop yield depending on the crop.
Permanent acquisition of land for works such as construction of transmission towers or sub stations or any other structures associated with the construction of transmission lines.	Owner	Business	In addition to land compensation, owner will be paid for the lost income during the transition period, calculated on the basis of average daily / monthly income Further, an additional payment equivalent to



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			three month's income will be paid to restart the business in the new location.
Permanent acquisition of land for works such as construction of transmission towers or sub stations or any other structures associated with the construction of transmission lines.	Renter	Business	The renter will be reimbursed the rent for the remainder of the contract. Further, an additional payment equivalent to three month's income will be paid to restart the business in the new location.
Temporary acquisition of land for works, or construction.	Owner	Business	Rental value of land based on market rates and restoration of land and all assets thereon to former status. In addition, owner will be paid for the lost income during the transition period, calculated on the basis of average daily / monthly income.
Temporary acquisition of land for works, or construction.	Renter	Business	In addition to the reimbursement of rent during the transition period, the renter will be paid for the lost income during the transition period, calculated on the basis of average daily / monthly income.
Common Property uses such as Grazing	User	Grazing land	Grazing can continue. No expected impacts on grazing land.
Destruction of fruit tree (mature)	Owner	Fruit tree	Allowed to take standing crop. Price of a sapling and associated cost (fertilizer, water, labor) and cash compensation for the value of a mature tree harvest multiplied by number of years it will take for the sapling to reach maturity.

Commercial tree owner	Owner	Commercial trees	Price of a sapling and cash compensation for the market value of the commercial tree. Any costs associated with planting of saplings in the new plot.
Permanent acquisition of legal structure.	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Replacement structure or cash compensation at replacement value of a new structure plus full compensation for all fees needed to make replacement structure legal. Affected buildings/structures should be compensated in their entirety.
Permanent acquisition of illegal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Replacement structure or cash compensation at replacement cost. Affected buildings/structures should be compensated in their entirety.
Temporary acquisition of legal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Structure restored to original condition. If inconvenienced then build a temporary replacement structure to service the affected person.
Temporary acquisition of illegal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Structure restored to original condition with alternatives for legalization. If inconvenienced then build a temporary replacement structure to service the affected person.
Vulnerable people	Identified on the basis of the socio-economic survey and criteria developed such as income level, disability, household size, etc. Vulnerable people may include the disabled, pensioners, widows, female-headed households,		In addition to compensation for assets lost, a lump-sum equivalent to one year of average salary payments could be paid depending on the impacts. Any additional impacts to be

	and impoverished households) and only if project renders them vulnerable.		identified and compensated, for example logistical support may be required for moving, and assistance in the restoration of livelihoods may be required.
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*6.4 Methods to Determine Cut-Off Dates*

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

This communication will be done through CASA 1000 PIU under the overall supervision and management of the Minister of Energy and Water Resources, and in line with the consultation procedures outlined in this document. The potential PAPs will be informed through both formal notification including through local and national mass-media, in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

## **7. RPF and RAP Implementation Arrangements and Procedures**

### **7.1 Overview**

The overall coordination of the project will be provided by CASA 1000 Project Implementation Unit (PIU) under the overall supervision and management of the Minister of Energy and Water Resources. This unit will oversee all resettlement planning and coordinate all compensation related issues. CASA 1000 Project Implementation Unit (PIU) under the overall supervision and management of the Minister of Energy and Water Resources will collaborate closely with Jamoat (self-governing body in towns and townships) and Head, District Administration for locations in rural areas, and Mayor for cities.

The implementation arrangements of the RPF build on:

- Previous experiences, for example transmission line project from Sangtuda to Afghanistan; and
- The implementation arrangements for resettlement and compensation activities in line with the Republic of Tajikistan legislation outlined in this document.

Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for sub-projects. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each project activity. These are based on the institutional

structure at the time of writing the RPF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

## **7.2 Screening of Project Activities**

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

Screening will be undertaken in accordance with established screening criteria and procedures, by consultants contracted to design the construction of transmission towers and sub stations under the supervision of CASA 1000 Project Implementation Unit (PIU)<sup>2</sup> who might be given the responsibility to oversee the construction process. No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts.

