

# Land Acquisition and Resettlement Plan

---

Project Number: 46392-001  
August 2013

## Islamic Republic of Afghanistan: North-South Power Transmission Enhancement Project

Prepared by Fichtner GmbH for Da Afghanistan BreshnaSherkat of the Government of Afghanistan for onward submission to the Asian Development Bank

This draft land acquisition and resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the Asian Development Bank does not intend to make any judgments as to the legal or other status of any territory or area.

## CURRENCY EQUIVALENTS

(As of 3 September 2013)

Currency unit	–	Afghani(AF)
AF1.00	=	\$0.0176
\$1.00	=	AF56.61

## LIST OF ABBREVIATIONS

ADB	– Asian Development Bank
AFG	– Afghanistan
AH	– affected household
cf.	– see quoted sources
PSC	– Construction Supervision Consultant
DABS	– Da Afghanistan Breshna Sherkat (Afghanistan Electricity Company)
DDT	– due diligence team
DES	– Domestic Environment Specialist
DMS	– detailed measurement survey
DP	– displaced person
DRS	– Domestic Resettlement Specialist
EA	– executing agency
EMA	– external monitoring agency
EPC	– engineering, procurement and construction
GDP	– gross domestic product
Goad	– Government of Afghanistan
GRC	– grievance redress committee
IR	– involuntary resettlement
h	– hour
ha	– hectare
hh	– households
HIV/AIDS	– human immunodeficiency virus/acquired immune deficiency syndrome
HVTL	– high voltage transmission line
IDP	– internally displaced person
IES	– International Environment Specialist
IRS	– International Resettlement Specialist
IOL	– inventory of losses
IPSA	– initial poverty and social assessment
<i>jalasa</i>	– public meeting for solving conflicts on local level
<i>jerib</i>	– Afghan-Arabic square measure of 0.2 hectare
<i>jirga</i>	– traditional Afghan local and regional council
kg	– kilogram
<i>khadim</i>	– traditional women's leader
<i>khan</i>	– clan or tribal leader
kV	– kilovolt
LA	– land acquisition
LAL	– Land Acquisition Law of Afghanistan
LAR	– land acquisition and resettlement
LARF	– land acquisition and resettlement framework

LARP	– Land Acquisition and Resettlement Plan
LC	– Land Code
MAIL	– Ministry of Agriculture, Irrigation, and Livestock
M&E	– monitoring and evaluation
<i>malik</i>	– king; village elder
MFF	– multitranche financing facility
<i>mir</i>	– traditional leader
<i>mirab</i>	– Supervisor of an irrigation system
MoF	– Ministry of Finance
<i>mullah</i>	– religious dignitary
MW	– Megawatt
NGO	– non-government organization
OHL	– Overhead Line
PMO	– project management office
PVCC	– provincial valuation and compensation committee
<i>qaum</i>	– solidarity group; clan
ROW	– right of way
RS	– Resettlement Specialist
SES	– socio-economic survey
<i>shura</i>	– modern councils on various levels
<i>spingir</i>	– village elders among the Pashtuns
SPS	– Safeguard Policy Statement
TKM	– Turkmenistan
TND	– transmission and distribution
ToR	– terms of reference
USSR	– Soviet Union
<i>wali</i>	– provincial governor; also, legal representative of a woman
<i>woluswals</i>	– district governor
<i>zagher</i>	– oilseeds

## NOTES

- (i) The fiscal year (FY) of the Government of Afghanistan ends on 21 December. FY before a calendar year denotes the year in which the fiscal year ends, e.g., FY2012 ends on 21 December 2012.
- (ii) In this report, "\$" refers to US dollars

# Table of Contents

<b>1. Executive Summary</b>	<b>1-1</b>
<b>2. Introduction</b>	<b>2-1</b>
2.1 Background	2-1
2.2 Objectives	2-1
2.3 LAR-Related Project Appraisal and Implementation Conditions	2-2
2.4 Description of 500 kV Transmission Line	2-2
2.4.1 Right of Way and Clearance	2-3
2.5 Areas along the High Voltage Transmission Line	2-4
2.6 Description of the Arghundy Substation	2-5
2.7 Minimizing LAR Impacts	2-6
<b>3. Scope of Land Acquisition and Resettlement</b>	<b>3-1</b>
3.1 Potential LAR Impacts	3-1
3.2 Permanent Impact, Land, Dwelling and Business	3-1
3.3 Temporary Impact, Land and Crops	3-2
3.4 Summary	3-3
<b>4. Socio-Economic Information</b>	<b>4-4</b>
4.1 Background	4-4
4.2 Provinces traversed by the Transmission Line	4-4
4.3 Population, Gender and Age	4-4
4.4 Ethnicity and Language	4-5
4.5 Information on Poverty and Vulnerable Households	4-5
4.6 Information on Livelihood	4-6
4.7 Access to Education, Health and Utilities	4-6
4.8 Control Over Household Income and Assets	4-7
<b>5. Legal and Policy Framework</b>	<b>5-1</b>
5.2 Afghanistan's Legal Framework on Land Acquisition and Resettlement	5-1
5.3 The ADB Safeguard Policy	5-2
5.4 Identification of gaps between the ADB Policy and the Afghanistan Law	5-4
<b>6. Entitlements</b>	<b>6-1</b>
6.1 Principles for Entitlement and Eligibility	6-1
6.2 Entitlements and Valuation	6-2

<b>7. Consultation and Disclosure</b>	<b>7-1</b>
7.1 Introduction	7-1
7.2 Identification of Stakeholders	7-1
7.3 Stakeholder Consultation	7-2
7.4 Results from the Preliminary Consultation Process	7-2
7.5 Conclusions and Further Proceedings	7-3
<b>8. Grievance Redress Mechanism</b>	<b>8-1</b>
<b>9. Income Restoration and Rehabilitation</b>	<b>9-1</b>
<b>10. Institutional Arrangements</b>	<b>10-1</b>
10.2 Da Afghanistan Breshna Sherkat (DABS)	10-1
10.3 The Turnkey Contractor	10-2
10.4 LARP Coordinator/Facilitator	10-2
10.5 The Construction Supervision Consultant	10-3
10.6 Provincial Valuation and Compensation Committee	10-3
10.7 Other Agencies and Institutions	10-3
10.8 Capacities of DABS/PMO and training requirements	10-4
<b>11. Resettlement/Compensation Budget</b>	<b>11-1</b>
11.2 Compensation for Permanent Land Losses	11-1
11.3 Compensation for Temporary loss of access to Land and Loss of Crop	11-2
11.4 Compensation for Loss of trees	11-2
11.5 Compensation for Houses and Other Structures	11-2
11.6 LAR Allowances	11-2
11.7 Work of the LARP coordinator/facilitator	11-3
11.8 Summary of Compensation	11-3
11.9 Total LARP Finalization and Implementation Cost	11-4
<b>12. Implementation Schedule</b>	<b>12-1</b>
<b>13. Monitoring and Evaluation</b>	<b>13-1</b>
13.2 Internal Monitoring	13-1
13.3 External Monitoring	13-1

# 1. Executive Summary

1. The Islamic Republic of Afghanistan (Afghanistan), with Da Afghanistan Breshna Sherkat (DABS) as the executing agency (EA), has requested the financial assistance of the Asian Development Bank (ADB) to implement the North South Power Transmission Enhancement Project (the Project). The Project includes construction of a 225 kilometres (km) 500 kV transmission line between Dashte Alwan substation in north, some 25 km north east of Pul-e-Khumri, and Arghundy substation in south west Kabul. The Project also includes construction of a new 500 kV substation at Arghundy, adjacent to the existing 200 kV substation. The planned substation site is owned by the Government of Afghanistan.

2. The Project has been classified by the ADB as a Category B Project, for which a draft Land Acquisition and Resettlement Plan (LARP) has to be prepared. This draft Initial Land Acquisition and Resettlement Plan (LARP) has been prepared within a few days after the site visit was conducted in May 2013. Since only a preliminary feasibility stage design is available, the preparation of this draft LARP is based on estimates of LAR impact. A complete census and inventory of lost assets is not yet possible. Impacts, compensation entitlements and the cost of LAR are estimated on the bases of limited surveys. This information will be updated once the final LAR impacts become known on the basis of the detailed final design.

2. The 225 km long line corridor will traverse approx. 70 km of economically used private land along the entire alignment (the remaining being state land). Most LAR impacts will occur in these 70 km. Out of this total 70 km, 40 km is irrigated agricultural land (located in one stretch) between Kabul and the foot hills of Salang with orchards and crop land; 5 km traverses the outer fringe of commercial and business area in one stretch through the out skirts of Kabul; 25km is rain fed agricultural land mainly scattered in the South and North Salang area and at scattered locations between North Salang and Dashte Alwan.

3. Permanent loss of private land for the transmission line will only occur where a transmission line tower will need to be placed in private land. 225 m<sup>2</sup> is required to house a transmission tower. This is insignificant in proportion to the average land holding of people in affected communities (the average, determined during a rapid survey, being 3 ha or 30,000 m<sup>2</sup>). With 2.5 towers per km, a total of 175 towers will be located in the 70 km of private land along the Line. **This will require a total of 39,375 sq meters or 3.9 ha of private land.** The placement process of towers will avoid positioning towers on building sites, so little damage is expected there. However, dwellings, businesses and building sites will be avoided to the maximum but where land acquisition and resettlement is unavoidable, only structures will be demolished but land could still be used for agriculture purposes. Aps will need to permanently vacate the right of way for safety but will be able to retain the land vacated by the evicted building for agriculture.

4. Temporary impacts on private land are insignificant, primarily because of the short duration of construction and stringing between two towers. Temporary impact will be caused due to access to tower sites and sticking operations. At each tower location and between towers the installation of towers and stringing is anticipated to last up to eight weeks.

4. The Arghundy substation site in Kabul suburbs is 100% owned by the Government and is adjacent to current 220/20 kV substation site. There is no settlement, structures, farming or any other economic activity being undertaken on this site. DABS is already in process of negotiating with Kabul municipality to purchase that piece of land. The precise dimensions of land required will be ascertained upon completion of detailed design by June 2014.

5. Compensation and assistance to be provided to people affected will be guided by the provisions in this draft Land Acquisition and Resettlement Plan, prepared in accordance with Afghanistan laws in conformity with the ADB SPS (2009). Entitlements for various categories of impacts and displaced persons are summarized in the entitlements matrix shown in Table 1-1.

**Table 1-1: Entitlements Matrix**

Item	Application	Eligibility	Compensation Entitlements
Permanent agricultural/ residential/ commercial land loss	Land affected by right-of-way (ROW)	AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council.	- Compensation at replacement cost either through replacement plots of similar value or in cash based on Replacement/current market to be approved by the council of ministers. All fees, taxes, or other charges, as applicable under relevant laws are to be borne by the project
Structure loss	Residential/ commercial or auxiliary structures affected	Owners of structures (including informal settlers)	- Cash compensation for affected structure and other fixed assets at replacement cost of the structure free of depreciation, taxes/fees and salvaged materials. - In case of partial impacts full cash assistance to restore remaining structure. - Right to salvage material from demolished structure

Crops losses	Crops on affected land	Owners of crops / sharecroppers	- Cash compensation equal to replacement cost of crop lost plus cost of replacement seeds and restoration of future crop activities.
Tree Losses	Trees on affected land	Owner of trees (including informal settlers)	<ul style="list-style-type: none"> <li>- Fruit bearing trees will be compensated at the value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same productive level of the tree lost.</li> <li>- Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume.</li> <li>- The compensation of the tree will be free of deduction for the value of the wood left to the AH.</li> </ul>
Business losses	Permanent / temporary	Business / shop owners (including informal settlers)	Cash compensation for net income loss for the duration of business stoppage (maximum up to 3 months for temporary loss and an equivalent of 6 months income for permanent loss). The compensation for business loss will be calculated based on tax receipts or when these are not available on fixed rates. Employees will be provided indemnity for lost wages equivalent to three months wages
Transitional Allowance	Relocating households	All relocating households (including renters and informal settlers)	-transitional allowance per household for livelihood losses at AF5,200 multiplied by 3 months
Relocation Allowance	Relocating households	All relocating households (including renters and informal settlers)	-Relocation allowance per household of AF5,000



Assistance to Vulnerable Affected Households	Affected by land acquisition, resettlement, etc.	AH which are: female-headed; poor (below poverty line) or headed by handicapped/disabled persons	-Additional cash assistance equivalent to 3 months average household income (AF28,500) -Preferential employment in project related jobs.
Severe Loss of Agricultural Land	Agricultural land		-Allowance for severe land impact sequel to replacement cost of a year's net income from crop yield of land lost.
Temporary land occupation		Title holders (formal and informal) lease holders	-Rent for duration of use equal to potential crop loss plus plot rehabilitation. Tenants to share the lump-sum with land-use certificate holders as per their contract
Unidentified Impacts			-Unforeseen impacts compensated based on above entitlements during project implementation by EA.
Loss of Community, Cultural, Religious, or Government Sites	Temporary or permanent loss due to the transmission line component activities		-Conservation, protection and cash compensation for replacement (schools, communal centers, markets, health centers, shrines, other religious or worship sites, tombs. Cash compensation for affected structures based on the above structures entitlements
Impact on irrigation channels	Temporary or permanent loss due to the Project activities	Community/affected households	-Irrigation channels are diverted and rehabilitated to previous standards

6. Consultations and interviews in a number of settlements along the transmission line corridor were conducted during the site visit in May 2013 to collect information with regard to the socio-economic conditions in the wider areas of the planned line corridor, to initially inform key stakeholders about the project and to obtain feedback. The consultations confirmed the concern of the population about the power supply and the high cost of individual power generation. On the compensation and valuation process, many stakeholders interviewed favored the

involvement of either the traditional (tribal) *shura* or the new government established *shura*. Concern was more raised on the benefit respecting an improvement of the power situation in their villages, rather than on impacts on land and compensation payments. Concern for vulnerable and extremely poor households was also raised. It was also agreed that the participation of the affected population and their representatives in the Provincial Valuation and Compensation Committees (PVCC) and in the Grievance Redress Committees (GRC) will be ensured.

