

Land Acquisition and Resettlement Plan

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ISLAMIC REPUBLIC OF AFGHANISTAN
DA AFGHANISTAN BRESHNA SHERKAT (DABS)

**AFG: Energy Supply Improvement Investment
Program – Tranche 6**

**Draft LAND ACQUISITION AND RESETTLEMENT PLAN
(LARP)**

500 kV Surkhan - Pul Khumri (Khwaja-Alwan) Transmission Line

October 2019

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ABBREVIATIONS AND ACRONYMS

| | |
|--------------|--|
| ADB | Asian Development Bank |
| AF | Afghani Currency |
| AH | Affected household |
| Cf | See quoted source/s |
| CSC | Construction Supervision Consultant |
| DABS | Da Afghanistan Breshna Sherkat (Afghanistan Electricity Company) |
| DDT | Due Diligence Team |
| DES | Domestic Environment Specialist |
| DMS | Detailed Measurement Survey |
| DP | Displaced Person |
| DRS | Domestic Resettlement Specialist |
| EA | Executing agency |
| EMA | External Monitoring Agency |
| GRC | Grievance Redress Committee |
| IR | Involuntary Resettlement |
| ha | hectare |
| HH | households |
| HVTL | high voltage transmission line |
| IES | International Environment Specialist |
| IRS | International Resettlement Specialist |
| IPSA | Initial Poverty and Social Assessment |
| <i>Jirga</i> | traditional Afghan local and regional council |
| Kg | kilogram |
| kV | kilovolt |
| LAL | Land Acquisition Law of Afghanistan |
| LAR | land acquisition and resettlement |
| LARF | land acquisition and resettlement framework |
| LARFS | land acquisition and resettlement field survey |
| LARP | land acquisition and resettlement plan |
| M&E | monitoring and evaluation |
| MFF | multitranche financing facility |
| MoF | Ministry of Finance |
| MUDL | Ministry of Urban Development and Land |
| MW | megawatt |
| NGO | nongovernment organization |
| OHL | overhead line |
| PMO | Program Management Office |
| PVCC | Provincial Valuation and Compensation Committee |
| ROW | right-of-way |
| Shura | Modern councils on various levels |
| SPS | Safeguard Policy Statement |
| S/S | substation |

EXECUTIVE SUMMARY

1. The project consists of extension of a new bay in an already existing substation at Khwaja-Alwan (Pul-Khumri), Baghlan province with a capacity of 1,000 MV which will be connected from Surkhan, Uzbekistan at about 246 km distance via a 500-kV transmission line. The construction of the line bay will not entail any LAR impact as the substation is already under construction through another ADB project for which adequate due diligence has been conducted and a due diligence report has been prepared. The Khwaja-Alwan sub-station proposed site is at the Pul-Khumri district of Baghlan province, Afghanistan. The principal goal of the construction of 500-kV Surkhan - Pul-Khumri (Khowaja-Alwan) is to secure export capacity in scope 1,000 MW of electricity from the Republic of Uzbekistan (RUz) towards the Islamic Republic of Afghanistan (IRA), to increase stability Afghanistan power grid system, to release limitation of power transfer to the North grid system of Afghanistan, to provide electricity for new open end-users of the region, to increase efficiency and secure power supply to industries and population.

2. The power will be transferred by a 246 km transmission line from Surkhan, Uzbekistan to Khwaja-Alwan (Pul-Khumri), Afghanistan crossing Amo river (Border line between Uzbekistan and Afghanistan). The line length from the middle of the Uzbekistan–Afghanistan border river crossing (Amu-Darya River) near Khayraton bridge to Khowaja-Alwan substation in Pul-Khumri is around 201 km. Most of the lands along the transmission line route is governmental. This transmission line will include construction of a total 681 towers, most of the towers will be placed in public unused land in the deserts of Hairatan, only 62 towers will be located on private agricultural and residential lands. This design is a preliminary design stage.

ES-1: Introduction

3. The transmission line route passes through 2 provinces, Balkh and Samangan and ending at the Khwaja-Alwan area of Pul-Khumri city of Baghlan province. Total length of the route is 201 km., which are passing via the provinces: Balkh – 85.5m., Samangan -113.5km., Baghlan – 2.0 km.

4. Baghlan province is located in north of the north region of Afghanistan and surrounded by Bamian, Parwan, Takhar, Kunduz and Samangan provinces. It lies on the main route to the north and Northeastern regions of Afghanistan. Nearly half of the province is mountainous or semi mountainous terrain while one third of the area is made up of flat land. The province is divided into 15 Districts. The provincial capital is Pul-I-Khumri which has a population of about 79,883 inhabitants. Baghlan has a total population of 741,690 and around 80% of the population of Baghlan lives in rural districts while 20% lives in urban areas.

5. Samangan province is located in northern Afghanistan and shares provincial borders with Balkh, Sar-i-Pul, Kunduz, Baghlan and Bamian. The Province is well positioned on the main trade road between Mazar-e-Sharif and Pul-e-Khumri, Salang and Kabul. However, a large part of the Province is geographically isolated and has not yet received the development funding required to allow a more positive prospect. Samangan province is divided into 7 districts and contains 674 villages. It has a population of about 368,800, which is multi-ethnic and mostly a rural society. The city of Samangan serves as the provincial capital.

6. Balkh province is situated in the northern part of Afghanistan, bordering Uzbekistan in the North, Tajikistan in the North-East, Kunduz province in the East, Samangan province in the

South-East, Sar-ePul province in the South-West and Jauzjan province in the West. The capital city of the province is Mazar-e-Sharif, one of the biggest commercial and financial centers of Afghanistan. Nearly half of the province is mountainous or semi mountainous terrain (48.7%) while half of the area (50.2%) is made up of flat land. The province is divided into 15 districts.

7. The provincial capital is Mazar-e-Sharif. Balkh has a total population of 1,123,948. The Transmission line from Uzbekistan is crossing via Amo river is fixed on 1835 m above the bridge Hairatan.

8. Further the route, passes around the facilities of the Hairatan port in Hairatan city of Balkh province, on the length about 55 km is passing via sands of desert of Kacha-Kum alongside of existing motorway and railways up to SP Naibabad. Taking into account the route of OHTL 500kV to be planned from Turkmenistan, the route is considered OHTL from SP Naibabad in order to avoid the crossing two lines of OHTL 500 kV, it is designed to the north part in the one direction. The both line of OHTL are passing around 20 km via fortified sand of desert of Kacha-Kum, further pass foothills, rise by spurs of ridge and after having passed via comb, it is coming down by spur to the mountain valley. Further the route of OHTL 500 kV Surkhan – Khowaja Alwan up to Khowaja-Alwan is passing alongside of motor-way AH-76 and OHTL 220kV taking into account the route coming from Turkmenistan. 83% of the route from the State border is passing via non arable lands, 17% via arable lands.

9. The geological conditions of route are various. 71 km is covered by the sands, other soils in the mountain conditions – limestone, sandstones, siltstones, mudstone and conglomerate to be covered by the boulder-pebble stone and slack-detritus soils, as well as the loams and clay sand. On the site with rock soil it will be required blasting-explosion works in order to construct temporary roads and installation of the foundation for the towers.

10. There is no industrial area along the transmission line route.

11. There are no historical areas along the transmission line to be affected by the project.

12. The main source of income in Balkh, Samangan, Baghlan are reported to be Agriculture, Livestock, Opium, Trade and services, Manufactures, Non- Farm Labour respectively. However, people in the areas along transmission line path are mostly busy on agriculture, live-stocks, handicrafts and some of them are working with government

13. People in these provinces are mostly busy with Agriculture and farming. The common cultivated crop in this area are: Wheat, barely, rice, maize, rapeseeds and flax. And the most common crops grown in garden plots include fruit, nut trees, vegetables and produce such as grapes, potatoes, beans, cotton, melon and watermelon.

14. The agricultural lands in these provinces are both irrigated and non-irrigated lands. Some of these lands are also being used by Kuchi tribes for feeding their livestock and poultry. However, the lands along TL route are mostly barren lands and government owned.

15. No animal live or other species are in danger along transmission line route due to this project.

16. Most of the terrain along transmission line path passes through flatted barren dessert, hills and mountains. Hence, agricultural lands or residential lands are affected in very small amount. In the worst case, only 4 structure will be damaged.

17. People of Samangan and Baghlan suffer from lack of electricity. Specially, residence of Samangan province mostly suffer from lack of power, only small percentage has access to governmental power. Most of people are using solar or fuel generated powers for the purposes of lighting. Therefore, this project can bring a huge impact on electric accessibility of people in these provinces and increase stability of Afghanistan power grid system, to release limitation of power transfer to the North grid system of Afghanistan, to provide electricity for new open end-users of the region, to increase efficiency and secure power supply to industries and population.

