

# Draft Resettlement Plan

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Project Number: 53025-001  
July 2019

## AFG: Transport Network Improvement Project (Kabul–Jalalabad Road: 85 Km)

Section 1 – Ziarat Haji Nazar Baba to Sapary (32+000 -- 50+000)

Section 2 – Sapary to Lahorekhel (50+000 – 73+000)

Section 3 – Lahorekhel to Totu (73+000 – 95+000)

Section 4 – Totu to Memla (95+000 – 117+000)

Prepared by Ministry of Public Works, Islamic Republic of Afghanistan for the Asian Development Bank (ADB)

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## **CURRENCY EQUIVALENTS**

(As of 22 July 2018)

Currency Unit–Afghani (AFN)

AFN1.00 = \$ 0.0137

\$1.00 = AFN73.06

## **ABBREVIATIONS AND ACRONYMS**

|      |  |
|------|--|
| ADB  | Asian Development Bank                           |
| AH   | affected household                               |
| AP/s | affected person/s                                |
| COI  | corridor of impact                               |
| CPI  | consumer price index                             |
| CSC  | construction supervision consultant              |
| DDT  | due diligence team                               |
| DPC  | displaced persons committee                      |
| DSPC | design and safeguard planning consultant         |
| EA   | executing agency                                 |
| EMA  | external monitoring and evaluation agency        |
| GoA  | Government of Afghanistan                        |
| GRC  | grievance redress committee                      |
| IRS  | international resettlement specialist            |
| kg   | kilogram   |
| km   | kilometer  |
| LAL  | land acquisition law                             |
| LAR  | land acquisition and resettlement                |
| LFT  | LAR field team                                   |
| LARP | land acquisition & resettlement plan             |
| m    | meter  |
| MFF  | multitranches financing facility                 |
| MPW  | Ministry of Public Works                         |
| MRM  | management review meeting                        |
| MRRD | Ministry of Rural Rehabilitation and Development |
| NGO  | non-government organization                      |
| PFR  | periodic financing request                       |
| PMO  | program management office                        |
| R&R  | resettlement and rehabilitation                  |
| ROW  | right-of-way                                     |

## DEFINITION OF TERMS

|                                    |   |
|------------------------------------|---|
| <b>Affected persons (APs)</b>      | means all of the people affected by the project through land acquisition, relocation, or loss of incomes and include any person, household (sometimes referred to as project affected family), firms, or public or private institutions. APs therefore include; i) persons affected directly by the right-of-way acquisition, or construction work area; (ii) persons whose agricultural land or other productive assets such as trees or crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the project impact; (iv) persons who lose work/employment as a result of project impact; and (v) people who lose access to community resources/property as a result of the project. Although this definition of affected person is at variance with the expression in the SPS-2009, this is how it is currently understood and used in Afghanistan, and practically it is not different from 'displaced person' defined in the SPS-2009. |
| <b>Compensation</b>                | means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value.   |
| <b>Cut-off-date</b>                | the date after which people will not be considered eligible for compensation, i.e., they are not included in the list of APs as defined by the census. Normally, the cut-off date is the date of the detailed measurement survey.   |
| <b>Detailed measurement survey</b> | means the detailed inventory of losses that is completed after detailed engineering design and marking of project boundaries on the ground.   |
| <b>Encroachers</b>                 | means those who illegally extend their legal title holding on to the public land.   |
| <b>Entitlement</b>                 | means the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation, which are due to business restoration due to APs, depending on the type and degree nature of their losses, to restore their social and economic base.  |
| <b>Jerib</b>                       | means traditional unit for measurement of land in Afghanistan. One Jerib is equivalent to 2,000 square meter of land. One hectare consists of 5 jeribs.   |

|                                   |   |
|-----------------------------------|---|
| <b>Land acquisition</b>           | Means the process whereby a person is compelled by a public agency to alienate all or part of the land she/he owns or possesses, to the ownership and possession of that agency, for public purposes, in return for fair compensation   |
| <b>Poor</b>                       | Based on Ministry of Rural Rehabilitation and Development study of Nationwide Risk and Poverty Assessment of Afghanistan, 2011-2012, and adjusted by the CPI for the period 2012-2016 the poverty line for the project area has been determined as AFN 2,043 per person per month. Poor includes, those falling below this line.  |
| <b>Recognizable claim to land</b> | The project recognizes affected persons with customary ownership with or without the required legally valid customary deed as “legalizable” owners who must be compensated for both the loss of land and nonland assets.  |
| <b>Replacement cost</b>           | means valuing assets to replace the loss at current market value, and is the amount of cash or kind needed to replace an asset , without deduction for depreciation or transaction costs or for any material salvaged. According to the SPS, the calculation of full replacement cost is based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.              |
| <b>Sharecropper</b>               | means the same as tenant cultivator or tenant farmer, and is a person who cultivates land they do not own for an agreed proportion of the crop or harvest.  |
| <b>Significant impact</b>         | means 200 people or more will experience major impacts, which is defined as; (i) being physically displaced from housing, or (ii) losing ten per cent or more of their productive assets (income generating).   |
| <b>Squatter</b>                   | one who illegally occupies public or private land.  |
| <b>Temporary displacement</b>     | displacement from impacts on land and immovable property outside the right of way of the project caused temporarily by civil works related activities   |
| <b>Vulnerable</b>                 | means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and includes; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households (within the meaning given previously); (iv) landless; (v) elderly households with no means of support; (vi) households without security of tenure; (vii) ethnic minorities; and (viii) marginal farmers (with landholdings of five Jeribs or less). |

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## EXECUTIVE SUMMARY

1. This Draft Land Acquisition and Resettlement Plan (LARP) has been prepared by the Ministry of Public Works Program Management Office, Government of the Islamic Republic of Afghanistan (MPW/PMO) for the Ministry of Finance (MOF) and the Asian Development Bank (ADB) to process the grant for the 85 km Kabul Jalalabad Highway Project (KJHP). KJHP will rehabilitate and upgrade sections of the existing road track that are a part of the Road passing through district Sarobi in of Kabul province and districts Khogyani, Sherzad and Hisarak of Nangarhar province linking the capital city of Kabul with Jalalabad in eastern Afghanistan. There are no indigenous people in the project area as defined for ADB's operational purposes in the SPS 2009.

2. The 85 Km Kabul Jalalabad Highway Project is divided into 4 stretches or Sections for construction purposes on the basis of topography and scope of construction and will be implemented as 4 separate construction contract packages, namely: 1) Ziarat Haji Nazar Baba to Sapary; **Section-1** (Package I), 18 Km; 2) Sapary to Lahorekhel; **Section -2** (Package II), 23 Km; 3) Lahorekhel to Totu; **Section-3** (Package III), 22 Km; and 4) Totu to Memla; **Section-4** (Package IV) ,22 Km.

3. The present LARP provides a preliminary assessment of the road's LAR impacts and costs, and details an action plan for further LAR actions required for the delivery of a final and implementation-ready LARP based on the detailed/final engineering design of the road. The LARP fits relevant Afghan laws, the ADB's Safeguards Policy Statement (SPS 2009) requirements and the Project's Entitlement Matrix. The security conditions in the field are precarious and the staff working there are avowedly endangered. In the absence of a detailed design and a security cordon, that will only be mobilized along with the detailed design team, a reliable estimated quantitative impact assessment of affected structure and land was conducted with the help of a participatory assessment by key informants from each road section. This had to be done minus a census of affected persons and each household's individual inventory of loss. While such an assessment can provide an estimate of the extent of the physical aggregate impact on structures and private land it cannot specify, while assessing the significance or severity of the physical and economic displacement, individual household losses in terms of involuntary resettlement impacts.

4. Qualitatively, at this stage LARP preparation has involved information disclosure, consultations and focus group discussions with village estate councils (*manteqa shuras*) to develop, agree upon and finalize the i) entitlement matrix, ii) grievance redress mechanism, iii) replacement costs for infrastructure and land, the price for the latter (only as a recommendation for the consideration of the Council of Ministers); iv) a socio-economic context overview of affected communities through *manteqa shuras* and other key informants; and v) an estimated budget for the LARP. At this stage the estimated LARP budget essentially includes the replacement costs of affected structures and private land including all types of structures over the

lands. Nonetheless, the budget includes estimates of commensurate resettlement allowances relating to business and livelihood losses, and to relocation, transition and vulnerability.

6. This LARP assessed the extent of impact caused by any involuntary resettlement required to accommodate the upgradation of the existing road to national level road standards, modified to reduce as much impact as possible without overly violating the integrity of the design. This document spells out the compensation and rehabilitation of Affected Persons (AP) and has been prepared in close consultation with stakeholders and affected people during a workshop in Jalalabad. A total of 1495 households/entities are estimated to be impacted by the acquisition of commercial, residential and agricultural land and the loss of structure. Out of these 1495 households/ entities 1097 households will suffer loss of agricultural and residential land, and partial or full damage to structures associated with their dwellings. All households losing agricultural land are estimated to lose less than 10% of their land. 398 business entities and their households will lose commercial land and total or partial structures associated with their business. **The overall involuntary resettlement impact, in all 4 Sections of the Project on affected households and entities is significant. 93 business entities and affiliated households (651 people) and 332 dwellings and affiliated households homes/AH (2324 people); i.e. a total of 425 households and 2975 people will suffer a significant impact by permanently losing business and/or dwelling structures, residential and/or commercial land, and having to relocate.** A summary of impacts is provided in Table 1 below.

**Table 1: Summary Impacts of Land Acquisition and Resettlement- Section -wise**

| Impacts   | Section- 4    | Section-3     | Section-2     | Section-1     |
|---|---------------|---------------|---------------|---------------|
| <b>I. Land (m<sup>2</sup>)</b>                  |               |               |               |               |
| Agricultural Land - Irrigated                   | 25,401        | 19,051        | 12,700        | 6,351         |
| Agricultural Land - Un irrigated                | 15,609        | 31,216        | 46,825        | 62,433        |
| Residential/Commercial Land*                    | 12,450        | 14,350        | 15,860        | 17,373        |
| <b>Total Land(m<sup>2</sup>)</b>                | <b>53,460</b> | <b>64,617</b> | <b>75,385</b> | <b>86,157</b> |
| <b>II. Structure</b>                            |               |               |               |               |
| Dwelling associated structures(m <sup>2</sup> ) | 3,380         | 7,550         | 11,330        | 15,105        |
| Business associated structures(m <sup>3</sup> ) | 9,070         | 6,800         | 4,530         | 2,268         |
| <b>Total Structures (m<sup>2</sup>)</b>         | <b>12,450</b> | <b>14,350</b> | <b>15,860</b> | <b>17,373</b> |
| <b>III. Trees (No.)</b>                         |               |               |               |               |
| Timber trees                                    | 470           | 300           | 180           | 90            |

|   |              |            |            |             |
|---|--------------|------------|------------|-------------|
| Productive Fruit trees  | 530          | 310        | 240        | 115         |
| <b>Total Trees</b>  | <b>1,000</b> | <b>610</b> | <b>420</b> | <b>205</b>  |
| IV. Total Affected Households/Entities  | 233          | 332        | 426        | 504         |
| V. Vulnerable Affected Households   | 92           | 127        | 168        | 199         |
| <b>VI. Affected Households anticipated to experience significant (more impact with vulnerability) IR Impact</b> | <b>63</b>    | <b>91</b>  | <b>123</b> | <b>148</b>  |
| <b>VII. No of physically displaced households</b>   | <b>23</b>    | <b>18</b>  | <b>12</b>  | <b>4</b>    |
| <b>VIII. No of people anticipated to experience major (More than 10% of the asset loss) IR Impact</b>           | <b>441</b>   | <b>637</b> | <b>861</b> | <b>1036</b> |

\* Built up area with a frontage to the road, whether residential or commercial, has been valued at the same rate.

7. The basic compensation principles and policies applicable in this LARP are: (i) avoid negative impacts of land acquisition and involuntary resettlement on persons affected by the Project to the extent possible; (ii) AH/APs losing assets, livelihood or other resources will be fully compensated and/or assisted so that they will be able to improve or at least restore their former economic and social conditions. Compensation will be provided at full replacement cost, free of depreciation, transfer costs or eventual salvaged materials; (iii) the final compensation eligibility cut-off date is the impact survey (census and inventory) date; (iv) compensation will include not only immediate losses, but also temporary loss of business and livelihood, and employment on project civil works; (v) as lands to be acquired from farmers are a portion of respective plot, therefore, land-for-land compensation will not be considered, (vi) lack of formal legal land title should not be a bar to compensation or rehabilitation; (vii) particular attention will be paid to AH headed by women and other vulnerable groups, and appropriate assistance will be provided to improve their status. Other compensation/ rehabilitation provisions will equally apply across gender lines and (viii) the full compensation of affected assets will be a condition for the initiation of civil works. No objection for the contractors' mobilization in the field will be given only if compensation/ rehabilitation have been provided in full to the APs. Various entitlements provided under the plan are described below in Table 2.

**Table 2: Entitlement Matrix**

| Item  | Application   | Eligibility   | Compensation Entitlements  |
|---|---|---|--|
| 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. | Cash compensation at replacement cost, determined through assessments and agreed upon by the AHs and 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   |
| Residential, Social, Communal and commercial buildings loss | Residential/commercial/Social/Communal structure affected | Owners of structures (including informal settlers non-title holders, encroachers, squatter; )                                       | <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. If more than 25% of the building's floor area is affected, cash compensation will be computed for the entire building.</li> <li>• Privilege to salvage material from demolished structure</li> </ul>   |
| Crops losses  | Crops on affected land                                    | Owners of crops / sharecroppers/employed agriculture workers/leaseholders   | <ul style="list-style-type: none"> <li>• Cash compensation equal to one year's crop yield. For sharecroppers – their share of harvest at market rates and potentially an additional one crop compensation in order to be in safe side toward the farmer, in compensation. For employed agricultural workers, an indemnity in cash corresponding to their salary in cash or kind for the remaining part of the harvest, interrupted part of the harvest (for temporary impact), and entirely forgone harvest.</li> <li>• For leaseholders, an amount equivalent to the market value of gross annual yield (assumed to include cost of annual lease, cost of inputs, and profit) for the area each AP has leased. This compensation is only available for the farmers that utilize the land as lease.</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, plus the market cost of a sapling</li> <li>• Non-fruit bearing/timber trees will be valued based on the market value of their dry wood</li> </ul>   |

| Item   | Application   | Eligibility  | Compensation Entitlements   |
|--|---|--|---|
|  |   |  | <p>volume.</p> <ul style="list-style-type: none"> <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 shop owners and employees | Permanent / temporary business losses along the ROW       | Business / shop owners (including informal settlers), employees                                  | <ul style="list-style-type: none"> <li>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 fixed rates<sup>1</sup>.</li> <li>Employees: indemnity for lost wages equivalent to three months income</li> </ul> |
| Transitional Livelihood Allowance            | Residential/Commercial Structures affected                | Only displaced AHs   | <ul style="list-style-type: none"> <li>Relocated owners/renters will receive a transitional allowance for livelihood losses at AF 6,000 for 3 months</li> </ul>   |
| Relocation Allowance                         | Residential/Commercial Structures affected                | Only displaced AHs   | <ul style="list-style-type: none"> <li>Relocated owners/renters (including informal settlers) will receive a relocation allowance of AF6,000</li> </ul>   |
| Assistance to vulnerable AH                  | 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>Vulnerable households will be provided an additional three months of average household income allowance (AF36,000) as assistance.</li> <li>Preferential employment in the project construction to willing APs.</li> </ul>  |
| Severe agricultural land impact allowance    | Agricultural land   | Agricultural land owners, leaseholders or sharecroppers losing >10% of their holdings            | <ul style="list-style-type: none"> <li>Allowance for severe land impacts equal to replacement cost of a year's net income from crop yield of land lost.</li> </ul>  |
| Loss of Community, Cultural, Religious, or   | Temporary or permanent loss due to the Project activities | Community/ Affected households   | <ul style="list-style-type: none"> <li>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</li> </ul>  |

<sup>1</sup> This fixed rate is based on the average net income of road businesses in project areas as determined by key informants interviewed during this LARP preparation.

| Item                          | Application   | Eligibility   | Compensation Entitlements  |
|-------------------------------|---|---|--|
| Government Sites              |   |   | entitlements   |
| Impact on irrigation channels | Temporary or/and permanent loss due to the Project activities | Community/ affected households  | <ul style="list-style-type: none"> <li>Irrigation channels are diverted and rehabilitated to previous standards or built to supply original irrigators of permanently impacted channels</li> </ul> |
| Temporary loss of land        | Temporary use of land during construction                     | AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council. | <ul style="list-style-type: none"> <li>Cash compensation based on local land rental rates for the duration of use and restoration at the end of the rental period.</li> </ul>                      |
| Unidentified Impacts          |   | AH or individuals   | <ul style="list-style-type: none"> <li>Unforeseen impacts compensated based on above entitlements during project implementation by the EA and ADB's SPS 2009.</li> </ul>                           |

8. MPW is the implementing agency (IA) for the Project. The already established Program Management Office (PMO) implements resettlement activities. For the task of resettlement implementation, MPW will have a Due Diligence Team (DDT) at PMO level. Most importantly, at the project level there is the LAR field team involved in the implementation of land acquisition and resettlement plan.

9. 9. Vital sections of the LARP such as the Entitlement Matrix and the Grievance Redress Mechanism will be shared with the APs during consultations. After approval by the Government and ADB, the LARP will be disclosed to the affected persons/communities before implementation. The cut-off date will be declared to the affected people/communities, local representatives and concerned officials involved in project implementation. The total estimated cumulative cost for land acquisition and resettlement based on an approximation, for all the 4 road sections, of land and structure impacted as conceived by key informants from each section is **AF 325,326,111** equivalent to **USD\$, 4,452,862 (1 \$=73.06 AF)**.

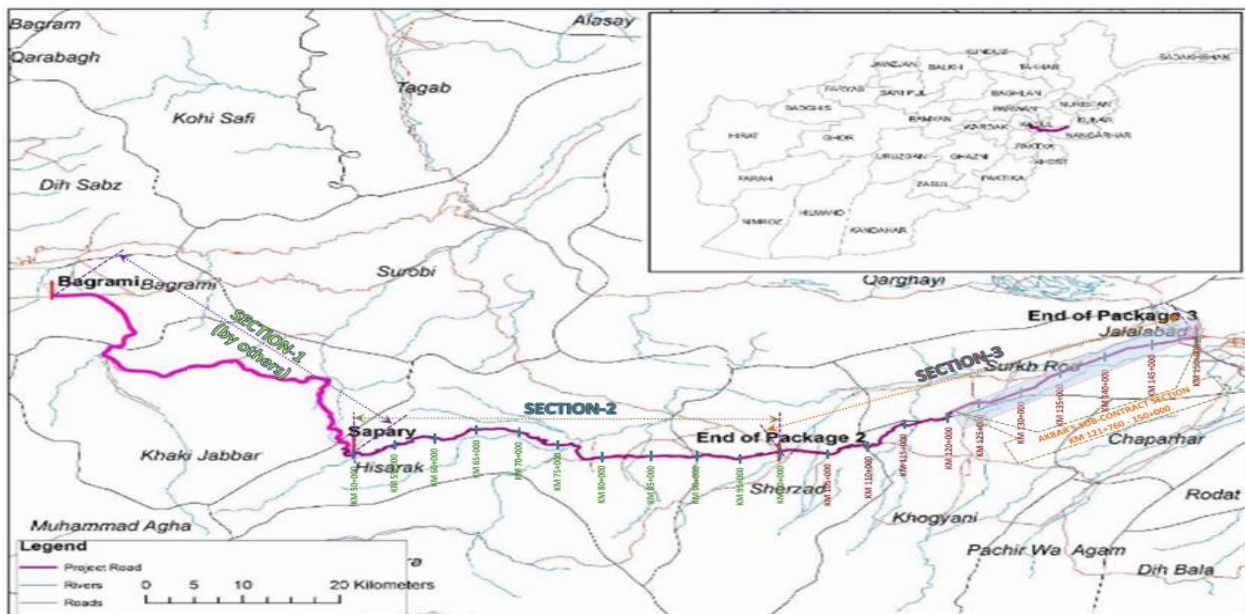
# CHAPTER 1: INTRODUCTION AND PROJECT DESCRIPTION

## A. General

10. The Asian Development Bank (ADB) has agreed to provide the Government of Afghanistan with a grant for the reconstruction and rehabilitation of the Kabul to Jalalabad Highway (the Project). The Ministry of Public Works (MPW)/ Program Management Office (PMO) is the Implementing Agency (IA) for the Project. The Ministry of Finance (MOF) is the Executing Agency (EA). The 85 Km Kabul-Jalalabad Project road is divided into 4 sections for construction purposes on the basis of topography and scope of construction and will be implemented as 4 separate construction contract packages, namely: 1) Ziarat Haji Nazar Baba to Sapary Section-1 (Package I) 18 Km; 2) Sapary to Lahorekhel (Package II) 23 Km; 3) Lahorekhel to Totu (Package III) 22 Km; and 4) Totu to Memla (Package IV) 22 Km.