7. A GRC will be established for each concerned district to help identify and resolve concerns and questions from the displaced persons. The GRCs will be composed of representatives from the DPs, district government, DABS and local NGOs. Complaints that cannot be resolved at the district level will be referred to DABS central office. If still not resolved, the complaint will be referred to the appropriate court of law. Throughout the grievance redress process, the LARP coordinator and/or DDT will assist the DP.

8. Da Afghanistan Breshna Sherkat (DABS) is the executing agency (EA) for the project and the primary responsible for LARP planning, implementation and financing. Within DABS, the Project Management Office (PMO) will have day to day responsibility for LAR and, within it, a Due Diligence Team (DDT).

9. The draft LARP will be finalized by the PMO (through the DDT) and the turnkey contractor based on the detailed design of the transmission line component. DMS and DP census will be conducted based on specific tower spotting. A Resettlement Team (or specialist) is a requirement for the PMO and turnkey contractor to conduct the DMS, DP census and survey and implement the final/implementation-ready LARP. A LARP coordinator/facilitator will be engaged to serve as a link between PMO and the DPs. The LAR coordinator/facilitator will educate the DPs on the need to implement the Project, on aspects relating to land acquisition and LAR measures and ensure proper utilization of various compensations extended to the DPs under the entitlement package. The assessment of all damages and losses will be done and valuation of compensation decided by the Provincial Valuation and Compensation Committee (PVCC). LARP implementation will be monitored internally by the PMO-DDT and externally by the construction supervision consultants (CSC).

10. The total LARP implementation cost is presently estimated at US\$ **997,774**.

## **2. Introduction**

### **2.1 Background**

1. The Asian Development Bank (ADB) has supported Afghanistan's energy sector since 2001 and is the largest on-budget development partner of the Government of Afghanistan. The proposed north-south connection in Afghanistan will construct approximately 225 km of a 500kV transmission line between north (Dashte Alwan) in Baghlan province and south (Kabul) in Kabul municipality of Afghanistan. The Project also includes construction of a new 500 kV substation at the southern terminus of the line. The substation site is 100% owned by the Government and has no resettlement impact. The Project will augment the existing 300 MW transmission capacity between northern and southern Afghanistan to 1000 MW, to initially allow indigenous generation, as well as power import from Tajikistan, Turkmenistan, and Uzbekistan to supply Afghanistan's domestic needs. Subsequently, upon commissioning of the planned domestic generation projects in northern Afghanistan and with increased imported power arrangements, the link would transmit generation to south while allowing surplus power for export to Pakistan over a future Afghanistan-Pakistan interconnection as well as allow winter exports to Tajikistan. The Project Executing Agency (EA) and Employer is Da Afghanistan Breshna Sherkat (DABS).

### **2.2 Objectives**

2. This draft Land Acquisition and Resettlement Plan (LARP) has been prepared in accordance with provisions of the laws in Afghanistan, and the ADB Safeguard Policy Statement (2009). It is based on information collected by project preparation consultant during the site visit in May 2013 in consultation with the stakeholders, especially community leaders and householders in the alignment land acquisition and resettlement (LAR) zone of influence. The LARP contains estimates of the affected households (AH) and displaced persons (DPs), types of impacts, and compensation procedures.

3. The key objective of the LARP is to guide the PMO of DABS, consultants and the turnkey contractor on LAR procedures specific to this Project that must be complied with. The key tenets that will guide the compliance with LAR aspects during the Project phases are:

- i. land acquisition will be avoided or at least minimized;
- ii. compensation will ensure maintenance of pre-project living standards of DPs;
- iii. DPs will be fully consulted/informed on compensation options;
- iv. DPs socio-cultural institutions will be supported/used;
- v. LAR procedures will equally apply to women and men;
- vi. lack of formal title will not prevent compensation rights under the entitlements matrix;

- vii. LAR will be conceived and executed as an integral part of the Project and budgets for LAR will be included in the Project costs;
- viii. impact to structures will be avoided or minimized; and
- ix. all LAR and compensation payments will be completed and endorsed by ADB prior to civil works commencement in the impact area.

4. The Project will be implemented through a single turnkey contract, wherein the turnkey contractor will prepare the detailed design of both the transmission line and the substation.. Based on the detailed design, the specific locations (spotting) of towers and poles and substation equipment siting, which have been identified in the previous planning and optimization process, will be confirmed. The LARP will be finalized by the turnkey contractor upon completion of the detailed design after the Detailed Measurement Survey (DMS) which aims at providing a detailed inventory of all losses. The final LARP will provide precise valuation and compensation amounts. An external monitor will be engaged by the PMO to inspect the veracity of the final LARP and report to the PMO and ADB.

5. The LARP requires approval of ADB and disclosure on the ADB website and to DPs. The external monitor will also issue a no-objection certificate (NOC) when all compensations have been fully implemented in the areas identified with LAR impacts. The turnkey contractor will not be permitted to commence civil works in impact areas until the NOC has been issued and endorsed by the PMO and ADB.

## 2.3 LAR-Related Project Appraisal and Implementation Conditions

- a) **Approval of Project:** Conditional to LARP review
- b) **Implementation – Start of Contract (construction):** Conditional to the finalization and disclosure of —implementation-ready LARPs acceptable to ADB and reflecting final impacts, displaced persons (DP) lists, and compensation rates.
- c) **Initiation of physical civil works in project sections with LAR Impacts:** Conditional to the full implementation of the relevant LARP including full delivery of compensation and rehabilitation. Such a condition will be clearly spelled out in the text of the civil works contract.

## 2.4 Description of 500 kV Transmission Line

6. The 225 km 500 kV transmission line will address electric supply needs in Afghanistan (AFG). It aims to meet Afghanistan's increased energy supply needs in a timely and cost-effective manner while diversifying import sources and increasing its capacity for future energy transit services. The line routing was determined keeping technical and economic aspects as well as environmental and social aspects in consideration as under:

- Avoiding traversing or close by-passing of urban areas, densely populated areas, settlements, schools, public buildings and market places;
- Avoiding traversing or close bypassing of shrine, historical places, national parks and protected areas;
- Avoiding traversing of forest and water catchment zones;
- Keep electrical field, magnetic field, audible noise and TV interference as far as possible below national/ international accepted levels;
- Keep impact on flora, fauna, nesting places, animal trails, migration zones and sensitive ecological areas to a minimum;
- Apply selected bush clearing, minimize access tracks.

7. Due to spatial constraints, the construction of OHL will be difficult. Relatively narrow Salang Pass corridor and approaching valleys already accommodate one existing 220 kV, double circuit line. Overcoming spatial constraints is one of the major challenges of the new towers design. The minimum distance to the existing 220 kV OHL is calculated to 50 m (centre line to centre line). However, site specific assessments will be undertaken should the lesser distance need to be considered. Initial geometry assessments indicate that where required, towers can be placed at 30 m centre line to centre line. In order to maximize the usage of the existing line corridor, the design of new towers shall aim to achieve narrow tower geometry and short cross arms. One of major impacts on tower geometry is the required clearance due to insulator swing under wind loading.

8. The detailed design including final land survey is shifted to the construction contractor and will be part of the tender documents. In general, the average distance between the towers will be around 450 m (mean span of 400-450 m). The final location of the towers will be fixed by the constructing contractor after conducting the final land survey.

9. The basic line parameters include:

- i. Line length: 225 km
- ii. Number of towers: 620
- iii. (estimated, 180 tension towers, 440 suspension towers)
- iv. Average span: 375 m
- v. Conductor configuration: ACSR 400 (Drake),
- vi. Bundle of 3 per phase One circuit installed (initially); Earthwire: 1 ACS 75 mm<sup>2</sup>
- vii. 1 OPGW48
- viii. Insulators: V-strings, composite
- ix. Foundations: Mainly concrete shaft with rock anchors, suitable for firm or deleterious rock sub-base

#### 2.4.1 Right of Way and Clearance

10. Regarding the planned 500 kV line (first and second Line Sections), the Right of Way (ROW) is calculated to be 60 m (30 m on both sides of the centre line) on the basis of the span-width, the proposed line swinging and

the electrical safety distance. The ROW for the planned 220 kV line is calculated to be 40 m. The minimum safety distance to conductors to respect international standards for electric and magnetic fields (EMF) is assumed to be 15 m in view of the public.

11. Complete clearing of the ROW would be required in the centre strip of 25 m allowing for stringing of conductors. Outside this strip but still inside the ROW vegetation above 3 m height needs to be cleared, if applicable, including possible tall danger trees outside the ROW corridor. Following table shows ground clearance standards for the Soviet Union (PUE) which are applied for the Project.

Clearance	500 kV Line
above normal ground	8.0
to roads	9.0
to other OHLs	5.0

## 2.5 Areas along the High Voltage Transmission Line

12. The 500 kV transmission line will traverse through the following 3 sections:

**Section I - Arghandy to Salang:** From Arghandy substation to Salang the area is mostly agriculture land with some barren land islands in between. The section Arghandy to Qarabgh belongs to the Kabul province and beyond Qarabgh up to Salang it belongs to the Parwan province. The agricultural land is irrigated and quite homogeneous concerning soil quality and fertility aspects. All irrigated land is of quality type 1. Most of the agriculture plots in Shaker Dara and Astalef areas grow grapevines with some gardens. Grape, apple/apricot and cherry trees and crops are the main agriculture products along the line corridor in this section. About 50% of the agricultural land is grapevine and apple trees and the rest is crops. According to the present planning stage, the HVTL will cross some agriculture plots and houses on the way to Salang. Most of the present land users do not have official documents, unless the land had been purchased in the past 50 years.

**Section II - South Salang over Salang Pass to North Salang:** A mountainous area with steep relief, mountain edges and estuaries, this area is covered by snow for about 4 to 6 months in some places. It is characterized by very cold weather and high speed winds. There are several crossings over the existing 220 kV as well as the road. In Section II private property including houses, fruit-bearing trees and some small kiosks is scattered.

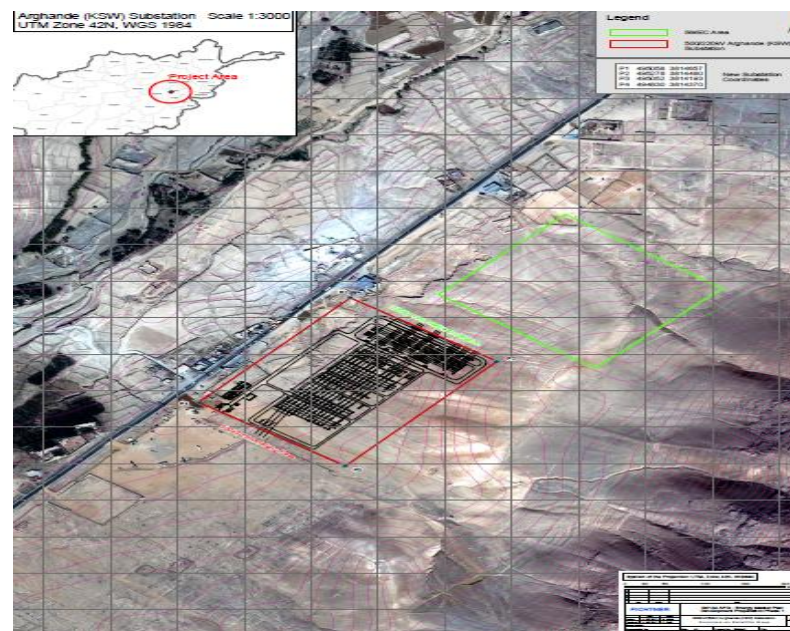
**Section III -Khenjan to Dashte Alwan:** This length is divided in three parts given the characteristics of land and other assets. The first part starts from the lower land of North Salang and has intermittent pieces of agriculture and barren land until the Khenjan district center, with very few

losses of houses and some trees. The second part is the section from the Khinjan district center to Dasht-e-Kelagai. This is agricultural land with some houses that could be crossed by the HVTL.. The third part is from Dasht-e-Kelagai to Dashte Alwan substation and has mostly hilly and desert areas with no settlements.