## **7.3 Socio-Economic Profiling and Inventory of Losses**

Should the screening process show that land acquisition will be required<sup>3</sup>, the next step will be the socio-economic identification and profiling of Project Affected Persons (e.g. their age, asset dependence, income, family status etc.). This is the equivalent of a census conducted for large-scale resettlement. Similar to a census, 100% of PAPs will be profiled. This step should take place at the same time as the inventory and valuation of all assets affected for each individual PAP.

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

The screening process will involve direct consultation with the PAP(s) who will work with the CASA 1000 PIU representative and officials from the Jamoat (sub-district), mahalla (village) and District Administration (or Mayor / Municipal Corporation in case of cities and towns) on-site to verify the affected assets and discuss their socio-economic situation. Before the process begins, the PAP(s) will be advised in writing and verbally of their rights and will be consulted throughout the resettlement process. This will include sharing a copy of the grievance redressal procedure and the entitlement matrix.

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<sup>2</sup> There will be a Government decree whereby an agency (for example Barqi Tojik or could be another agency) will be made responsible to oversee the tender for construction of transmission lines. The agency will oversee the construction activities.

<sup>3</sup> The Power Grid Corporation of India report (dated May 2013) states that agricultural land will be impacted at the construction phase and when large scale maintenance measures are taken. Agriculture land will be lost at the base of the tower which is estimated at 0.2 – 1.0 sqmts per average farm holding (Regar – Sangtuda corridor)

## 7.4 Development of the RAP

Following the socio-economic census and identification of affected persons, a RAP will be developed. This will be coordinated by CASA 1000 Project Implementation Unit (PIU), specifically the Project Social Officer, with inputs from different ministries, Barqi Tojik, Head of District Administration and representative from Jamoat.

The RAP will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes. Consultation with local village leaders and community members will be critical in determining all the landowners or asset owners especially in cases where the landowners or asset owners may be absent. The PIU will make every effort to identify missing or absent landowners using local consultations, inquiry, and mass media as necessary. Absent PAP assets will be valued and included in the RAP. Compensation will be set aside in an escrow account for future payment. Compensation will be paid, as indicated in the RAP, if the owner makes him/herself known and his/her identity is validated. The basic elements of a RAP, as outlined in the World Bank's OP4.12 are provided below. Each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available on the World Bank's website ([www.worldbank.org/safeguards](http://www.worldbank.org/safeguards)) or in the World Bank's Involuntary Resettlement Sourcebook.

It is assumed that there will be some impacts on the displaced population in this project although at this stage its extent or absolute numbers are not known. Discussions with the officials from the Ministry of Energy and Water Resources, Barqi Tojik and Department of Land Code reveals that the impacts on the entire displaced population will be minor (i.e. affected people are **not** likely to be physically displaced and less than 10% of their productive assets will be lost) and fewer than 200 people would be affected in any activity. As a result an abbreviated RAP (as defined in OP 4.12) may be prepared. Also for any given RAP it is likely that only a handful of people will be affected as RAPs will be prepared for individual sub-projects that require land acquisition.

RAPs will contain a number of standardized sections (project description, legal and institutional framework, eligibility and entitlement matrix etc.) that are already found in the RPF, followed by a section specific to the affected site (socio-economic profile of the PAP (s), inventory of losses, compensation and resettlement costs and budget etc.). While household-level data is essential to the RAP, for the purposes of privacy, information identifying individuals or households in the RAP need not be publicly disclosed. A typical table of contents for a RAP will contain the following elements:

- a) Description of the project
- b) Resettlement objectives
- c) Legal and institutional framework.
- d) Eligibility and entitlement matrix
- e) Valuation of and compensation for losses
- f) Consultation and participation
- g) Grievance procedures

- h) Monitoring and evaluation
- i) Organizational responsibilities
- j) Site Specific resettlement impacts and compensation:
  - 1. PAP(s) socio-economic profile
  - 2. Inventory of losses
  - 3. Cost and budget
  - 4. Implementation schedule

## **7.5 Disclosure and Approval of RAP**

Following RAP preparation, a number of steps must be followed:

CASA 1000 Project Implementation Unit's (PIU's) Project Social Officer must submit the RAP to the Head of CASA 1000 PIU for his/her review who in turn will seek the approval of the Minister, Energy and Water Resources. The Minister of Energy and Water Resources will have the overall supervision and management responsibility of CASA 1000. CASA 1000 PIU, and should ensure compliance with the RPF, and consistency in approach between different activities. Capacity for RAP review and approval will be built at CASA 1000 PIU. This will be through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.