18. TL will pass through districts and villages of Balkh province like Hairatan city from starting point of Afghan territory, continues to districts and village of Samangan province like Ghaznegag and Feroz-Naghcheer districts and will end at Khwaja-Alwan area of Pul-Khumri city of Baghlan province.

ES-2: Land Acquisition and Resettlement (LAR) Impacts

19. Most parts of the transmission line path passes through barren deserts, hills and mountains. Land route of Transmission Line connecting Hairatan city, Dorahe-Naybabad, Khulm district, Saighanche village, Wolgato village, Ghaznegag, Feroz-Naghcheer, Hazrat-Sultan, Rabatak and Khawaja-Alwan. There is need of 6,430 m² of private residential and agricultural lands, 68,410 m² of governmental land to acquire for the project.

20. The number of affected persons reach 434 and severely affected persons are 28 persons.

21. The precise location of transmission towers will be ascertained during the detailed design stage by the contractor to be procured. It is pertinent to note that the location of towers can safely be adjusted by 10–15 meters to minimize resettlement impact as the average distance between two transmission towers ranges from 200–225 meters. The project will affect a total of 62 households (HH) who will all lose land on permanent basis. In addition to land, some of these HH will also lose trees, crops and structures. The summary of the impact is provided in the table below:

Table 1: Land Acquisition on Permanent Basis for the Proposed Transmission Line Project

| Type of Tower | No. of Towers | Affected Land m ² |
|--|---------------|------------------------------|
| A (150 sq.m/tower) | 116 | 17,400 |
| B (120 sq.m/tower) | 306 | 36,720 |
| C (80 sq.m/tower) | 259 | 20,720 |
| Total | 681 | 74,840 |
| | | Affected Households |
| Total No. of Ahs | | 62 |
| No. of AHs losing land (There is no AH losing >10% of agricultural land) | | 62 |
| No. of AHs losing crops in addition to land | | 55 |
| No. of AHs HH losing trees in addition to land | | 12 |
| No. of HH losing residential structures (severely affected households) | | 4 |
| No. of HH needing relocation | | 4 |
| Vulnerable HH | | 27 |
| Affected Persons | | |
| No. of affected persons | | 434 persons |
| No. of severely affected persons (due to physical displacement) | | 28 persons |

22. This draft land acquisition and resettlement plan (LARP) has been prepared based on site visit survey and on information from the preliminary technical design report (pre-design

report). All proposals and recommendations of the draft LARP have to be discussed during further planning process.

23. During the initial design of the route, measures have been adopted to minimize project impacts: non-agricultural government-owned land is used wherever possible; built-up areas are avoided wherever possible; the shortest feasible crossing distance is sought on privately owned land; where tower placement allows it, suitable land is sought from a land user with a large plot to minimize the number of affected households (AHs).

24. Land acquisition and resettlement field survey (LARFS), including estimated measurement of affected assets, estimated census of AHs and community consultations were initially carried out between **01/08/2019 to 22/08/2019**.

25. The LARFS, together with interpretation of satellite imagery revealed that **62 AHs** will be affected by this transmission line that will lose land, crop, fruit and non-fruit trees, residential structures and partial perimeter walls. The affected residential structures and perimeter walls can be avoided by adjusting the towers during construction. And detailed design will consider to avoid such impact. The impact magnitude is summarized as follows:

Table 2: Summary of Impact Magnitude

| Impact Type | Quantity |
|----------------------------|----------------------------------|
| Private agricultural lands | 5,930 m ² |
| Private residential lands | 500 m ² |
| Loss of crops (Wheat) | 501,880 m ² |
| Fruit and Non-fruit trees | 172 fruit and 83 non fruit trees |

26. The final impacts will be minimized during the final design stage.

27. A consultation process was carried out in 05/Aug/2019–22/Aug/2019 with the potentially affected people/public for sharing of information related to the project planning and execution activities. The people have the opinion that the traditional (tribal) Shura, the government established Shura, or (in fewer cases), the Community Development Councils shall organize the valuation of losses, fix the compensation, and conciliate in case of grievances. The valuation will start by Shura the Community Development Councils with the help of government and will be finalized, approved by the provincial governor in consultation to the APs. The predominant concerns of the interviewed people are related to a possible unfairly distributed supply network, and to problems with the compensation values. Complaints and grievances can be directed to grievance redress committees (GRC) to be established for each affected district in case if the issue or complaint remains unresolved through the grievance redress mechanism.

28. The draft LARP will be finalized by the Project Management Office (PMO) of DABS. This will be updated based on the detailed design of the project. A detailed measurement survey (DMS) and a census of the AHs will be conducted by a resettlement specialist based on the final location of the towers and other project structures. The overall TL alignment will be divided into a number of sections to be defined during the detailed technical surveying. Based on such sectioning, final implementation-ready LARPs for each section will be prepared and submitted for ADB review and approval, before implementation and before the start of civil works on each section.

29. The following describes a sectional handover procedure to be applied for the purposes of LARP implementation:

(i) After determining the number of sections along the TL alignment based on detailed technical surveying, the EA will prepare a sectional implementation-ready LARP based on DED for a corresponding section. The EA will advise ADB on the number of sections for each TL alignment/component. The DED will establish a corridor of impact for a section or apply a standard 50m ROW (whichever is larger) to be applied for identifying all entitled affected persons for the purposes of LARP compensation. The EA will ensure that contractor's terms of engagement and work schedule will reflect the sectional site handover procedure. The EA will include mandatory safeguards benchmarking as part of contractor's monthly progress report.

(ii) The EA will seek ADB's clearance for each implementation-ready sectional LARP;

(iii) The EA will implement a sectional LARP and commission a LARP compliance report for the corresponding section.

(iv) EA will issue notice to proceed with civil works within a section on the basis of ADB's clearance of a sectional LARP compliance report for the current section.

(v) Issuance of the notice to proceed with civil works on the subsequent sections will follow the same procedure for LARP preparation, implementation and clearance of a LARP compliance report.

(vi) The EA will procure services of a qualified external monitor to validate LARP implementation on all sections and prepare LARP compliance reports, for further submission to ADB in order to obtain ADB's no objection for issuance of a notice to proceed to contractor.

30. The project supervision consultant is obliged to assist the DABS to carry out full implementation of the land acquisition prior to construction and in full compliance with this LARP and the program LARF. LARP implementation will be monitored by the PMO and a compliance report will be submitted substantiating full LARP implementation.

ES-3: Compensation for Losses

31. Compensation against losses and impacts will be provided in accordance with the entitlement matrix as provided in Table below. This entitlements matrix contains provisions for the actual impacts of this subproject. Given the multi-phase nature of transmission line construction, this LARP aims to ensure that all impacts within the established ROW (currently defined as 25m on each side from the center line) or Corridor of Impact (whichever the larger) are compensated prior to start of civil works. Compensation for crops and trees within the ROW/COI will be provided prior to civil works (in addition to compensation related to tower foundations).

Table 3: Entitlement Matrix¹

| Item | Application | Eligibility | Compensation Entitlements |
|---|--|---|--|
| Permanent agricultural/ residential/ commercial land loss | Land affected by right-of-way (RoW) corridor of impact (Col) and tower locations (6,430m ² of land) | AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council ² . | <p>Compensation at replacement cost either through replacement plots of same value or in cash based on full replacement cost based on fair market value to be negotiated and agreed with the AP and approved by the council of ministers. Replacement cost based on fair market value at a valuation date will be updated/adjusted as per market rate at compensation payment date.</p> <p>All fees, taxes or other charges, as applicable under relevant laws, are to be borne by the project.</p> |
| Structure loss | Residential/ commercial or auxiliary structures affected (4 AHs losing 567m ² of structures) | Owners of structures (including informal settlers) | <p>- Cash compensation for affected structure and other fixed assets at replacement cost of the structure free of depreciation, taxes/fees and salvaged materials.</p> <p>- Compensation for partial impact may be allowed if complied with building safety requirements and AP's will to keep the remaining structure, where replacement cost compensation will be provided for affected part of structure and replacement cost required to restore remaining structure, all free of depreciation, taxes/fees and salvaged materials.</p> <p>- Right to salvage material from demolished structure</p> <p>- Rental allowance of 6 months for loss of residential building</p> |
| Crops losses | Crops on affected land (55 AHs losing crops and those affected by ROW/COI) | Owners of crops / sharecroppers | <p>- Cash compensation equal to replacement cost of crop loss plus cost of replacement seeds and restoration of future crop activities (including any forgone harvests)</p> <p>Compensation is provided for all crops located within ROW/COI.</p> |

¹ All compensation rates (land and assets) will be re-assessed at the time of LARP update.