11. The 85 Km Kabul-Jalalabad Highway traverses through the settlements and districts of Khogyani, Hesarak and ,Sherzad in Nangarhar province and Sarobi in Kabul province.

**Figure 1: Location Map of Project**



## B. Project Description

12. This Land Acquisition and Resettlement Plan (LARP) has been prepared for four (4) separate sections of the Kabul-Jalalabad Highway.

The 18 Km stretch of road between station 32+000 and 50+000 and its construction package has been designated the Ziarat Haji Nazar Baba to Sapary Section (Section 1).

The 23 Km stretch of road between station 50+000 and 73+000 and associated construction package is designated the Sapary to Lahorekhel section (Section 2). f

The third stretch of road, a total of 22 Km, between stations 73+000 and 95+000 and associated construction package is termed Lahorekhel to Totu section (Section 3).

The fourth and final 22 km stretch of road between stations 95+000 and 117+000 and associated construction package is called the Totu to Memla section (Section 4).

The location of the Project and the 4 construction packages is shown above in Figure 1.

13. This LARP, prepared by MPW on behalf of the EA MOF as part of the approval process of the Project, provides a preliminary assessment of the road's LAR impacts and costs, and details an action plan for further LAR actions required for the delivery of a final and implementation-ready LARP based on the detailed/final engineering design of the road. The LARP fits relevant Afghan laws, the ADB's Safeguards Policy Statement (SPS 2009) requirements and the Project's Entitlement Matrix. The security conditions in the field are precarious and the staff working there have been repeatedly endangered. In the absence of a detailed design and a security cordon, that will only be mobilized along with the detailed design team, an exact impact assessment of affected structure and land cannot be conducted.

14. The estimated quantitative assessment has been done through an approximation conducted through recall exercises, of the bottlenecks within 20 Km stretches, by knowledgeable *manteqa shura* members familiar with their respective road sections--minus a census of affected persons and each household's individual inventory of loss. While such an assessment can provide an estimate of the extent of the physical impact on structures and private land it cannot directly assess the significance or severity of the physical and economic displacement for individual households in terms of involuntary resettlement impacts. Qualitatively, at this stage LARP preparation has involved information disclosure, consultations and focus group discussions with village estate councils (*manteqa shuras*) to develop, agree upon and finalize the i) entitlement matrix, ii) grievance redress mechanism, iii) replacement costs for infrastructure and land, the price for the latter (only as a recommendation for the consideration of the Council of Ministers); iv) a socio-economic context overview of affected communities through *manteqa shuras* and other key informants; and v) an estimated budget for the LARP.

15. The Project road is designed to be a standard two-lane national major road which to maintain its standard would normally occupy a right-of-way (ROW) of up to 15 m each side of the road from the center- line. To reduce LAR impact the maximum ROW adopted in the preliminary design is 10 meters on either side of the center line. Private land and structure falling within 10 meters either side of the center line is counted as impacted and added to the total quantity of impacted land and structure respectively. To restore the design integrity and speed limit of national road standards, least impact by-pass options for drive through traffic will be explored and finalized in close collaboration with the local community once onsite access for detailed design is managed.



### **C. LARP Finalization Status**

16. This draft LARP is based on the preliminary design of the alignment. The impacts assessment is therefore not yet considered final. In addition, the present impact assessment is an estimation based on recall of key informants deeply familiar with their respective road stretches. Local geo-spatial knowledge allows a reasonably correct differentiation of types of land and structure, by use. While it can provide the rough quantities of land and structure impacted, it is obviously not possible to tag onto the impacted installation the names or number of persons or livelihoods and tenurial status of the occupants that are impacted. Only Detailed measurement surveys (DMS) of individual affected properties and census and socio-economic survey of affected persons will enable the exact quantification of the types and extent of impacts but must be postponed till detail design consultants and security are mobilized together with the land acquisition and resettlement team. Close interaction between the design engineers, the social team and the affected community is expected to yield least impact alignment options and passage arrangements through markets and habitation without compromising the national road standard. The final design will enable a final DMS, a final inventory of losses, a final census of affected persons and an implementation ready LARP.

17. The land compensation rates for the affected land are still preliminary, emerging from community consultations, subject to endorsement by both the local and central governments and for further discussion with the affected parties, before final approval, also of the land acquisition, by the Council of Ministers (COM). In case the compensation for non-land assets is delayed for any reason for more than one year between the review and approval of this LARP and the construction of the road, prices will have to be reviewed to see if they still match replacement cost and if necessary updated by also factoring the CPI and paid through a corrective action plan. This caveat does not apply to compensation of land rates since those are paid within 3 months of their approval by the COM. However, if any alignment changes become necessary after detailed design, adequate corrective action plans will be prepared and implemented in a timely manner to address all resettlement impacts.

### **D. LAR Related Conditionality**

18. According to ADB policy and practice Projects are approved by ADB based on implementation readiness (including the needed LARPs) and relating to LARP, they must fulfill the following conditions:

- (i) ADB Appraisal of Project: conditional to a) the approval of a draft LARP by the ADB and the Government; and b) disclosure to the public of this LARP and of the information pamphlet as shown in Attachment 1.
- (ii) Civil works contract awards: conditional to full preparation of an implementation ready LARP (including allocation of finances and eventual updates); and

(iii) Provision of notice to proceed to contractors: conditional to full implementation of the LARP (full delivery of compensation/rehabilitation) to be vouched by a Compliance Report. Such a condition will be clearly spelled out in the text of the civil works contract.

#### **E. Eligibility Cut-off Date**

19. Compensation eligibility is limited by a cut-off date based on the final detailed engineering design and confirmed alignment and on the completion of LAR related surveys (detailed measurement survey, census and socio-economic survey). The compensation eligibility cut-off date, is to be widely communicated to local government and village estate councils (shuras) and disclosed through them and the LAR field team to affected households. The AH are informed, that the cut-off does not annul the eligibility for compensation and allowances of losses that remain unregistered due to the absence of APs at the time of the census or over sight during the DMS. The LAR surveys will proceed based on chainage but the AH will sign off on a single individual inventory recording all their lost assets and eligible compensation and resettlement allowances under a unique identification number.

#### **F. Objective of the LARP**

20. The aim and objective of this LARP is to compensate for all unavoidable negative impacts caused by the project, to resettle the displaced persons and restore their livelihoods. The LARP also provides a guideline on the implementation of land acquisition through proper compensation and assistance as per the safeguards requirements of ADB and the relevant policies of Afghanistan. The issues identified and addressed in this document are as follows:

- Assessment of the type and extent of loss of land and structure assets;
- Public consultation and peoples participation in the Project;
- Assessment of existing legal and administrative framework and formulation of resettlement policy for the Project;
- Development of entitlement matrix, provisions for relocation assistance and restoration of businesses/income;
- Resettlement cost estimate including provision for fund, and
- Institutional framework for the implementation of the plan, including grievance redress and monitoring & evaluation.

## CHAPTER 2: SCOPE OF LAND ACQUISITION AND RESETTLEMENT

### A. Introduction

21. Due to a continued deterioration of security in the Project area, focused at disrupting government and associated service providers from working, determining the scope of land acquisition and resettlement in all four sections of the project road has had to rely on information of members of village estate councils (manteqa shura), through which the road traverses, This estimated quantitative assessment, has been done, minus a census of affected persons and each household's individual inventory of loss. While such an assessment can provide an estimate of the extent of the physical impact on structures and private land it cannot readily assess the significance or severity of the physical and economic displacement for individual households in terms of involuntary resettlement impacts. With physical access currently not possible, these factors are estimated qualitatively based on rapid assessments, through the help of key informants, an understanding of socio-political, cultural, spatial, local economic conditions and assumptions of average land and structure ownership. **A total of 1495 households/entities are estimated to be impacted by the acquisition of commercial, residential and agricultural land and the loss of structure. Out of these 1495 households/ entities 1097 households will suffer loss of agricultural and residential land, and partial or full damage to structures associated with their dwellings. All households losing agricultural land are estimated to lose less than 10% of their land. 398 business entities and their households will lose commercial land and total or partial structures associated with their business.** The above impacts, further detailed below, will be verified during detailed design, detailed measurement surveys and the census enabled by the buttressing of security arrangements commensurate to the threat levels preventing work, once the project is approved and the contracts for various consultants are awarded.

### B. Impacts Assessment

#### 1) Land Impacts

22. Private Land: The **total (draft total) land acquisition** required for all 4 Sections of the Kabul Jalalabad Highway Project is **279,700 m<sup>2</sup>** (139.85 Jeribs, 1 Jerib = 2,000 m<sup>2</sup>). This land impacted permanently is detailed Section wise, by type, in Table 2.1 below. It includes 219,700 m<sup>2</sup> agricultural land, 63,700 m<sup>2</sup> of which is irrigated and 156,000 m<sup>2</sup> rain-fed. The residential and commercial land impacted is a total of 60,000 m<sup>2</sup>.

**Table 2.1: Section-wise Details of Affected Land**

| Type and area of land loss                                    | Section-4     | Section-3     | Section-2     | Section-1     |
|---|---------------|---------------|---------------|---------------|
| <b>I. Agricultural land</b>                                   |               |               |               |               |
| <b>Area (m<sup>2</sup>) total</b>                             | <b>41,000</b> | <b>50,500</b> | <b>59,500</b> | <b>68,700</b> |
| <b>Irrigated</b>  | 25,400        | 19,000        | 12,700        | 6,300         |
| <b>Rain fed</b>   | 15,600        | 31,500        | 46,800        | 62,400        |
| Total number of households losing agricultural land           | 110           | 220           | 328           | 439           |
| <b>II. Non -Agricultural land</b>                             |               |               |               |               |
| <b>Area (m<sup>2</sup>) total</b>                             | <b>12,300</b> | <b>14,300</b> | <b>15,800</b> | <b>17,600</b> |
| <b>Residential</b>  | 3,300         | 7,500         | 11,300        | 15,100        |
| <b>Commercial</b>   | 9,000         | 6,800         | 4,500         | 2,500         |
| Total number of households losing residential/commercial land | 233           | 332           | 426           | 504           |

Conservative averages based on estimation of key informants. These figures will be verified and revised during the post final design LAR detailed measurement survey

23. **Temporary Land Impacts:** There is no temporary Impact to private land anticipated as state land will be used for construction facilities and camps. The primary condition for site selection is state land that is barren, uncultivable and has no formal or informal users.

## **2) Impact on Agricultural Land/Crops**

24. No impact on crops is anticipated during the acquisition of the Project impacted 63,503 m<sup>2</sup> irrigated land and 156,083 m<sup>2</sup> rain-fed land. Land will only be taken into possession **after the standing crop is harvested**, one extra crop season will be compensated by the project in order to encourage the APs. On locations where possession of land becomes necessary for construction related emergencies, while the crop is still standing compensation for loss of crop will be paid in accordance with the project entitlement matrix. It is probable given the prevailing tendency for sharecropping only that there are no employees expected to be working on permanently affected agricultural land who would have their contracts terminated..

25. Depending on when the self-cultivating owner households receive their compensation the cut-off point to vacate the land can be any time between October (when they are over with the harvest) and March (when they sow). October is also the month when the annual lease contract or share cropping arrangements customarily expire or are renewed. Completion of harvesting of crops will be included as a condition for commencing civil works. The farmers and the civil works contractor will be coordinated by the LAR Field Team, working under the Construction Supervision Consultants.

### 3) Trees

26. In terms of horticulture the Project area is characterized by assorted fruit trees planted as orchard in irrigated land closer to the homestead. The trees most impacted are road side planted Mulberry trees. Timber trees are mostly planted as wind breakers along the boundaries of irrigated fields. Loss of trees, non-fruit bearing or fruit, is compensated in accordance with the Project entitlement matrix. Section-wise details of affected trees are provided in Table 2.2 below:

**Table 2.2: Section-wise Details of Affected Trees**

| Type of Trees                     | Section-4  | Section-3  | Section-2  | Section-1  |
|-----------------------------------|------------|------------|------------|------------|
| <b>I. Fruit trees</b>             |            |            |            |            |
| <b>Total number (I)</b>           | <b>530</b> | <b>310</b> | <b>240</b> | <b>115</b> |
| <b>II. Non-fruit timber trees</b> |            |            |            |            |
| <b>Total number (II)</b>          | <b>470</b> | <b>300</b> | <b>180</b> | <b>90</b>  |

Conservative averages based on the number of homesteads impacted and village estates the road will cross. These figures will be verified and revised during the post final design LAR detailed measurement survey

### 4) Impact on Structures

27. A combined total of 60,033 m<sup>2</sup> of building structure is impacted in all 4 sections due to land acquisition necessary for the required ROW. This impact on structure along all the 4 Sections, mainly traditional area-construction (mud/brick), is detailed Section-wise by type, in Table 2.3 below. The 4 Sections are losing 878 housing structures all together 37,365 m<sup>2</sup>. In addition, 1716 structures associated with business entities that use multiple structures for shop fronts, and storage in the rear, are impacted and will lose 22,668 m<sup>2</sup>. Even though limited damage to or total loss of one or more structure due to acquisition of land in narrow strips and bands, as is usual for roads, can be redeemed with adjustments in the remaining compound, **the overall involuntary resettlement impact, in all 4 Sections of the Project on affected households and entities is significant. 93 business entities and affiliated households (651 people) and 332 dwellings and affiliated households homes/AH (2324 people); i.e. a total of 425 households and 2975 people will suffer a significant impact** by permanently losing business and/or dwelling structures, residential and/or commercial land, and having to relocate, backwards

to the new edge of the road in their own land; and if sufficient land is not available at the same location, then relocating elsewhere.

**Table 2.3: Section-wise Details of Affected Structure**

| Type, area and nature of structure damage                                     | Section-4   | Section-3   | Section-2    | Section-1    |
|---|-------------|-------------|--------------|--------------|
| <b>I. Affected house structures</b>   |             |             |              |              |
| Total number of damaged structures  | 88          | 176         | 263          | 351          |
| Belonging to total number of households                                       | 110         | 220         | 328          | 439          |
| <b>Area (m<sup>2</sup>) total</b>   | <b>3380</b> | <b>7550</b> | <b>11330</b> | <b>15105</b> |
| <b>Non- RCC, brick/ mud/traditional (m<sup>2</sup>)</b>                       | <b>2873</b> | <b>6418</b> | <b>9631</b>  | <b>12839</b> |
| <b>RCC (m<sup>2</sup>)</b>  | <b>507</b>  | <b>1132</b> | <b>1699</b>  | <b>2266</b>  |
| Number partially damaged & repairable at present location                     | 62          | 123         | 185          | 246          |
| Number fully damaged & need to be rebuilt                                     | 26          | 53          | 79           | 106          |
| Number of households significantly impacted by fully damaged house structures | 32          | 66          | 99           | 135          |
| <b>II. Affected business structures</b>                                       |             |             |              |              |
| Total Number of damaged structures  | 565         | 455         | 453          | 243          |
| Belonging to total number of entities   | 123         | 112         | 98           | 65           |
| <b>Area (m<sup>2</sup>) total</b>   | <b>9070</b> | <b>6800</b> | <b>4530</b>  | <b>2268</b>  |
| <b>Non- RCC, brick/ mud/traditional (m<sup>2</sup>)</b>                       | <b>6349</b> | <b>5440</b> | <b>3850</b>  | <b>2042</b>  |
| <b>RCC (m<sup>2</sup>)</b>  | <b>2721</b> | <b>1360</b> | <b>680</b>   | <b>226</b>   |
| Number partially damaged & repairable at present location                     | 424         | 342         | 340          | 183          |

|   |     |     |     |    |
|---|-----|-----|-----|----|
| Number fully damaged & need to be rebuilt | 141 | 113 | 113 | 60 |
| The number of business lost               | 31  | 25  | 24  | 13 |

#### 4) Vulnerable Households

28. From amongst those economically or physically displaced by the road the total households affected by the project are assessed for vulnerability. These include women headed households and those who fall under the below- poverty-line threshold households. Based on Ministry of Rural Rehabilitation and Development study of Nationwide Risk and Poverty Assessment of Afghanistan, 2011-2012, and adjusted by the CPI for the period 2012-2016 the poverty line for the project area has been determined as AFN 2,043 per person per month. Being the latest poverty line, this benchmark is used in this analysis. <sup>2</sup> Using 39.1 percent as the proportion of population living below the National Poverty Line in Afghanistan,<sup>3</sup> the number of vulnerable amongst the AH, till a census of APs is not available, in all 4 Sections is determined in Table 2.4 as follows:

#### 2.4: Details of Vulnerable Affected Households

| Type of vulnerability & number | Section-4  | Section-3 | Section-2 | Section -1 |
|--------------------------------|------------|-----------|-----------|------------|
| Women headed households        | -          | -         | -         | -          |
| Other                          | -          | -         | -         | -          |
| Below poverty line households  | 92         | 127       | 168       | 198        |
| <b>Total Vulnerable HHs</b>    | <b>585</b> |           |           |            |

#### 5) Summary of Impacts

29. Details of the impacts by category are given in Table 2.5.

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<sup>2</sup> Without entirely relying on an exact income poverty line, those identified as poor or vulnerable and eligible for a vulnerability allowance, will also have to be collectively perceived as such by neighbouring affected persons and the local jirgah/shura. While the latter represent all constituent sub-groups of the community they are still made cognizant to be cautious about not potentially excluding any eligible persons due either to their political affiliations, ethnicity or due to any other reason, which may put them into a minority group within their local community.

<sup>3</sup> Asian Development Bank, Basic 2017 Statistics: Economic Research and Regional Cooperation Department, Development Economics and Indicators Division, Manila, 2017

**Table 2.5: Section- wise Summary Impacts of Land Acquisition and Resettlement**

| <b>Impacts</b>   | <b>Section- 4</b> | <b>Section-3</b> | <b>Section-2</b> | <b>Section-1</b> |
|--|-------------------|------------------|------------------|------------------|
| <b>I. Land (m<sup>2</sup>)</b>   |                   |                  |                  |                  |
| Agricultural Land - Irrigated  | 25,401            | 19,051           | 12,700           | 6,351            |
| Agricultural Land - Un irrigated   | 15,609            | 31,216           | 46,825           | 62,433           |
| Residential/Commercial Land*   | 12,450            | 14,350           | 15,860           | 17,373           |
| <b>Total Land(m<sup>2</sup>)</b>   | <b>53,460</b>     | <b>64,617</b>    | <b>75,385</b>    | <b>86,157</b>    |
| <b>II. Structure</b>   |                   |                  |                  |                  |
| Dwelling associated structures(m <sup>2</sup> )                                | 3,380             | 7,550            | 11,330           | 15,105           |
| Business associated structures(m <sup>3</sup> )                                | 9,070             | 6,800            | 4,530            | 2,268            |
| <b>Total Structures (m<sup>2</sup>)</b>  | <b>12,450</b>     | <b>14,350</b>    | <b>15,860</b>    | <b>17,373</b>    |
| <b>III. Trees (No.)</b>  |                   |                  |                  |                  |
| Timber trees   | 470               | 300              | 180              | 90               |
| Productive Fruit trees   | 530               | 310              | 240              | 115              |
| <b>Total Trees</b>   | <b>1,000</b>      | <b>610</b>       | <b>420</b>       | <b>205</b>       |
| IV. Total Affected Households/Entities   | 233               | 332              | 426              | 504              |
| V. Vulnerable Affected Households  | 92                | 127              | 168              | 199              |
| <b>VI. Affected Households anticipated to experience significant IR Impact</b> | <b>63</b>         | <b>91</b>        | <b>123</b>       | <b>148</b>       |
| <b>VII. No of physically displaced households</b>                              | <b>23</b>         | <b>18</b>        | <b>12</b>        | <b>4</b>         |
| <b>VIII. No of people who loses more than 10% assets</b>                       | <b>441</b>        | <b>637</b>       | <b>861</b>       | <b>1036</b>      |

\* Built up area with a frontage to the road, whether residential or commercial, has been valued at the same rate.