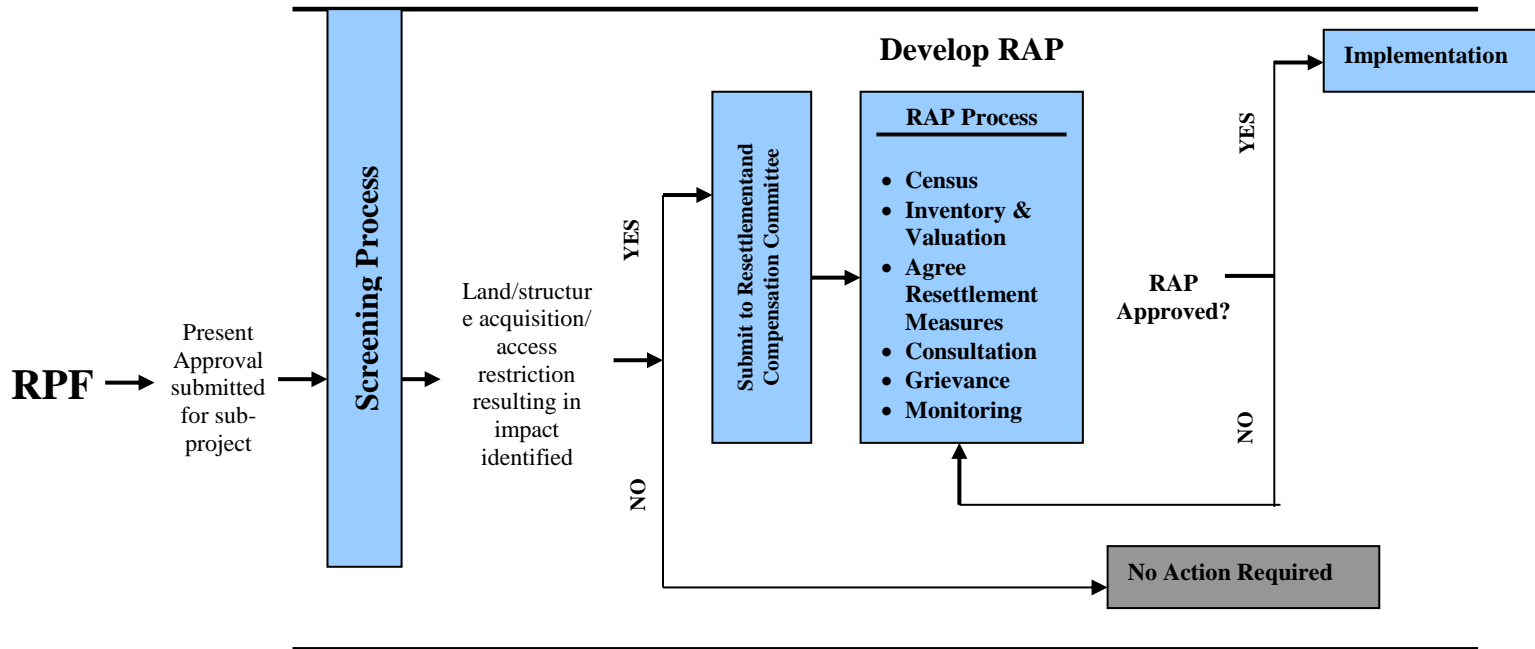
CASA 1000 PIU discloses the RAP on its website, disseminates and shares with local authorities and interested NGOs, and the affected persons (especially the site specific sections) in a place, language, and format accessible to them and allows two weeks for comments.