² In case the users/possessors of lands do not have any valid paper evidence of ownership of the affected lands (traditional users), the AFG land management law requires that in such circumstance these lands of up to 0.2 hectares (5 Jeribs, 2,000sqm) of quantity will be considered the possessor's property and official deeds shall be issued to him/her provided that it meets the conditions such as: (i) the land is not registered as government land in the government records, (ii) there is no valid documents of ownership with any other person of that land (iii) there are visible agricultural and residential construction signs of the possessor and, (iv) neighboring plot owners confirm possession by the person for at least 15 years prior to 30 April 1978.

| Item | Application | Eligibility | Compensation Entitlements |
|--|---|---|--|
| Trees Losses | Trees on affected land (12 AHs losing fruit and non-fruit trees and those affected by ROW/COI) | Owner of trees (including informal settlers) | <ul style="list-style-type: none"> - Fruit bearing trees will be compensated at the market value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same production level of the tree lost and full replacement cost of a saplings for each grown tree. - Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume. - The compensation of the tree will be free of deduction for the value of the wood left to the AH. <p>Compensation is provided for all affected trees located within ROW/COI.</p> |
| Business losses | Permanent / temporary | Business / shop owners (including informal settlers) | <ul style="list-style-type: none"> - Owners: Business compensation based on monthly income from that business by month of business stoppage. The compensation for business loss will be calculated based on tax receipts or when these are not available based on fixed rates as per the average monthly income ^a -Employer: indemnity for lost wages of 3 months income -Employees: indemnity for lost wages of 3 months income to be paid directly to employee. |
| Transitional Allowance | Relocating households | All relocating households (including renters and informal settlers) | -Transitional allowance per household for livelihood losses at AF7,500 multiplied by 3 months = AF22,500 |
| Relocation Allowance | Relocating households | All relocating households (including renters and informal settlers) | -Relocation allowance per household of AF7,500 |
| Assistance to Vulnerable Affected Households | Affected by land acquisition, resettlement, etc. | AH which are: female-headed; poor (below poverty line) or headed by handicapped/ disabled persons | <ul style="list-style-type: none"> -Additional cash assistance equivalent to 3 months average household income at district level as per the national statistics data (AF45,000) -Preferential employment in project related jobs, if qualified for the position. |
| Severe Impact | Physical displacement 10% or higher loss of productive income source (e.g., land, structure, rental income, etc.) | All severely affected AHs including informal settlers | <ul style="list-style-type: none"> - Agricultural land impact: Additional crop compensation equal to one year yield from the affected land; - For other formalized non-agricultural impacts: an allowance covering 12 months net formalized income (tax or equivalent reports); or - For other non-formalized non-agricultural impacts: a fixed amount on the average 12 months net income of people residing in the relevant project areas. |

| Item | Application | Eligibility | Compensation Entitlements |
|---|---|---|--|
| Temporary land occupation/Temporary impacts on land | | Title holders (formal and informal) lease holders | -Additional compensation for 1 harvest (crops and trees) for all crops and productive trees within ROW/COI - Complete plot rehabilitation/reinstatement. Tenants to share the lump-sum with land-use certificate holders as per their contract |
| Unidentified Impacts | | | -Unforeseen impacts compensated based on above entitlements and in accordance with SPS 2009 during project implementation by EA. |
| Impact on irrigation channels | Temporary or permanent loss due to the Project activities | Community/affected households | -Irrigation channels are diverted and rehabilitated to previous standards |
| Loss of community, cultural, religious, or Government Sites | Temporary Or permanent loss due to the transmission line component activities | | Conservation, protection & 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 |

^a This fixed rate will be based on the average net income of project areas as determined by the surveys conducted during preparation of final LARP based on detailed design.

ES-4: Determination of Land Price

32. Affected land will be compensated in cash based on replacement cost. The primary replacement cost rate has been estimated based on assessment of the market which will eventually need to be updated during LARP update and finalization. Price which were assessed was ranging from AF120 per m² to AF320 per m².

ES-5: Cut-off-Date

33. Compensation eligibility will be limited by the cut-off date that has been established on **30 Aug. 2019**. As all the areas were not fully available for due diligence at this stage a different cut-off date will apply to unassessed areas. The AHs that settle in the RoW of transmission line after this cut-off-date will not be eligible for compensation. They will, however, be given a notice requesting them to vacate the premises/corridor and dismantle the affected structures and/or other establishments (if any) prior to project implementation.

ES-6: Significance of Impacts

34. The impacts on permanent land loss and loss of crops will be manageable or non-significant for all AHs. The number of households affected by this subproject is 62 AHs with a total population of 434 affected persons (APs). However, the magnitude of impact is not very significant and nobody will lose >10% of agricultural lands. There will be 4 HHs that need to be relocated due to loss of structure. However, during the detailed design stage, this impact will be decreased as much as possible.

ES-7: Consultation and Disclosure

35. The LARF for this MFF has been prepared and endorsed by DABS and uploaded to ADB's website. For the preparation of this LARP, DABS with assistance from project preparation consultant conducted field surveys in 05/08/2019 and held a number of consultation meetings with local government agencies and affected households. Further consultations will be held during update of this LARP upon award of turnkey contract and detailed design where exact tower locations would be ascertained and actual HH are identified. The final LARP will be disclosed to the AHs in local language and an English copy will also be disclosed on ADB website.

ES-8: Grievance Redress Mechanism

36. A grievance redress mechanism (GRM) will be established during the update/finalization of the LARP process upon completion of detailed design to allow APs appealing any disagreeable decision, practice or activity arising from land or other asset compensation. The main objective of the grievance redress procedure would be to provide a mechanism to mediate conflict and cut down lengthy litigation which may delay this development project.

37. In light of the GRM, Grievance Redress Committee (GRC) will be established for the project in order to receive and facilitate the resolution of affected peoples' concerns, complaints, and grievances about the project's LAR performance. A GRC will be proposed, established and functionalized as part of the surveys for LARP finalization e composed of the following members (Subject to agreement of the local communities, the GRC will include a few female representatives in order to ensure full access of the women to the GRC and convenient resolution of their grievances):

| | |
|--|----------|
| • Representative from DABS | Convener |
| • (from the respective DABS office in the Province) | |
| • Representative of the local administration | Member |
| • (from the respective office of the Governor) | |
| • Representative from DABS/ESU | Member |
| • Representative from Directorate of Agriculture | Member |
| • Representative from Provincial Council | Member |
| • Representative from project supervision consultant | Member |
| • Affected person or his/her duly appointed Representative | Member |
| • 2-3 Female representatives of the community | Member |

ES-10: Resettlement Budget

38. The total LARP cost is estimated as **AF30,334,890.00 or \$379,186.13**. This includes the payment of compensations, LARP cost and 20% contingencies cost.

Table 4: Total Budget

| Item | Total (AF) |
|---|----------------------|
| Compensation for permanent land loss | 1,316,000.00 |
| Compensation for structures | 1,792,700.00 |
| Compensation for trees | 1,708,000.00 |
| Compensation for crops | 10,037,600.00 |
| Allowances | 7,711,000.00 |
| Sub-Total Compensation | 22,565,300.00 |
| External Monitoring Agency for 2 months | 1,000,000.00 |
| LARP implementation cost @ 10% | 2,256,530.00 |
| Contingency 20% of the total | 4,513,060.00 |
| Sub-Total Implementation +External Monitoring +Contingency Costs | 7,769,590.00 |
| Total Estimated Land Acquisition and Resettlement Budget | 30,334,890.00 |

CHAPTER 1

INTRODUCTION AND PROJECT DESCRIPTION

Background

39. The Asian Development Bank (ADB) has supported the Energy Sector of Afghanistan since 2001. In December 2015 ADB approved the MFF Energy Supply Investment Improvement Program (ESIIP for the Islamic Republic of Afghanistan). The tranches 1–5 have already been approved and are being implemented. Under this tranche (Tranche 6), the planned project comprises the construction of 201 km of new 500 kV single transmission line from the middle of the Uzbekistan–Afghanistan border river crossing (Amu-Darya River) near Khayraton bridge up to Khawaja-Alwan (Pul-khumri), Baghlan province, Afghanistan.

40. The Da Afghanistan Breshna Sherkat (DABS - Afghanistan Electricity Corporation), established as an independent and autonomous corporation for the generation, import, transmission and distribution of power across the country, is responsible as the executing agency (EA) to implement the project.

41. TL will pass through districts and villages of Balkh province like Hairatan city from starting point of Afghan territory, continues to districts and village of Samangan province like Ghaznegag and Feroz-Naghcheer districts and will end at Khwaja-Alwan area of Pul-Khumri city of Baghlan province.

42. Transmission line path passes through barren desserts, hills and mountains. Land Route of transmission line connecting Hairatan city, Dorahe-Naybabad, Khulm district, Saighanche village, Wolgato village, Ghaznegag, Feroz-Naghcheer, Hazrat-Sultan, Rabatak and Khawaja-Alwan.