## 2.6 Description of the Arghundy Substation

13. The new 500 kV substation at Arghundy (Kabul suburbs) will be sited adjacent to existing 220/20 kV substation site. The land is 100% owned by the Government and there is no resettlement impact. The land site is clear of any structures, irrigated farming or other economic activities and is barren with ground water table below 100 meters.

14. The new 500/220 kV Arghandy substation shall include the construction and commissioning on turn-key basis of a 500/220 kV Substation with two 500/220/20 kV, 3 x 133 MVA transformer bank at Arghandy (named also Kabul South West), placed near to Kabul City. Land for the existing 220/20 kV substation was transferred under Presidential Decree. The land was bought by DABS from Kabul provincial government. The 220 kV SS will be constructed by DABS beginning Q1 2014. The bidding documents have been issued on 5 July 2013. The proposed 500 kV SS will be adjacent to this 220 kV on government owned land. There is no resettlement impact. The land is totally free of any squatters, encroachments, farming or economic activities. The survey for this substation was conducted jointly by the consultant and DABS PMO in May 2013 and subsequently visited by ADB staff to confirm this survey..



## **2.7 Minimizing LAR Impacts**

15. For transmission line, in some places there are empty places along the line corridor. The towers shall be installed in these empty spaces, even if it goes out of the corridor alignments. The 500 kV transmission line has flexibility to site towers as the distance between each tower can be varied between 350 to 450 meters in length and between 25-30 meters in width alignment. The construction works shall be scheduled for after harvesting time. The following further measures have been adopted to minimize project impacts:

- i. Non-agricultural government-owned land is used wherever possible;
- ii. If the HVTL has to traverse agricultural land, the shortest feasible crossing distance is sought;
- iii. Where tower placement allows it, suitable land is sought from a land user with a large plot to minimize the number of DPs and impact magnitude on any single DP, and
- iv. Built-up areas are avoided wherever possible.



### 3. Scope of Land Acquisition and Resettlement

#### 3.1 Potential LAR Impacts

1. The transmission component will have mostly temporary impacts and to a lesser degree permanent impacts. The temporary impacts primarily comprise limited losses to assets during transporting and installing the towers and while stringing the transmission lines. The permanent losses relate to private land that will be acquired for the foundation of the towers (limited and insignificant loss), and to houses and businesses that may need to vacate the ROW because of safety (major and significant loss). The ROW will remain open for agriculture and trees below 3 meters (which most fruit trees are), but not for building structures. Some impacts on dwellings and settlements that may appear imminent on the basis of preliminary design are likely to be avoided. Upon detailed design to be undertaken by the contractor, with each tower roughly 400 meters apart, there is a significant flexibility and room to finalize placement of towers and thereby avoid major impacts.

2. The 225 km long line corridor will traverse approx. 70 km of economically used private land along the entire alignment (the remaining being state land). Most LAR impacts will occur in these 70 km. Out of this total 70 km, 40 km is irrigated agricultural land (located in one stretch) between Kabul and the foot hills of Salang with orchards and crop land; 5 km traverses the outer fringe of commercial and business area in one stretch through the out skirts of Kabul; 25km is rain fed agricultural land mainly scattered in the South and North Salang area and at scattered locations between North Salang and Dashte Alwan..

#### 3.2 Permanent Impact, Land, Dwelling and Business

3. Permanent loss of private land for the transmission line will only occur where a transmission line tower will need to be placed in private land. 225 m<sup>2</sup> is required to house a transmission tower. This is insignificant in proportion to the average land holding of people in affected communities (the average, determined during a rapid survey, being 3 ha or 30,000 m<sup>2</sup>). The placement process of towers will avoid positioning towers on building sites, so little damage is expected there. However, dwellings and businesses will need to permanently vacate the right of way for safety. Building sites will be avoided as much as possible but where LAR is unavoidable structures will be demolished but land can still be used for agriculture

##### **Permanent Loss of Land**

4. With 2.5 towers per km, a total of 175 towers will be located in the 70 km of private land along the Line. Each tower will need 225 m<sup>2</sup> as permanent footprint. **This will require a total of 39,375 sq meters or 3.9 ha of private land.** The Project will permanently acquire land for the 500 kV transmission line towers: 225 m<sup>2</sup> for construction of each of the 175

towers expected to be built on various types of privately or communally used land. The final acquisition of and requirements may be less as towers may be constructed with priority on islands of barren land within agricultural areas, on public space along streets and channels, and on other types of government owned land in order to avoid interference into private land ownership rights.

### **Permanent Loss of Structure**

5. The preliminary field survey identified 7 houses from Arghandy to Salang, 3 houses from Salang South to the north area, and 2 from Doshi to Dasht e Alwan that fall within the ROW of 60m, including the electromagnetic safety zone. These houses are made of a combination of mud, bricks, wood and concrete. Here, a shift of the AP from the line route (perhaps within their own land) will be required. The land of demolished dwelling structures of households evicted from the ROW for safety will not require acquisition and it will remain private property. Though restricted for dwelling and business structures, it may still be used for agriculture. Owners/occupiers of the 12 house structures in the ROW if they do not own other land will be provided with alternative land (or cash equivalent to the replacement cost of the vacated residential) as compensation for involuntary change in land use and for rebuilding their dwelling elsewhere. The preliminary survey did not identify any shops or businesses that fall within the ROW.

6. The impact on dwellings, currently totalling 12 houses, may still be mitigated through some changes in the tower locations. However for the moment the total of **severely affected households as a consequence of residential dwellings loss is 12 households and 72 displaced persons.**

## **3.3 Temporary Impact, Land and Crops**

7. No adverse impacts on public lands which are used for pasture are anticipated. Temporary impacts on private land are insignificant, primarily because of the short duration of construction and stringing between two towers. Temporary impact will be caused due to access to tower sites and sticking operations. At each tower location and between towers the installation of towers and stringing is anticipated to last up to eight weeks.

8. *Temporary Passage for Access to Tower Site.* Each tower location will need to be linked to a road for transportation of tower and materials to the tower site. The 175 tower sites in private land are envisaged within 0.25 km from a road. A temporary track 3 m wide and 250 m long per tower will require 750 m<sup>2</sup>. Access to towers required during construction works will temporarily encumber a total of 131,250 m<sup>2</sup> or 13.1 ha of private land for 2 months.

9. *Stringing.* The largest share of land temporarily needed during construction is for stringing of conductors (the cables). Again, a 10 m wide corridor keeping provision of 4m (for single circuit) for the cables and a

passage for vehicle movement on either side will be acquired temporarily for four weeks between towers. This will impact 70ha or 700,000 sq m of private land.

10. The preliminary assessment of the permanent and temporary land acquisition and resettlement (LAR) impacts from the transmission line is summarized as follows.

Nature of Impact	Quantity with units	Remarks
<b>Permanent</b>		
Permanent Loss of Private Agricultural Land	3.9 ha	Foundations for 175 towers in private land
Loss of Dwelling Structure	3000m <sup>2</sup>	12 house structures evicted from the electro- magnetic zone for safety reasons without losing land but subjected to an involuntary land use change restricting buildings.
Loss of agricultural structures	300m	Estimated orchard walls and other structures damaged during construction (for budget purposes)
Loss of trees	200 timber trees 600 fruit trees 800 grapevines	Estimated for budget purposes
Loss of crops	39,375 m <sup>2</sup>	One crop on land acquired for the towers
<b>Temporary</b>		
Temporary loss of access to agricultural land during construction	831,250 m <sup>2</sup>	For construction activity for 175 towers in private land. Temporary loss of access during construction Stinging (700,000 m <sup>2</sup> ) Access (131,250 m <sup>2</sup> )

### 3.4 Summary

Nature of permanent Impact	Estimated AHs	Estimated APs
<b>I. Not significant and limited</b>		
Permanent loss of private farming land (less than 1% of the average landholding) due to Tower foundations	<b>175</b>	<b>1,050</b>
<b>II. Significant and Major**</b>		
Loss of housing structure (without loss of land) and relocation of dwelling	<b>12</b>	<b>90</b>

\* Estimates based on foot note below<sup>1</sup>

\*\* Surveys based on preliminary design

## **4. Socio-Economic Information**

### **4.1 Background**

1. This chapter presents the socioeconomic profile of the population along the tentative route of the alignment. The socioeconomic surveys specific to the affected households will be conducted as part of the final LARP preparation once the alignment of the transmission line has been fixed. As the HVTL route crosses mainly Baghlan, Parwan and Kabul provinces, the focus of the socio-economic field study has been on these three provinces. The data is based on local statistics and interviews by the local research team during the field survey in May 2013.

### **4.2 Provinces traversed by the Transmission Line**

2. The 3 provinces traversed by the transmission line are Baghlan, Parwan and Kabul.

- Baghlan province: is situated in the Northern part of Afghanistan, bordering Samangan province in the North, Kunduz Province in the East, Parwan Province in the South and Bamyān Province in the West. The province covers an area of 5,717 km<sup>2</sup>. Less than half is mountainous and semi-mountainous and more than half is flat area.
- Parwan Province: is situated in the central part of Afghanistan, bordering Baghlan in the north, Panjshir in the north-east, Kapisa province in the east, Kabul province in the south-east, and Bamyān province in the south-west. The province covers an area of 18,225 km<sup>2</sup>. More than half of the province is mountainous or semi mountainous terrain (55%), while (45%) is flat land.
- Kabul province: is situated in the central part of Afghanistan, bordering Bamyān in the west, Parwan and Kapisa in the north, Wardak in the south and Bamyān in the south-west. The province covers an area of 4,524 km<sup>2</sup>. Around 60% of the province is mountainous or semi-mountainous terrain. The remaining (30%) of the area is mostly flat land.

### **4.3 Population, Gender and Age**

3. Around 85% of the population of Parwan lives in rural districts while 15% live in urban areas (cf. World Food Programme 2012c). Parwan has a total population of 631,600. There are 105,266 households in the province. Households on average have 6 members. Baghlan has a total population of 863,700 and 143,950 households, with an average of 6 members each. Around 66% of its population lives in rural districts. In Kabul province, 20% of the population lives in rural districts. It has a total population of 3,950,300 and 658,383 households. The households on average have 6 members. The population in all three provinces is young, with 74% of the

population below 30 years of age. In terms of gender, there are slightly more males (51%).

#### **4.4 Ethnicity and Language**

4. The major ethnic group living in Parwan Province is the Pashto. Dari is spoken by the largest proportion of the population (98%). The major ethnic groups living in Baghlan Province are Tajiks and Pashtuns followed by Hazaras. Dari is spoken by about 70% of the population in general and by 73% of the village population. The second most frequent language is Pashtu, spoken by the majorities representing 20% of the population. The Hazaras also speak Dari.

5. The major ethnic groups living in Kabul Province are Pashtun/Tajik followed by Hazara and other groups. Dari and Pashto is spoken by 99.6% of the group. These provinces also have a population of Kuchis whose numbers vary in different seasons. Two-thirds of the Kuchis are partially migratory, with a varying proportion of the community remaining behind in summer. Some households also live in IDP camps (cf. World Food Programme 2012b). None of these groups may be considered as IP based on ADB SPS (2009) definition of IP. Moreover, project activities are not expected to adversely affect any community along the proposed route of the transmission line.

#### **4.5 Information on Poverty and Vulnerable Households**

6. Afghanistan's economy is growing respectably mainly due to the emerging mining activities and the continued expansion of agricultural production. According to a recently presented World Bank study, given current high rates of population growth (2.8% a year), the economic growth that these levels will be too slow to reduce the number of people living in poverty over at least the next 15 years. With rapid population growth, a GDP growth of around 6% implies very slow progress in raising average per capita incomes and reducing poverty: it would take around a generation to double the per capita income.