Following incorporation of comments from disclosure, and CASA 1000 PIU management approval, the RAP must also be formally sent to the World Bank for review to ensure compliance with OP4.12 and any other relevant policies/ procedures.

Following confirmation that the RAP is of acceptable quality to the World Bank, it will be disclosed on the World Bank's info-shop website, re-disclosed on the CASA 1000 PIU website and disseminated again to all interested parties.

No changes to the RPF entitlement matrix, eligibility criteria, compensation rates or other entitlements to assistance can be made without prior approval of the World Bank. Any RAPs prepared on the basis of the RPF will also be subject to approval of the World Bank before displacement and/or initiation of civil works.

Figure 1. Outline of the RAP process.



## **7.6 Estimates of affected population and assets in the project affected areas**

Cases of temporary or permanent acquisition of individual land plots cannot always be avoided as suitable public land may not be available for the construction of transmission towers and / or sub stations. More likely is the case of temporary acquisition of part of fields to construct the transmission towers or sub stations. The extent to which any temporary or permanent land acquisition will be necessary or whether the access and use of land will be constrained on a temporary or permanent basis is not yet known and can only be fully determined after each sub-project design is completed. CASA 1000 PIU does not expect any demolition of capital structures during implementation of the Project, though the destruction of smaller-scale structures (fences etc.) cannot be fully precluded at this stage. Given that the impact on affected populations and/or assets are not yet clear, estimates will be produced when the project commences.

However, discussions with the officials from the Ministry of Energy and Water Resources, Barqi Tojik and Department of Land Code reveals that the impacts on the entire displaced population will be minor (i.e. affected people are **not** likely to be physically displaced and less than 10% of their productive assets will be lost) and fewer than 200 people would be affected in any activity.

## **8. Methods of Valuing Affected Assets**

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

### **8.1 Type of Compensation Payments**

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

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

In addition, disturbance allowance, storage of goods, replacement of lost services and other assistance will be given, as outlined in the Entitlement Matrix above. However this is for guidance only, and it is essential that at the time of detailed RAP preparation current market values and replacement cost values are used to establish actual compensation. All cash amounts will be adjusted to reflect any economic changes and buying power of currency since the preparation of this RPF. The CASA 1000 PIU will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and that it is consistent with Republic of Tajikistan laws as long as it meets the requirements of WB OP 4.12.



## **8.2 Preparation of Asset Inventory**

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

## **8.3 Valuation Method**

### **8.3.1. Compensation for Land**

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

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

Where land lost is only a small proportion of total land owned by the PAP (as per discussion with the Government officials in Dushanbe, this will be likely the case with most of the land users), but renders the remaining land as unusable, the compensation provided should be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land).

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

### **8.3.2 Calculation of Crops and Fruit Trees Compensation Rate**

The current prices for the crops will be determined taking into account the Government recommended rate and the highest market price, whichever is higher. Where land is rented, 2 seasons or annual crop estimate, depending on the crop will be compensated. Where land is owned, aside from the replacement land or cash compensation for land, the owner will also get compensation for 2 seasons or annual crop estimates depending on the crop. The crops used will be the ones that are currently or have most recently been cultivated on that land. In addition, PAPs

will be encouraged to harvest their produce before loss of land. In order to ensure that this is possible, and that appropriate market prices are received for yields, there needs to be sufficient consultation beforehand so that harvesting can be properly planned.

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

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

### **8.3.3. Compensation for Structures**

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

Replacement values will be based on:

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

### **8.3.4. Compensation for Community Assets**

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

### **8.3.5. Compensation for Sacred Sites**

This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. Sacred and genocide war memorial sites include but not restricted only to museums, altars, initiation centres ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by the legislation of the Republic of Tajikistan (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any project activity, is not permitted under this project. Relevant clauses will also be inserted in the civil works contracts.