43. The geological conditions of route are various. 51 km is covered by the sands, other soils in the mountain conditions – limestone, sandstones, siltstones, mudstone and conglomerate to be covered by the boulder-pebble stone and slack-detritus soils, as well as the loams and clay sand. On the site with rock soil it will be required blasting-explosion works in order to construct temporary roads and installation of the foundation for the towers.

44. The TL starts in Surkhan Province of Uzbekistan and will continue inside Uzbekistan soil for 45 kilometers across Termez city toward the Hairatan-Termez bridge crossing Amo river into Afghanistan.

45. The first tower is located beside Amo river inside Afghanistan's soil, 500 meters east of the railway at the Cheshma area.

46. Further the route, passes around the facilities of the Hairatan port, on the length about 55 km is passing via sands of desert of Kacha-Kum alongside of existing motorway and railways up to SP Naibabad. Taking into account the route of OHTL 500 kV to be planned from Turkmenistan, the route is considered OHTL from SP Naibabad in order to avoid the crossing two lines of OHTL 500 kV, it is designed to the north part in the one direction. The both line of OHTL are passing around 20 km via pontificated sand of desert of Kacha-Kum, further pass foothills, rise by spurs of ridge and after having passed via comb, it is coming down by spur to the mountain valley. Further the route of OHTL 500 kV Surkhan – Khodja-Alwan up to SS

Khodja-Alwan is passing alongside of motorway AH-76 and OHTL 220kV taking into account the route coming from Turkmenistan.

47. In the route of TL, in the areas of Ghaznigag and Hazrat-Sultan of Samangan province 62 towers need to be placed on agricultural and residential lands. Therefore, 4 structure will be affected too. The rest of the terrain to the substation of Khwaja-Alwan is mountainous areas and hills owned by government.

48. Total length of the route is 201 km, which are passing via the provinces: Balkh – 85.5m km, Samangan -113.5 km, Baghlan – 2.0 km. 83% of the route from the State border is passing via non arable lands, 17% via arable lands.

49. This draft land acquisition and resettlement plan (draft LARP) has been prepared for the transmission line from middle of the Uzbekistan–Afghanistan border river crossing (Amu-Darya River) near Khayraton bridge to Khwaja-Alwan (Pul-Khumri), Baghlan Province of Afghanistan which will be financed from the MFF Energy Supply Improvement Investment Program, in accordance with provisions of the laws in Afghanistan, the ADB Safeguard Policy Statement (2009) and the land acquisition and resettlement framework (LARF) for the MFF program (October 2017). This draft LARP was developed based on field surveys, review of maps, documents, given details of preliminary design provided during preparation of project design stage in May–September 2019.

50. Based on ADB's OM section F1/OP (2013) impacts are considered significant when >200 DPs are physically displaced and/or lose >10% of their productive assets (income-generating). In these cases, a project is classified as category "A" for the involuntary resettlement safeguard, for which a LARP is to be prepared. Conversely, when losses are minor or insignificant i.e. < 200 DPs are to be physically displaced or lose < 10% of productive assets, a subproject is classified as category "B" and a LARP is to be prepared. This subproject is therefore categorized as IR category B for which this LARP is prepared. This draft LARP is based on information collected by the safeguards consultant in August 2019 in consultation with the stakeholders, especially DABS and community leaders and households along the alignment of the transmission line impact zone.

51. The LARP contains estimates of the affected households (AHs) and displaced persons (DPs), types of impacts, and compensation procedures. The implementation arrangements, monitoring, reporting, and grievance redress procedures are also documented in this LARP in accordance with the LARF for the overall MFF Program which was updated and disclosed in October 2018.

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

- a. land acquisition will be avoided or at least minimized;
- b. compensation will ensure maintenance of pre-project living standards of HHs;
- c. AHs will be fully consulted/informed on compensation options;
- d. AHs sociocultural institutions will be supported/used;
- e. LAR procedures will equally apply to women and men;
- f. Lack of formal title will not prevent compensation rights under the entitlement's matrix;

- g. LAR will be conceived and executed as an integral part of the project and budgets for LAR will be included in the project costs and funded by DABS;
- h. Impact to structures will be avoided at all costs and
- i. All LAR and compensation payments will be completed and LARP implementation compliance report submitted to ADB prior to civil works commencement in the impact area.

53. The transmission line component will be implemented through a contract, wherein the contractor will prepare the detailed design. Based on the detailed design, the specific locations (spotting) of towers and poles, which have been identified in the previous planning and optimization process, will be confirmed. The LARP will be finalized by DABS PMO through project supervision consultant upon completion of the detailed design after the Detailed Measurement Survey (DMS) which aims at providing a detailed inventory of all losses. The final LARP will provide precise impact magnitude, valuation and compensation amounts.

54. The LARP requires approval of ADB and disclosure to the ADB website and AHs.

A. LAR-Related Project Appraisal and Implementation Conditions

55. This draft LARP is based on LAFR and LARP preparation requirements under ADB procedures and conditions provided for MFFs and significantly updated as per surveys conducted in August-September 2019.

B. Description of the Transmission Line

56. The proposed project involves construction of 201 km of new 500 kV transmission line from the middle of the Uzbekistan–Afghanistan border river crossing (Amu-Darya River) near Khayraton bridge to the substation of Khwaja-Alwan (Pul-Khumri), Baghlan province of Afghanistan with a capacity of 1,000 MVA.

57. The line routing was initially determined taking into account technical and economic aspects as well as environmental and social aspects.

58. The detailed design will be the responsibility of the DBO contractor. The final location of the towers will be fixed by the contractor after conducting the final design.

59. TL will pass through districts and villages of Balkh province like Hairatan city from starting point of Afghan territory, continues to districts and village of Samangan province like Ghaznegag and Feroz-Naghcheer districts and will end at Khwaja-Alwan area of Pul-Khumri city of Baghlan province.

60. Total length of the route is 201 km, which are passing via the provinces: Balkh – 85.5 km, Samangan -113.5 km, Baghlan – 2.0 km. 83% of the route from the State border is passing via non arable lands, 17% via arable lands.

61. Transmission line path passes through barren deserts, hills and mountains. Land Route of transmission line connecting Hairatan city, Dorahe-Naybabad, Khulm district, Saighanche village, Wolgato village, Ghaznegag, Feroz-Naghcheer, Hazrat-Sultan, Rabatak and Khawaja-Alwan.

62. The geological conditions of route are various. 51 km is covered by the sands, other soils in the mountain conditions – limestone, sandstones, siltstones, mudstone and conglomerate to be covered by the boulder-pebble stone and slack-detritus soils, as well as the loams and clay sand. On the site with rock soil it will be required blasting-explosion works in order to construct temporary roads and installation of the foundation for the towers.

63. Space for the new line bay and gantry at the existing substation at Khwaja-Alwan (Pul-Khumri) is fully available and the substation land is fully owned by government. The coordinates of the existing substation are:

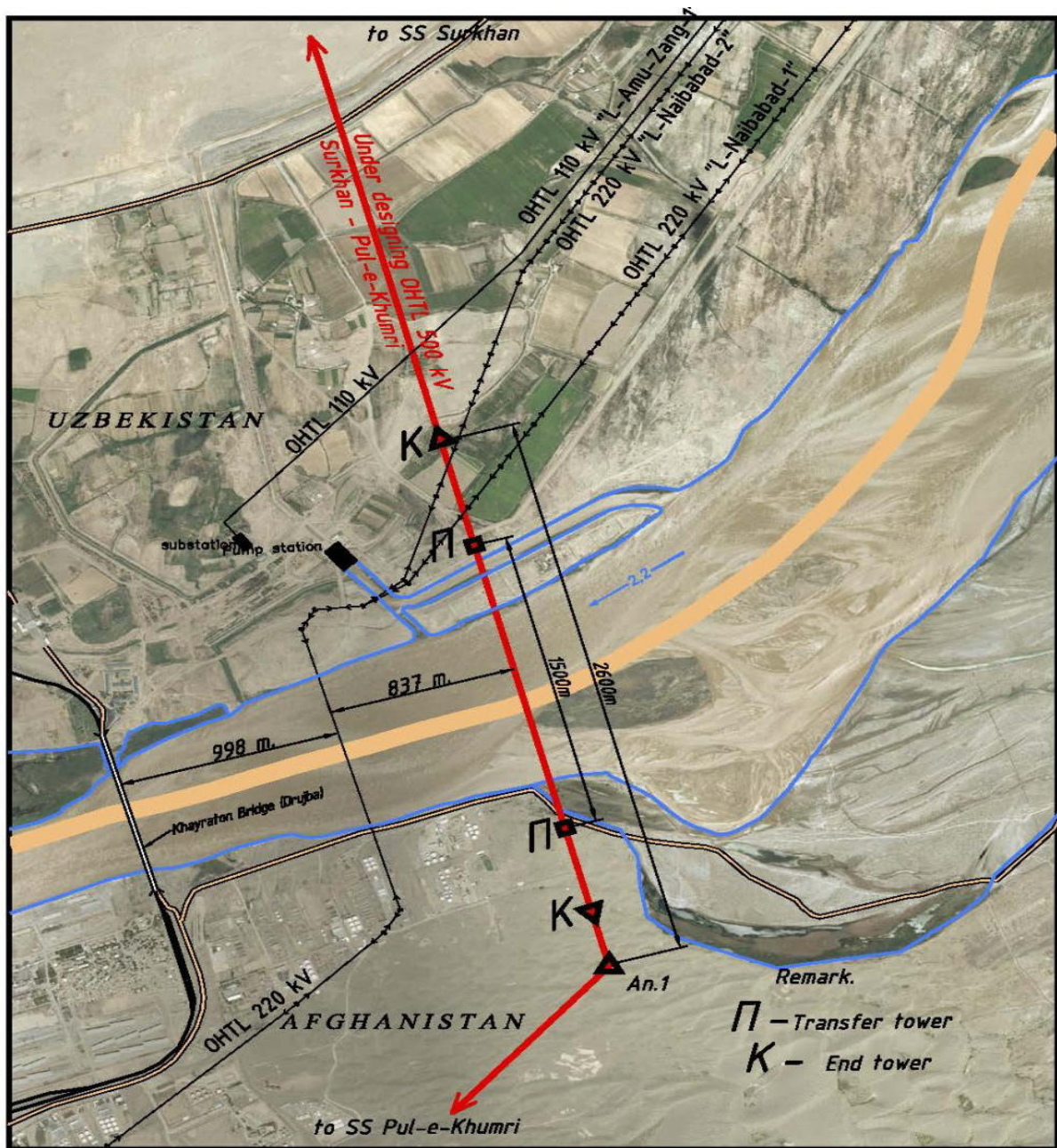
Point1: Lat-36°5'50.82" N, Long>68°32'25.50" E