## CHAPTER 3: SOCIOECONOMIC PROFILE

### A. General

30. No participatory appraisals or field surveys could be conducted due to the prevailing security situation in the project area and the threat to life this poses, in the absence of an effective extended security cordon, for outsiders and government staff. This is a situation that road project planning and design often finds itself in Afghanistan. Information to develop an understanding of the socio-economic context in which involuntary land acquisition and resettlement of affected households will take place was collected from focus group discussions. These were four consultation meetings, 3 conducted in Jalalabad, the capital of Nagarhar province and one in Kabul with representatives of village estate councils (*manteqa shuras*) representing constitutive sub-groups of communities the Project road will pass through and is liable to impact. Village estate council members from both Kabul and Nangarhar provinces were invited by the provincial governor at the request of MPW.

31. The group discussions were organized for public disclosure and consultations with project affected communities to validate the adequacy and appropriateness of entitlements for APs, and of the institutional arrangements for the implementation of the resettlement process. The presence of knowledgeable key informants from locales along the entire 85 km road project area was leveraged to *qualitatively* build a socio-economic profile quantitatively articulated around a set of indicators in “percentage proportions of the total project population”. The results of this exercise provide an understanding of the social and economic conditions of the APs and can be used as a baseline for monitoring LAR impacts. It provides profiles and information around the general demographic characteristics of AP households, in contiguous districts, their asset base; livelihood streams; standard of living and wellbeing, and health and wellness, including education, and access to related services. Supplemented by structured questionnaires and adequate sample sizes, when safe access becomes available<sup>4</sup>, it will also help understand the context in which the resettlement and income restoration strategy will be addressed and developed by the APs and the Executing Agency during post-final design LAR surveys.

32. The road comprises of four sections. Section 1 is 18 km and runs from *Ziarat Haji Nazar Baba to Sapary*; Section 2 is 23 km and runs from *Sapary to Lahorekhel*; Section 3. is 22 km, running from *Lahorekhel to Totu*; Section-4 is 22 Km from *Totu to Memla*. The information below is representative of communities along the entire 85 km project road, of those falling within all 4 Sections, and of project households (HH) in affected communities.

33. The project area is in eastern Afghanistan. Most households rely on crop production for food and income. Livestock husbandry is also of key importance for the livelihood of all groups and strata. Besides income from crop, livestock and livestock product sales an additional key source of income for the poor is selling their labour, while for the better-off it is trade. Drought, war and continuing attrition are the major risk factors to livelihoods.

### Road Corridor Kabul Jalalabad Highway Project.

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<sup>4</sup> The structured socio-economic survey will be conducted along with the post final design census and will utilize a sample of 25% of Affected Households (every fifth household) and a purposive sample of 8% of the AH evenly distributed between, shopkeepers, traders, crafts people, livestock herders, big farmers, small farmers, on-farm and off-farm labour.

34. A small portion of the households in the affected communities live in close proximity to the road alignment – on average between 20 to 30 percent across the four sections and construction packages of the road corridor, while between 70 to 80 percent live far off from the road. The population density in Afghanistan is 45 persons per kilometer<sup>5</sup>. A list of village estates, around 32,000 across the almost 70 villages, of all four sections through which the road passes and estimated number of total homes located in their hamlets is provided in Annex I.

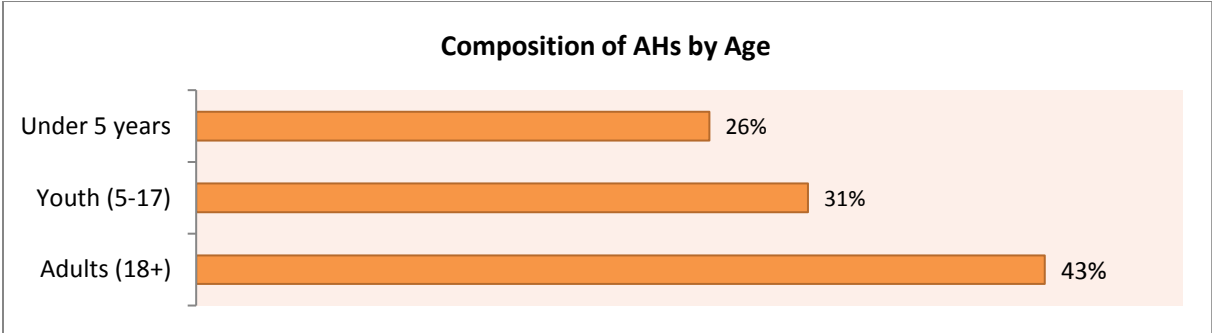
**B. Characteristics of Affected Communities**

35. Majority of the households in the affected area are Pashtun. These communities cannot readily considered Indigenous People as defined for ADB operational purposes in ADB SPS (2009). This will be further assessed during LARP updating and if IPs are identified during the updating, specific actions will be incorporated in the LARP to address such impacts.

36. The average household size in communities along the entire road is 7. Almost an equal number of males and females are affected by the project.

37. As seen in Figure 3.1 below, adults aged 18 and above constitute around 43% of the affected population, while youth (ages 5 – 17) make up for 31%, and the remaining 26% comprises under 5 years old. Of the adults, 53% are male and 47% are female, while amongst the youth 61% are male and 39% female (Figure 3.2). National age dependency ratio (No. of person aged < 15 and > 65 to number of persons aged >15 and < 65 in 2015 was 87%. (Basic 2017 Statistics, ADB).

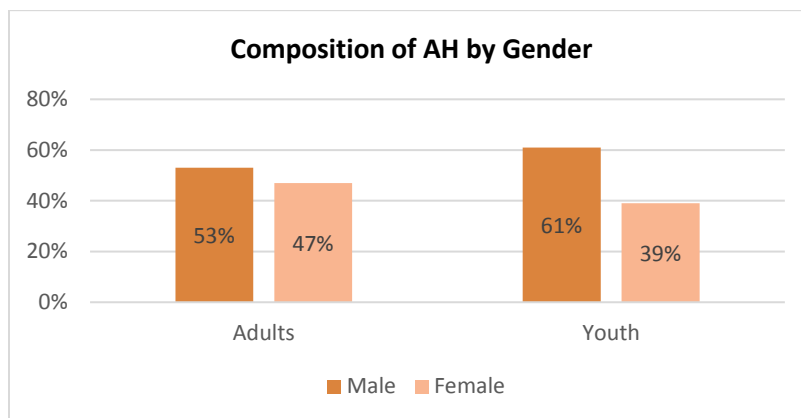
**Figure 3.1: Composition of HH in Affected Communities by Age**



Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

<sup>5</sup> Asian Development Bank, Basic 2017 Statistics: Economic Research and Regional Cooperation Department, Development Economics and Indicators Division, Manila, 2017. (Basic 2017 Statistics, ADB)

**Figure 3.2. Demographic Trends across Affected Households – Gender**

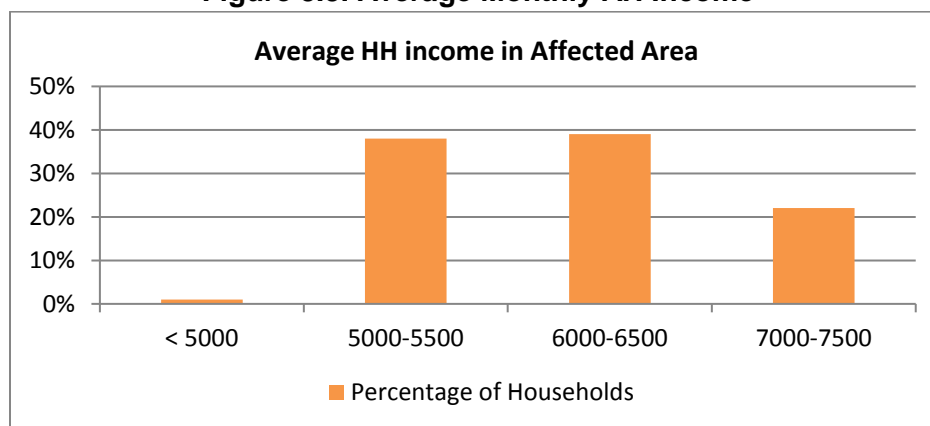


Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

### C. Affected Household Economic Status and Livelihood Streams

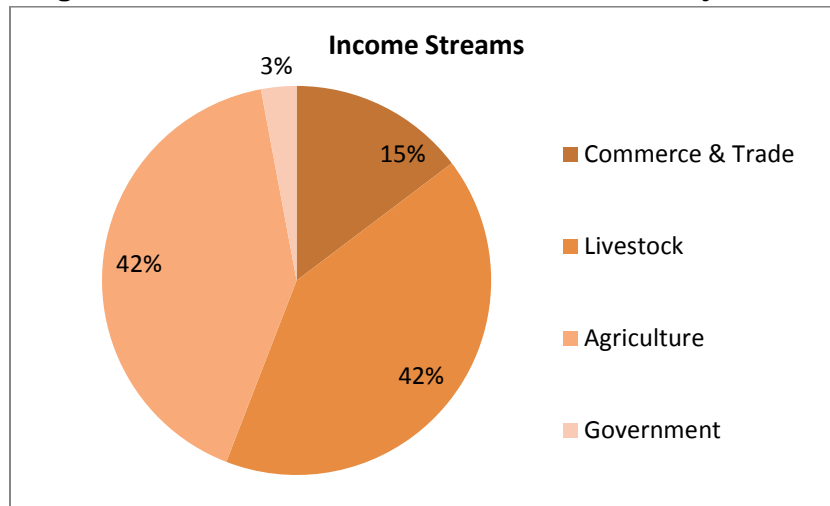
38. **Income Streams.** Average household monthly income across the entire road is 6,000 AFN. Almost 80% of AH have a monthly income between 5000-6500 Afghanis. (Figure 3.3). There are two main income streams illustrated in Figure 3.4: a) livestock – animal husbandry and livestock products contribute as primary source of livelihood for around 42% of households in affected communities; and b) agriculture – wheat, melons/ water melons are grown in substantial quantities, from which 42% of households in affected communities derive their primary income. Commerce and trade is the mainstay of 15% and government jobs are primary for a mere 5%.

**Figure 3.3. Average Monthly AH Income**



Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

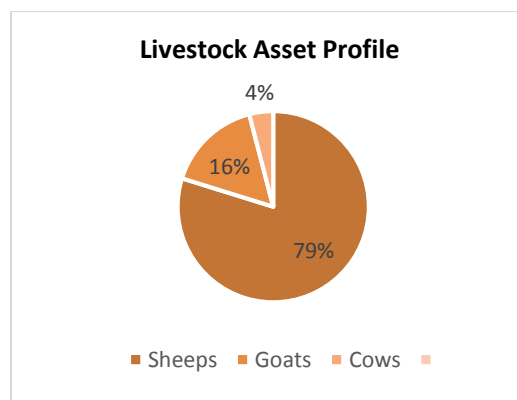
**Figure 3.4. Main Income Streams in Affected Project Area**



Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

39. **Livestock Profile.** There is a significant livestock asset base in the affected area, reflective of animal husbandry being one of the main sources of income and a common practice in households for both subsistence and livelihood purposes. Livestock though less stable than land as an asset, can easily be liquidated. Livestock is considered a source of wealth that can relatively easily be converted to cash and also as an asset be quickly recovered. Unlike agriculture it does not require access to land. All households from the affected communities own livestock. Figure 3.5 below shows the livestock asset profile across the affected project area and is reflect of the fact that the project area is primarily agrarian in nature and enjoys fertile soil and good grazing conditions. Sheep make up the majority at 80%, followed by goats and cows. The remaining 1% is poultry.

**Figure 3.5. Livestock Asset Profile in Affected Project Area**

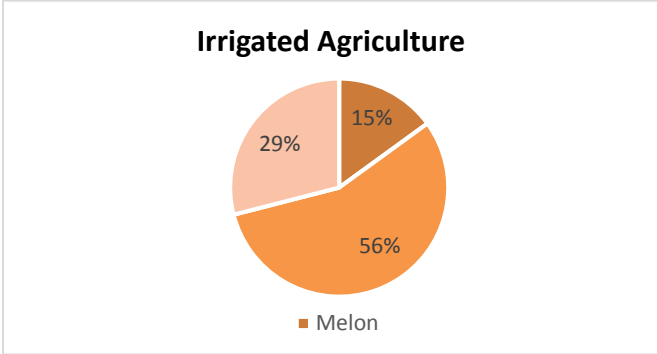


Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

40. Apart from serving as an asset that can easily be liquidated, cows because of their milk are a source of nutrition for the household. Goat and sheep are often raised for their wool yield and sale during the annual Eid ul Azha festivity when there is great demand for sacrificial animals and yield higher prices.

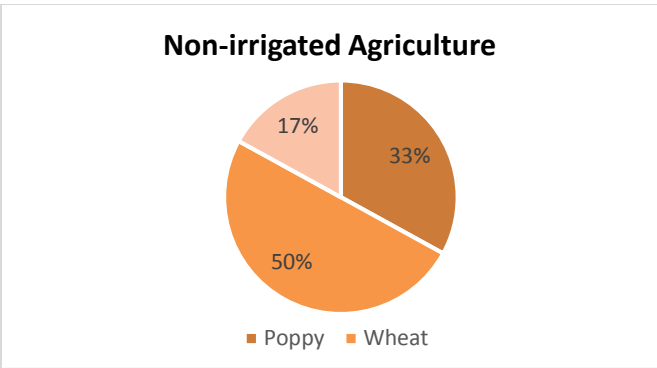
41. **Agriculture profile.** Non-irrigated agriculture is more prevalent in the project area than irrigated agriculture. The breakdown of crops grown under irrigation and without irrigation are given below in Figure 3.6 and 3.7.

**Figure 3.6. Irrigated Agriculture**



Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

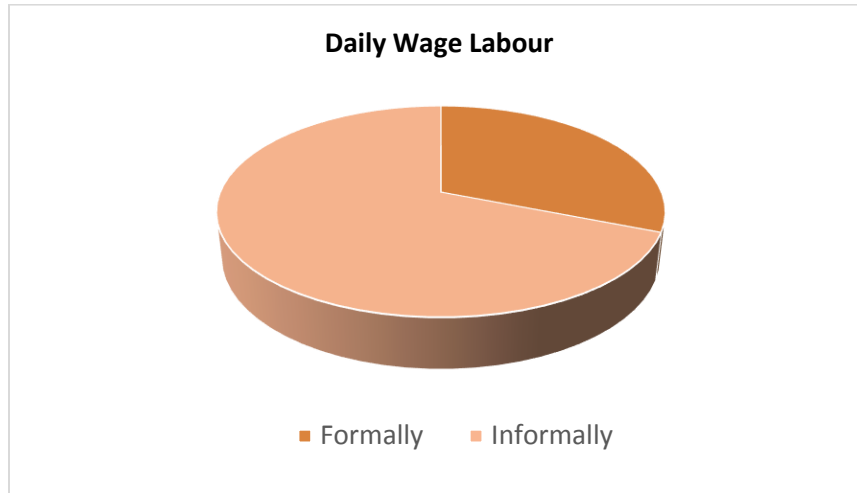
**Figure 3.7. Non-irrigated Agriculture**



Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

42. **Daily Wage.** Daily wage labour in the project area is prevalent with teachers, butchers, barbers and carpenters. Daily wages are around 320 AFN. Only a small proportion of people practicing these trades are formally doing so, while the majority are engaged and providing services informally, reflecting home grown business, and local informal and unrecorded economic activities being the norm (refer to Figure 3.8 below).

**Figure 3.8. Daily Wage Work Profile in Affected Project Area**



Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

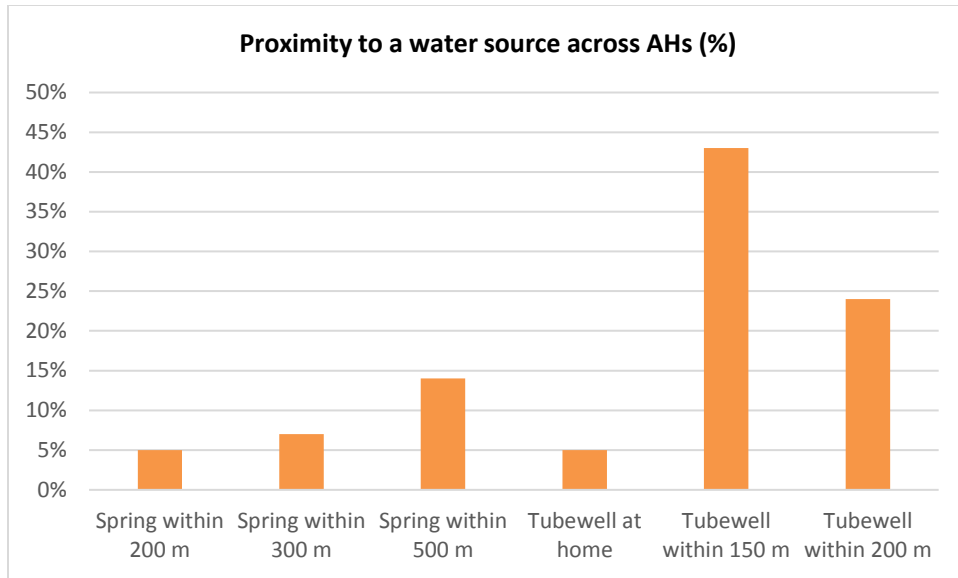
#### **D. Affected Persons Household Access to Basic Needs and Service Provision**

43. This assessment uses access to water, healthcare and education as primary indicators for assessing standard of living and wellbeing.

##### **1. Access to water**

44. Only 2% of the affected households are without a water source or a have a source that is unusable. Of the 98% that do have a water source available get water from either a spring or tube well (breakdown given below) but mostly at great proximity reflecting challenging access and inadequate daily requirements for drinking, domestic and other purposes. The national mortality rate attributed to unsafe water, unsafe sanitation and lack of hygiene for 2012 was 34.6 per 100,000 pop. (Basic 2017 Statistics, ADB). Figure 3.9 shows proximity of AH to water source.

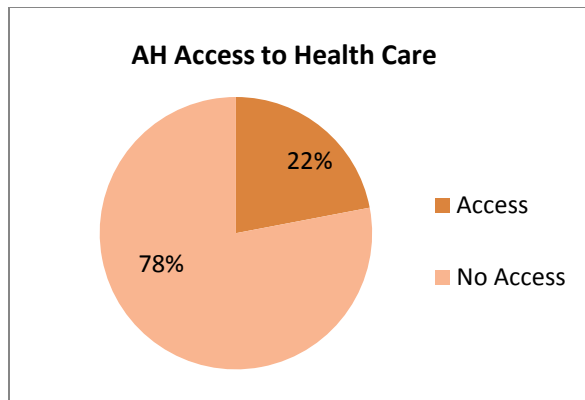
**Figure 3.9. Water Access in Affected Project Area**



## 2. Access to Healthcare

45. Around 25% of the affected population has access to healthcare. There are 13 healthcare facilities across the affected area: 7 are pharmacies and basic dispensaries that give and monitor very basic treatment without the presence of any doctors; 3 are health centers, a couple of which dispense not only medication but also manage immunization and treatment in the presence of medical professional; and 3 are hospital with treatment and surgical facilities managed by doctors. It should be noted that given the security situation, in a large number of cases treatment is home-based or sought through a traditional healer or doctor in the immediate community.