### **8.3.6. Compensation for Loss of Businesses**

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

## **9. Implementation Schedule, Linking Resettlement Implementation to Civil Works**

### **9.1 Overview**

Before site-specific civil works for sub projects begin implementation, PAPs will need to be compensated in accordance with the provisions of a disclosed and approved Resettlement Action Plan which is based on this Resettlement Policy Framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement. Taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. PAPs who need to be physically relocated should be able to either complete construction of their houses at the replacement land plots or the rental fees for temporarily placing them in an alternative housing/apartment to be covered by the compensation budget. A written agreement regulating the specific terms and conditions should be signed between the parties.

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each activity involving resettlement or compensation. The schedule for the implementation of activities must be agreed to by the CASA 1000 PIU, Head/representative of Jamoat (village) and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land/structures/services that PAPs are using. The dates must be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

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

Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

## **10. Grievances Redress Mechanisms**

## 10.1 The Overall Process

During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle their grievances. The Government of Republic of Tajikistan has a detailed grievance procedure. The current mechanisms are:

- a) Grievance can be raised through a number of procedures as laid down in the legislation. Oral (phone), written, collective written, use of mass media, email and internet.
- b) For any grievances (related to compensation), the plot user / villager first approach the Head of his / her settlement or Jamoat and follow the legal procedure as stated in the Land Code. If the complainant is not happy, the s/he approaches the Committee on Resettlement with an official application. Complaint / grievance is recorded in a registry book. An official / written response should be given to the complainant within 4 weeks.
- c) Additional 15 days may be assigned if the official response is delayed.
- d) If the complainant is not happy with the formal response, the complainant may go to the court.

**For CASA 1000, the following steps for grievance handling and redress needs to be followed. This procedure will be followed as a first step as resolution through this procedure is expected to be quicker:**

- a) The first step in the grievance process is to contact a representative from the CASA 1000 PIU which ideally should be the Project Social Officer but could be another staff member either by phone, SMS, in-person or by letter (a cell phone number will be provided). The complaint must be logged by the representative of CASA 1000 Project Implementation Unit (PIU) in the complaints register. All forms of grievances, formal and informal should be written down in the presence of the aggrieved person and signed by the aggrieved person. The Project Social Officer should raise and discuss all grievances during regular PIU meetings.
- b) The representative of CASA 1000 Project Implementation Unit (PIU) should determine the validity of all claims. If valid (related to the project), then the complainant will be notified and s/he will be assisted. A response will be given within 14 days during which time any meetings and discussions to be held with the aggrieved person about the nature of his / her complaint will be held. If the grievance relates to valuation of assets, a second or even a third valuation will be undertaken until it is accepted by both the parties. If no agreement after third evaluation, one proceeds to the next step. These can be undertaken by a separate independent valuer. The representative from CASA 1000 Project Implementation Unit (PIU) will provide assistance at all stages to the complainant to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.
- c) If the problem cannot be resolved to the PAPs satisfaction within 5 days, then the problem is moved to the next level, which is Head of CASA 1000 PIU. A record of the resolution or

decision to take it to the next level must be recorded in the complaints register and signed by the appropriate authority.

- d) At this stage the complaint goes to a Grievance Committee (to be formed under a Government decree and the Government will give an appropriate name to this committee). The Grievance Committee will be comprised of at least 5 members of whom 2 are from the CASA 1000 PIU. The other 3 members should be independent of the project implementing authorities and Government of Tajikistan. They should be from (i) a recognised NGOs/CBOs operating in Tajikistan, (ii) an eminent person of appropriate standing (e.g. respected lawyer or professor) if accessible, (iii) a representative from the Jamoat. These professionals will be paid sitting fees for these sessions and will not be regular employees of any of the project agencies. Decisions made by the committee and agreed by all parties shall be legalized in terms of a resolution and communicated to the complainant.
- e) Should there be objection regarding the decision of the Grievance Committee, the case can be taken to court by the PAP.

## **10.2 Grievance Log**

The Project Social Officer will ensure that each complaint has an individual reference number and is appropriately tracked and recorded actions are completed. The log should contain the following information:

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

## **10.3 Monitoring Complaints**

The Project Social Officer will be responsible for:

- Providing a weekly report detailing the number and status of complains (this report will be provided to, for example, Committee on Resettlement, as currently exist for other energy projects);
- Any outstanding issues to be addressed; and
- Monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints.