Point2: Lat-36°6'3.16" N, Long>68°32'44.40" E

Point3: Lat-36°5'32.77" N, Long>68°33'14.36" E

Point4: Lat-36°5'20.39" N, Long>68°32'55.28" E

64. Satellite images of transmission line route starting from crossing Amo river up to Khwaja-Alwan substation are shown below:



Crossing of 500 kV via Amo river



Review plan of the route 500kV in the territory of Uzbekistan and Afghanistan



The route plan of 500 kV the State border – SS Khodja-Alwan

C. Right-of-Way

65. Given that the route of the TL has not been finalized yet and further design alternative analysis will be made aiming to avoid and minimize land acquisition and resettlement impact. This analysis will also include social impacts to be identified as part of the environment impact assessments, if any.

66. For the purpose of preliminary LAR impact assessment and as per details of the project available at the preliminary design stage, executing agency established the right-of-way (RoW) requiring land acquisition and resettlement impacts based on corridor of impact (Col) identified as 50 m (25 m on both sides of the centreline). This RoW and Col was also applied other land acquisition and resettlement plans of this MFF and include footage area required for building towers, area required for works planned and size of equipment to be used to allowing for stringing of conductors. Outside this strip but still inside the RoW vegetation above 7 m height needs to be cleared, including possible tall trees outside but nearby the RoW corridor.

67. Given RoW and Col will be finalized at the detailed design stage and include social impacts to be identified as part of the environment impact assessments, if any.

D. Project Area

68. The planned transmission line TL will pass through barren desserts, hills and mountains. Land Route of Transmission Line connecting Hairatan city, Dorahe-Naybabad, Khulm district, Saighanche village, Wolgato village, Ghaznegag, Feroz-Naghcheer, Hazrat-Sultan, Rabatak and Khawaja-Alwan. The terrain is mostly desert areas, hills and mountains.

69. The geological conditions of route are various. 51 km is covered by the sands, other soils in the mountain conditions – limestone, sandstones, siltstones, mudstone and conglomerate to be covered by the boulder-pebble stone and slack-detritus soils, as well as the loams and clay sand. On the site with rock soil it will be required blasting-explosion works in order to construct temporary roads and installation of the foundation for the towers.

70. Transmission line path passes mostly through dessert and less agricultural areas. However, 255 productive and non-productive trees will be affected.

71. The transmission line route passed through agricultural land with common cultivated crops, with 50 m of right way it passes and covers about 6,430 m² private agricultural and residential lands.

72. Project implementation will damage the crops that should be considered and compensate to venerable household that lose crops.

73. According to transmission line route nature it contains low slope or flat lands so it easy in some points to extend or build access road to project. But, in mountainous areas it will be required blasting-explosion works in order to construct temporary roads and installation of the foundation for the towers.

74. No specific data and document about land mine clearance exist, but according to locality, it has been observed that there is no mine danger in this path.

75. Transmission line path passes through dessert and cultivated areas so it makes no danger to plant and animal species lives.
76. The project area along transmission line route is free of flood danger.
77. According to Earthquake Intensity Modified Mercalli scale Balkh, Samangan and Baghlan Transmission line path is located in Degree I-V.
78. There is no historical or Archeological site along transmission line path.
79. No tourism site is available along the transmission line path.
80. Transportation is not a concern in most of transmission line path because it is flatted area and it is easy to form new access route to the transmission line path.
81. 83% of the route from the State border is passing via non arable lands, 17% via arable lands. Total length of the route is 201 km, which are passing via the provinces: Balkh – 85.5 km, Samangan -113.5 km, Baghlan – 2.0 km.
82. The crossing via the river Amu-Darya is fixed on 1,835 m above the Termez-Hairatan bridge.
83. Further the route, passes around the facilities of the Hairatan port, on the length about 55 km is passing via sands of desert of Kacha-Kum alongside of existing motorway and railways up to SP Naibabad. Taking into account the route of OHTL 500 kV to be planned from Turkmenistan, the route is considered OHTL from SP Naibabad in order to avoid the crossing two lines of OHTL 500 kV, it is designed to the north part in the one direction. The both line of OHTL are passing around 20 km via fortified sand of desert of Kacha-Kum, further pass foothills, rise by spurs of ridge and after having passed via comb, it is coming down by spur to the mountain valley. Further the route of OHTL 500 kV Surkhan – Khodja-Alwan up to SS Khodja-Alwan is passing alongside of motor-way AH-76 and OHTL 220 kV taking into account the route coming from Turkmenistan.
84. The transmission line path passes through villages and districts of Balkh and Samangan that some structures occurs in transmission line route, so vulnerable HHs should be compensating in Final LARP procedure. during the feasibility survey of the route people and responsible authorities are informed about project right of way to avoid resettlement activities in project corridor.
85. Transmission line path length is approximately 201 km.
86. Most of people in along transmission line are busy with Agriculture and farming. The common cultivated crop in transmission line area are wheat, barley, potato, pea, melon and watermelon. These are containing both fruit and non-fruit trees which common fruitless trees are eucalyptus.

E. Measures to Reduce LAR-Related Impacts

87. The following measures have been adopted to minimize project impacts during this preliminary route selection stage:

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

88. In some areas, there are empty places along the transmission line corridor. If possible, the towers shall be installed at these empty spaces, even if it goes out of the corridor alignments.

CHAPTER 2

SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Introduction

89. This chapter has been written based on-site visits to the project area and on the project's preliminary design. As a general strategy, the identification and layout of the site and a technical drawing showing the line profile with complete tower spotting have been made as pre-requisites for carrying out the **land acquisition and resettlement field survey (LARFS)**.

90. The LARFS involved impact assessment by quantifying and estimating the costs for the losses/disturbances to land, structures and other assets (crops, etc.) based on consultations with various stakeholders including affected households (AHs). Through a participatory approach, socioeconomic data on AHs was collected, and consultation with the occupants, AHs and the affected communities was undertaken.

91. The LARP team, comprising social safeguard specialist and a field surveyor, conducted the LARFS in the project area between **01/08/2019 – 22/08/2019**.

92. This LARP will need to be updated upon finalization of detailed design by the PMO and construction supervision consultant.

B. Potential LAR Impacts

93. The project will have various impacts on the local population. Apart from the positive impacts of rural electrification, some adverse impacts cannot be avoided, such as permanent land acquisition for the 500 kV towers, crops and fruit and non-fruit trees during civil works, some limited losses of properties such as houses, adjoining buildings, walls, and other properties with marginal and partial impacts.