**Figure 3.10. Healthcare Access in Affected Project Area**



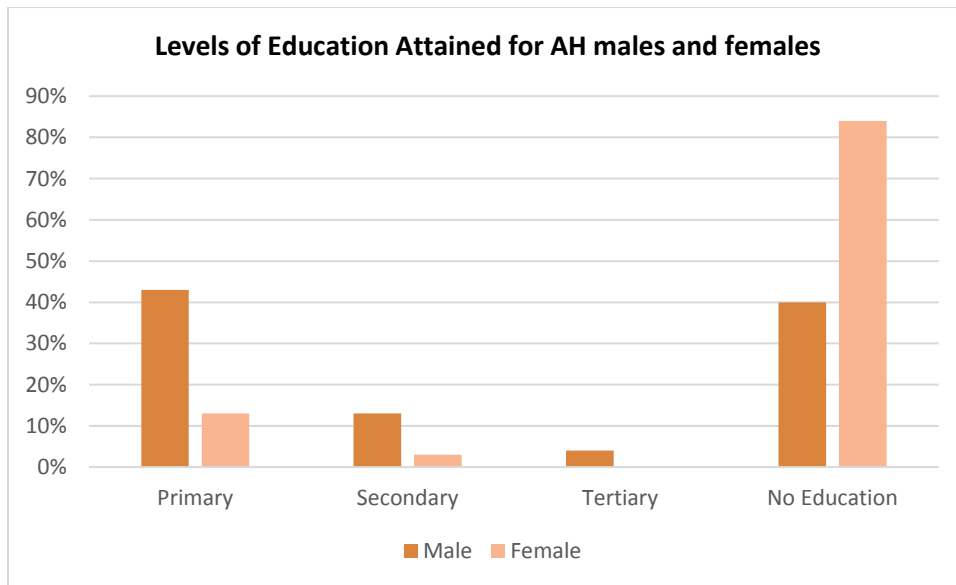
Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

### 3. Access to Education

46. The education profile in Figure 3.11 below refers to adult males and females across primary to tertiary levels. Information on the education level attained indicates a traditional cultural reality: barely any women have attained even basic primary education. This is indicative of both the traditional cultural customs in parts of eastern Afghanistan where the project is, but also reflect of the reality of the security situation in the past decade or so where mobility of most women has been curtailed to home or the immediate community. The rates for level of education attained does not necessarily directly correlate to attendance rates; attendance trends may be more telling of actual education profile for students, however this information was not collectable in the present context. The education profile is also reflective of the fact that a large majority of the adult population in the project area remains illiterate, with only 60% of the men are considered to have attained some level of education, while only 17% females are educated across the three levels.

47. Although 48 schools serve the affected project areas – half albeit in primary education – literacy rates remain high amongst men at 40% and women at an extremely high 84%. See Figure 3.12 below.

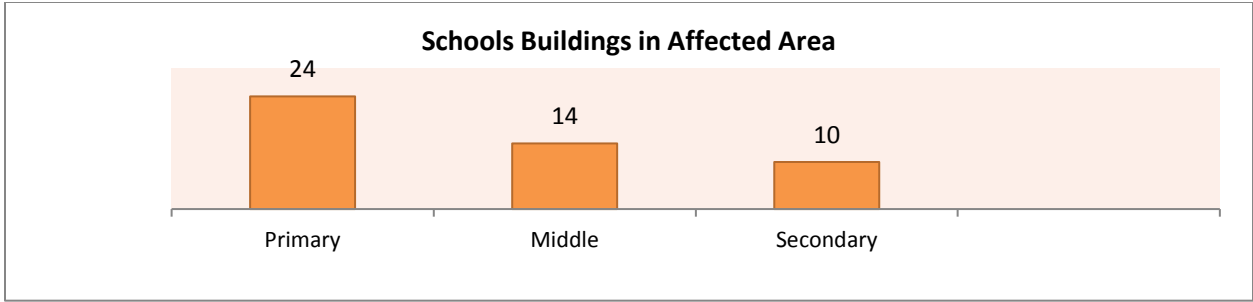
**Figure 3.11. Education Profile of AHs**



Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

**Figure 3.12. School Buildings in Affected Project Area**





Source: Key informants Consultation Workshop, Jalalabad, Nangarhar, 16 April 2018

## CHAPTER 4: RESETTLEMENT POLICY, LEGAL FRAMEWORK AND ENTITLEMENT

### A. General

48. The LARP along with compensation policy framework and entitlements is based on ADB's SPS (2009) as well as the Borrower's national policy instruments and laws, particularly the provisions made under Law on Land Acquisition in the constitution of Afghanistan. The LARP fulfills the provisions of the Entitlement Matrix approved for the Project. The following section deals with these policies with a comparison of two policies and subsequently deals with the entitlements and eligibility for compensation and other resettlement entitlements.

### B. Land Acquisition Law in Afghanistan

49. There is no country specific resettlement policy in Afghanistan. A comprehensive land policy was approved in 2007 by the cabinet. It has been made operational with the ratification in 2008, of the Law on Managing Land Affairs. Ratified in early 2004, the new Constitution of Afghanistan has 3 articles that closely relate to compensation and resettlement. For the purpose of public interest, such as the establishment/ construction of public infrastructure and facilitation for acquisition of land with cultural or scientific values, land of higher agricultural productivity, large gardens, the Law for Appropriation of Property for the Public Welfare in Afghanistan (Land Acquisition Law, LAL) provides that:

50. The acquisition of a plot or a portion of plot, for public interest is decided by the Council of Ministers and will be compensated at fair value based on the current market rates (Mostly, the rates are conventionally decided in Afghanistan).(section 2).

- The acquisition of a plot or part of it should not prevent the owner from using the rest of the property or hamper its use. If this difficulty arises, the whole property will be acquired (section 4).
- The right of the owner or land user will be terminated 3 months prior to start of civil works on the project and after the proper reimbursement to the owner or person using the land has been made. The termination of the right of the landlord or the person using the land would not affect their rights on collecting their last harvest from the land, except when there is emergency evacuation (section 6).
- In case of land acquisition, the following factors shall be considered for compensation: value of land; value of houses, buildings and the land; values of trees, orchards 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).

- It can be arranged with the owner if he wishes to exchange his property subject to acquisition with government land. The difference on the values of land will be calculated (section 15).
- The values of orchards, vines and trees on land under acquisition shall be determined by the competent officials of the municipality (section 16); and
- A property is evaluated at the current rate at the locality concerned. The owner of his representative must be present at the time of measuring and evaluation of property.
- It is Afghan practice to recognize traditional land rights.
- Compensation and rehabilitation are provided before the land is acquired.

### **C. ADB's Safeguards Policy Statement**

59. The ADB's SPS aims to avoid or minimize the impacts on people affected by a project, and to provide support and assistance for those who lose their land and property, as well as for others whose livelihood is affected by the acquisition of land or temporary construction activities. Resettlement planning has the objectives of providing APs with a standard of living equal to, if not better than, that which they had before the project. The three important elements of the involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. Some or all of these elements may be present in a project involving involuntary resettlement. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with in the manner listed below.

1. Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
2. Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
3. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii)

prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

4. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.

5. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

6. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.

7. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of nonland assets.

8. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.

9. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.

10. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.

11. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

12. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

#### **D. Comparison of Policies**

60. A comparison between ADB's Safeguards Policy Statement (2009) and Land Acquisition Law (LAL) of Afghanistan is presented in Table 4.1 below

**Table 4.1: Comparison of ADB’s Safeguards Policy Statement of 2009 (SPS 2009) and Land Acquisition Law in Afghanistan**

| ADB SPS (2009)   | AFG Land Acquisition Law   | Measures to Address Gap   |
|--|--|---|
| Fully inform and consult affected persons (APs) on compensation options. | No provision for public consultation.  | LARP provides for consultation and information dissemination.   |
| Compensation APs for all their losses at replacement cost.               | Land acquisition and resettlement (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. | 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 bar to compensation/rehabilitation. | Although not clearly stipulated in law, in practice, traditional land rights are recognized. However, those without formal or traditional land rights are not entitled compensation for non-land assets  | Compensation will be provided at replacement cost for titled and customary users, and rehabilitation for non-title holders.   |
| Timely compensate APs.   | 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.      | Crops compensation will be provided 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. |

**Table 4.1: Comparison of ADB’s Safeguards Policy Statement of 2009 (SPS 2009) and Land Acquisition Law in Afghanistan**

| <b>ADB SPS (2009)</b>  | <b>AFG Land Acquisition Law</b>  | <b>Measures to Address Gap</b>   |
|--|--|--|
| APs 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.            |
| Requires the establishment of a grievance redress mechanism to receive and facilitate the resolution of APs’ concerns about displacement and other impacts | No specific requirements for the establishment of project-specific grievance redress mechanism   | A grievance redress mechanism shall be established and operationalized as part of LARP and project implementation. |

ADB=Asian Development Bank; AH=affected household; AP=affected person; LAL=Land Acquisition Law; LARP=land acquisition and resettlement plan; no. =number; SPS=Safeguards Policy Statement.

## **E. Principles and Policies Adopted for this Project**

61. Based on the above analysis of national provisions and ADB’s SPS, the broad resettlement principles for this project shall be the following:

- The negative impact on AP 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 resettlement plan will be disclosed to all stakeholders and people’s participation will be ensured in planning and implementation. All RPs for the roads with resettlement impacts will be disclosed to the APs;
- Land acquisition for the project would be done as per the Land Acquisition 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. APs who neither have titles nor recognized or recognizable claims to land will be compensated for their structures and for other improvements to the land.
- Widening and strengthening work will take place mostly on the existing alignment except at locations where the existing alignment may require shifting to accommodate bridges reconstructed in new locations adjacent to existing structures;
- Before taking possession of the acquired lands and properties, compensation and resettlement assistance will be paid in accordance with the provision described in this document;

- An entitlement matrix for different categories of people affected 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 project 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; and
- Consultations with the APs will continue during the implementation of resettlement and rehabilitation works.
- Compensation and resettlement assistance is to be provided before any affected land is acquired.

62. In accordance with the resettlement measures suggested in the entitlement matrix for the Project, all affected households and persons will be entitled to a combination of compensation packages and resettlement assistance depending on the nature of ownership rights on lost assets and scope of the impacts including socio-economic vulnerability of the affected persons and measures to support livelihood restoration if livelihood impacts are envisaged. The affected persons will be entitled to the following five types of compensation and assistance packages (i) compensation for the loss of land, crops/ trees at their replacement cost; (ii) compensation for structures (residential/ commercial) and other immovable assets at their replacement cost; (iii) assistance for the loss of business/ wage income; (iv) assistance for shifting, and (v) rebuilding and/ or restoration of community resources/facilities.

## **F. Compensation Eligibility and Entitlements**

63. The following section deals with eligibility and entitlement of the APs

### **1) Eligibility**

64. AHs entitled to land compensation are AHs with either (i) title, (ii) official deed, (iii) unofficial written deed, or (iv) AHs that in absence of these documents are declared as legitimate traditional land holders of the land they use by the shura, jirga or elders of the local village or evidenced by neighboring property owners in accordance with the procedure laid down under the Land Management Law. All AHs no matter their land occupation status will be compensated for structures, crops, trees and business losses.

65. . Those affected by a new/revised alignment will not be subject to the cut-off date provision and a new cut-off date will be declared for them, which will be the start of the DPs census survey following the detailed design. This date will be announced by the PMO and disseminated by the pamphlet through the village shuras . This survey will also serve the purpose of cut-off-date for the non-titleholders as well. People moving in the project area after the cut-off date will not be entitled to any kind of compensation or assistance as per provision made herein. They, however, will be given sufficient advance notice, to vacate premises/dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and they will not pay fines or sanctions. Forced eviction will only be considered if all other efforts are exhausted. However, should there be considerable design changes

during the detailed engineering design and implementation, this cut-off date shall be changed to permit any construction of or alteration to structures or land sales after the cut-off date in the ROW of the new design. In the event realignment may be pursued during the detailed engineering design to avoid or minimize impacts, any current DPs on the basis of the first alignment that will no longer be impacted due to the realignment shall be accordingly informed, individually. Moreover, those newly affected by a new/revised alignment will not be subject to the current cut-off date provision and a new cut-off date will be declared for them. According to the Law on Land Acquisition following the delivery of compensation all APs will be given three months to vacate their properties and remove their houses if they wish to retain salvaged materials. In case they are absent and cannot be located their compensation will be deposited in a certain account in a state- owned bank and the person or their legal representative will be eligible to get it on their return.

## 2) Entitlements

66. Entitlement provisions for APs losing land, houses, and income losses include provisions for permanent and temporary land losses, house and buildings losses, crops and trees losses, and commensurate allowances for business losses relocation and vulnerability. These entitlements are detailed below:<sup>6</sup>

- **Acquisition of land** will be compensated at replacement cost either through replacement plots or in cash based on replacement cost to be approved by the council of ministers. MPW will shoulder all fees, taxes, issuing of new titles, 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 MPW engineers and AP and will not include depreciation or salvaged materials which can be used for free by the AH. A lump sum relocation allowance of AF6,000 will be paid to each resettled AH in addition to building compensation. In case of partial impacts, cash compensation will be provided to restore the remaining structure. Moreover, buildings losing more than 25% of the floor area are considered as fully affected and are provided with cash compensation equal to the entire building and the entire building is demolished.
- **Loss of crop** will be compensated at market rate along with additional assistance for purchase of seeds and restoration of future crop activities. APs will be given sufficient time to harvest their crops prior to the start of construction works to avoid impact on standing crops.
- **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 if there is sufficient remaining land to regrow the tree. If the AP has no sufficient land to regrow the tree,

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<sup>6</sup> The Compensation Policy and entitlements formulated for the stand -alone Kabul-Jalalabad Highway Project and consolidated in the Entitlement Matrix ,Table 4.2 below, with reference to the salient sections of Afghanistan's Land Acquisition Law and ADB SPS (2009) are equivalent to, if not more than, the entitlements formulated in the ongoing MFF TNDIP, Updated Resettlement Framework (November 2012)



then compensation will be based on the estimated remaining years the tree is expected to bear fruits. 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 based on a fixed rate computed on the average net income of typical road businesses in project areas as determined by surveys conducted during LARP preparation. Compensation for permanent business losses will amount to six month of net income loss. Compensation for temporary business losses will cover income losses during the interruption period.<sup>7</sup>
- **Income losses for workers and employees** — Cash compensation for lost wages equivalent to their three months' salary.
- **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 compensation equivalent to their three months' salary.
- **Vulnerable Households** – Vulnerable people (APs below the poverty line, women household heads, mentally challenged headed households, etc.) will be provided an additional allowance equivalent to 3 months of average household income as determined during the LARP census 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>8</sup> — AHs forced to relocate will receive a livelihood allowance of AF6,000 a month for 3 months.
- **Community structures and facilities** — will be fully replaced or rehabilitated so as to satisfy their pre-project functions.<sup>9</sup>
- **Impacts on irrigation channels** — the project will ensure that irrigation channels are diverted and rehabilitated to previous standards.

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<sup>7</sup> It is estimated that permanently affected road side business will be able to re-establish in another location within a period of 6 months, while those temporarily affected will be able to continue their operations within a period of 3 months

<sup>8</sup> Transitional livelihood allowance is computed based on the prevailing wage rate of AF200 per day by 26 days or AF5,200 per month ,adjusted by the CPI and rounded off.. This is also the basis for cash compensation on lost wages.

<sup>9</sup> Community facilities, mosques, graveyards etc. have functioning management committees, both trusted and verifiable by the community and village shuras. Impacted community structures will be restored by the management committee, Bank accounts for compensation payments determined and agreed to during the DMS, like for the rest of the APs will be set up in the name of the management committee through a resolution drafted by the latter.

- **Temporary Impacts.** In case of temporary land acquisition during construction, compensation shall be based on negotiated or local land rental rates in the project area for the duration of use. The land shall be restored by the construction contractor(s) at the end of the rental period.

67. The determination of replacement cost is based on a detailed assessment undertaken to verify local market rates from local people (based 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, there is generally no market price as such for land and assets in Afghanistan available thus the replacement cost will be mutually decided by the AP and the competent authority. The land rates payable to the affected households will be determined based on extensive consultations with the local Jirgahs/Shuras and the affected households. The Council of Ministers approves the replacement cost of the property. Assessment of value for other assets will be determined by the concerned departments along through discussion with the affected persons and local Jirgahs/Shuras. Based on the above, an Entitlement Matrix is presented in Table 4.2

**Table 4.2: Entitlement Matrix**

| Item  | Application   | Eligibility   | Compensation Entitlements  |
|---|---|---|--|
| 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. | Cash compensation at replacement cost determined through assessments and agreed upon by the AHs and 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  |
| Residential, Social, Communal and commercial buildings loss | Residential/Social/Communal/commercial structure affected | Owners of structures (including informal settlers non-title holders, encroachers, squatter)   | <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. If more than 25% of the building's floor area is affected, cash compensation will be computed for the entire building.</li> <li>• Privilege to salvage material from demolished structure free of cost.</li> </ul> |
| Crops losses  | Crops on affected land                                    | Owners of crops / sharecroppers/employed agricultural workers/lease-holders   | <ul style="list-style-type: none"> <li>• Cash compensation equal to one year's crop yield. For sharecroppers – their share of harvest at market rates and potentially an additional one crop compensation. For employed agricultural workers, an indemnity in cash corresponding to their salary in cash</li> </ul>  |

| Item   | Application   | Eligibility   | Compensation Entitlements  |
|--|---|---|--|
|  |   |   | or kind for the remaining part of the harvest, interrupted part of the harvest (for temporary impact), and entirely forgone harvest. For leaseholders income restoration by an amount equivalent to the market value of gross annual yield for the area each AP has leased   |
| 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 plus the market cost of a sapling.</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 shop owners and employees | Permanent / temporary business losses along the ROW | Business / shop owners (including informal settlers), employees | <ul style="list-style-type: none"> <li>• 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 fixed rates<sup>10</sup>.</li> <li>• Employees: indemnity for lost wages equivalent to three months income</li> </ul>   |
| Transitional Livelihood Allowance            | Residential/Commercial Structures affected          | All AHs   | <ul style="list-style-type: none"> <li>• Relocated owners/renters will receive a transitional allowance for livelihood losses at AF6,000 for 3 months</li> </ul>   |
| Relocation Allowance                         | Residential/Commercial Structures affected          | All AHs   | <ul style="list-style-type: none"> <li>• Relocated owners/renters (including informal settlers) will receive a relocation allowance of AF6,000</li> </ul>  |

<sup>10</sup> This fixed rate is based on the average net income of road businesses in project areas as determined by key informants from the project area during LARP preparation.

| Item  | Application   | Eligibility   | Compensation Entitlements  |
|---|---|---|--|
| Assistance to vulnerable AH                                 | 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>• Vulnerable households will be provided an additional three months of average household income allowance (AF 36,000) as assistance.</li> <li>• Preferential employment in the project construction to willing APs.</li> </ul>  |
| Severe agricultural land impact allowance                   | Agricultural land   | Agricultural land owners, leaseholders or sharecroppers losing >10% of their holdings   | <ul style="list-style-type: none"> <li>• Allowance for severe land impacts equal to replacement cost of a year's net income from crop yield of land lost</li> </ul>  |
| Loss of Community, Cultural, Religious, or Government Sites | Temporary or permanent loss due to the Project activities | Community/ Affected households  | <ul style="list-style-type: none"> <li>• 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</li> </ul> |
| Impact on irrigation channels                               | Temporary or permanent loss due to the Project activities | Community/ affected households  | <ul style="list-style-type: none"> <li>• Irrigation channels are diverted and rehabilitated to previous standards</li> </ul>   |
| Temporary loss of land                                      | Temporary use of land during construction                 | AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council. | <ul style="list-style-type: none"> <li>• Cash compensation based on local land rental rates for the duration of use and restoration at the end of the rental period.</li> </ul>  |
| Unidentified Impacts  |   | AH or individuals   | <ul style="list-style-type: none"> <li>• Unforeseen impacts compensated based on above entitlements during project implementation by the EA.</li> </ul>  |

## G. Livelihood Restoration Measures and Relocation

68. Given the nature of the Project (being linear) and where acquisition requires small portions of a DP's land, relocation would most likely be on the APs remaining land, or on a plot within the same village the development of a resettlement site is not applicable. However, APs (if they require) will be assisted in finding an alternative plot to relocate. With regard to prioritizing members of DP's households to project-related jobs, besides the road construction there will be work opportunities on small scale infrastructure projects in most villages along the road under the project's community development component. If there is a need the LAR Field Team (LFT) will also explore the possibility to develop alternative sections for vending where affected road-side shops can move

into. Under supervision and liaison of the LFT, the contractor will be encouraged to provide in-kind logistical support (mechanized equipment etc.) during reconstruction particularly to female-headed and other households defined as vulnerable. The LFT will suggest and facilitate, if there is an interest, in the mobilization of communities for collective mutual help in the form of labor for the reconstruction of houses or other structures.