## **11. RPF Implementation Budget**

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

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

The project will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the project. All responsibilities for implementing the Resettlement Policy Framework including payment of compensation, provision of other types of assistance, implementation of the grievance redress mechanism, training of staff, and monitoring and evaluation activities are to be covered by Government contributions to the CASA 1000 PIU through a resettlement budget under the allocated Project funds.

## **12. Mechanism for Consultations and Participation of Displaced Persons in Planning, Implementation and Monitoring**

PAPs will be consulted in the following manner at each stage of the project:

1. Following the identification of their plot, a Representative of CASA 1000 PIU will visit the PAP and where necessary affected communities, share information on project activities, discuss and collect information on valuation of assets including land and livelihoods. The representative will advise them of their rights under the project and will include sharing information on their entitlements to compensation and grievance redressal mechanisms. This will take place in the presence of a representative of the Jamoat and District Administration.
2. Once the inventory and valuation of assets is completed, the Representative of CASA 1000 PIU will present and discuss the details with the PAP(s) and whether or not the inventory is accurate and the valuation is acceptable to them. In addition, resettlement assistance and/or resettlement arrangements will be discussed with PAPs to ensure the development of mutually acceptable arrangements.
3. Once the RAP is complete the PAPs will be provided with the RAP as per the disclosure procedures described above.
4. Prior to implementation of the sub project the amount of cash or in kind (land) offered for compensation will be discussed with each eligible PAP for consideration and endorsement before transfer of the asset is effected. PAPs are entitled to have a third party present at this

crucial time or at the other steps leading up to this final transfer. At any point PAPs can instigate a complaint using the grievance redress process described about.

## **13. Arrangements for Monitoring and Evaluation**

### **13.1 Overall Arrangements and Scope:**

The arrangements for monitoring will fit with the overall monitoring plan of the entire project which will be implemented through CASA 1000 Project Implementation Unit (PIU). All RAPs will set major socio-economic goals by which to evaluate their success which will include (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts. In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. CASA 1000 PIU will institute an administrative reporting system that will:-

- Provide timely information about all resettlement arising as a result of project activities.
- Identify any grievances that have not been resolved and require resolution through the involvement of the grievance committee or higher authority.
- Document the timely completion of project resettlement obligations for all permanent and temporary losses.
- Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- Evaluate whether livelihood restoration efforts have been successful and identify justifiable challenges and measures to address them.
- Collect data on impacts (changes in income, livelihoods, social activities) on all affected individuals and/or communities. These data will include data from vulnerable households, as previously identified, and will be disaggregated by gender.
- Alert project authorities to the necessity for land acquisition in the project's planned activities.
- Document any conflict and its amicable solution.

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

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

The project will not be considered complete until all the objectives of the site-specific RAPs are achieved as determined by regular monitoring and the submission of RAP completion report that is satisfactory to the World Bank.

## **13.2 Indicators**

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

## **13.3. Monitoring RAP Implementation**

CASA 1000 PIU Project Social Officer will manage the compilation of basic information on all physical or economic displacement arising from the project, on a quarterly basis.

They will compile the following statistics:

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

CASA 1000 PIU will review these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. For reasons of objectivity, it must be ensured that the staff who are doing this check are not the same staff who have prepared the report. They will alert the Head of CASA 1000 PIU if there appears to be any discrepancies. Financial records will be maintained by CASA 1000 PIU to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis.

CASA 1000 PIU will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages, and it will provide a copy to the Jamoat (Village) Authorities. Each time land is used by the project; the database will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives. Periodic reports on the database will be sent to the Jamoat (Village) Authorities and World Bank. This will become part of the official documents of the project.



The impact of resettlement implementation will be measured by repeating the exercise of socio-economic profiling (census) six months after the implementation of all sub-projects. This exercise will determine whether or not PAPs are well off as they were before the project, and if not whether their circumstance have declined as result of the project, and what remedial measures may be necessary.