Table 4: Potential LAR Impacts

| Type of Tower | No. of Towers | Affected Land m ² |
|---|---------------|------------------------------|
| A | 116 | 17,400 |
| B | 306 | 36,720 |
| C | 259 | 20,720 |
| Total | 681 | 74840 |
| Affected Households | | |
| Total No. of AHs | | 62 Ahs |
| No. of AHs losing land (No AHs will >10% of agricultural lands) | | 62 Ahs |
| No. of AHs losing crops in addition to land | | 55 Ahs |
| No. of AHs losing trees in addition to land | | 12 Ahs |
| No. of households losing structure (Severely affected due to physical displacement) | | 4 Ahs |
| No. of Households needing relocation | | 4 Ahs |
| Vulnerable AHs | | 27 Ahs |

94. The space for 500 KV new bay/gantry at substation at Khwaja-Alwan, Baghlan province is flat ground with soft type of soil. It is a government owned land with longitude of the space for 500 KV new substation at Khwaja-Alwan, Baghlan province is flat ground with soft type of soil. It is a government owned land with coordinates of:

Point1: Lat-36°5'50.82" N, Long>68°32'25.50" E

Point2: Lat-36°6'3.16" N, Long>68°32'44.40" E

Point3: Lat-36°5'32.77" N, Long>68°33'14.36" E

Point4: Lat-36°5'20.39" N, Long>68°32'55.28" E

Currently, the substation is under construction.

95. Landowners/users affected by the project belong to two groups (which may overlap in a few cases):

- a. Farmers planting crops or trees in agricultural lands
- b. Owners of plots with provisional walls, houses and other adjoining buildings.

96. Herders using land along the corridor are not expected to be affected. The adverse impacts on public lands which are used for pasture will be minimized. The long-term impacts are limited to the little space taken by towers which has almost no impact on the utility of the land. Temporary impacts are also unimportant as the land requirements are extremely small. Inconvenience during construction, if at all, will last only for some weeks, probably at least partially during summer and autumn when pastures are almost deserted, and this will be compensated for the impact on crops.

97. A total of **62 households** are estimated to be affected. Loss of houses will be avoided wherever possible. It is estimated that in the worst case up to **4 houses may need to be moved**. And **67 m² perimeter wall (mud/brick) will be affected** and in case this impact is not avoided during the detailed design, the houses will need to be relocated due to the long-term impacts of electromagnetic fields on the residents to be identified by environment impact assessments. In some cases, other properties such as garden, walls, shops and field paths could be damaged during stringing.

98. So far, there is no evidence of any potential adverse impacts on business along the HVTL route. The field survey identified some houses, agriculture land, mud buildings which must be moved due to the civil works within the line corridor.

99. Losses to agricultural production may occur on irrigated land. As vegetable gardens (only irrigated) are small and take up only a small percentage of the area used, it would be possible to avoid the destruction of such lands during construction works. Sufficient clearance shall be provided below the transmission lines to ensure access by tractors, allowing the affected farmers continued and unhindered cultivation of their land.

100. Apart from possible damage to the land, construction works have little effect on the living conditions of the local population. Construction will only be conducted close to living areas Feroz-Nakhcher and Ghaznegag villages of Samangan province. Adverse impacts in such areas could be additional traffic with some danger for children, emission of dust from the

construction vehicles on unpaved roads, noise from construction works and some pollution e.g. from welding.

C. Impact on land

101. Of the total 681 towers that will be required to be installed for the 500 kV line from Surkhan to Khwaja-Alwan of Baghlan province, most will be located on governmental lands. Few of the towers will be located in private lands comparing to governmental lands. No tower will have a low-bar to restrict future cultivation of the farmlands. Therefore, land compensation will be applicable to the lands under the towers.

102. The construction of towers on agricultural land will require compensation for crops and trees lost immediately below the tower and also in a small area surrounding it. The area included in this perimeter depends on the type of towers. As per the preliminary design, there are three types of towers requiring different areas of land. Type A tower will require 150sqm of land and a total of 116 towers of this type most of them will be installed on governmental lands. Type B tower will require 120sqm of land and 306 towers of this type will be installed on private lands and governmental lands. Type C tower will require 80sqm of land and 259 towers of this type will be installed on private and governmental lands. Out of 681 towers in total 62 towers will be placed in private lands and remaining towers will be placed in governmental lands. requiring a total of 74,840 m² of lands. 6,430 m² of these lands will be private agricultural and residential lands. Among the affected total 6,430 m² of land, there are 4 categories that include category 1, fully-irrigated agricultural land (1,430 m²), category 2, less-irrigated agricultural land (1,980 m²), category 3, non-irrigated agricultural land (2,520 m²), and category 4, residential land (500 m²). The remaining of these lands are owned by government.

Table 5: List of Towers and its Impact

| Type of Tower | No. of Towers | Affected Land m ² |
|---------------|---------------|------------------------------|
| A | 116 | 17,400 |
| B | 306 | 36,720 |
| C | 259 | 20,720 |
| Total | 681 | 74,840 |

103. **Impact on Crops:** In addition to the permanent losses of land under the towers, the farmland around these structures will be affected temporarily by the loss of crops and trees during a 3-tier process of tower construction, i.e.; (i) construction of foundations, (ii) erection of towers, and (iii) stringing of power lines. The whole process is usually completed within a period of 18 to 24 months thereby causing crop losses for a total of two cropping seasons within two years. Accordingly, cash compensation will be paid to the affected farmers for the loss of agricultural crops for two seasons. A 25 m corridor would be required for the 3-tier process and, in the worst case, all works would be made during the cropping seasons of spring and summer (this shall, however, be avoided). For the affected agricultural land, **501,880 m² of wheat crops would be affected.**

104. **Impact on Trees:** Crop cultivation within the corridor can continue after the stringing of lines has taken place. Inside the RoW vegetation above 7 m height needs to be permanently cleared, including possible tall trees outside but nearby the RoW and Col. A total of 172 fruit and 83 non fruit will be lost. There are 12 AHs losing fruit and non-fruit trees. The livelihood dependency of these AHs on the affected trees is only 2% as the produce of these trees are mostly used for household consumption.

105. **Impact on Structures:** A total of **567 m²** (**Mud houses – 432 m², Brick houses – 68 m²**) (**49 m² mud wall, 18 m² brick wall**) of structures will also be affected which include houses and perimeter walls. All the affected structures are made of mud and brick. Details of the affected structures is provided in the table below:

Table 6: Impact on Structures

| Type of Structure | Area (m²) |
|-----------------------------------|-----------------------------|
| Houses/Buildings (Mud/brick/wood) | 500.00 |
| Perimeter Walls (Mud/Brick/Wood) | 67.00 |
| Total structures | 567.00 |

106. **Vulnerable AHs:** A total of **27 AHs** were considered to be vulnerable households living below poverty line while there were no women-headed households among AHs. These AHs has been considered to be vulnerable household living below poverty line by close survey of them and each AHs has been interviewed personally. The poor living conditions and daily income of less than a dollar made them to be vulnerable households living below poverty.

107. The final impacts may be minimized as towers may be constructed with priority on islands of barren land within agricultural areas, on public space along streets and channels, and on other types of government owned land in order to avoid interference into private land ownership rights.

108. The highest possible figures are taken to be on the safe side under the land acquisition and resettlement budget. Detailed figures can only be presented after the final route design by the civil works contractor is completed. With regard to the definite losses, it is also necessary to explore if construction works could be organized during autumn and winter to minimize loses. During this time, the probability of crop loses will be minimized (barring winter wheat crop).

CHAPTER 3

SOCIOECONOMIC PROFILE OF AFFECTED PEOPLE

A. Background

109. This chapter presents the socioeconomic profile of the population along the tentative route of the alignment. The detailed socioeconomic surveys specific to the affected households will be conducted as part of the final LARP preparation once the alignment of the transmission line has been fixed and affected households are ascertained.

110. As the TL route crosses the districts and villages of Balkh, Samangan and Baghlan province, the focus of the socioeconomic data has been gathered for both provinces. The data is based on national statistics and interviews by the local research team during the field survey during 01/08/2019 to 22/08/2019.

B. Provinces Traversed by the Transmission Line

111. The provinces traversed by the transmission line are Balk, Samangan and Baghlan.

- TL will pass through districts and villages of Balkh province like Hairatan city from starting point of Afghan territory, continues to districts and village of Samangan province like Ghaznegag and Feroz-Naghcheer districts and will end at Khwaja-Alwan area of Pul-Khumri city of Baghlan province.
- Transmission line path passes through barren desserts, hills and mountains. Land Route of Transmission Line connecting Hairatan city, Dorahe-Naybabad, Khulm district, Saighanche village, Lacha village, Ghaznegag, Feroz-Naghcheer, Hazrat-Sultan, Rabatak and Khawaja-Alwan.

C. Census of Affected Households AHs

112. Land acquisition and resettlement field survey (LARFS), including estimated measurement of affected assets, estimated census of AHs and community consultations were initially carried out during **01/08/2019 to 22/08/2019**.

113. The census included questions about the socioeconomic characteristics of HHs to obtain necessary information about their livelihood conditions. A preliminary assessment of the population, land and other assets that would potentially be affected due to implementation of the project has been estimated on the basis of relevant information sourced from primary and secondary data. The sources of data and information are described in the following section:

- a. Reconnaissance of the Affected Area. A thorough reconnaissance of the route of the transmission line corridors was conducted to develop a broad understanding of the area and to identify social issues likely to emerge in the implementation of the project. A walkthrough survey of the area was also undertaken to study the ground realities and the nature of developments that may have taken place.
- b. DABS Department Records No official records as such about the landowners are available with the DABS. However, many meetings were held with the staff and information was obtained as to number of affected people and their land holdings that would be affected.