7. The average per capita income in Afghanistan is currently among the lowest in the world at US\$528 p.a./p.c. The percentage of Afghans who are not able to meet their basic needs is 36%. Employment and poverty are unevenly distributed across the country, however. Even higher poverty incidences are found among the Kuchi population (54 per cent) and in the South, West-Central and East regions (more than 44 percent). Poverty is likely to be felt in conflict-affected provinces, too, leading to a loss in household income and fewer opportunities for casual labour and generally lower wages (cf. World Bank 2012a).

8. Pashtuns pretended to be associated with insurgents as most of insurgents in Afghanistan in recent years were Pashtuns, which were the most scarified and deprived group (cf. with the conflict in Northern

Afghanistan between Uzbeks/Turkmen on the one side and Pashtuns on the other goes back to their settlement policy under Abdurrahman, end of 19<sup>th</sup> century (see. g. Wily2004b:60)). In the Northern Provinces, discrimination against Pashtuns, which started after the fall of the Taliban in 2001, may still be an issue. The forces of Junbesh, Jamiat, Wahdat and Harakat combined to defeat the Taliban in the last months of 2001. Irrespective of whether they had supported the Taliban or not, Pashtuns fled mainly to the south, where many still remain (cf. Wily 2004a:15).

9. The food aid requirements and aid provided to provinces of Kabul, Parwan and Baghlan are a good proxy-indicator for poverty. Currently there are IDPs, the returnees and other displaced people accommodated in all these three provinces. The local population in Kabul and Parwan and the area crossed by the line in Baghlan provinces is in good economic situation comparing to the rest of Afghans, as the residence in this three provinces has been linked to power holders, which have naturally good access to income sources and were in focus of politicians (the main reason for becoming rich in Afghanistan these days).

10. The number of vulnerable households (according to the criteria of this LARP) is almost unknown. From the consultation with representatives of the affected communities, the absolute number of households headed by women, classified as poor or having a handicapped person as head of the household in the villages along the HVTL is more or less known. For LARP estimation purposes, the percentage of vulnerable AHs is placed at 40%. This will be validated during the conduct of the census as part of LARP finalization.

#### **4.6 Information on Livelihood**

11. The majority of the population in the Baghlan and Parwan provinces rely on cultivated agriculture and animal husbandry for their livelihood, while the majority in Kabul are involved in off-farm work, trade and provision of services. The majority of the households in the project area own some livestock including cows, sheep, donkeys or goats. Some villagers derive a significant part of their income from carpet weaving especially in Baghlan province. Others derive income from the sale of milk and sheep wool. More specific information on the affected household's sources of income will be collected through the census which will be conducted as part of the final LARP preparation.

#### **4.7 Access to Education, Health and Utilities**

12. Access to schools and health services in the project areas is higher than in other provinces. Currently, the literacy rate in the Baghlan, Parwan, and Kabul provinces is roughly 21%, 51%, and 58%, respectively, with men enjoying higher literacy rates than women. Between 20% and 30% of the households have access to safe drinking water, while 17% to 49% has access

to electricity. The access of rural households to water and power supply networks is much lower than in the urban areas.

#### **4.8 Control Over Household Income and Assets**

13. In the project provinces, men and women are economically active and contribute to the household economy. Men are the main responsible for agricultural activities from cultivating to irrigation and for looking after the crops up to collecting the harvest. Women support the men of their family in agriculture mainly during the cultivating time (weeding) and during the harvest. Women also contribute to processing (prevailingly with regard to their family's own products).

14. In case of purchasing food and clothes, a recent study shows that the majority of the decision is made by women. Men mainly decide if household devices, agriculture inputs and utensils or animals are purchased. The men are also the main decision makers for school enrolment for both boys and girls. Men control the major household assets. The man is the owner of the house, the agricultural land, the farming equipment and the animals (larger animals like cows, horses, and donkeys, and small animals like sheep and goats). Only chicken and ducks often belong to the women. For the LARP, the men will likely receive the cash compensation for affected assets.

## **5. Legal and Policy Framework**

1. This LARP is prepared following the ADB's provisions under SPS 2009. This chapter discusses the national legislation of Afghanistan and the differences and/or gaps in relation to the ADB safeguards. A synthesis of both systems of standards/safeguards is also provided in detail. A description of the various entitlements for different types of impacts and displaced persons is finally given.

### **5.2 Afghanistan's Legal Framework on Land Acquisition and Resettlement**

2. The 2004 Constitution of Afghanistan provides that property shall be safe from violation, that is, that no one shall be forbidden from owning and acquiring property except by law and private property can only be confiscated by legal order.

3. In 2007, the Cabinet of Ministers approved a new Land Policy that allows for the formalization of land rights in informal settlements, and addresses bottlenecks in land rights administration as well as the overlap in different institutions' authority over questions of land rights (USAID, 2010).

4. The 2008 Law on Managing Land Affairs sets out definitions for various land types and classifications, requirements for land deeds, and principles governing allocations of state land, land leasing, land expropriation, settlement of land rights, and restoration of lands. The law recognizes Shari'a, and defers to applicable principles of Shari'a in some areas. Issues that are not covered by the Law on Managing Land Affairs are governed by the country's Civil Code, which in large measure also reflects the Shari'a. Islamic law governs when the Civil Code is silent on an issue (USAID, 2010).

5. Customary Law dominates in Afghanistan, and the Civil Code recognizes its application with regard to land rights. The Ministry of Justice estimates that, due to lack of trust and confidence in formal judicial institutions, 90% of Afghans rely solely on customary law. The Constitution is silent on the authority of customary law but prohibits the adoption of laws that are inconsistent with the tenets of Islam (USAID, 2010). According to Chapter 16, Article 193 of the Customary Law (Draft February 17, 2005), if any provisions from this law are in conflict with the provisions of any other legislation, its provisions shall prevail.

6. The Land Expropriation Law (Official Gazette No. 849, published in 2005/04/20) addresses the land expropriation process and legal rights in relation to the process. For public interest purposes, such as construction of public infrastructure and acquisition of land with cultural or scientific values, land of higher agricultural productivity, or large gardens, the law provides that:

- The acquisition of a plot or part of it 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 happens, the whole property will be acquired (Section 4).
- The right of a land owner or user will be terminated three months prior to start of civil works and after proper compensation to them has been made. The termination of the right of landlords and land users would not affect their rights on collecting their last harvest from the land, except when there is emergency evacuation (Section 6).
- In case of land acquisition, the following factors shall be considered for compensation: value of land; value of houses and buildings; value of trees, crops and other assets on land (Section 8).
- The value of land depends on the category and its geographic location (Section 11).
- A person whose residential land is subject to acquisition will receive a new plot of land of the same value. He 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 affected plot can be swapped with unaffected government land. If the new plot is worth less than the old the difference will be reimbursed to the 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)
- When a property is evaluated at the current rate at the locality concerned, the owner or his representative must be present at the time of measuring and evaluation of the property
- It is Afghan practice to recognize traditional or informal land rights
- Compensation and rehabilitation is provided before the land is acquired
- There is no country specific resettlement policy in Afghanistan.

### **5.3 The ADB Safeguard Policy**

7. The ADB Safeguard Policy Statement, 2009, applies to losses due both to physical and economic displacement caused by involuntary acquisition of land and is based on the following basic principles:

- Involuntary resettlement should be avoided wherever feasible.

- Where population displacement is unavoidable, it should be minimized by providing viable livelihood options.
- Replacing what is lost: if individuals or a community must lose all or part of their land, means of livelihood, or social support systems, so that a project might proceed, they will be compensated and assisted through replacement of land, housing, infrastructure, resources, income sources, and services, in cash or kind, so that their economic and social circumstances will be at least restored to the pre-project level. All compensation is based on the principle of replacement cost.
- Each involuntary resettlement is conceived and executed as part of a development project or program. ADB and executing agencies or project sponsors, during project preparation, assess opportunities for DPs to share project benefits. The affected people need to be provided with sufficient resources and opportunities to re-establish their livelihoods and homes as soon as possible, with time-bound action in coordination with the civil works.
- DPs are to be fully informed and closely consulted. DPs are to be consulted on compensation and/or resettlement options, including relocation sites and socioeconomic rehabilitation. Pertinent resettlement information is to be disclosed to the affected people at key points, and specific opportunities provided for them to participate in choosing, planning, and implementation options. Grievance redress mechanisms for affected people are to be established. Where DPs are vulnerable, resettlement planning decisions will be preceded by a social preparation phase to enhance their participation in negotiation, planning, and implementation.
- Social and cultural institutions: institutions of the DPs, and, where relevant, of their hosts, are to be protected and supported. DPs are to be assisted to integrate economically and socially into host communities so that adverse impacts on the host communities are minimized and social harmony is promoted.
- No formal title: indigenous groups, ethnic minorities, pastoralists, people who claim for such land without formal legal rights, and others, who may have usufruct or customary rights to affected land or other resources, often have no formal legal title to their lands. The absence of a formal legal title to land is not a barrier to ADB policy entitlements. DPs who neither have formal legal rights nor recognized or recognizable claims to land should be compensated for all non-land assets and for other improvements to the land.
- Identification: DPs are to be identified and recorded as early as possible in order to establish their eligibility through a population record or census that serves as an eligibility cut-off date, preferably at the project identification stage, to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits.

- The poorest: particular attention must be paid to the needs of the poorest affected people, and vulnerable groups that may be at high risk of impoverishment. This may include those without legal title to land or other assets, households headed by females, the elderly or disabled and other vulnerable groups, particularly indigenous peoples. Appropriate assistance must be provided to help them improve their socio-economic status.
- The full resettlement costs are to be included in the presentation of the project costs and benefits. This includes costs for compensation, relocation and rehabilitation, social preparation and livelihood programs as well as the incremental benefits over the without project situation (which are included in the presentation of project costs and benefits). The budget also includes costs for planning, management, supervision, monitoring and evaluation, land taxes, land fees, and physical and price contingencies. Where loans include subprojects, components or investments prepared only after project approval and loans through financial intermediaries that are likely to cause involuntary resettlement, sufficient contingency allowance must be allocated for resettlement prior to approval of the loan. Similarly, resettlement plans should also reflect the timeframe for resettlement planning and implementation.
- Eligible costs of compensation: relocation and rehabilitation may be considered for inclusion in the ADB loan financing for the project, if requested, to assure timely availability of the required resources and to ensure compliance with involuntary resettlement procedures during implementation.
- Compensation and rehabilitation is to be provided before the land is acquired.

#### **5.4 Identification of gaps between the ADB Policy and the Afghanistan Law**

8. The Land Expropriation Law (LEL) of Afghanistan and the ADB policy diverge on some key points related to the compulsory acquisition of land. The LEL does not require adequate consultation with affected parties; it simply requires that declaration and notice be given about temporary use of land or acquisition or resumption of land (lease) and the purposes for which it is required. Nor does the LEL require preparation of a documenting process, consultations with DPs, or any specification of procedure for the acquisition and compensation. Finally, the LEL does not entitle to compensation DPs without title nor provides compensation for income losses caused by LAR. Table 5-1 presents the differences between the LAL and the ADB safeguards, and identifies the resolutions taken on this LARP to reconcile the gaps.

ADB SPS 2009	Land Expropriation Law (LEL)	Remarks/Agreed Reconciliation Measures
DPs are to be fully informed and consulted on compensation options.	National legislation does not provide for public consultation.	This Land Acquisition and Resettlement Plan provides for consultation and information dissemination.
DPs should be compensated for all their losses at replacement cost.	LAR for public interest is to be compensated based on equal/fair value according to current market rates. In case of residential land, land for land is offered. Affected crops and trees will be valued by the competent authorities.	The LARP specifies that affected land will be compensated at replacement cost, free of transaction cost, while buildings/structures are compensated without deducting for depreciation. Crops or trees will also be compensated in cash at replacement rates.
Lack of formal title should not be a barrier to compensation/rehabilitation.	Provides compensation to DPs with formal or traditional/customary rights to land. DPs without such rights on the land are not compensated for non-land assets	This LARP provides compensation at replacement cost for titled and customary users, and rehabilitation for non-title holders.
DPs should be timely compensated.	Land owners/users rights on a plot will be terminated three months prior to start of civil works and after compensation is given. The termination of the owner/user rights will not affect the rights to collect the last harvest except in the case of an emergency.	This LARP provides for crops compensation whether they have been harvested or not to avoid civil works delays and pressures on land users to harvest a crop before it is fully ripe. Land users harvesting their crops after notification of the land occupation date will not lose any part of their due compensation.
DPs should be compensated and/or assisted, to guarantee at least the maintenance of their pre-project livelihood level.	Compensation at replacement rate will be given for land, house, crops, or trees losses. Compensation for income losses/relocation costs is not considered.	General rehabilitation for income losses and for relocation costs will be given if these impacts occur.