69. In addition to livelihood restoration entitlements (as detailed in section F) APs, if willing, will be given preference for non-skilled jobs during the construction phase of the project. The LARP field team will also hold rural extension/agriculture one day workshops for one member of each AH losing land (to train between 20–25 people per workshop). This will be carried out every three months for the first year. Small business workshops for the shop owners will also be conducted every three months for the first year. Following these, the LARP field team may also assist the APs in identifying and providing access to livelihood linkages. Linkages to other demand driven community infrastructure or enterprise development programs or micro credit and social programs in the area will also be facilitated. A displaced persons' committee will be organized to facilitate planning, coordination and AP feedback in these livelihood restoration measures. Most homesteads and businesses are so placed along the project road that if impacted can build new ones or adjust the old structures to fit into their own land at the edge of the new ROW.

## CHAPTER 5: PUBLIC CONSULTATION AND DISCLOSURE

### A. General

70. The LAR affected stake holders of this project are primarily those owning dwellings, shops or farm land located at the edge of the road and who's property is liable to be impacted by the new dimensions and alignment of the road structure. No participatory appraisals or field surveys could be conducted directly with these primary stakeholders due to the prevailing security situation in the project area. LARP preparation has involved information disclosure, consultations and focus group discussions with members of village estate councils (*manteqa shura*) representing the affected persons and communities of each of the four Construction Package Sections of the Project.

71. These consultations were conducted in Jalalabad (April 2018), the capital of Nangarhar within the framework of a workshop. Village estate council members representing the four road Sections from both Kabul and Nangarhar provinces were invited by the provincial governor at the request of MPW. List of participants is provided in **Annex-II**.

72. The group discussions were basically organized for public disclosure and consultations with project affected communities to validate the adequacy and appropriateness of entitlements for APs, and of the institutional arrangements for the implementation of the resettlement process. The presence of knowledgeable key informants from locales along the entire 85 km road project area was leveraged to qualitatively build a socio-economic profile of the Project road, and. to develop, agree upon and finalize the i) entitlement matrix, ii) grievance redress mechanism, iii) replacement costs for infrastructure and land, the price for the latter only as a recommendation for the consideration of the provincial and central valuation committees and the Council of Ministers.

### B. Information disclosure by MPW

#### 73. Introductory talking points:

- i) Government's intention to build the road and deal with involuntary resettlement in accordance with Afghanistan's land acquisition law and ADB's SPS (2009)
- ii) LAR surveys – process accompanying final design --Census survey of Aps; detailed measurement survey; and a socio-economic survey
- iii) Approximate road construction implementation schedule: Final design, tendering for supervision consultants and construction contractors; approximately by Autumn of 2018
- iv) Community driven development works accompanying the road construction Small works selected by the community for maximum collective benefit
- v) Continuing information dissemination and consultation with affected communities till road completion

### C. Summary of APs Feedback and Concerns

The workshop sessions focused on project objectives, project planning, project design and implementation stages. The PMO emphasized to the community participants all potential positive and negative impacts and their implications for them. All potential issues and negative externalities were also presented in detailed. The sessions saw open discussion and candid sharing of views.

**AP Concern:** Who will rate our lands?

**PMO Safeguards Response:** The land valuation is done by the Provincial Assigned Committee (by Governor of the relevant Province). The committee contain of 8 members, even including the representative of the Affected People (APs). Generally, the committee collects the rates of the land as well as the structures, being affected from the local property dealers. The rates collected are analyzed and then finalized by the committee.

**AP Concern:** How do you deal with the business losses?

**PMO Safeguards Coordinator:** We have separate procedures for business and other losses, for example if there is any business fully or partially lost, we note and calculate its loses based on the national policy and the customized procedures. We, then, compensate based on the calculation, which is almost accepted by all the APs.

**AP Concern:** There are some locations along the road that will require some drainage structures in order to save the community people. We wonder if there is any compensation for it or the required structure will be built along the project. Moreover, any existing structure that is in risk due to the road project, will be re constructed.

**PMO Safeguards Coordinator:** When our design team visit your site for their detail survey or any other construction purposes, you have to remember and request them this case. They are to note all your concerns and request of your impacts. Such types of services are subsidiary of our works and we have to execute it as Social/Community Development Activities.

**AP Concern:** Mostly, the people are non-titled land holders or have missing land documents, how does the Ministry deal with this?

**PMO Safeguards Coordinator:** The Ministry of Public Works will facilitate you to process all your documents through a special committee assigned for yours' documents clarification (through your provincial ARAZ). The committee will guide you how and where to do process your documentation, you are to note that once your loss is measured through Detailed Measurement Survey, you are listed in the LARP. We then, will provide you longer time to process your documents and based on your declaration, will count you in compensation.

**AP Concern:** When the Compensation will be paid; will it be cash on the spot?

**PMO Safeguards Coordinator:** Soon after the Affected Peoples are declared, their impacts are reported through a special report, called "Land Acquisition and Resettlement Plan". This plan is

submitted to ADB as well as approved by the Ministry of Public Works. Besides, the report made by the Provincial Assigned Committee will officially send from Directorate General of Land Authority to compensate the Affected People, identified by them. All this procedures take around 6 to 12 months, but don't worry; all of you will be well compensated.

**AP Concern:** How the compensation of the structures or business will be paid?

**PMO Safeguards Coordinator:** The structures and the existing businesses will be calculated and rated according to the ADB safeguards' policy as well as with the local rates. Soon after, the values are calculated and finalized, the affected structures/business will be compensated by the project grant as well by the Ministry of Finance..

**AP Concern:** Will the labor of our local will be provided the jobs?

**PMO Safeguards Coordinator:** Of course, One of the main aim of the development projects is to provide jobs to the local people. This project will also provide various job opportunities to the local people, starting from labor up to technical and managerial level of the project.

**AP Concern:** When will come to know where and how much our land will affect?

**PMO Safeguards Coordinator:** The estimated alignment of the road will be shared by our team during the design stage. This will inform you how much area of your lands is affected in the ROW of the Road. Still, the accurate and final information will be shared when the final design is finished and approved. But, don't worry, all the things will be done with the public consultations.

**AP Concern:** Who is compensating, the donor or the Government?

**PMO Safeguards Coordinator:** The compensation is two types, 1- for the affected land and 2- For the structures, business loss and the business/residence relocation. The compensation of the land will be paid by the Govt. of Afghanistan and the rest will be paid the Asian Development Bank (The donor of this Project).

**Conclusions.** The workshop was very successful as a means of disclosing detailed project information, conducting public consultations, and establishing socioeconomic context of households within the affected project communities. Overall, the proposed project received much support and commitment from local village representatives. Community representatives communicated their appreciation to the PMO to explain well the proposed project and all potential risks and direct and indirect negative and positive impacts of the project. Questions form participants were answered in great detail and all unclear points clarified to their satisfaction. The local community representatives who participated were unanimous in their support for the project – they echoed views of their fellow village communities regarding how critical the construction of and their access to this road was. They were clear that road design and quality should not be comprised even if that meant households had to be relocated or that the road would go through their fields – as long as they have access to the road, they were accepting of the number of people who would be impacted through land acquisition and resettlement. Workshop discussions were evident of the fact that the local communities see the road project as an opportunity for better access to markets, livelihood and socio-economic conditions.



#### **D. Disclosure of LARP**

74. Project information will be disseminated through disclosure of resettlement planning documents. A resettlement information pamphlet containing information on compensation, entitlement and resettlement management adopted for the Project will be made available both in Pashto and Dari (local languages) and distributed to all APs (Annex III). Each AP will be provided information regarding specific entitlements. The pamphlet/brochure will keep the affected people informed about the impacts, the compensation and assistances proposed for them and facilitate addressing any grievances. They will hold special meetings to verbally brief those who are illiterate regarding their entitlements, the compensation methods and means of recourse to grievances redress mechanisms established for the Project. In addition, literate members of the community shall provide the same assistance to the less literate affected persons as necessary. The copy of the LARP will be available at the PMO and district governments, for APs to access. A copy of the LARP will be disclosed in ADB's website in English. Moreover, as required by the SPS monitoring reports on the LARP implementation will also be posted on the ADB website.

#### **E. Participation, Consultation and Information Disclosure up to Project Completion**

75. Consultations with APs will continue all throughout the project cycle. The effectiveness of resettlement implementation will be ensured by the continuing involvement of those affected by the project. Several additional rounds of consultations with the APs will be required during the LARP implementation. The other round of consultations will occur when compensation and assistance are provided and actual resettlement begins. Information disclosure will be pursued for effective implementation and timely execution of the LARP. For the benefit of the community in general and APs in particular, the LARP is made available at the concerned offices of MPW. The Program Management Office (PMO) provides information on resettlement policies and features of the LARP. For continued consultations, the following steps are envisaged in the project

- The LAR field team will organize public meetings and will apprise the communities about the progress in the implementation of resettlement, social and environmental activities.
- The project will organize APs to form Displaced Persons Committees (DPCs) for various sub-sections of the road.
- There will be the Grievance Redress Committees (GRC). The APs will be associated with such committee along with their representatives.
- The LAR field team will organize public meetings to inform the community about the compensation and assistance to be paid. Regular update of the progress of the resettlement component of the project will be shared.
- All monitoring and evaluation reports of the resettlement components of the project will be disclosed in the same manner as the LARP.
- Key features of the entitlements will be displayed along the project corridor.
- Together with the LAR field team the PMO will conduct information dissemination sessions at major intersections and solicit the help of the local community leaders to encourage the participation of the APs in LARP implementation.
- Attempts will be made to ensure that vulnerable groups understand the process and to take their specific needs into account.



## **CHAPTER 6: INSTITUTIONAL ARRANGEMENTS**

### **A. General**

76. The implementation of LARP requires involvement of various institutions at different stages of project cycle. The MPW has the experience in LARP implementation. This office has appointed a Safeguards Coordinator to ensure implementation of resettlement activities. Project Managers remain responsible for safeguards compliance which needs to be balanced with pressing work progress goals, while the Program Director remains ultimately responsible. MPW has continuing capacity building activities within the MPW and all the stakeholders engaged in regard to this matter as field conditions vary from project to project and as policy continues to evolve with time. This section deals with the role of various institutions and offices for the execution of various LAR matters. These are as follows:

- Ministry of Public Works (MPW)
- Project Management Office (PMO)
- Due Diligence Team (DDT) at PMO Level
- Construction Supervision Consultant (CSC)
- LARP Field Team (LFT)
- Local Government
- Grievance Redress Committee (GRC)

### **B. Executing Agency**

77. MPW is the EA for this project. The minister and the deputy minister are responsible for the overall policy level decision, planning, implementation and coordination of the Program. The EA coordinates with other departments in Government of Afghanistan, *i.e.*, Ministry of Finance.

### **C. Local Government**

78. They are responsible for endorsing compensation rates and validation of surveys. District government is represented by representatives of villages (Shura) and headed by district Governor, who is appointed by the provincial Governor. Each constituent sub group in the village is represented in the Village Estate Council (Shura/Jirgah). The shura also consists of village elders and representatives of shura of sub villages or hamlets. The head of shura is called, Malek. This village estate council plays a key role in land acquisition and resettlement matters, particularly in information disclosure and consultations or when issues arise.

#### **D. Program Management Office in MPW**

79. A Program Management Office (PMO) in the MPW is in place to handle implementation of the ADB financed projects. The PMO is headed by a Director. It has separate units to oversee different aspects of highway development program and liaise with stakeholders. These units oversee technical and engineering functions, social and environmental safeguards and due-diligence under each road project's feasibility, design, civil works, and construction supervision contracts; finance and administration, evaluation, monitoring and reporting, procurement and capacity development. The PMO engages the services of national and international consultants in support of its operations and capacity building, including in safeguards. Follow-up training on LAR-related activities is organized through learning-by- doing and hands- on training provided by an international resettlement specialist to further strengthen capacity, under the ADB Grant 0327/0328-AFG Transport Network Development Investment Program Tranche 2 Capacity Building for MPW (44482-023).

#### **E. Due Diligence Team at PMO Level**

80. The Due Diligence Team (DDT) for the project is formulated as part of the PMO, and comprises i) the Project Manager, who is the DDT team leader and has the ultimate responsibility for impact mitigation and safeguards in the project; ii) the PMO Safeguards Coordinator, who liaises with the provincial and district governments, the staff of Ministry of Finance, Ministry of Justice and the council of ministers for LAR issues and also monitor LARP revisions and implementation; and iii) the PMO Environment Specialist who during construction will schedule monitoring trips to the project area jointly with Safeguards Coordinator to identify and resolve any concerns and issues impacting affected people. The members of DDT, supported by international specialists, work closely with other staff and contractors of the PMO and help them meet safeguard due diligence obligations. The DDT assists the PMO in getting all the necessary clearances and implementation of the resettlement activities prior to start of any civil work.

#### **F. Detail Design and Safeguards Planning Consultant**

81. The Detail Design and Safeguards Planning Consultant (DDSPC) works with the PMO to update the LAR surveys and prepare a post final design implementation ready LARP for MPW and ADB review.

#### **G. Construction Supervision Consultant**

82. The Construction Supervision Consultant (CSC) works with the PMO to support in monitoring, supervision and coordination of all activities related to resettlement implementation. The CSC has provision to deploy local and international expertise on resettlement. The CSC will:

- Supervise the project implementation.
- Ensure that project-specific social mitigating measures are incorporated into the contract documents.

- Recruit and deploy the LAR Field Team
- Deploy the local and international resettlement specialists.
- Work in close coordination with PMO and the engineering team.
- Verify implementation and assess impacts of the LARP through the conduct of necessary surveys and investigations

#### **H. LARP Field Team (LFT)**

83. CSC will continue to deploy its LFT, staffed preferably by the same resettlement team that conducted the surveys and consultations while the LARP was being prepared and inventory of lost assets was assessed. The LFT will play the role of a facilitator and will work as a link between the PMO and the APs. Further the LFT will educate the APs on the need to implement the Project, on aspects relating to land acquisition and R&R measures and ensure proper utilization of various compensations extended to the APs under the R&R entitlement package. The major LARP implementation responsibilities will be with the LFT. The LFT will be the link between the PMO and APs. The LFT will:

- 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 APs.
- Identify AHs whose lands which can be acquired through negotiated purchase or through expropriation
- Identify absent APs
- Counsel, generate awareness and resolve the grievances of the affected persons
- Put forth the unresolved grievances of the APs 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 APs in opening an account in the nearest local bank needed for transferring compensation payments
- Organize and assist displaced persons committees (DPCs)

- Participate in public meetings as and when required
- Submit periodic LARP implementation report to the PMO

## I. Roles and Responsibilities of Various Agencies

84. The responsibilities of various agencies to be involved in implementation of resettlement activities are summarized in Table: 6.1.

**Table 6.1: Roles and Responsibilities of Agencies in Resettlement Implementation**

| SI No. | Activity  | Agency Responsible                         |
|--------|---|--|
| 1      | Setting up of DDT   | MPW  |
| 2      | Hiring of DDSPC and initiation of detailed design   | MPW, DDSPC                                 |
| 3      | Hiring of CSC   | MPW  |
| 4      | Recruiting LAR Field Team (LFT) initiation of post final design LAR surveys, including due-diligence report confirming and verifying sections with no LAR impact and where civil works can proceed while LAR surveys continue in sections with LAR impact | CSC, DDSPC, LFT, PMO DDT                   |
| 5      | Assessing, endorsing and proposing compensation rates   | Village Estate Councils                    |
| 6      | Updating the resettlement plan including, identification of APs, fixing of replacement cost, fixing of assistance and disclosure of resettlement plan.  | DDSPC, DDT, PMO, LFT, and Local Government |
| 7      | Review and Approval of Resettlement Plan  | ADB, MPW                                   |
| 8      | Land compensation assessment  | Provincial Valuation Panel                 |
| 9      | Project and land compensation review  | Central Evaluation Committee               |
| 10     | Land Compensation Award   | Council of Ministers                       |
| 11     | payment of compensation   | MPW PMO MOF, local banks                   |

|    |   |   |
|----|---|---|
| 12 | Takeover the possession of acquired land/houses following procedures consistent with the requirements of Afghan Land Law and Civil Code   | MPW /District Government  |
| 13 | Hand over acquired land to contractors for construction   | MPW /District Government  |
| 14 | Notify construction starting date to APs  | PMO, LFT, District Government   |
| 15 | Beginning of the civil work   | Contractor  |
| 16 | Restoration of temporarily acquired land to its original state including restoration of private or common property resources  | Contractors subject to monitoring by LFT and PMO  |
| 17 | Income restoration activities, particularly for vulnerable groups   | DDT and LFT   |
| 18 | Internal monitoring   | DDT, PMO OCSC and LFT   |
| 19 | Compliance monitoring during and immediately after LARP implementation to ascertain whether compensation was provided correctly to everyone. In addition, one year after the end of LARP implementation to carry out a study to document the affect of LARP implementation. | EA and MPW certify compliance on the basis of internal monitoring by LFT and PMO Safeguards and Finance Units |

ADB=Asian Development Bank; CSC=Construction Supervision Consultant; DDSPC=Detail Design Safeguard Planning Consultant , DDT= Due Diligence Team; AH=affected household; AP=affected person; LARP=land acquisition and resettlement plan; MPW=Ministry of Public Works; no. =number; PMO= program management office; SPS=Safeguards Policy Statement 2009.

85. A chart for this LARP implementation is given in Figure 6.1, which shows the relevant agencies to be involved in the process.

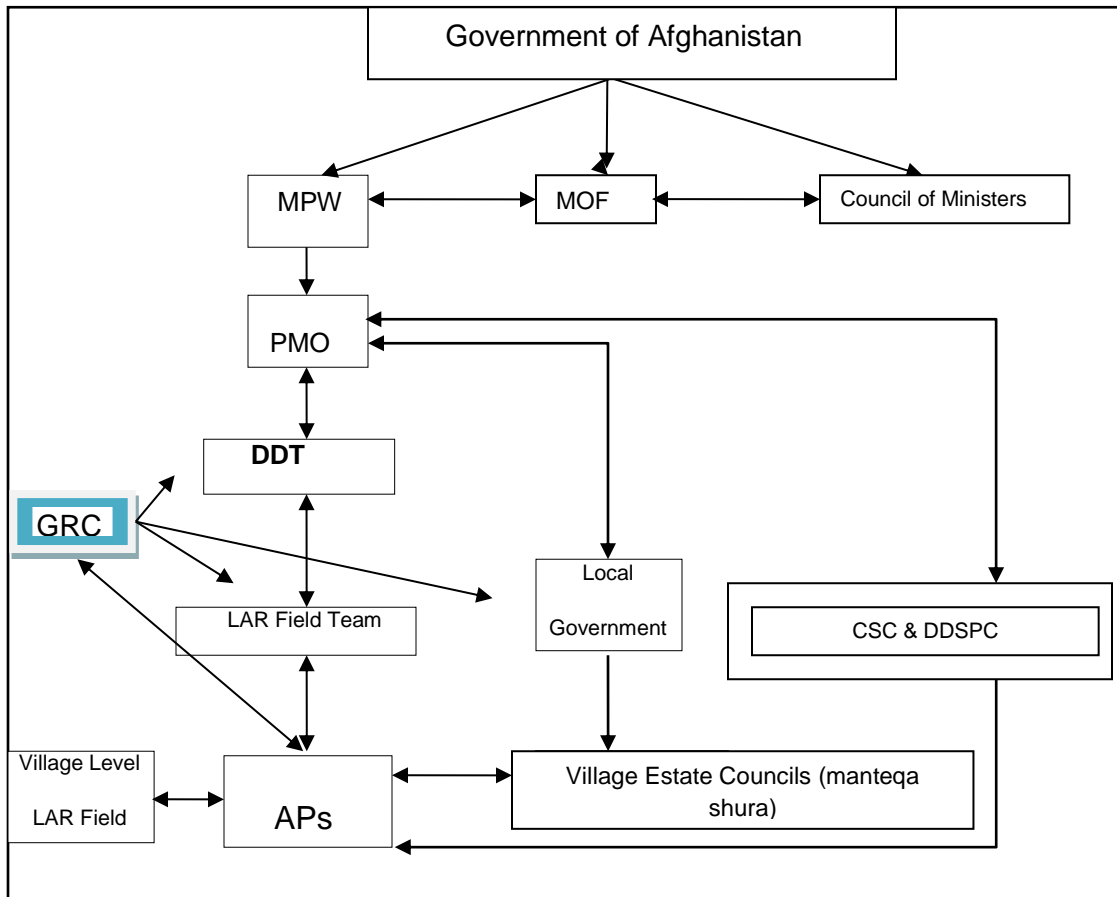
#### **J. Grievance Redress Committee (GRC)**

86. A GRC will be established (before the Land Acquisition and Resettlement Work) at the district level with the primary objective of providing a mechanism to mediate conflict and cut down on lengthy litigation process. It is tasked to provide people, who might have objections or concerns about their assistance, a public forum to raise their objections and through conflict resolution, address these issues adequately. The GRC will continue to function, for the benefit of the APs, during the entire life of the Project including the defects liability periods. The GRC comprises of district government with representatives from MPW, PMO, APs and local shuras. The GRC will:

- Provide support for the APs on problems arising out of land/property acquisition like award of compensation and value of assets;

- Record the grievances of the APs, categorize and prioritize the grievances that needs to be resolved by the Committee and solve them within a month;
- Inform PMO of serious cases within an appropriate time frame; and
- Report to the aggrieved parties about the development regarding their grievance and decision of PMO.