- c. Satellite Image Imagery of the route of the TL area was used in making the preliminary assessment and estimation of the land utilization, terrain characteristics, etc. It is interesting to note that very minimal differences were found in the area estimated by using satellite images and by the physical assessment on site.

D. Socioeconomic Surveys

114. In order to have comprehensive and detailed information, the socioeconomic data of the affected people have been collected using different tools including relevant statistics of the province, personal discussions with the stakeholders and affected people, walk-over surveys and consultative meetings.

115. The survey found that a total number 62 HHs. A summary of the affected houses and their household members is given in Table Below.

Table 7: Number of Affected Houses and Household Members

| Location | Number of HHs | Number of household members (APs) |
|--|---------------|-----------------------------------|
| Between Naibabad Substation of Hairatan City up to Ghaznigag District of Samangan province | 28 | 196 |
| Between Hazrat-Sultan District of Samangan province up to Khwaja-Alwan of Baghlan province | 34 | 238 |
| Total | 62 | 434 |

116. During field surveys, AHs reported that they had been working on their lands for many years - not given on lease or hiring out to wage earning farmers.

117. The survey results regarding socioeconomic conditions and the impact assessment in the affected area are described briefly as below.

1) Demographic characteristics

118. The first part of the questionnaire concerns the demographic details of the APs.

Table 8: Distribution by Age of People Along Surkhan-Khwaja Alwan TL Route

| Age range | Population % | Male | Female |
|--------------|--------------|-----------|-----------|
| From 1–20 | 32 | 15 | 17 |
| From 20–35 | 18 | 8 | 10 |
| From 36–50 | 25 | 14 | 11 |
| From 51–60 | 20 | 12 | 8 |
| Over 60 | 5 | 3 | 2 |
| Total | 100 | 52 | 48 |

Household Members

119. The total number of households affected by the project is 62 with an average household size of 7. Within the affected population, 234 persons are male and 200 persons are female.

Education Level

120. The overall literacy rate in Balkh province is 44%, however, while more than half of men are literate (54%), this is true for just about one-third of women (32%). However, in the

population aged between 15 and 24 the situation for men is slightly better with 58.3% literacy, and there is a smaller improvement for women (35.4%). The Kuchi population in the province has particularly low levels of literacy with just 6.1% of men and none of women able to read or write.

121. The overall literacy rate in Baghlan province is 21%, however, while nearly one third of men are literate (29%), this is true for just over one tenth of women (12%). However, in the population aged between 15 and 24 the situation for men is significantly better with 40% literacy, whereas for women the figure shows little change (13.5%). The Kuchi population in the province has particularly low levels of literacy with just 6.6% of men and 0.3% of women able to read and write.

122. Educational facilities in Samangan province is at low level with literacy rate recorded at only 19% for the province as a whole, with 28% literacy rate among men and a low of 10% among women. The Kuchi people are the least literate, recording a literacy rate of only 3%, that too among men only. The province has 159 primary and secondary schools with attendance of 59,915 students. 83% of schools are boy's school with 68% students. While the village schools are within easy reach, the high schools are generally about 10 km away from the villages.

Ethnic Composition

123. Among the AHs, 18 are from the Pashtun ethnic group while the rest 44 AHs are from the Uzbek ethnic group. The major ethnic groups living in Baghlan province are Tajiks and Pashtuns followed by Hazaras and Uzbeks. This includes major tribes such as Hussainkhil (Pashtun) located in Baghlan Jadeed and north of Pul-I-Khumri Ahmadzai (Pashtun) located in Dahana Ghuri village, Pul-I-Khumri, Gadi (Pashtun) located in Baghlan Jadeed and Baghlan Khonjan, Aimaq (Tajik) located in Dahana Ghuri district and Arab (Tajik) located in Baghlan Jadeed / Nahreen and Dahana Ghuri districts. Dari is spoken by 70% of the population and 73% of the villages. The second most frequent language is Pashtu, spoken by the majorities in 528 villages representing 22% of the population. Baghlan province also has a population of Kuchis or nomads whose numbers vary in different seasons. In winter 97,500 individuals, or 4% of the overall Kuchi population, stay in Baghlan living in 6 communities. Half of these are short-range partially migratory, and the other half are long-range partially migratory. Overall, for both categories, less than half of the community migrates. In the winter both groups stay mostly in one area and don't move around during the season. In the summer season, some 820 long range migratory Kuchi households come from Parwan and Kapisa provinces to the Khenjan and Doshi districts of Baghlan province. The Kuchi population in the summer is 59,776 individuals.

124. The ethnic groups of Samangan province are: Hazaras, Tajiks, Uzbeks, some Arabs and Pashtuns. Hazaras make up almost 35 percent of the total population and districts such as Darah-Sof Balla are entirely Hazara ethnic. Roughly 72.5% people of the province speak Persian followed by Uzbeki and Pashto languages. All inhabitants follow Islam, with majority being Sunni while the Shias make up the minority.

125. Around 66% of the population of Balkh province lives in rural districts while 34% lives in urban areas. The major ethnic groups living in Balkh province are Tajiks and Pashtuns followed by Uzbek, Hazaras, Turkman, Arab and Baluch. Dari is spoken by about 50% of the population and 58% of the villages. The second most frequent language is Pashtu, spoken by the majorities in 266 villages representing 27% of the population, followed by Turkmani (11.9%) and Uzbeki (10.7%). Balkh province also has a population of Kuchis or nomads whose numbers vary in different seasons. In winter 52,929 individuals, or 2.2% of the overall Kuchi population,

stay in Balkh living in 80 communities. Half of these are short-range partially migratory, another third are long-range partially migratory, and 18% are settled. Overall, for long and short range migratory categories, less than half of the community migrates. In the winter both groups stay mostly in one area and don't move around during the season. In the summer season, some 120 long range migratory Kuchi households come from Saripul province to Balkh province. The Kuchi population in the summer is 59,776 individuals.

2) Socioeconomic characteristics

Economic Activities

126. The main economic activity of these 62 HHs is agriculture. The second important activity is either livestock raising or manual labor job. The economic activities of the AHs are shown in Table below.

Table 9: Economic Activities of AHs

| Economic Activities of the Ahs | | |
|---------------------------------|------------|------------|
| Economic activity | No. of AHs | % |
| Agriculture | 30 | 48.3 |
| Business | 8 | 12.9 |
| Labor | 10 | 16.1 |
| Employment (public and private) | 5 | 8.2 |
| Livestock raising | 9 | 14.5 |
| Total | 62 | 100 |

Cropping Pattern

127. Two cropping patterns exist. The most common cultivated crops of Agricultural lands are in these provinces are: Wheat, barely, rice, maize, rapeseeds and flax. And the most common crops grown in garden plots include fruit, nut trees, vegetables and produce such as grapes, potatoes, beans, cotton, melon and watermelon. The main crops are wheat, vegetables.

Borrowing Status

128. During the survey, respondents were asked about the amount they have borrowed from different sources during recent years. The results showed that a small number of people have borrowed from the banks but have not repaid to the bank. And also, from relatives and friends that some are unpaid.

E. Gender issues

129. In the project provinces, men and women are economically active and contribute to their household economies. Men are the principally responsible for agricultural activities which include irrigating, cultivating, and for looking after the crops up to completion of harvest. The women support men in the family, in agriculture mainly during the cultivation time (weeding) and during harvest time. The women also contribute in processing (prevailingly with regard to their family's own products) of the agricultural products.

130. In case of purchasing food and clothes, the survey result shows that the majority of the decision is made by women. Men mainly decide if household devices, agriculture inputs and utensils or animals are to be purchased. The men are also the main decision makers for school enrolment for both boys and girls. The men control the major household assets. The man is the

owner of the house, agricultural land, farming equipment and animals (larger animals like cows, horses, and donkeys, and small animals like sheep and goats). Only chicken and ducks are often associated with the women who could on decode on these animals. For the LARP, the men will likely receive the cash compensation for affected assets.

F. Project Impact Assessment Surveys

131. Project impact identification and assessment related to population, land and land-based assets to be affected by the construction has been carried out through the field survey.

132. There are four major project impacts: (i) damages to crops, (ii) permanent losses of land, (iii) impacts on residences, and (iv) impacts on fruit and wooden trees. Due to the linear nature of the project impact, the households' income will not be affected severely for marginal losses of crops and trees.