**Table 5-1: Comparison of the ADB Safeguard Policy Statement (2009) and the LEL of Afghanistan**

## **6. Entitlements**

### **6.1 Principles for Entitlement and Eligibility**

1. The compensation eligibility and entitlements for this LARP are detailed below:

- The negative impact on DP must be avoided or minimized as much as possible.
- Where negative impacts are unavoidable, the persons affected by the project and vulnerable groups will be identified and assisted in improving or regaining their standard of living.
- Information related to the preparation and implementation of the LARP will be disclosed to DPs and all key stakeholders and people's participation will be ensured in planning and implementation.
- Land acquisition for the project would be done as per the Land Expropriation Law of Afghanistan. The Act specifies payment of adequate compensation for the properties to be acquired. Additional support would be extended for meeting the replacement value of the property, that includes all transactions costs and without deduction for depreciation, and salvageable materials. DPs who neither have titles nor recognized or recognizable claims to land will be compensated for their structures and for other improvements to the land.
- Before taking possession of the acquired lands and properties, compensation and resettlement and rehabilitation (R&R) assistance will be paid in accordance with the provision described in this document.
- An entitlement matrix for different categories of people displaced by the project has been prepared and provisions will be kept in the budget for those who were not present at the time of census survey. However, people moving in the project area after the cut-off date will not be entitled to any assistance. In case of land acquisition the date of notification for acquisition will be treated as cut-off date. For non-titleholders such as squatters and encroachers the date of project census survey or a similar designated date declared by the executing agency will be considered as cut-off date.
- Appropriate grievance redress mechanism will be established at the district level to ensure speedy resolution of disputes.
- All activities related to resettlement planning, implementation, and monitoring would ensure the involvement of women and other vulnerable groups.

- Consultations with DPs will continue during the implementation of resettlement and rehabilitation works; and
  - Compensation and rehabilitation is to be provided before the land is acquired.
2. DPs entitled to compensation or rehabilitation under the Investment Program are:
- All DPs with formal title, formal or customary deed, or traditional land right as vouched by the local Jirga, elders or Community Development Council;
  - Tenants and sharecroppers, whether registered or not;
  - Owners of buildings, crops, plants, or other objects attached to the land (including those with no legal rights to the land); and
  - DPs losing business, income, and salaries (including those with no legal rights to the land).
3. Compensation eligibility will be limited by a cut-off date to be set on the completion day of the impacts assessment and DP census. All DPs settling in affected areas after that date and who cannot prove that they are displaced users of affected plots will not be eligible for compensation.

## 6.2 Entitlements and Valuation

4. DPs are entitled to various types of compensation and resettlement assistance as detailed below. Some of these impacts have not been noted in the preliminary assessment and may not be applicable for the transmission line component, but were included in case these are identified during the LARP finalization:
- ***Acquisition of land*** will be compensated at replacement cost either through replacement plots of similar value<sup>1</sup> and condition or in cash based on replacement/current market to be approved by the council of ministers. DABS will shoulder all fees, taxes, and other charges, as applicable under relevant laws incurred in the acquisition and resource establishment.
  - ***Houses, Structures and Buildings*** will be compensated in cash at replacement cost free of depreciation or transaction costs. Replacement costs are calculated in consultation with local governments, provincial DABS engineers and AP and will not include depreciation or salvaged materials which can be used for free by the AH. A lump sum shifting allowance of AF5,000 will be paid for each resettled AH in addition to building compensation.
  - ***Loss of crop*** will be compensated at market rate along with additional assistance for purchase of seeds and restoration of future crop activities.

---

<sup>1</sup> The value of the land will be determined by the Agricultural Department

- ***Loss of trees:*** Fruit bearing trees will be compensated at the value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same productive level of the tree lost. Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume. The compensation for the tree will be free of deduction for the value of the wood left to the AH.
- ***Loss of business*** will be compensated based on tax receipts/other valid documents or, if these are not available, based on the average net income of similar typical businesses in project areas as determined by surveys. Compensation for permanent business losses will amount to 6 month of net income. Compensation for temporary business losses will cover income losses during the interruption period.
- ***Income losses for workers and employees*** — Indemnity for lost wages for the period of business interruption up to a maximum of three months.
- ***Sharecroppers and agricultural workers*** — Sharecroppers will receive their share of harvest at market rates plus one additional crop compensation. Agricultural workers, with contracts to be interrupted, will get a cash indemnity corresponding to their salary in cash up to a maximum of three months.
- ***Vulnerable Households*** – Vulnerable households (AHs below the poverty line, women household heads, mentally challenged headed households, etc.) will be provided an additional three months of average household income allowance (Afs 28,500) as assistance and will be given priority in employment in project-related jobs.
- ***Severe agricultural land impacts***—When greater than 10% of an AP's agricultural land is affected, the AP 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.
- ***Transitional livelihood allowance***<sup>2</sup>— AHs forced to relocate will receive a livelihood allowance of AF5,200 a month for 3 months.
- ***Community structures and public utilities*** — Will be fully replaced or rehabilitated so as to satisfy their pre-project functions.
- ***Impacts on irrigation channels*** — The project will ensure that irrigation channels are diverted and rehabilitated to previous standards.

5. The determination of replacement cost will be based on a detailed assessment undertaken to verify local market rates from local people (based

---

<sup>2</sup> Transitional livelihood allowance is computed based on the prevailing wage rate of AF200 per day by 26 days or AF 5,200 per month. This is also the basis for cash compensation for lost wages. This rate will be adjusted based on the current prevailing wage rate during LARP finalization.

on land transactions done in the area in the last three years) and government rates (if any) prevalent in this region. The government-registered price will be ascertained from the revenue papers. However, in Afghanistan there may be situations where land or building markets are insufficiently developed and land sales prices are not systematically recorded. In these cases valuation will be based on local government revenue rates and will then be negotiated with the local communities. The replacement value rates payable to the affected households will be determined based on extensive consultations with the local Jirgas and the affected households. These negotiated rates will be adopted once endorsed by the Governor's Office. The final LARP will detail the consultation and negotiation activities that led to the definition of the final land rates so as to document the fairness and transparency of the land valuation process and the final agreement of the DPs.

6. The above described entitlements are summarized in the Entitlements Matrix provided in Table 6-1.

Item	Application	Eligibility	Compensation Entitlements
Permanent agricultural/residential/commercial land loss	Land affected by right-of-way (ROW)	AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council.	- Compensation at replacement cost either through replacement plots of similar value or in cash based on replacement/current market to be approved by the council of ministers. All fees, taxes, or other charges, as applicable under relevant laws are to be borne by the project
Structure loss	Residential/commercial or auxiliary structures affected	Owners of structures (including informal settlers)	- Cash compensation for affected structure and other fixed assets at replacement cost of the structure free of depreciation, taxes/fees and salvaged materials. - In case of partial impacts full cash assistance to restore remaining structure. - Right to salvage material from demolished structure
Crops losses	Crops on affected land	Owners of crops / sharecroppers	- Cash compensation equal to replacement cost of crop lost plus cost of replacement seeds and restoration of future crop activities.



Item	Application	Eligibility	Compensation Entitlements
Trees Loss	Trees on affected land	Owner of trees (including informal settlers)	<ul style="list-style-type: none"> <li>- Fruit bearing trees will be compensated at the value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same productive level of the tree lost.</li> <li>- Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume.</li> <li>- The compensation of the tree will be free of deduction for the value of the wood left to the AH.</li> </ul>
Business losses	Permanent / temporary	Business / shop owners (including informal settlers)	<p>Cash compensation for net income loss for the duration of business stoppage (maximum up to 3 months for temporary loss and an equivalent of 6 months income for permanent loss). The compensation for business loss will be calculated based on tax receipts or when these are not available on fixed rates ( use the existing foot note)</p> <p>Employees will be provided indemnity for lost wages equivalent to three months wages</p>
Transitional Allowance	Relocating households	All relocating households (including renters and informal settlers)	-transitional allowance per household for livelihood losses at AF5,200 multiplied by 3 months
Relocation Allowance	Relocating households	All relocating households (including renters and informal settlers)	-Relocation allowance per household of AF5,000
Assistance to Vulnerable Affected Households	Affected by land acquisition, resettlement, etc.	AH which are: female-headed; poor (below poverty line) or headed by handicapped/ disabled persons	<ul style="list-style-type: none"> <li>-Additional cash assistance equivalent to 3 months average household income (AF28,500)</li> <li>-Preferential employment in project related jobs.</li> </ul>
Severe Loss of Agricultural Land	Agricultural land		-Allowance for severe land impacts equal to replacement cost of a year's net income from crop yield of land lost.

Item	Application	Eligibility	Compensation Entitlements
Temporary land occupation		Title holders (formal and informal) lease holders	-Rent for duration of use equal to potential crop loss plus plot rehabilitation. Tenants to share the lump-sum with land-use certificate holders as per their contract
Unidentified Impacts			-Unforeseen impacts compensated based on above entitlements during project implementation by EA.
Loss of Community, Cultural, Religious, or Government Sites	Temporary or permanent loss due to the transmission line component activities		-Conservation, protection and cash compensation for replacement (schools, communal centres, markets, health centres, shrines, other religious or worship sites, tombs. Cash compensation for affected structures based on the above structures entitlements
Impact on irrigation channels	Temporary or permanent loss due to the Project activities	Community/affected households	-Irrigation channels are diverted and rehabilitated to previous standards

**Table 6-1: Entitlements Matrix**

## **7. Consultation and Disclosure**

### **7.1 Introduction**

1. The consultation process was carried out with the potentially displaced people/public for sharing of information related with the project planning and execution activities. The information shared included project activities and their expected impacts on the physical, biological and socio-economic conditions. A project information leaflet was distributed among the potentially displaced persons under the Project. Accordingly, the concerns/issues of the affected population/locals associated with the project were documented and understood. In this respect, a series of consultations were made with the local population/those affected and other concerned stakeholders. The public consultations conducted in May 2013 included scoping sessions with stakeholders and focused group discussions with local communities.

### **7.2 Identification of Stakeholders**

2. The stakeholders which may have a positive impact regarding project implementation in these provinces are the Ministry of Energy and DABS, the Ministry of Agriculture, Irrigation and Livestock, the Ministry of Rural Rehabilitation and Development, the World Food Programme, the National Solidarity Programme working with Community Development Councils, and the National Area Based Development Programme developed by District Development Assemblies.

3. Other stakeholders with some potential are 14 NGO working in Baghlan, 21 in Parwan and about 50 in Kabul, active mainly in the water and sanitation sector, in health care, education, women's empowerment, agricultural development, human rights, child care, socio-economic development, cultural and community development.

4. Community based organizations may be helpful too, although most are driven by local politicians. In all these three areas they can be more involved in development works, but most of them are based in the city itself with limited access to the districts.

5. The local government, the local electricity departments, and the Women departments on provincial level are quite active and it would be possible to involve them for supporting the project.

6. Local units of DABS and the Ministry of Energy are the overall responsible organizations for all electricity related issues: planning, development, and operation. They are also key players when addressing supply issues and conflicts.

7. Primary stakeholders are the people in the three provinces in general, when referring to the intended impacts of the project. If the adverse impacts

of the project are taken into consideration, then much less households are the primary stakeholders. These people are affected in different ways according to the type of losses and the construction works itself. Most negative impacts are small and limited to a short period of time so that the positive impacts of the project most probably will compensate the people from the stress caused by the civil works (apart from the compensation payment for losses).

### **7.3 Stakeholder Consultation**

8. During the field survey, various meetings were held with regional and local stakeholders. The focus of the meetings was on the collection of information with regard to the socio-economic conditions in the wider areas of the planned line corridor. At the same time, information with regard to the project was provided to those stakeholders who so far were not informed.

9. With regard to the primary stakeholders, apart from many individual interviews, in total 10 focus group discussions were held in various districts (Arghandy, Paghman, Shekerdara, Qarabagh, Guldara, Salang, Khinjan, Dodshi, Dasht-e-Kelagai, Pul-e-Khumri).

10. Consultation was done with local elders, present people during the survey, farmers and shop keepers along the way. There were reports that insurgents were looking for soft targets if they were not successful in accessing the main targets. So the team decided not to conduct women consultation as they are more exposed to threat.

### **7.4 Results from the Preliminary Consultation Process**

11. The main sector problem is not the electricity supply connection rate, but the quality of the electricity supply. Nonetheless, there are many villages and especially areas with low population density cut off from the public grid. Where generators are used as an alternative, people complain about the high costs per kWh produced/consumed. The consequence is that both groups would be happy if the project would not only supply the urban areas but also link the rural areas to the new HVTL or, where the networks already exists, provide 24/24 hour supply with a stable voltage.