**Figure 6.1: Land Acquisition and Resettlement Plan Institutional Arrangements**





## CHAPTER 7: COMPLAINTS AND GRIEVANCES REDRESS

87. Various queries, complaints and problems that are likely to be generated among the APs and that might require mitigation, include the following:

- APs not enlisted;
- Losses not identified correctly;
- Compensation/assistance inadequate or not as per entitlement matrix;
- Dispute about ownership;
- Delay in disbursement of compensation/assistance; and
- Improper distribution of compensation/ assistance in case of joint ownership.

88. An efficient grievance redress mechanism will assist the APs in resolving queries and complaints. The main objective of MPW in providing a project level grievance redress mechanism is to avoid potential delays on the commencement of construction works for the project; address and resolve any issues and complaints raised by the APs. The APs should be aware of the procedure on the resolution of grievances, which the resettlement team will inform to project stakeholders during project disclosures and public consultations.

89. The DDT will design a pro-forma letter to be used by APs for filing their complaints or grievances. The DDT will also establish liaison with the Office of the District Governor to receive a copy of each complaint filed, track the complaint and prepare monthly reports on the status of the filed complaints, to be included in the regular progress reporting of the Project. Additionally, the LAR Field Team will help the APs in preparing the grievance and sending it to the concerned authority, at the appropriate level, and in pursuing it. For this purpose the LAR Field Team will establish a Grievance Redress Unit that will rotate between 4 central locations along the road length, at least once a month at each location. The intention to establish this unit for the current project is prompted by, besides the desire to facilitate the APs at their door step, to stop the tendency of Aps, as on past projects, from coming all the way to the PMO in Kabul for filing their complaints. Very often the matter simply related to issues like incorrect measurement which it is expected can be cleared straight away through coordinated action at the project site by the GRU.

90. There will be a three -stage procedure for redress of grievances and complaints; however, **APs have the right to move a court of law at any stage.** These are as follows:

- Complaints are to be filed at the district governor offices. **This is a formal mechanism that supplements the mediation by Shuras where most grievances in the Afghanistan context are known to be effectively resolved.** The district government with the help from Shura, and PMOs resettlement team is obliged to reply and explain the decision within 30 days from the date the complaint was received. The Grievance

Redress Committee (GRC) will assist the district governor offices in the mediation and resolution of conflict.

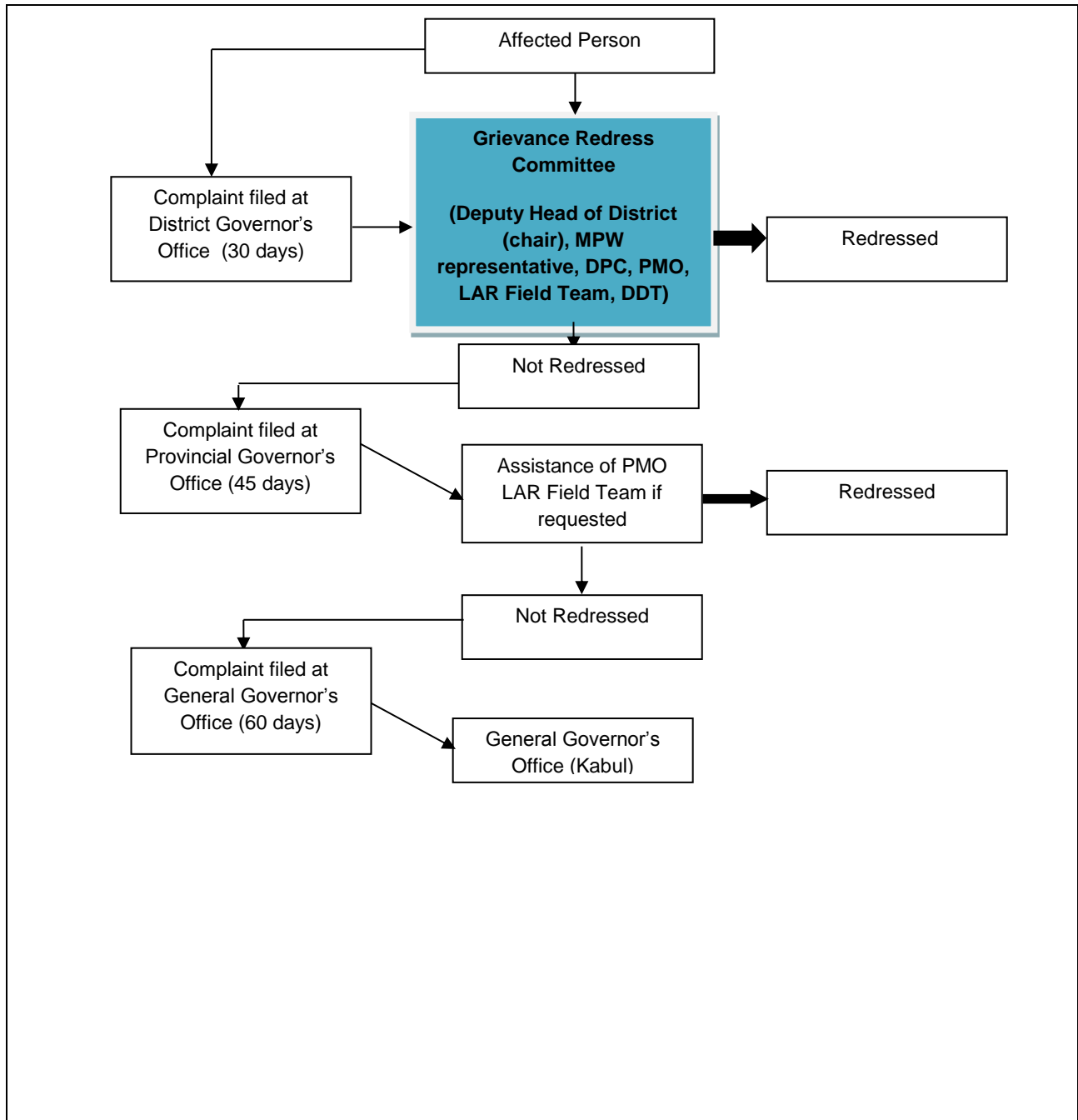
- If AP is unsatisfied or has no reply from the district governor office, grievances can then be lodged with the Province Governor offices. The Governor office will issue the final decision within 45 days.
- If AP is unsatisfied or has no reply from the province governor office, grievances can then be lodged with the General Governor Office in Kabul. The General Governor office will issue the final decision within 60 days.
- An AP is free to access the country's legal channels at any stage of the GRM and refer to the appropriate courts. Should the AP want to pursue legal recourse in a court of law at any time, MPW through its DDT and LAR Field Team will ensure that support is given to the AP to prepare a case.
- The GRC for the provincial and the district level will be constituted by a notification from the Provincial Governor. Orientation of the two provincial committees on the grievance redress process, and of the one at the General Governor's Office in Kabul, will be conducted by the MPW/PMO Safeguards Coordinator, who serves as the grievance focal point.

91. The complaints and grievance redress process is shown in Figure 7.1. The AP has recourse to a court of law at all stages.

Figure 7.1: Complaints and grievances redress process

CHAPTER 8: RESETTLEMENT BUDGET AND FINANCING

A. General



92. The resettlement cost estimate for this Project includes eligible compensation, resettlement assistance, and support cost for LARP implementation. The support cost, which includes staffing requirement, monitoring and evaluation, and other administrative expenses are

part of the overall project cost. The unit cost for land and other assets in this budget has been derived through rapid field appraisal, consultation with affected households, relevant local authorities and shuras. Contingency provisions have also been made to take into account variations from this estimate. The cost estimates are outlined below:

- Compensation for acquired land at the rates endorsed by the local governments
- Compensation for all structures and other immovable assets at their replacement cost
- Compensation for crops and trees for all kind of land acquisition
- Assistance in lieu of the loss of business/ wage income/ employment and livelihood
- Assistance to physically displaced persons for shifting the contents of their dwellings and shops
- Assistance for vulnerable groups for their livelihood restoration
- Cost for implementation of LARP.

93. The practice on ADB financed projects in Afghanistan is for the Government to bear the cost of land and ADB to provide funding for resettlement assistance.

## **B. Compensation Valuation**

### **1) Assets Valuation**

94. Land valuation has been done based on consultations, in assembly, with representatives from village estate councils (manteqa shura/jirgahs) through which the road passes. These recommended rates are preliminary and yet to be endorsed by the district governments. Lands are divided into 4 categories for valuation, (i) Irrigated agricultural land, (ii) non-irrigated agricultural land, (iii) residential land, and (iv) land in commercial use. For land compensation only legally owned land holders [Ahs] with (i) titles, (ii) official deeds, (iii) unofficial written deeds, or (iv) declaration from Shura, Jirgas or elders of the village are considered. In Afghanistan, there are no open markets for sale or purchase of land. Generally, very negligible land registration takes place officially in respect to sale/purchase of land. Moreover, there are no established official rates for various types of lands. As such, determining the optimum rate payable to the affected households losing lands becomes an important task. The location and type of land influence the actual price per square meter. It appears that the nearer the land to a built-up area (e.g. village proper), the higher the value in the perception of the affected households. The rates proposed for this Project at this stage, will be reassessed in close collaboration with AHs during the post final-design census and DMS and subsequently endorsed by the District Governor's Office. These rates will need the final approval of the Council of Ministers as replacement cost for compensating

the lost assets. This final approval from the Council of Ministers will be sought by MPW after the finalization of the LARP. The rates proposed at this stage are presented in Table 8.1.

**Table 8.1: Land Rates**

| Type of Land/<br>Classification of Land | Location | Rate (AF) *<br>Per m <sup>2</sup> |
|---|----------|-----------------------------------|
| (i) Irrigated agricultural land         |          | 400                               |
| (II) Non-irrigated agricultural land    |          | 120                               |
| (III) Residential Land/Commercial Land  |          | 800                               |

AF=Afghanistan currency; m<sup>2</sup>=square meter.

\* based on consultations, in assembly, with representatives from relevant village estate councils (manteqa shura/jirgahs); are preliminary and yet to be endorsed by the district governments.

95. Structure loss valuation was done based on 'replacement cost' free of depreciation. Replacement costs are calculated in consultation with the local governments and provincial MPW engineers. The replacement costs are arrived at by assessment of market value for replacement of structures and include costs of material, labor and transport. Please see Table 8.2 for compensation for structure, by type.

**Table 8.2: Details of Structure Compensation**

| S.No. | Item(structure)                                | Unit | Rate (AF)* |
|-------|--|------|------------|
| 1     | <b>Walls</b>                                   |      |            |
|       | Mud  | Cum  | 1350       |
|       | Stone  | Cum  | 2300       |
|       | Raw brick                                      | Cum  | 3300       |
|       | Burned brick                                   | Cum  | 5000       |
| 2     | <b>Bore wells</b>                              | M    | 2300       |
| 3     | <b>Buildings</b>                               |      |            |
| a)    | Building Mud/Brick/wood wall/mud wall/tin roof | Sqm  | 2850       |

|    |  |     |       |
|----|--|-----|-------|
| b) | Semi concrete structure                    | Sqm | 5250  |
| c) | RCC (reinforced cement concrete) structure | Sqm | 15750 |

\*Replacement costs calculated in consultation with the local governments and provincial MPW engineers, arrived at by assessment of market value for replacement of structures and include costs of material, labor and transport.

## 2) Crop/trees compensation

96. **Crop compensation:** The compensation for crops is based on the market price of the annual average yield of each crop affected. Gross income (which includes seed and land preparation costs) from a jireb (2000 sq. m) in the project averages AF20, 000, as determined during consultations with representatives of affected persons. On this basis compensation for impacted crops was determined at AF10 per sq. m, which includes the provision of seed and tillage for restoration of future crop activities.

97. **Tree compensation** for fruit trees are calculated at annual average production multiplied with value/kg at market prices and number of years needed to re-grow the tree to the same productive level. The cost of a sapling is added to fruit tree compensation. Preliminary assessment shows that all APs losing trees have sufficient remaining land to replant trees. The detailed calculations are given in Table 8.3.

**Table 8.3: Compensation of Fruit Trees**

| Sl.No. | Tree     | Average Annual Yield, Kg | Rate, AF/kg (Market prices) 2017 | Years to regrow to productive level | Rate per tree (AF) |
|--------|----------|--------------------------|----------------------------------|-------------------------------------|--------------------|
| 1      | Mulberry | 60                       | 30                               | 5                                   | 9,200              |

AF=Afghanistan Currency; kg=kilogram; no. =number.

98. These rates of fruit trees include the cost of a sapling. Computation for all fruit trees is done on the basis of Mulberry.

99. Compensation for non-fruit trees is calculated based on the cost of reproducing the tree to the level of growth it was cut. Compensation of non-fruit trees is calculated based on the statistics of common wood trees. The general height of the tree is 10 m and girth of 0.5 m and produces about 1,000 kg of firewood. Cost of firewood per kg is AF6 and hence the cost of tree is calculated as AF 6,000. The compensation of the tree will be free of deduction for the value of the wood left to the AP.

## 3) Income Restoration / Other Allowances

100. The charges will be paid to eligible AP households:

- **Income Restoration Allowance for Business Losses** -- compensation for permanent business losses will be in cash for the period deemed necessary to re-establish the business ( for 6 months). Business losers will receive AF6,000 a month based on the average monthly business income of shops that are more or less similar obtained from key informants. Documented and verified income from the business, if any, will be reimbursed on actual.
- **Vulnerable Group Allowance**-. Vulnerable people (APs below the poverty line, women household heads, mentally challenged headed households, etc.) will be given assistance in the form of a one-time allowance for vulnerable AP households is equivalent to AF36,000. Healthy and willing vulnerable affected household members will receive priority in employment in project-related jobs.
- **Transitional Allowance**-Affected households or renters forced to relocate will receive a transitional allowance for livelihood losses for 3 months at AF6,000 per month.
- **Relocation Allowance**-Affected households forced to relocate will receive a relocation allowance for transportation of AF6,000.
- **Severe agricultural land impacts**-When 10% or greater 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 crop yield of the land lost.

101. In addition to livelihood restoration entitlements, AHs will be given preference for non-skilled jobs during the construction phase of the project. The pumphlit will also organize rural extension/agriculture one day workshops for one member of each AH losing land (to train between 20–25 people per workshop). This will be carried out every three months for the first year. Small business workshops for the shop owners will also be carried out every three months for the first year. Following these, the LFT may also assist the DPs in identifying and providing access to livelihood linkages. Linkages to other demand driven community infrastructure or enterprise development programs or micro credit and social programs in the area will also be facilitated.

### C. LARP Implementation and Support Cost.

102. The cost for LARP implementation, including the LAR Field Team and AP livelihood trainings is also calculated at AF3,000,000/- per Section/construction package.

103. Costs will be updated during post final design LARP preparation. A 10% contingency has been added.

#### D. Cost Estimate and Budget

104. The detailed cost estimate for each type of compensation has been derived based on the above unit rates. The total compensation payable for each type of loss/allowance is as under.

105. **Compensation for Land:** The total compensation payable for land in all 4 Sections is **AF53,127,160**. The details are shown in Table 8.4

**Table 8.4: Compensation for Land**

| Type of Land/<br>Classification of<br>Land | Location | Rate<br>(AF)<br>Per m <sup>2</sup> | Affected<br>Area (m <sup>2</sup> ) | Total (AF)        |
|--|----------|------------------------------------|------------------------------------|-------------------|
| (I) Irrigated Land                         |          | 400                                | 63, 503                            | 25,401,200        |
| (II) Non-Irrigated<br>Land                 |          | 120                                | 156,083                            | 18,729,960        |
| (III) Residential /<br>Commercial Land     |          | 800                                | 11,245                             | 8,996,000         |
| <b>Total</b>                               |          |                                    | <b>130,265</b>                     | <b>53,127,160</b> |

AF=Afghanistan currency; m<sup>2</sup>=square meter.

106. **Compensation for Structures associated with dwellings and businesses:** The total compensation payable for houses and shop structures, both concrete and mud buildings in all 4 Sections is **AF 178,781,850**. The details are shown in Table 8.6.

**Table 8.6: Compensation Payable for Structures**

| S.No.    | Item         | Unit | Rate (AF) | Affected Area | Total (AF) |
|----------|--------------|------|-----------|---------------|------------|
| <b>1</b> | <b>Walls</b> |      |           |               |            |
|          | Mud          | Cum  | 1350      | 0             | 0          |
|          | Stone        | Cum  | 2,300     | 0             | 0          |



|           |                            |     |        |        |                    |
|-----------|----------------------------|-----|--------|--------|--------------------|
|           | Raw brick                  | Cum | 3,300  | 0      | 0                  |
|           | Burnt brick                | Cum | 5,000  | 0      | 0                  |
| <b>2</b>  | <b>Bore wells</b>          | m   | 2300   | 0      | 0                  |
| <b>3</b>  | <b>Building Structures</b> |     |        |        |                    |
| <b>a)</b> | Mud, brick, wood           | Sqm | 2850   | 31,761 | 90,518,850         |
| <b>b)</b> | semi concrete              | Sqm | 5250   | 0      | 0                  |
| <b>c)</b> | RCC concrete               | Sqm | 15,750 | 5,604  | 88,263,000         |
|           | <b>Total</b>               |     |        |        | <b>178,781,850</b> |

AH=affected household; AP=affected person; m<sup>2</sup> =square meter; no. =number.

107. **Compensation for Trees:** The total compensation payable for the trees amounts to **AF 17, 234,000**. The details are shown in Table 8.7

**Table 8.7: Compensation for Trees**

| Type of Trees                         | No. of Trees | Unit Rate (AF) | Total (AF)        |
|---------------------------------------|--------------|----------------|-------------------|
| Fruit Trees                           | 1195         | 9,200          | 10,994,000        |
| Non-fruit Trees                       | 1040         | 6,000          | 6,240,000         |
| <b>Total (Fruit +Non Fruit) Trees</b> | <b>2235</b>  | <b>-</b>       | <b>17,234,000</b> |

AF=Afghanistan currency.

108. **Compensation for Business Loss:** The total compensation payable for business loss amounts to **AF 3,348,000**. The details are shown in Table 8.8.

**Table 8.8: Compensation for Business Loss**

| Type of Loss | No./ AH | Rate (AF) | Total (AF) |
|--------------|---------|-----------|------------|
|              |         |           |            |

|   |                         |    |        |                  |
|---|-------------------------|----|--------|------------------|
| 1 | Permanent business loss | 93 | 36,000 | 3,348,000        |
|   | <b>Total</b>            | -  | -      | <b>3,348,000</b> |

AF=Afghanistan currency; AH=affected household.

109. **Allowances:** The total amount payable for allowances amounts to **AF = 2,388,000**. The details are shown in Table 8.9.