12. People consider themselves as poor or at least not wealthy, but all group members never hesitate to declare that they themselves would pay for tariffs and for connections costs and just a few people would not be willing and/or able to use electricity if sufficiently available. One strong argument in favour of regular payment for the public supply is the current high costs for power produced by generators.

13. When asked who should organize the valuation of losses and fix the compensation, or at least who should conciliate in case of grievances, most people favour either the traditional (tribal) *shura* or the new

government-established *shura*. In two cases Community Development Councils were also mentioned.

14. Nobody showed concern with regard to possible damages and losses by the construction of the HVTL. The only two concerns were that the future supply would not be fair (i.e. that their village would not be included into the public network (as it was left out once before)) and, as expressed by seven groups, the danger that compensation payments would not come at all or that the compensation money would not be paid adequately for the losses.

15. The majority of the people would not have any problems in facing land acquisition and compensation procedures.

## **7.5 Conclusions and Further Proceedings**

16. One conclusion from the social survey is that the implementation of the land acquisition and resettlement process requires an improved gender approach. As far as security conditions allow for the integration of female staff members into the contractor's and the consultant's teams, contacts with women as land owners and women as heads of households in general should be made by female social experts.

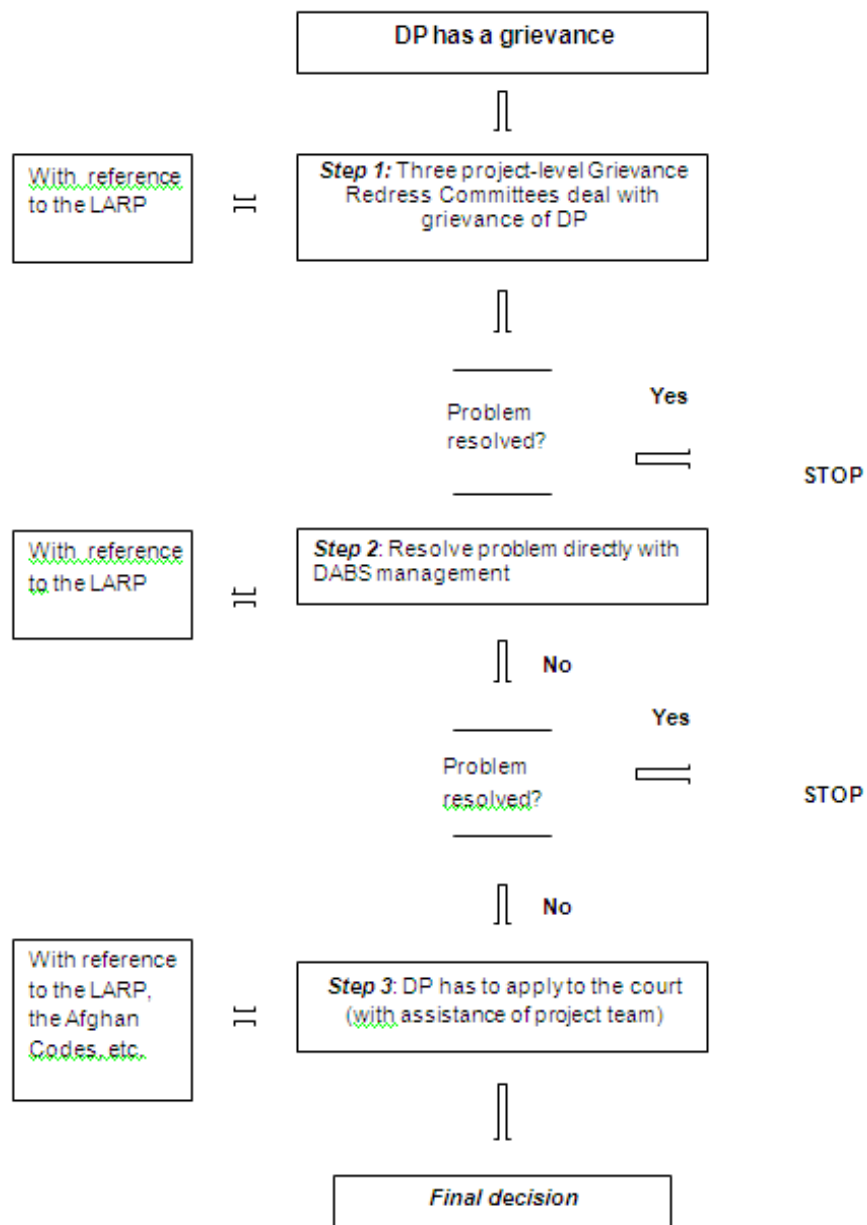
17. With regard to the next steps, after the initial consultations with various stakeholders and especially with members of the possibly affected communities, the following activities will be carried out:

- After agreement of the LARP between DABS and ADB, both reports will be put onto the homepage of the concerned organizations;
- DABS will also in parallel provide a translation of the summary of the principles of the LARP, and the land acquisition and compensation process to the concerned district administrations for further distribution to the affected communities;
- After signing of the contract and with the start of the final HVTL design with the Detailed Measurement Survey, a leaflets will be elaborated and printed with a summary of the land acquisition and compensation process (including the grievance redress mechanism and all addresses of concerned institutions) and distributed to all persons identified as owners/occupier of affected land and other properties. A draft leaflet is shown in Annex 1.

18. The involvement of the affected population and their representatives will be ensured by their participation in the Provincial Valuation and Compensation Committees (PVCC) and in the Grievance Redress Committees (GRC), respectively. Apart from the institutional participation of representatives of the population, all affected persons are invited at any time to apply to the PMO and their Due Diligence Team (DDT). Phone numbers and other information about the concerned institutions are provided in the project leaflet mentioned above.

## 8. Grievance Redress Mechanism

1. According to the ADB safeguards, great care is taken in the project to prevent grievances. The special situation in the conflict marked Afghanistan requires special attention in order to avoid any additional development of conflicts.
2. Prevention of grievances will mainly be done through careful land acquisition design and implementation, by ensuring full DP participation and consultation, and by establishing extensive communication and coordination between the community, the PMO and their consultants and coordinators, and the local governments. In order to include women, the team for the implementation of the land acquisition and resettlement (and compensation) process will be made up in a gender-sensitive and culturally adapted manner.
3. This notwithstanding, complaints are sometimes unavoidable if, for example, a different understanding of the value of losses and consequently of compensation payment arises. Therefore, a grievance redress mechanism is being adopted for the project to allow the DP the opportunity to appeal against any disagreeable decision, practice or activity arising from valuation of losses and the compensation/rehabilitation process. Efforts to make DPs fully informed of their rights and of the procedures for addressing complaints will continue during the updating of the LARP and at the time of compensation.
4. The various queries, complaints and problems that are likely to be generated among the DP and that might require mitigation, include the following:
  - DP not listed as affected,
  - Losses not identified correctly,
  - Compensation/assistance considered inadequate or not as provided by the entitlement matrix,
  - Dispute about ownership,
  - Internal dispute amongst owners, leaseholders, and /or sharecroppers,
  - Delay in disbursement of compensation payments/assistance,
  - Improper distribution of compensation payments/assistance in case of joined ownership of land and other properties,
  - Rehabilitation work not properly done by contractor.
5. Complaints and grievances will be addressed through the following steps and actions (see Figure 8-1). However, such steps shall not prevent any complainant to seek redress of his or her complaint directly to the court at a stage. These are only offered as an alternative complaint resolution.



**Figure 8-1: Grievance Redress Mechanism**

6. **First Step:** A Grievance Redress Committee (GRC) will be established for each concerned district. It includes two members of the community along the HVTTL corridor (preferably one DP and one non-directly affected person from two different villages concerned) to be elected by the regional Jirga, one representative of the district governor with juridical experience, one representative of the concerned district DABS office, and one representative of a regionally active NGO, preferably with experience in mediation/conflict management.

7. The committee is chaired by the representative of the concerned district governor. Grievances should be sent in written form to the

committee and must be heard and resolved within 21 days of submission of the complaint.

8. **Second Step:** If the district-level GRC is not able to resolve the grievance within a 21-day period, the complaints should be presented via the local DABS representative to the DABS General Manager on the central level. The elected representatives of the DP at the provincial level will have the opportunity to mediate by providing their written comments and proposals to the manager. A final decision will be made by the Director of DABS after the assessment of the case and a careful preparation of the decision by the PMO/Due Diligence Unit representative. Grievances should be sent in a written form and must be heard and resolved within 14 days of submission of the complaint.

9. **Third Step:** If no solution is reached within 14 days at DABS central level, the DP can further submit their case to the appropriate court of law, to which they will have the right of access at all stages above as well.

10. While applying the Grievance Redress Mechanism, the DP can seek support from the representative of the coordinator who may also be assisted by the national and international consultants. The contact addresses/phone numbers will be disseminated via the project information leaflet to be distributed amongst all possibly affected hh.

11. If the cause of a grievance is the contradiction between traditional law and modern legislation, the DP may also seek support from the local *jirga* and/or from elders which may hear the legal position of the DP. If the issue or complaint remains unresolved through the grievance redress mechanism, the case can be referred to the appropriate court for resolution. The PMO will design a pro-forma letter to be used for filling complaints. A representative of the coordinator or a member of the DDT will help in filling the form and transmitting it to the appropriate committee/authority and will assist the DP at every stage of the complaint process.

12. If grievances cannot be resolved at the local level, the DABS will nevertheless pay the amount laid down by the PVCC to the DP. Additional compensation may be paid later upon decision of the DABS general manager or the court appealed to in accordance with the final entitlements of the DP.



## **9. Income Restoration and Rehabilitation**

1. The initial assessment shows that the impact of the transmission line component on the income of most AHs is negligible and can be covered by the compensation for loss of assets. So far, not a single case has been identified where a business could be affected. The only significantly affected are the few households who may be displaced from their residence. For these households, the transition and relocation allowances provided in the entitlement matrix would be sufficient to help them cope with the displacement.

2. Vulnerable households will receive an additional allowance equivalent to 3 months of average household income. As an additional measure to help them improve their livelihood, able members of vulnerable households will also be given priority in project-related employment. Skills and experience gained from such opportunities may help improve their long-term employability and income.

## 10. Institutional Arrangements

1. The institutional arrangements for the finalization and implementation of this LARP follow the provisions described in the approved LARF.

### 10.2 Da Afghanistan Breshna Sherkat (DABS)

2. Da Afghanistan Breshna Sherkat (DABS) is the executing agency (EA) for the project and the primary responsible for LAR planning, implementation and financing. Within DABS, the Project Management Office (PMO) will have day to day responsibility for LAR and, within it, a Due Diligence Team (DDT). The PMO has overall responsibility of planning, implementation and monitoring of LAR activities in projects under the MFF. It is tasked to:

- ensure availability of a budget for LAR activities;
- select and appoint organizations and consults for specific activities;
- coordinate with line departments, implementing organization and the Construction Supervision Consultant (CSC);
- train resettlement teams; and,
- manage tasks involving local or central government or the affected communities shuras.

3. The DDT will work closely with other staff of the PMO and will specifically look at safeguards issues. The DDT will assist the PMO in getting all the necessary clearances and implement the resettlement activities prior to start of any civil work. The DDT will be supported by an International Resettlement Specialist (IRS) and one Domestic Resettlement Specialist (DRS). Similarly, there will be one International Environment Specialist (IES) who will be assisted by a Domestic Environmental Specialist (DES). The IRS/DRS will work closely with the PMO engineers, turn-key contractor and implementing NGO at the project site level. The candidate to be selected as IRS is desired to have similar earlier experience in resettlement and social development planning and implementation.

4. The EA staff dealing with LAR impacts will require training on safeguards issues. This will be provided by the IR. Training will be budgeted in the LARP.

5. The draft LARP will be finalized by the PMO (through the DDT) and the turnkey contractor based on the detailed design of the transmission line component. DMS and DP census will be conducted based on specific tower spotting. A Resettlement Team (or specialist) is a requirement for the PMO and turnkey contractor to conduct the DMS, DP census and survey and implement the final/implementation-ready LARP.

### **10.3 The Turnkey Contractor**

6. Upon detailed design and ascertaining of towers, the Turnkey Contractor is obliged to carry out the land acquisition assessment prior to construction and in full accordance with the LARP. The contractor will identify, with support of the coordinator/facilitator, the owner/land use right holders of the land for all temporary losses from construction work and all permanent losses and he will notify the coordinates of the land, the full name of the owner and the size of the land for all areas of the same owner required on a permanent and/or temporary basis and send the document with signature of the land owner / land use right holder to the PVCC.