**Table 8.9: Details of Allowances**

| Type of Allowance  | HH  | Rate (AF) | Total (AF)        |
|--|-----|-----------|-------------------|
| Vulnerable Allowance for households below poverty line and women headed families | 585 | 36,000    | 21,060,000        |
| Transitional Allowance   | 425 | 18,000    | 7,650,000         |
| Relocation Allowance   | 425 | 6,000     | 2,550,000         |
| <b>Total</b>   |     |           | <b>31,260,000</b> |

AF=Afghanistan currency; AH=affected household.

#### **E. Summary of Total Cost**

110. The total estimated resettlement cost for all 4 Sections of the Project is **AF 325,326,111 USD\$ 4,452,862** (1 US\$=73.06 AF). Details of the LARP cost are given in Table 8.10 Resettlement Budget.

**Table 8.10**

| <b>Summary of Resettlement Cost Estimates and Budgets for the 4 Sections of Kabul-Jalalabad Highway Project</b> |                      |           |                    |
|---|----------------------|-----------|--------------------|
|   |                      |           |                    |
| Summary of Cost Estimate and Budget (all 4 Sections)  |                      |           |                    |
| Land (A) all 4 sections   | Affected Area        | Unit Rate | Amount/AFN         |
| <b>Agricultural Land</b>  |                      |           |                    |
| Irrigated Land  | 63,503               | 400       | 25,401,200         |
| Non Irrigated Land  | 156,083              | 120       | 18,729,960         |
| Residential /Commercial Land  | 11,245               | 800       | 8,996,000          |
| <b>Sub-Total A</b>  | <b>130,265</b>       |           | <b>53,127,160</b>  |
| Structure (B) all 4 sections  | Affected Area        | Unit Rate | Amount             |
| Mud Wall  | 0                    | 1,350.00  | 0                  |
| Raw brick wall  | 0                    | 3,300.00  | 0                  |
| Burnt brick wall  | 0                    | 5,000.00  | 0                  |
| Stone Wall  | 0                    | 2,300.00  | 0                  |
| Mud/brick/wood walls, mud/tin roof  | 31,761               | 2,850.00  | 90,518,850         |
| Semi Concrete structure   | 0                    | 5,250.00  | 0                  |
| RCC, concrete   | 5,604                | 15,750.00 | 88,263,000         |
| Bore well/m   | 0                    | 2,300.00  | 0                  |
| <b>Sub-Total B</b>  |                      |           | <b>178,781,850</b> |
| Crops( C ) all 4 Sections   | Affected Crops (Sqm) | Unit Rate | Amount             |
| <b>Compensation for Crop loss</b>   | 0                    | 10.00     | 0                  |
| <b>Sub-Total C</b>  | <b>0</b>             |           | <b>0</b>           |
| Tree ( D ) all 4 sections   | No. of Trees         | Unit Rate | Amount             |

|  |                   |           |                    |
|--|-------------------|-----------|--------------------|
| Non-productive                               | 1040              | 6,000     | 6,240,000          |
| Productive                                   | 1195              | 9,200     | 10,994,000         |
| <b>Sub-Total D</b>                           | <b>2235</b>       |           | <b>17,234,000</b>  |
| Business/ Income Losses ( E ) all 4 sections | Affected Entities | Unit Rate | Amount             |
| Permanent Business loss                      | 93                | 36,000    | 3,348,000          |
| <b>Sub-Total E</b>                           | <b>93</b>         |           | <b>3,348,000</b>   |
| Special Allowance ( F ) all 4 sections       | Household         | Unit Rate | Amount             |
| Women Headed Households                      | 0                 | 36,000.00 | 0                  |
| Transitional Allowance                       | 425               | 18,000.00 | 7,650,000          |
| Relocation Allowance                         | 425               | 6,000.00  | 2,550,000          |
| Household below poverty line                 | 585               | 36,000.00 | 21,060,000         |
| <b>Sub-Total F</b>                           |                   |           | <b>31,260,000</b>  |
| <b>Total ( A+B+C+D+E+F ) In AFN</b>          |                   |           | <b>283,751,010</b> |
| <b>For LARP Implementation</b>               |                   |           | 12,000,000         |
| <b>Total Budget</b>                          |                   |           | <b>295,751,010</b> |
| <b>Contingency 10%</b>                       |                   |           | 29,575,101         |
| <b>Grand Total in AFN all 4 Sections</b>     |                   |           | <b>325,326,111</b> |
| <b>Grand total In USD (AFN 73,06 =USD 1)</b> |                   |           | <b>4,452,862</b>   |

]]]

### 1) Summary of Budget (Funding Source-wise)

111. The following table summarizes the budget as per the source of financing. The cost for land will be met by the Government and the cost of resettlement shall be met out of the funds provided by ADB under the Grant. The details are shown in Table 8.11.

**Table 8.11: Summary of Budget Source-wise**

| <b>Purpose</b>                                     | <b>Amount (AF)</b> |
|--|--------------------|
| <b>I. Funding by the Government of Afghanistan</b> |                    |
| Land (All 4 Sections)                              | 53,127,160         |
| <b>Total(I)</b>                                    | <b>53,127,160</b>  |
|  |                    |
|  |                    |
| <b>II. Funding by ADB</b>                          |                    |
| Structures   | 178,781,850        |
| Trees  | 17,234,000         |
| Business/Income Losses                             | 3,348,000          |
| Relocation Allowance                               | 2,550,000          |
| Transitional Allowance                             | 7,650,000          |
| Vulnerable Allowance                               | 21,060,000         |
| Crops  | 0                  |
| LARP Implementation (4 Sections)                   | 12,000,000         |
| <b>SubTotal (II)</b>                               | <b>242,623,850</b> |
| Contingency (10%)                                  | 24,262,385         |
| <b>Total (II) in AF</b>                            | <b>266,886,235</b> |
| <b>Total (II) in USD</b>                           | <b>3,652,973</b>   |
|  |                    |

AF=Afghanistan currency.

## CHAPTER 9: IMPLEMENTATION SCHEDULE

### A. General

112. The implementation schedule for implementation of resettlement plan will be scheduled as per the overall project implementation. The construction period for the Project is tentatively scheduled for three years. All activities related to land acquisition and resettlement must be planned to ensure that full compensation is paid prior to displacement and commencement of civil works. Public consultation, internal monitoring and grievance redress will be undertaken intermittently throughout the project duration. The schedule is subject to modification depending on the progress of the project activities.

### B. LARP Implementation Schedule

113. A timeline for LARP preparation (surveys), execution (compensation delivery) and post implementation (impact evaluation) is detailed in Table 9.1 .

**Table 9.1: LARP Implementation Schedule**

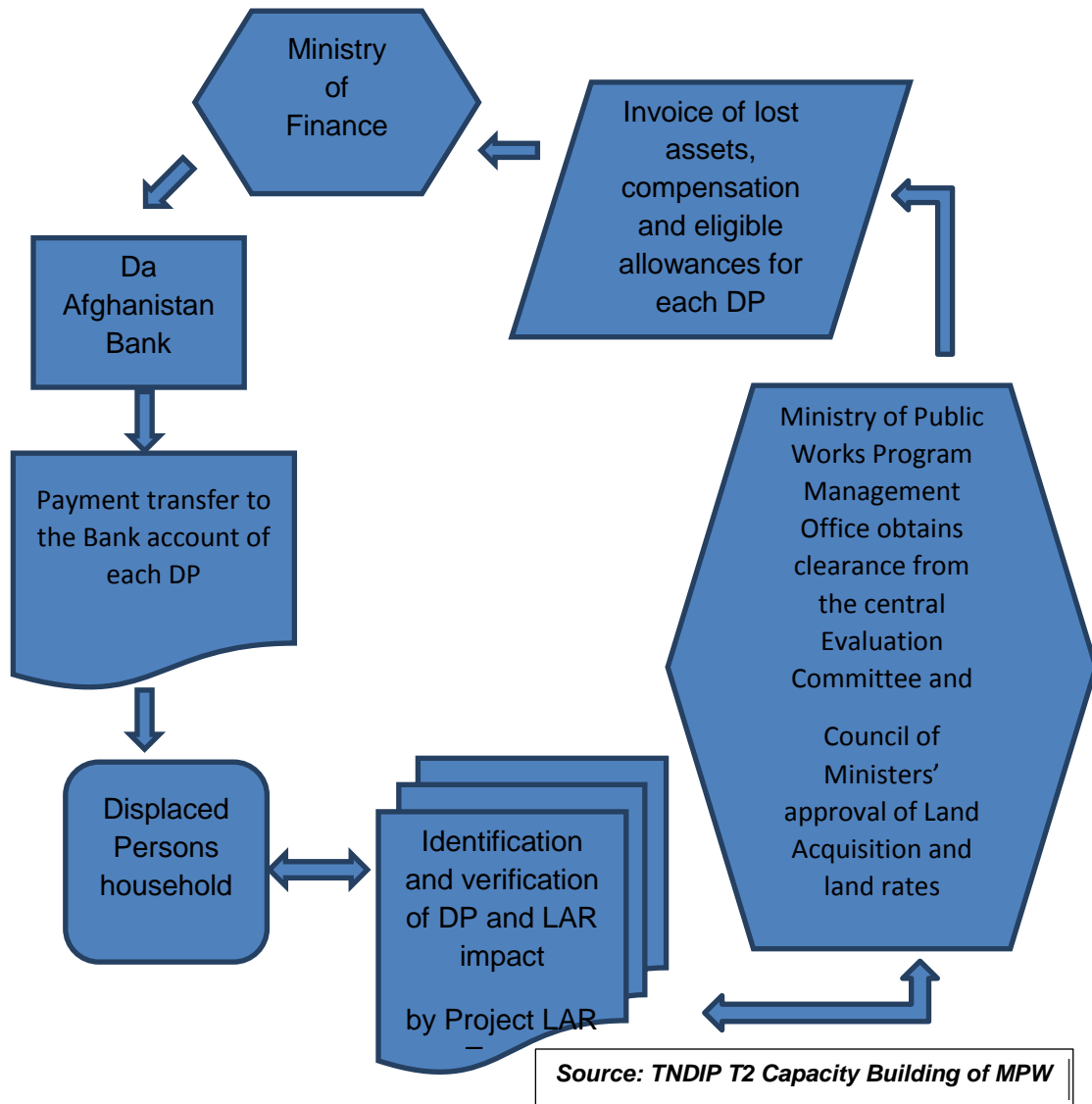
| No.                         | Activity   | Responsibility                                    | Date                   |
|-----------------------------|--|---|------------------------|
| <b>A) LARP Finalisation</b> |  |   |                        |
| 1                           | Marking of center line and final road alignment  | DDSPC/ Engineer/LAR Field Team                    | July 2019              |
| 2                           | LAR Surveys/consultation   | DDSPC/ LAR Field Team                             | August 2019            |
| 3                           | Tabulation and analyses of valuation, census and socio-economic surveys and updated LARP drafting              | DDSPC/ CSC International Resettlement Specialists | September-October 2019 |
| 4                           | MPW review and approval of draft LARP  | PMO Safeguards                                    | November 2019          |
| 5                           | ADB review and approval of LARP  | ADB   | December 2019          |
| 6                           | Disclosure   | CSC LAR Field Team/ PMO / MPW/ ADB                | December 2019          |
| 7                           | Submit LARP to Council of Ministers for land acquisition and land compensation rate approval – obtain approval | MPW, PMO, EA                                      | December 2019          |
| 8                           | Allocation of LAR funds: land and non-land   | MPW, MOF, ADB (non land)                          | December 2019          |
| 9.                          | Compensation delivery  | PMO, MOF, local banks                             | February 2020          |
| 10                          | Internal monitoring  | CSC, PMO  | 2019                   |
| 11                          | Preparation of compliance report   | EA  | June 2020              |
| 12                          | Assumption of civil works in areas with LAR  | Construction Contractor                           | June 2020              |

CSC = construction supervision consultant; DDSPC= design and safeguard planning consultant; EA= executing agency; LAR=land acquisition and resettlement; MOF Ministry of Finance; MPW=Ministry of Public Works; PMO program management office

### C. Compensation Delivery Process

114. MPW through its PMO and LAR Team are responsible for identification and verification of APs and submission of invoices to the Ministry of Finance (MOF) after obtaining approval for the land acquisition and compensation rates from the Council of Ministers. MOF will instruct Afghanistan Bank to transfer compensation and resettlement payments directly into the bank accounts of respective DPs. The compensation delivery process approved by MOF and MPW and endorsed by the stakeholders is presented in Figure 9.2. MPW will ensure allocation of funds and availability of resources for compensation and assistance to the affected households and for the smooth implementation of Project LAR activities.

**Figure 9.2: Compensation Payment Process**



## CHAPTER 10: MONITORING AND EVALUATION

### A. General

115. LARP execution will be, as was also LARP preparation, closely monitored by the PMO to provide the EA with an effective basis for assessing resettlement progress and identifying potential difficulties and problems. Internal monitoring will be undertaken and monthly progress reports prepared.

### D. Monitoring by the MPW/PMO Safeguards Unit

116. Internal monitoring by the Project Implementation Unit for LARP implementation of compensation payments and resettlement measures will be carried out during the entire project period. Monthly internal reports will identify potential difficulties and problem areas, if any, and assess progress on the basis of and by:

- the scale of compensation and entitlements disbursed (PMO Financial Management Unit);
- public information disclosure and consultations with displaced and other affected persons (LFT/CSC);
- grievances received and responded to by the EA (PMO Safeguards Unit);
- the relocation of physically displaced persons( CSC/LFT);
- the status of progress in clearing the ROW through the planned removal of affected structures and vacating of land by owners. (CSC/LFT)
- the status of any corrective action plans, that may have been instituted in or are ongoing during the reporting period, (PMO Safeguards Unit);
- and on the basis of an assessment of the extent and quality of compliance with LARP provisions, these reports are also expected, if necessary, to recommend further corrective actions . (DDT/PMO Safeguards Unit /Program Director and Project Manager);

### E. Reporting

117. Monthly internal safeguards monitoring reports are prepared by the Program Management Office to provide an update on the status of progress and any issues related to the land acquisition and resettlement process in the project. These reports also recommend a course of action for focus by program and project management during the next reporting period

118. Monthly internal safeguards monitoring reports provide PMO the basis for compilation of Safeguards (Resettlement) Reports requested by ADB or as required by the grant agreement with ADB.

119. The External Monitor will prepare and submit a LARP Implementation Compliance Report, verifying the completion of the implementation of the LARP to the EA which will then transmit it to ADB as a stand-alone document for review and disclosure. Based on this document, ADB will give the required notice to proceed with the construction activities. The



external monitoring report as well as the compliance report will be submitted to the Asian Development Bank.

#### **F. LARP Implementation Evaluation**

120. One year after the end of LARP implementation the Safeguards Unit of the PMO will assess and evaluate:

- how APs have fared in restoring their income and livelihood, housing, and access to basic amenities
- the adequacy of land and non-land asset compensation and commensurate resettlement allowances,
- the quality and efficacy of the institutional arrangements and related processes during the implementation of the LARP, including consultation and information disclosure, census of APs, detailed measurement surveys, inventory of lost assets, grievance redressal, and the processing and payment of compensation.

While this evaluation will serve as a learning exercise for future LARP operations in MPW projects, it may also lead to findings that require corrective action plans. In the event the EA and ADB require to field an external monitor, an agency or an individual, will be appointed by the EA to conduct/lead the evaluation and meet the requirements.

**ANNEX I**

**Village Estates traversed by Kabul Jalalabad Highway– Section- wise**

| <b>S,No:</b> | <b>Village Estate (manteqa)</b>                  | <b>No. of Households*</b> | <b>District; Province</b> | <b>Section</b>             |
|--------------|--|---------------------------|---------------------------|----------------------------|
| 1            | Ustakaran/Kasabgar                               | 100                       | Khogyane-Nengarhar        | <b>Section-4<br/>22 km</b> |
| 2            | Mano Kalay                                       | 70                        |                           |                            |
| 3            | Arabano Kalay                                    | 20                        |                           |                            |
| 4            | Laka Ghunday                                     | 120                       |                           |                            |
| 5            | Loghdera   | 250                       |                           |                            |
| 6            | Koza Dando/Bara Dando                            | 300                       |                           |                            |
| 7            | Manaro Kalay                                     | 80                        |                           |                            |
| 8            | Hajyan Korona                                    | 80                        |                           |                            |
| 9            | Pla Chena  | 50                        |                           |                            |
| 10           | Hashamkhail                                      | 40                        |                           |                            |
| 11           | Shiekhan   | 80                        |                           |                            |
| 12           | Loy Kalay Hashamkhail                            | 120                       |                           |                            |
| 13           | Akramkhail Banda                                 | 80                        |                           |                            |
| 14           | Takiay, Qala Nazar Muhammad Khwazakhail          | 200                       |                           |                            |
| 15           | Ganumak (Miajar khail, Malak Qais Kala, Kalalan) | 160                       |                           |                            |
| 16           | Molyan Korona, Jangzai                           | 120                       |                           |                            |
| 17           | Gaado Totaan, Dadak Korona                       | 70                        |                           |                            |
| 18           | Gharezio   | 80                        |                           |                            |
| 19           | Kandy  | 1000                      |                           |                            |
| 20           | Garkhail   | 1000                      |                           |                            |
| 21           | Khada Khail                                      | 800                       | Sherzad-Nengarhar         |                            |
| 22           | Koza Kala  | 1800                      |                           |                            |
| 23           | Mosakhila, Pakhdara                              | 500                       |                           |                            |
| 24           | Oray   | 500                       |                           |                            |
| 25           | Danay Chena                                      | 200                       |                           |                            |
| 26           | Patla o Qarya, Bara Ashpaan                      | 3000                      |                           |                            |
| 27           | Gatki Shekhan Kalay                              | 400                       |                           |                            |
| 28           | Sahakano Kalay                                   | 80                        |                           |                            |
| 29           | Baghako Kalagani                                 | 80                        |                           |                            |
| 30           | Khangay  | 150                       |                           |                            |
| 31           | Nargosay   | 1000                      | Hesarak-Nengarhar         |                            |
| 32           | Arab Khail                                       | 1000                      |                           |                            |
| 33           | Durrani Khail                                    | 450                       |                           |                            |
| 34           | Nawabad Kalagani                                 | 700                       |                           |                            |
| 35           | Ghazi Kala, Ghatkhail                            | 700                       |                           |                            |
| 36           | Khanam Koto                                      | 500                       |                           |                            |
| 37           | Khanano Kala                                     | 200                       |                           |                            |
|              |  |                           |                           | <b>Section-3<br/>22 km</b> |

|   |  |      |  |  |              |                            |
|---|--|------|--|--|--------------|----------------------------|
| 38  | Kamarki Shekhan  | 1000 |  |  |              |                            |
| 39  | Bar Sahakan  | 500  |  |  |              |                            |
| 40  | Banda, Khairabad   | 800  |  |  |              |                            |
| 41  | Ziarat Kalay   | 300  |  |  |              |                            |
| 42  | Omar khail Kalay   | 150  |  |  |              |                            |
| 43  | Garay  | 200  |  |  |              |                            |
| 44  | Spena Kala   | 250  |  |  |              |                            |
| 45  | Dagyaan  | 300  |  |  |              |                            |
| 46  | Chartoot   | 600  |  |  |              |                            |
| 47  | Dando Kalay  | 300  |  |  |              |                            |
| 48  | Sra Kala   | 50   |  |  |              |                            |
| 49  | Shabak   | 300  |  |  |              |                            |
| 50  | Mayen Khail, Alam Khankhail,<br>Jabarkhan kala,                            | 300  |  |  |              |                            |
| 51  | Mia Sahib Kalay, Mez Ghunday,<br>Tori khail, Khetori                       | 700  |  |  |              |                            |
| 52  | Pato Kala, Etibari, Gulo khail,<br>alam khail, Langar Khail,<br>Zarifkhail | 1300 |  |  |              |                            |
| 53  | Dowao (Areas)  | 300  |  |  |              |                            |
| 54  | Norbi khail, Ghazyran, Molayan,<br>Sor Godar, Kog Dara                     | 2500 |  |  |              |                            |
| 55  |  |      |  |  |              |                            |
|   | Lawar Khial, Shinwari  | 400  |  |  |              |                            |
| 56  |  |      |  |  | Sarubi-Kabul | <b>Section-2<br/>23 Km</b> |
|   | Muhammad Amin Khail, Gulab<br>Khail, Kapor Khail                           | 500  |  |  |              |                            |
| 57  | Sharif Khail, Abbas Khail  | 300  |  |  |              |                            |
| 58  | Wati Kalay   | 300  |  |  |              |                            |
| 59  | Uzba Khail, Dengryan   | 350  |  |  |              |                            |
| 60  | Ghundi Kalay   | 300  |  |  |              |                            |
| 61  | Jamal Khail  | 250  |  |  |              |                            |
| 62  | Qadar Khail  | 350  |  |  |              |                            |
| 63  | Gulab Dand   | 50   |  |  |              |                            |
| 64  | Jey, Zeyy Kalay  | 50   |  |  |              |                            |
| * Average household size in the project area is 7 persons |  |      |  |  |              |                            |