### **10.4 LARP Coordinator/Facilitator**

7. DABS will engage a local organization (NGO or consultant) to assist the implementation of the LARP. The NGO will play the role of coordinator/facilitator and will work as a link between the PMO and the DPs. The LAR coordinator/facilitator will educate the DPs on the need to implement the Project, on aspects relating to land acquisition and LAR measures and ensure proper utilization of various compensations extended to the DPs under the entitlement package. Specific tasks of the coordinator/facilitator are as follows:

- Work under close coordination of the PMO and DDT to implement the LARP.
- Involve the shura and local leaders, wherever necessary to implement the LARP to facilitate transparency in the process and public participation.
- Assist the PMO in dissemination of the LARP and other resettlement related information.
- Take lead in joint verification and identification of DPs.
- Identify AHs whose lands can be acquired through negotiated purchase or through expropriation.
- Identify absent AHs.
- Carry out a census of the DPs and identify the vulnerable households (if required).
- Identify training needs of DPs for income generation activities and ensure that they are adequately supported.
- Counsel, generate awareness and resolve the grievances of the DPs.
- Put forth the unresolved grievances of the DPs to the GRC.

- Generate awareness about the livelihood restoration activities, and help the APs to make informed choices. Including assisting APs in participating in government development programs.
- Prepare sub-project level plans for implementation of LARP and issue ID cards.
- Assist in disbursement of compensation checks.
- Participate in public meetings as and when required.
- Submit periodic LARP implementation report to the PMO.

## 10.5 The Construction Supervision Consultant

8. The LARP implementation will be monitored by the construction supervision consultants (CSC) who, as the external monitoring agency (EMA), will also provide for the required compliance reports. The CSC will have local and, if needed, international staff to carry out LAR-related monitoring and capacity building tasks.

## 10.6 Provincial Valuation and Compensation Committee

9. The assessment of all damages and losses will be done and the valuation of compensation will be decided by the Provincial Valuation and Compensation Committee (PVCC). The Committee consists of the following members (i.) one representative of the Province governor responsible for land affairs, (ii.) one representative of the PMO (preferably a member of Due Diligence Team), (iii.) one representative of the coordinator/facilitator, (iv.) one representative of the land users where lands are taken permanently or temporarily, (v.) one representative of the District Jirga, preferably coming from the most relevant District regarding land acquisition of the respective Province, and (vi.) one representative of the contractor, responsible for the identification of losses, is also a member of the sub-commission without right to vote.

## 10.7 Other Agencies and Institutions

10. Several other agencies and institutions will have a role in the preparation and implementation of the LARPs. These are:

- **Community *Shuras*, Local *Jirgas* and Community Development Councils.** These local entities will assist in various ways the communication between DABS and the affected communities. This includes facilitating public consultation, monitoring the management of complaints and grievances, vouching as needed for the land occupation status of the APs and assisting in the definition of land compensation rates where no clear land markets are established.

- **Provincial Governments.** This entity will ensure government functions at the provincial level, and following the land valuation survey or negotiation, will provide official endorsement of land compensation rates
- **Ministry of Finance (MOF).** The MOF will be responsible to coordinate the approval of the LARP by the Cabinet of Ministers and, once the LARP is approved, deploy the finances needed for LARP implementation.
- **ADB.** ADB will be responsible to provide approval of LARPs and of action related to the satisfactory implementation of this LARF.
- **Women's groups** may be an additional stakeholder if present in the districts. They may support the team of the coordinator and the constructor in direct information, consultation, and negotiation with women. This will only be applied if such women's groups exist in the neighbourhood of the women affected by the project so that they know their situation and have close contact with them.

The LARP will include a section on scheduling of LAR activities with clear indication of tasks, roles and responsibilities.

## 10.8 Capacities of DABS/PMO and training requirements

11. The capacity of DABS and especially PMO and the Due Diligence Task unit regarding three key components of adequate project planning and implementation is relatively low:

- participatory planning, implementation and monitoring of projects has, at least so far, little relevance in the day-to-day business,
- communication techniques are poor, and
- the involvement of women in projects does not play a major role.

12. Especially, a gender-sensitive implementation would require inputs from the side of the international consultant and his resettlement specialist and their national counterparts. Some training should be carried out for the field staff of the PMO with regard to understanding the particular disadvantage of women as heads of households in the land acquisition and resettlement process, and for the DABS management concerning the long-term challenge to recruit women for administrative and even managing functions within their organization.

13. The EA staff dealing with LAR and LAR impacts will also require training on safeguard issues (health, occupational safety, social aspects, danger from traffic, noise and pollution, etc.). This training will be provided by the IRS prior to the final line routing by the contractor for civil works. In parallel to this final line routing, intensive training measures will be provided to the coordinating NGO/consultant.

14. Training will also be provided for the staff members assigned for land acquisition and identification of other types of losses, compensation and resettlement of the contractor immediately after the completion of the final routing. Prior to the valuation and compensation process for all losses, three training courses will be held for the PVCC in each of the three concerned provinces. Training costs will adequately be budgeted in the final LARP. In Chapter 11 some cost indicators will be provided.

## 11. Resettlement/Compensation Budget

1. Funds for the implementation of the LARP are part of the overall project budget as counterpart financing by the Government of Afghanistan (\$4 million). Due to the preliminary status of the design and total land requirement the cost of LARP implementation will be finalized after the elaboration of the final land requirement for tower location in private land and Detailed Measurement Survey.
2. The budget in this LARP includes provisions for i) compensation of permanent loss of land and temporary loss of access to productive assets; ii) loss of dwelling and other structures iii) transition, vulnerability, and relocation allowances to be paid to APs; iv) Loss of trees and crops; and v) the services of an external monitoring agency. The costs for final LARP updating and preparation and other LAR related activities such as EA capacity building are included in the budget of the PSC contract.
3. As a safeguard measure, the full range of all applicable allowances are budgeted for the 12 Affected Households that will be evicted from the ROW electromagnetic zone and relocate their dwelling.
4. **Structure** loss valuation was done based on 'replacement cost' free of depreciation and other costs. Replacement costs are calculated in consultation with the local governments. The replacement costs are arrived at by assessment of market value for replacement of structures and include costs of material, labor and transport.

### 11.2 Compensation for Permanent Land Losses

5. The land rates presented in Table were determined during the feasibility study and survey of the project, based on consultations with the local shuras, the affected households and district governments. Price of land based on replacement cost will be determined by mutual agreement between local government s and impacted communities and be subject to final approval by council on ministers. LARP will be updated accordingly in consultation with affected people prior to the commencement of any civil works.

Table: Compensation for permanent loss of private agricultural land

Item	Quantity	Rate in US\$	Amount US\$
Permanent Loss of Private Agricultural Land (3.9 hectares) (Foundations/footprint for 175 towers in private land)	39,375 sq m	5.0/m <sup>2</sup>	196,875

### 11.3 Compensation for Temporary loss of access to Land and Loss of Crop

6. Temporary loss of access to private land (831,250 m<sup>2</sup>) will be occasioned by construction activities and expected to impact one crop. Permanent land acquisition (39375 m<sup>2</sup>) will also result in loss of one crop.

**Table Compensation Loss of Crops (temporary and permanent land acquisition)**

Item	Quantity	Rate \$	Amount \$
Irrigated crop (65%)	565,906 m <sup>2</sup>	0.25/ m <sup>2</sup>	141,476
Rain fed crop (35%)	304,719 m <sup>2</sup>	0.08/ m <sup>2</sup>	24,377
<b>Total</b>	<b>870,625 m<sup>2</sup></b>		<b>165,853</b>

### 11.4 Compensation for Loss of trees

Loss of fruit trees and grapevines will be occasioned by construction activity

**Table Compensation for loss of trees**

Item	Quantity	Rate \$	Amount \$
Fruit trees	600	100 /ea	60,000
Grape vines	800	100 /ea	80,000
Timber trees	200	80 /ea	16,000
<b>Total</b>	<b>1600</b>		<b>156,000</b>

### 11.5 Compensation for Houses and Other Structures

The affected houses are made of mud, brick, wood and concrete. Average construction cost for such houses is estimated at US\$19,000 USD, including the surrounding walls. In addition mainly stringing may damage some orchard walls and other agriculture related structures. The estimated compensation budget is provided below

**Table Compensation for houses and other structures**

Item	Quantity	Rate \$	Amount \$
House Structure	3000 m <sup>2</sup>	70/ m <sup>2</sup>	210,000
Other Structures	1000 m <sup>2</sup>	8/m <sup>2</sup>	8,000
<b>Total</b>	<b>4000 m<sup>2</sup></b>		<b>218,000</b>

### 11.6 LAR Allowances

10. For the allowances, the following calculations were made for the 12 affected households that will need to relocate their dwellings away from the ROW. The assumption is that they are all vulnerable.

a) Transitional livelihood allowance

12 households x AF15,600 @ AF54/1 US\$ = **US\$3,466**



b) Relocation allowance  
12 households x AF5,000 @ AF54/1 US\$ = **US\$1,111**

c) Assistance to Vulnerable Households  
12 households x AF 28,500 @ AF54/1US\$ = **US\$ 6,333**

**Total Allowances: US\$ 10,910**

## 11.7 Work of the LARP coordinator/facilitator

11. The coordinator/consultant will be financed under the contract of implementation supervision consultant. Third party monitoring will be undertaken by an NGO to be hired on intermittent basis for 2 years at a lump sum contract of \$120,000.

## 11.8 Summary of Compensation

Table Summary of Compensation

Item	Quantity	Rate in US\$	Amount US\$
Permanent Loss of Private Agricultural Land (3.9 hectares) (Foundations/footprint for 175 towers in private land)	39,375 sq m	5.0/m <sup>2</sup>	196,875
Loss of Dwelling Structure (Average area of house assumed at 250 m <sup>2</sup> ) -- 12 house structures evicted from the electro-magnetic zone for safety reasons without losing land	3000m <sup>2</sup>	70/m <sup>2</sup>	210,000
Loss of agricultural structures: Estimated orchard walls and other structures damaged during construction	1000 m <sup>2</sup>	8.0/ m <sup>2</sup>	8,000
Allowances – relocation, transition and vulnerability for dwellings evicted from ROW	12 hh	909/hh	10,910
Loss of trees -- Estimated for budget purposes	200 timber trees 600 fruit trees 800 grapevines	Timber=\$80 Fruit=\$100 Grape=\$100	156,000
Loss of crops (estimated at \$0.25)	565,906 m <sup>2</sup> Irrigated	0.25/ m <sup>2</sup>	165,853
One crop on land acquired for the	304,719 m <sup>2</sup>		

towers (39,375 m <sup>2</sup> ) and one crop on land with temporary loss of access during construction due to access roads and stringing (831,250 m <sup>2</sup> )	rain fed	0.08/ m <sup>2</sup>	
--	----------	----------------------	--

## 11.9 Total LARP Finalization and Implementation Cost

12. Total LARP implementation cost is estimated at US\$810,525. This includes the work of the PVCC, coordinator, management costs and contingencies. See Table 11-1 below.

No.	Item	Amount in US\$
1	Loss of land -- permanent	196,875
2	Loss of crops (temporarily access)	165,853
3	Loss of trees	156,000
4	Loss of structures	218,000
5.	LAR Allowances	10,901
6	Third Party Monitoring	120,000
	Sub-Total	867,629
7	Contingencies(15%of items1-6)	130,145
	<b>Total</b>	<b>997,774</b>

**Table 11-1: Summary cost for LARP finalization and implementation**

## 12. Implementation Schedule

1. DABS will not allow construction activities in specific sites of the alignment where land has to be acquired from private people to begin until land acquisition and payment of compensation and cash assistance have been satisfactorily completed, and the site is free from encumbrances.
2. The LARP finalization, implementation and review will take approximately 9 months. Table 12-1 shows the LARP finalization and implementation schedule in its relative time order. The absolute dates will be inserted once the deadline for the start of the engineering design is definitively provided.

Table 12-1 LARP finalization and implementation schedule

Date and Period of Time	Activities	Results
<b><u>Detailed design preparation</u></b>		
Day of start of final line design An estimated 90 – 120 days	<ul style="list-style-type: none"> <li>- Contractor starts final identification of HVTL with definite location of towers</li> <li>- Contractor distributes information leaflets to all possibly affected households</li> <li>- Detailed assessment of areas required on a permanent base and of temporary losses of crops</li> <li>- Identification of all affected land owners or land use right holders by contractor (with support of local administration and village/clan elders)</li> <li>- Agreement upon identified land sizes by representatives of affected households and contractor and affirmation of usage rights by DPs</li> </ul>	<ul style="list-style-type: none"> <li>- Some hundreds of leaflets distributed to the population along the planned HVTL</li> <li>- Detailed line design available with all affected plots registered including names of the owners or the shareholders of usage rights</li> <li>- Complete list sent to the responsible Provincial Valuation and Compensation Committees</li> </ul>
<b><u>LARP finalization, approval and disclosure</u></b>		
Day of acceptance of final HVTL design of contractor by PMO Estimated 60 days	<p><i>-Detailed measurement surveys, census, socioeconomic surveys, and follow-up consultations to be implemented:</i></p> <ul style="list-style-type: none"> <li>- Commissions for Valuation of Losses and Compensation (CVLC) work in parallel in all three provinces together with DPs</li> <li>- Land sizes required are to be confirmed and valuation of compensation payments arranged</li> </ul>	<ul style="list-style-type: none"> <li>- All agreements regarding the magnitude and the value of the losses and the compensation amount to be paid signed by AP and Committee.</li> <li>- All agreements sent to the PMO within five days after completion of the valuation process.</li> <li>-final LARP is approved by government and ADB</li> </ul>

Date and Period of Time	Activities	Results
	-final LARP is prepared and submitted to ADB and government for approval	and disclosed
<b><u>LARP implementation</u></b>		
Day of getting the documents from CVLC Estimated 30 days	<ul style="list-style-type: none"> <li>- DABS PMO and working group (Monitor, PMO Due Diligence Team, international/national resettlement specialists, ADB representative) check all documents</li> <li>- PMO assigns payment either directly through its local staff, via Ministry of Finance local structure, of external implementation coordinator</li> </ul>	<ul style="list-style-type: none"> <li>- DABS/working group confirms agreements</li> <li>- Payment orders by PMO are delivered to concerned institutions and money is transferred for pay-offs.</li> <li>- Start expropriation procedures in case of disputes or problem cases. For cases referred to the court, money is deposited in an escrow account or similar modalities.</li> </ul>
10 days after money transfer from PMO/Ministry of Finance to concerned institutions for pay-offs Estimated 20 days	<ul style="list-style-type: none"> <li>- Affected households are informed and come to village meetings of AP with project representatives in order to collect their compensation money</li> </ul>	<ul style="list-style-type: none"> <li>-All AP receive the agreed amounts of money for compensation of losses.</li> <li>- All affected household representatives confirm with their signature that payment has been made according to the agreements.</li> </ul>
<b><u>-LARP compliance monitoring</u></b>		
20 days after money transfer to local structures Estimated 15 days	<ul style="list-style-type: none"> <li>- External Monitor checks payment to the affected households by village or urban living area level meetings</li> </ul>	<ul style="list-style-type: none"> <li>- No complaints have been raised and no irregularities reported</li> </ul>
Subsequently within three working days	<ul style="list-style-type: none"> <li>- Monitor prepares short report with the recommendation to start the construction work</li> </ul>	<ul style="list-style-type: none"> <li>- Report handed to PMU</li> </ul>
Subsequently within three working days	<ul style="list-style-type: none"> <li>- PMU sends Monitor report to ADB</li> </ul>	<ul style="list-style-type: none"> <li>- Report handed to ADB</li> </ul>
<b><u>Commencement of physical works</u></b>		
Subsequently within one week	<ul style="list-style-type: none"> <li>- ADB and DABS PMO agree upon start of civil works</li> </ul>	<ul style="list-style-type: none"> <li>- Contractor gets release order</li> </ul>
on a long standing basis	<ul style="list-style-type: none"> <li>- Cases pending in court are resolved</li> </ul>	<ul style="list-style-type: none"> <li>- Additional payment is made by concerned institutions</li> </ul>

**Table 12-1: Implementation Schedule for the Land Acquisition and Compensation Procedure**

## 13. Monitoring and Evaluation

1. The implementation of the LARP will be monitored regularly to help ensure that it is implemented as planned and that mitigation measures designed to address the Project's adverse social impacts are adequate and effective.

### 13.2 Internal Monitoring

2. Internal Monitoring will be conducted by the PMO. Internal Monitoring and Evaluation (M&E) reporting will cover the following:

Compliance with land acquisition and resettlement compensation policies;

Adequacy of the organizational mechanism for implementing the LARP;

Fair and judicious handling of complaints and grievances;

Compensation payments to AP made as mandated by the LARP; and

Success in restoring the APs incomes to pre-project levels.

3. Internal monitoring will be carried out on a monthly basis by the Due Diligence Team and will be reported to ADB on a quarterly basis until the end of the compensation and rehabilitation process. The PMO will be responsible for determining if any follow-up actions are necessary and ensuring these actions are undertaken.

4. Prior to the delivery of compensation payments to the AP, the PMO will announce the compensation dates, including a detailed compensation schedule community by community. The DDT will monitor to ensure that no construction in the affected areas will commence until the payment of compensation has been fully completed and that concerns from DPs are identified timely and addressed effectively.

### 13.3 External Monitoring

5. DABS will assign an external monitoring agency (EMA) to carry out external monitoring and post-implementation evaluation of land acquisition and resettlement. It is recommended that the work of the external monitor be charged with the Construction Supervision Consultant (CSC) in order to allow for an integrated supervision of the project implementation.

6. **Scope of Work:** The EMA appointed shall undertake the following tasks to independently externally monitor the implementation of the LARP:

#### A. Baseline

7. Validate the results of the Internal monitoring reports by:
  - Random review of DMS forms for correct inventory of assets and entitlements. This review is to cover 10% of all the DMS forms;

- Random review of entitlement and compensation documents to ensure that the assessment of compensation is based on the agreed entitlement matrix and that all entitlements have been accurately applied;
- Random review of status of affected households within the LAR impact areas.

#### B. Evaluation of Delivery of Entitlements

8. The delivery of entitlements will be monitored as follows:
- Field check, site visits coordinated with the resettlement activities that are taking place;
  - Evaluation of the quality and timeliness of delivering entitlements.

#### C. Evaluation of Consultation and Grievance Procedures

9. Consultation and grievance procedures will be monitored to:
- Assess whether grievance procedures are adequately implemented;
  - Identify, quantify and qualify the types of conflicts and grievances (if any) reported and resolved;
  - Provide assistance when required to APs to address grievances, as required, and act as observers on the grievance procedure.

#### D. External Monitoring of LARP Implementation and Follow-up Actions

10. The EMA will conduct semi-annual external monitoring activities until compensation payments are completed. The EMA will:
- confirm which sections compensation has been paid and which sections have still pending issues;
  - make recommendations for the issuance of no-objection to commence civil works in areas with no pending LAR issues or follow-up actions to address non-compliance issues or complaints; and
  - identify lessons learned.

11. **Reporting:** The EMA will be required to submit the following:
- (i) Baseline and Inception Report – to be submitted within one week of mobilization to the PMO and ADB.
  - (ii) Semi-annual Monitoring Reports – to be formally submitted by the EMA directly after compensation has been distributed in each of the affected areas. The EMA will prepare semi-annual monitoring reports to describe the progress of LARP implementation in sections where LARP implementation has not been completed. The semi-annual Monitoring Reports should particularly focus on:
    - description of M&E activities;
    - report on implementation of all aspects of the LARP;
    - deviations, if any, from the provisions and principles of the resettlement policy specified in the RP;
    - identification of problems, issues and recommended solutions; and

- description of findings in relation to whether the project activities have been completed as planned and budgeted, and recommendations, timetable and budget for addressing outstanding problems;
- (iii) Compliance report to verify successful LARP implementation to be issued within 1 week after compensation and LAR procedures for all affected areas are completed and prior to construction. This report can also be prepared on a per section basis to allow civil works to start in sections where LARP implementation has been completed.
- (iv) Post LARP Evaluation Report. The EMA will submit a final evaluation of the LARP, two years after its implementation. The report will look into the impact of the LARP on the AH, assessing whether the LARP was successful in its objective of helping DPs restore or improve their livelihood and living conditions, and focusing on lessons learned which may be applied to similar projects.

12. ***Participation of Displaced Persons:*** The EMA will ensure the participation of DPs by means of consulting the DP representatives in the Provincial Valuation and Compensation Committee with regard to the implementation process, carrying out focus group discussions in each of the more densely inhabited areas with representatives of AHs.

## **Annex 1: PROJECT INFORMATION LEAFLET**

Islamic Republic of Afghanistan: North South Power Transmission  
Enhancement Project

Funded by the Asian Development Bank

Executing Agency: Da Afghanistan Breshna Sherkat (DABS)

Expected Implementation Period: 2014 – 2016 (including detailed design)

### **Project Description**

The project is the construction of a 500kV transmission line from Dashte Alwan to Arghandy, Kabul (Afghanistan) including a 500 kV substation at Arghundy

### **Expected Impact and Indicative Entitlements**

Transmission line route and location of towers and poles will be designed further in detail during detailed design through full consultation with the displaced persons. The expected impact due to the Project and indicative entitlements are as follows:

### **Entitlements Matrix**

<b>Item</b>	<b>Application</b>	<b>Eligibility</b>	<b>Compensation Entitlements</b>
Permanent agricultural/residential/commercial land loss	Land affected by right-of-way (ROW)	AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council.	- Compensation at replacement cost either through replacement plots of similar value or in cash based on replacement/current market to be approved by the council of ministers. All fees, taxes, or other charges, as applicable under relevant laws are to be borne by the project



Item	Application	Eligibility	Compensation Entitlements
Structure loss	Residential/ commercial or auxiliary structures affected	Owners of structures (including informal settlers)	<ul style="list-style-type: none"> <li>- Cash compensation for affected structure and other fixed assets at replacement cost of the structure free of depreciation, taxes/fees and salvaged materials.</li> <li>- In case of partial impacts full cash assistance to restore remaining structure.</li> <li>- Right to salvage material from demolished structure</li> </ul>
Crops losses	Crops on affected land	Owners of crops / sharecroppers	<ul style="list-style-type: none"> <li>- Cash compensation equal to replacement cost of crop lost plus cost of replacement seeds and restoration of future crop activities.</li> </ul>
Trees Losses	Trees on affected land	Owner of trees (including informal settlers)	<ul style="list-style-type: none"> <li>- Fruit bearing trees will be compensated at the value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same productive level of the tree lost.</li> <li>- Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume.</li> <li>- The compensation of the tree will be free of deduction for the value of the wood left to the AH.</li> </ul>
Business losses by	Permanent / temporary	Business / shop owners (including informal settlers)	<ul style="list-style-type: none"> <li>- Owners: Business compensation based on monthly income from that business by month of business stoppage. The compensation for business loss will be calculated</li> </ul>
Transitional Allowance	Relocating households	All relocating households (including renters and informal settlers)	transitional allowance per household for livelihood losses at AF5,200 multiplied by 3 months
Relocation Allowance	Relocating households	All relocating households (including renters and informal settlers)	Relocation allowance per household of AF5,000

Item	Application	Eligibility	Compensation Entitlements
Assistance to Vulnerable Affected Households	Affected by land acquisition, resettlement, etc.	AH which are: female-headed; poor (below poverty line) or headed by handicapped/ disabled persons	-Additional cash assistance equivalent to 3 months average household income (AF28,500) -Preferential employment in project related jobs.
Severe Loss of Agricultural Land	Agricultural land		-Allowance for severe land impacts equal to replacement cost of a year's net income from crop yield of land lost.
Temporary land occupation		Title holders (formal and informal) lease holders	-Rent for duration of use equal to potential crop loss plus plot rehabilitation. Tenants to share the lump-sum with land-use certificate holders as per their contract
Unidentified Impacts			-Unforeseen impacts compensated based on above entitlements during project implementation by EA.
Loss of Community, Cultural, Religious, or Government Sites	Temporary or permanent loss due to the transmission line component activities		-Conservation, protection and cash compensation for replacement (schools, communal centers, markets, health centers, shrines, other religious or worship sites, tombs. Cash
Impact on irrigation channels	Temporary or permanent loss due to the Project activities	Community/affected households	-Irrigation channels are diverted and rehabilitated to previous standards

## Grievance Redress Mechanism

1. A grievance redress mechanism will be established commencing detailed design stage for redress of grievances and complaints. The indicative mechanism is as follows:

(i) Complaints may be filed at district DABS offices in project areas. Grievances should be sent in written form to the project level Grievance Redress Committee for each concerned district which will hear and try to resolve the complaint within 21 days upon receipt; the fixed rate will be based on the average net income of similar businesses in the project areas as determined by the surveys conducted during LARP preparation.

(ii) If the AP is unsatisfied or has no reply from the Grievance Redress Committee, she/he can send her/his complaints via the provincial DABS representative to the DABS General Manager on the central level;

(iii) If no solution is reached within 14 days at DABS central level, the AP can further submit their case to the appropriate court of law.

Contact Details for Inquiry during Pre-Implementation Stage:

- DABS Kabul Office
- DABS Parwan Office
- DABS Baghlan