ANNEX II

LIST OF PARTICIPANTS- PROPOSED KABUL JALALABAD HIGHWAY PROJECT  
INFORMATION DISCLOSURE AND CONSULTATION  
JALALABAD, NANGARHAR 16 APRIL, 2018



د کابل جلال اباد د دوهم حلقوی سرک د بیا رغونې پروژه د استملاک مربوط د مشورتي غونډو  
د سويتيا ورقه  
Reconstruction & Rehabilitation of Kabul-Jalalabad Highway (Sapary to Surkhroud)  
List of Meeting Members for Land Acquisition and Resettlement



| Place of Meeting: |                    | Sheladia Office Jalalabad. د غونډې ځای                             |                                 |                |           |
|-------------------|--------------------|--|---------------------------------|----------------|-----------|
| Meeting Agenda:   |                    | Public Consultation Regarding the re-scoped Project. د غونډې موضوع |                                 |                |           |
| Date:             |                    | April-16-2018. تاريخ   |                                 |                |           |
| Remarks           | امضاء<br>Signature | د تليفون شميره<br>Phone No   | دنده<br>Occupation              | نوم<br>Name    | گڼه<br>NO |
|                   |                    | 0799857366   | DDA                             | الندانظر       | ۱         |
|                   |                    | 0787777872   | قومي مشر                        | شاه نبي سي     | ۲         |
|                   |                    | 0771150027   | قومي مشر                        | حاجي حفوت محمد | ۳         |
|                   |                    | 0788078873<br>0777705769   | معاون D-O-A<br>مورالې حفوت محمد | ملا گل آغا     | ۴         |
|                   |                    | 0785952963   | قومي مشر                        | عمير القدر     | ۵         |
|                   |                    | 0781444506   | قومي مشر                        | حاجي محمد بيگل | ۶         |
|                   |                    | 0799099900   | د کابل ښار ښوونځي               | ملاک رحمن      | ۷         |
|                   |                    | 0799711925   | قومي مشر                        | حاجي سید بي    | ۸         |
|                   |                    | 0797438061   | قومي مشر                        | مروان نوار     | ۹         |
|                   |                    | 0788212822<br>0774247871   | ښوونځي                          | حاجي محمد اشرف | ۱۰        |
|                   |                    | 0789443671<br>0767026676   | مورالې                          | حاجي محمد تير  | ۱۱        |
|                   |                    | 0786111929   | د کابل ښار ښوونځي               | لعل آغا سرزاد  | ۱۲        |
|                   |                    | 0782904233<br>0790464545   | ښوونځي                          | حيدر رفان      | ۱۳        |
|                   |                    | 078392792  | ښوونځي                          | معلم عبدالصلي  | ۱۴        |
|                   |                    | 0782291116   | ښوونځي                          | حاجي محمد      | ۱۵        |



د کابل جلال اباد د دوهم حلقوی سرک د بیا رغونې پروژه د استملاک مربوط د مشورتي غونډو  
د سويتيا ورځه



Reconstruction & Rehabilitation of Kabul-Jalalabad Highway (Sapary to Surkhroud)  
List of Meeting Members for Land Acquisition and Resettlement

| Place of Meeting: |                    | د غونډې ځای:               |                    |                |           |
|-------------------|--------------------|----------------------------|--------------------|----------------|-----------|
| Meeting Agenda:   |                    | د غونډې موضوع:             |                    |                |           |
| Date:             |                    | تاریخ:                     |                    |                |           |
| کتنې<br>Remarks   | امضاء<br>Signature | د تلیفون شمېره<br>Phone No | دنده<br>Occupation | نوم<br>Name    | ګڼه<br>NO |
|                   |                    | 0747777872                 | ځایي ملک لویان     | ځایي ملک لویان | ۱۶        |
|                   |                    | 0787777874                 | معاون سورا         | ملا عبدالوهاب  | ۱۷        |
|                   |                    | 0788718315                 | ملک                | نور حسن        | ۱۸        |
|                   |                    | 0700643234                 | د سورا سورا        | انجینیر لویان  | ۱۹        |
|                   |                    | 0799142467                 | قوی مشر            | ځایي داؤد      | ۲۰        |
|                   |                    | 079715715                  | د سورا سورا        | صوب            | ۲۱        |
|                   |                    | 07825459                   | د سورا سورا        | مجموعتی        | ۲۲        |
|                   |                    | 0787736516                 | قوی مشر            | ځایي محمد صبیح | ۲۳        |
|                   |                    | 0788180423                 | د سورا سورا        | روفغان         | ۲۴        |
|                   |                    | 0782012497                 | قوی مشر            | میر محمد       | ۲۵        |
|                   |                    | 0730897817                 | قوی مشر            | غلام سرور      | ۲۶        |
|                   |                    | 0789506084                 | قوی مشر            | میر عبدالحمید  | ۲۷        |
|                   |                    | 0782608983                 | قوی مشر            | سین            | ۲۸        |

## Annex III

### IMPACTS COMPENSATION/REHABILITATION: INFORMATION BOOKLET

#### Kabul- Jalalabad Highway Project (85 KM)

18 Km between station 32+000 and 50+000 and its construction package has been designated the Ziarat Haji Nazar Baba to Sapary Section (**Section 1**).

23 Km between station 50+000 and 73+000 and associated construction package is designated the Sapary to Lahorekhel section (**Section 2**). f

22 Km, between stations 73+000 and 95+000 and associated construction package is termed Lahorekhel to Totu section (**Section 3**).

22 km of road between stations 95+000 and 117+000 and associated construction package is called the Totu to Memla section (**Section 4**).

#### I. INTRODUCTION

1. This Land Acquisition and Resettlement Plan (LARP) has been prepared by the Ministry of Public Works Program Management Office, Government of the Islamic Republic of Afghanistan (MPW/PMO) for the Ministry of Finance (MOF) and the Asian Development Bank (ADB) to process the grant for the 4 Sections of the 85 km Kabul Jalalabad Highway Project (KJHP). KJHP will rehabilitate and upgrade sections of the existing road track passing through the Provinces of Kabul and Nangarhar in eastern Afghanistan linking the national capital of Kabul with Jalalabad . There are no indigenous people in the project area as defined for ADB's operational purposes in the SPS 2009.

2. The 85 Km Kabul Jalalabad Highway Project road is divided into 4 stretches for construction purposes on the basis of topography and scope of construction and will be implemented as 4 separate construction contract packages, as specified under the caption above.

3. This LARP provides a preliminary assessment of the road's LAR impacts and costs, and details an action plan for further LAR actions required for the delivery of a final and implementation-ready LARP based on the detailed/final engineering design of the road. The LARP fits relevant Afghan laws, the ADB's Safeguards Policy Statement (SPS 2009) requirements and the Project's Entitlement Matrix.

#### II. SUMMARY OF IMPACTS

**Table 1: Summary Impacts on Land Acquisition and Resettlement -Section-wise**

| <b>Impacts</b>   | <b>Section- 4</b> | <b>Section-3</b> | <b>Section-2</b> | <b>Section-1</b> |
|--|-------------------|------------------|------------------|------------------|
| <b>I. Land (m<sup>2</sup>)</b>   |                   |                  |                  |                  |
| Agricultural Land - Irrigated  | 25,401            | 19,051           | 12,700           | 6,351            |
| Agricultural Land - Un irrigated   | 15,609            | 31,216           | 46,825           | 62,433           |
| Residential/Commercial Land*   | 12,450            | 14,350           | 15,860           | 17,373           |
| <b>Total Land(m<sup>2</sup>)</b>   | <b>53,460</b>     | <b>64,617</b>    | <b>75,385</b>    | <b>86,157</b>    |
| <b>II. Structure</b>   |                   |                  |                  |                  |
| Dwelling associated structures(m <sup>2</sup> )                                | 3,380             | 7,550            | 11,330           | 15,105           |
| Business associated structures(m <sup>3</sup> )                                | 9,070             | 6,800            | 4,530            | 2,268            |
| <b>Total Structures (m<sup>2</sup>)</b>  | <b>12,450</b>     | <b>14,350</b>    | <b>15,860</b>    | <b>17,373</b>    |
| <b>III. Trees (No.)</b>  |                   |                  |                  |                  |
| Timber trees   | 470               | 300              | 180              | 90               |
| Productive Fruit trees   | 530               | 310              | 240              | 115              |
| <b>Total Trees</b>   | <b>1,000</b>      | <b>610</b>       | <b>420</b>       | <b>205</b>       |
| IV. Total Affected Households/Entities   | 233               | 332              | 426              | 504              |
| V. Vulnerable Affected Households  | 92                | 127              | 168              | 199              |
| <b>VI. Affected Households anticipated to experience significant IR Impact</b> | <b>63</b>         | <b>91</b>        | <b>123</b>       | <b>148</b>       |
| <b>VII. No of people anticipated to experience major IR Impact</b>             | <b>441</b>        | <b>637</b>       | <b>861</b>       | <b>1036</b>      |

\* Built up area with a frontage to the road, whether residential or commercial, has been valued at the same rate.

m<sup>2</sup> =square meter; no.=number.

### III. PRINCIPLES FOR COMPENSATING AND/OR REHABILITATING THE AH/AP

4 The Principles for the compensation/rehabilitation of the Affected Households (AH) and People (AP) are:

1. The negative impact on AP must be avoided or minimized as much as possible;
2. 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.
3. Information related to the preparation and implementation of resettlement plan will be disclosed to all stakeholders and people's participation will be ensured in planning and implementation. All RPs for the roads with resettlement impacts will be disclosed to the APs;
4. Land acquisition for the project would be done as per the Land Acquisition 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. APs who neither have titles nor recognized or recognizable claims to land will be compensated for their structures and for other improvements to the land.
5. Widening and strengthening work will take place mostly on the existing alignment except at locations where the existing alignment may require shifting to accommodate bridges reconstructed in new locations adjacent to existing structures;
6. 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;
7. An entitlement matrix for different categories of people affected 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;
8. Appropriate grievance redress mechanism will be established at the district level to ensure speedy resolution of disputes;
9. All activities related to resettlement planning, implementation, and monitoring would ensure the involvement of women and other vulnerable groups; and
10. Consultations with the APs will continue during the implementation of resettlement and rehabilitation works.
11. Compensation and rehabilitation is to be provided before the land is acquired.

#### **IV. COMPENSATION AND REHABILITATION ELIGIBILITY AND ENTITLEMENTS**

5. The people/households eligible to compensation/rehabilitation for impacts caused by the road are all those residing in affected areas and holding the affected assets/incomes before the eligibility cut-off date for the project. This date coincides with the end of the LAR surveys based on the final detailed engineering design and confirmed alignment. The cut-off date for Package (III) will be set at the start of the census. The cut-off, the AH are informed, does not annul the



eligibility for compensation and allowances of losses that remained unregistered due to the absence of APs at the time of the census or over sight during the DMS. The surveys will proceed based on chainage and each AH will sign off on their complete inventory of all lost assets, under a unique identification number. .

6. Should there be considerable design changes during the detailed engineering design and implementation, this cut-off date shall be changed to permit any construction of or alteration to structures or land sales after the cut-off date in the ROW of the new design. In the event realignment may be pursued during the detailed engineering design to avoid or minimize impacts, any current DPs on the basis of the first alignment that will no longer be impacted due to the realignment shall be accordingly informed, individually. Those not impacted by the previous alignment but impacted because of the final alignment will be informed during the marking of the realignment and in greater detail during the final DMS and census.

7. This includes:

- (i) All APs holding/using land under formal title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or community Development Council.
- (ii) All tenants, sharecroppers/leaseholders whether registered or not;
- (iii) All owners of affected buildings, crops, plants, or other objects attached to the land (including those with no legal rights to the land); and
- (iv) All APs losing business, income, and salaries (including those with no legal rights to the land).

8. Table 2 below details the entitlements for each type of loss

**Table 2: Entitlement Matrix**

| Item  | Application   | Eligibility   | Compensation Entitlements  |
|---|---|---|--|
| 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. | Cash compensation at replacement cost determined through assessments and agreed upon by the AHs and 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  |
| Residential, Social, Communal and commercial buildings loss | Residential/Social/Communal/commercial structure affected | Owners of structures (including informal settlers non-title holders, encroachers, squatter)   | <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. If more than 25% of the building's floor area is affected, cash compensation will be computed for the entire building.</li> <li>• Privilege to salvage material from demolished structure free of cost.</li> </ul>   |
| Crops losses  | Crops on affected land                                    | Owners of crops / sharecroppers/employed agricultural workers/lease holders   | <ul style="list-style-type: none"> <li>• Cash compensation equal to one year's crop yield. For sharecroppers – their share of harvest at market rates and potentially an additional one crop compensation. For employed agricultural workers, an indemnity in cash corresponding to their salary in cash or kind for the remaining part of the harvest, interrupted part of the harvest (for temporary impact), and entirely forgone harvest. For leaseholders income restoration by an amount equivalent to the market value of gross annual yield for the area each AP has leased</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 plus the market cost of a sapling.</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</li> </ul>   |

| Item  | Application   | Eligibility  | Compensation Entitlements  |
|---|---|--|--|
|   |   |  | AH.  |
| Business losses by shop owners and employees                | Permanent / temporary business losses along the ROW       | Business / shop owners (including informal settlers), employees                                  | <ul style="list-style-type: none"> <li>• 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 fixed rates<sup>11</sup>.</li> <li>• Employees: indemnity for lost wages equivalent to three months income</li> </ul> |
| Transitional Livelihood Allowance                           | Residential/Commercial Structures affected                | All AHs  | <ul style="list-style-type: none"> <li>• Relocated owners/renters will receive a transitional allowance for livelihood losses at AF6,000 for 3 months</li> </ul>   |
| Relocation Allowance  | Residential/Commercial Structures affected                | All AHs  | <ul style="list-style-type: none"> <li>• Relocated owners/renters (including informal settlers) will receive a relocation allowance of AF6,000</li> </ul>  |
| Assistance to vulnerable AH                                 | 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>• Vulnerable households will be provided an additional three months of average household income allowance (AF 36,000) as assistance.</li> <li>• Preferential employment in the project construction to willing APs.</li> </ul>  |
| Severe agricultural land impact allowance                   | Agricultural land   | Agricultural land owners, leaseholders or sharecroppers losing >10% of their holdings            | <ul style="list-style-type: none"> <li>• Allowance for severe land impacts equal to replacement cost of a year's net income from crop yield of land lost</li> </ul>  |
| Loss of Community, Cultural, Religious, or Government Sites | Temporary or permanent loss due to the Project activities | Community/ Affected households   | <ul style="list-style-type: none"> <li>• 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</li> </ul>  |

<sup>11</sup> This fixed rate is based on the average net income of road businesses in project areas as determined by the surveys conducted during LARP preparation.

| Item                          | Application   | Eligibility   | Compensation Entitlements   |
|-------------------------------|---|---|---|
| Impact on irrigation channels | Temporary or permanent loss due to the Project activities | Community/ affected households  | <ul style="list-style-type: none"> <li>Irrigation channels are diverted and rehabilitated to previous standards</li> </ul>  |
| Temporary loss of land        | Temporary use of land during construction                 | AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council. | <ul style="list-style-type: none"> <li>Cash compensation based on local land rental rates for the duration of use and restoration at the end of the rental period.</li> </ul> |
| Unidentified Impacts          |   | AH or individuals   | <ul style="list-style-type: none"> <li>Unforeseen impacts compensated based on above entitlements during project implementation by the EA.</li> </ul>                         |

AF=Afghanistan currency; AH=affected household; AP=affected person; EA=executing agency.

## V. COMPENSATION RATES

9. Table 3 below details the compensation rates for land, buildings and crops/trees.

**Table 3 Compensation Rates**

| Asset/<br>Allowance | Item               | Unit           | Rate(AF) |
|---------------------|--------------------|----------------|----------|
| Land                | Agricultural Land  | m <sup>2</sup> |          |
|                     | Irrigated Land     | m <sup>2</sup> | 400      |
|                     | Non-irrigated Land |                | 120      |

| Asset/<br>Allowance                 | Item                                  | Unit         | Rate(AF)                           |
|-------------------------------------|---------------------------------------|--------------|------------------------------------|
| <b>Structure</b>                    | <b>Wall</b>                           | Cubic Meter  |                                    |
|                                     | Mud Wall                              |              | 1350                               |
|                                     | Raw brick wall                        |              | 3300                               |
|                                     | Burned brick wall                     |              | 5000                               |
|                                     | Stone wall                            |              | 2300                               |
|                                     | <b>Building</b>                       | Square Meter |                                    |
|                                     | Booth                                 |              |                                    |
|                                     | Mud/Brick/wood wall/mud wall/tin roof |              | 2850                               |
|                                     | Semi concert structure                |              | 5250                               |
|                                     | RCC Single /double building           |              | 15750                              |
| <b>Auxiliary</b>                    | Meter                                 |              |                                    |
| Bore well                           |                                       | 2300         |                                    |
| <b>Tree</b>                         | Productive Fruit tree                 | Each         | 9,200                              |
|                                     | Non-fruit Timber tree (Chinar)        | Each         | 6,000                              |
| <b>Rehabilitation<br/>Allowance</b> | Permanent Business losses             | Per business | AF 6,000 X 6<br>months =<br>36,000 |
|                                     | Transitional livelihood allowance     | Per AH       | AF6,000 X 3<br>months =<br>18,000  |
|                                     | Relocation Allowance                  | Per AH       | AF6,000                            |
|                                     | Assistance for Vulnerable Groups      | Per AH       | AF36,000<br>lump sum               |

AF=Afghanistan currency; AH=affected household; m<sup>2</sup> =square meter.

## VI. GRIEVANCE REDRESS

10. The APs will have the right to file complaints and/or queries on any aspects of land acquisition compensation, and resettlement. In order to ensure that grievances and complaints are addressed in a timely and satisfactory manner and that all possible avenues are available to APs to air their grievances, following mechanism for grievances will be set up.

11. There will be three-stage procedures for redress of grievances and complaints; however DPs will have the right to move a court of law at any stage. These are as follows:

- Complaints are to be filed at the district governor offices. The district government with the help from Shura, LAR Field Team (LFT) and PMOs resettlement team is obliged to reply and explain the decision within 30 days from the date the complaint was received. The Grievance Redress Committee (GRC) will assist the district governor offices in the mediation and resolution of conflict.
- If AP is unsatisfied or has no reply from the district governor office, grievances can then be lodged with the Province Governor offices. The Governor office will issue the final decision within 45 days.
- If AP is unsatisfied or has no reply from the province governor office, grievances can then be lodged with the General Governor Office in Kabul. The General Governor office will issue the final decision within 60 days.
- The AP always has final recourse through Afghanistan's legal channels and referred to the appropriate courts; however, every effort will be made to avoid this since the system is presently critically weak. Should the AP want to pursue legal recourse, in a court of law at any time, MPW through its Due Diligence Team (DDT) and LFT will ensure that support is given to the AP to prepare a case.

12. The LFT will help the APs in preparing the grievance and sending it to the concerned authority, at the appropriate level, and in pursuing it. For this purpose the LFT will establish a Grievance Redress Unit that will rotate, between 4 central locations along the road length, at least once a month at each location (locations and weekdays for each location will be disseminated through public announcements.)

**For further information and clarification or complaint contact Project Manager Kabul - Jalalabad Highway Project ( respective Section) PMO, Ministry of Public Works, Kabul**