CHAPTER 4

LEGAL AND POLICY FRAMEWORK

A. General

133. This LARP is prepared following the provisions of the land acquisition and resettlement framework (LARF) for the investment program prepared in October 2017. This chapter discusses the national legislation of Afghanistan and the differences and/or gaps in relation to the ADB safeguards. A synthesis of both systems of standards/safeguards is also provided in detail. A description of the various entitlements for different types of impacts and displaced persons is finally given.

B. Afghanistan's Legal Framework on Land Acquisition and Resettlement

134. The formal laws and policy most relevant to the acquisition of land and property for public interests and resettlement are:

- (i) The Constitution of Afghanistan (2004);
- (ii) Afghanistan National Land Policy (2007);
- (iii) Environment Law (2007);
- (iv) Access to Information Law (2014);
- (v) The National Policy for Internally Displaced Persons (2014);
- (vi) National Regulations for Environmental and Social Impact Assessment (2017);
- (vii) The Law on Land Acquisition (2017);
- (viii) Land Management Law (2017), replacing the Law on Managing Land Affairs (2008);
- (ix) Afghanistan National Land Policy (2018);
- (x) Presidential Decree on the Registration of Properties in Urban Informal Settlements (2018).

135. **The Constitution of Afghanistan (2004)** enshrines ownership of land and protects lands from seizure by the state unless made for the public interest and the owner is provided with fair compensation. It guarantees equality of rights and duties for men and women.

136. **The Afghanistan National Land Policy (2007)** aims to provide every Afghan with access to land, promote and ensure a secure land tenure system, encourage the optimal use of land resources, establish an efficient system of land administration and ensure that land markets are efficient, equitable, environmentally sound, and sustainable to improve productivity and alleviate poverty. The policy addresses a multitude of issues relevant to land tenure such as tenure insecurity, competing systems for characterizing land, the lack of equity, transparency and accountability in the distribution and acquisition of land, problems of integration between formal and informal systems, land grabbing, informal and unplanned developments, property rights protection mechanisms, dispute resolution, proof of rights to land; and overlapping and uncoordinated land management systems.

137. Development of the **Environment Law (2007)** was supported by the United Nations Environment Program (UNEP). It is based on international standards and requires the active consultation and involvement of local communities in decision-making processes relating to the sustainable use, rehabilitation and conservation of land, forests and other natural resources. The law states that APs must be given the opportunity to participate during each phase of a project. Proponents of development projects are required to apply for an environment permit

before implementation of the project by submitting an initial environmental impact assessment to the National Environmental Protection Agency (NEPA) to determine potential adverse effects and possible impacts. The law envisages a Board of Experts to review and assesses applications before a permit is issued.

138. **The Access to Information Law (2014)** is based on Article 50 of the Constitution of Afghanistan. It aims to increase the transparency and accountability of government and nongovernment institutions to citizens. It guarantees citizens' right of access to information, defines the responsibility of government and non-government organizations to provide information, and structures the public process of requesting information and the provision of information by government organizations. The law is based on the principle that all information held by the government is presumed to be public. The law does not apply to situations where access to information is harmful to others' rights or presents a risk to public security. The law stipulates that information disseminated by public authorities must be made in a way which is accessible to and useable by the public.

139. **The National Regulations for Environmental and Social Impact Assessment (2017)** indicate that the National Environmental Protection Agency (NEPA) is responsible for both social and environmental impact assessment. They set out the procedures for conducting environmental and social impact assessments (ESIAs). The regulations categorize projects according to their level of impact and detail the required processes for each category of project impact. The regulations require effective application of ESIA procedures and the monitoring of environmental and social management plans.

140. **The Law on Land Acquisition (2017)** replaced the Law on Land Expropriation (2009). Its objectives are to: (i) ensure fair compensation to of AP's properties; (ii) regulate the methods of determination of properties to be affected/acquired; (iii) Allow implementation of urban master plans and all other plans for projects of public interest; (iv) Determine the standards for appraisal of fair compensation for properties subject to acquisition; (v) Allow the transfer of government owned properties for the implementation of projects of public interest; (vi) Provide for resettlement of the owners of properties acquired as part of major national projects; (vii) Ensure that property owners and all other people affected by the process of expropriation are compensated; and (viii) Increase the positive impact of expropriation on people.

141. The law states that municipal authorities are responsible for enforcement of the law in areas covered by urban master plans, while the Afghan Land Authority (ARAZI), under the Ministry of Urban Development and Land (MUDL) is responsible for rural areas.³ Article 5 defines 'public interest' projects for which property and assets may be expropriated. Articles 9-12 define the responsibilities of the Expropriating Authority, APs and valuation committee. The law requires the establishment of a panel tasked with developing a bill of valuation for expropriated properties, and a resettlement committee, which are both headed by the provincial governor. It defines how different types of assets are to be valued and compensated, the timing of compensation payments and the procedures and responsibilities of the resettlement committee.

³ ARAZI was an independent department prior to 2019. In 2019, ARAZI was integrated to MUDL as a deputy section of the Ministry. ARAZI conserved its name, jobs and responsibilities in this process.

142. **The Land Management Law (2017)** is intended to replace the Law on Managing Land Affairs (2008), although it is still under discussion by the National Assembly. The law aims to create a legislated unified, reliable land management system with a standardized system for land titling, subdivision, and registration. Its goals include the prevention of illegal land acquisition and distribution, ensuring access to land for the people, and defining the conditions for the appropriation of lands. The law confirms that government lands are regulated by MUDL (ARAZI deputy section) and that public welfare projects on government lands must be approved by MUDL.

143. **The National Land Policy (2018)** deals with land tenure and land acquisition. It indicates that compensation for expropriated land or revocation of rights over land must be enforced by the law and conducted in accordance with the Constitution of Afghanistan. The law provides that property may only be expropriated through defined legal procedures for specific purposes and that no law may permit arbitrary deprivation of property rights. Monetary compensation for expropriated land is based on the value of the land prior to the announcement of the development project being pursued in the public interest.

144. **The Presidential Decree on the Registration of Properties in Urban Informal Settlements (2018)** provides an avenue for residents of informal urban areas to receive land occupancy certificates which legitimizes and guarantees residents' right to stay in their homes without the fear of eviction.

145. **Land:** All land in Afghanistan can be classified as privately owned, community owned, government owned, or publicly owned. These classifications are recognized by the 2007 National Land Policy. Properties owned by individuals, families or businesses are considered private land. Community land is property owned by communities which is equitably available for use by all its members. Government land includes registered government land which is used for the provision of public services, unregistered land which is "deemed public land" as well as land without proven individual ownership. Public land is land that belongs to the people of Afghanistan as a whole and is entrusted to the government for the benefit of all people.

146. Ownership is the most common type of tenure in Afghanistan. Ownership may be grounded in formal or customary law, and ownership rights can extend to all land classifications. Ownership confers the right of exclusive possession of land, and owners are entitled to use and dispose of land freely. The Law on Managing Land Affairs (2008) indicates that all land that has not been proven to be private is deemed government owned land. However, many disputes have arisen over government land because the definition of 'government land' remains unclear despite the various laws that have attempted to define it. A number of presidential decrees have expanded the type of land that the government can own and the distinction between government and publicly owned land has become unclear.

147. Leaseholds can be established between private parties, subject to requirements for written leases that detail the land and agreement of the parties regarding the length of the lease and payment terms. Private land leases are mostly governed by customary law. Landowners often contract with sharecroppers to cultivate land and the parties agree on terms regarding shares of the outputs and payment.

148. **Rights of Access.** The Law on Managing Land Affairs (2008) provides that lands such as pastures are public land which neither the state nor individuals can possess (except as otherwise provided by Sharia) and which must be kept unoccupied to allow activities such as grazing. Customary law allows individuals and communities to obtain exclusive or non-exclusive

access to such lands; however, such lands do not belong to them. Pasture lands are the most controversial type of land in Afghanistan and up to 70% of lands in the country are used for this purpose.

149. **Occupancy Rights.** In general, landholders in formal settlements have formal rights to the land they occupy. Occupants of informal settlements, including squatters, usually have some type of informal rights that are based on principles of customary law, the nature of the land, and the means by which the occupants took possession of the land, although these are limited. The 2007 Land Policy permits the regularization of rights to informal settlement holdings.

150. **Mortgage.** Formal and customary law recognize two types of land mortgage: (i) debt secured by the land, and (ii) a mortgage in which the lender remains the landowner until the borrower repays the debt. The latter is the most common type of mortgage in Afghanistan.

Land Registration

151. Land is registered by deeds which are formal legal documents that certify a person's ownership of a piece of land. A deed can be a court-registered proof of land ownership document, a government decree proving purchase of the land from the government, tax payment documents, water rights documents, registered customary deeds and formal titles. Court judges draft and archive deeds. Immovable property is also registered in land registration and taxation books. People can use land as collateral if they have a legal title or use it to prove ownership when claims or disputes arise.

152. While authorities have made a number of efforts to introduce a formal registration system in Afghanistan, only a third of the country's land has been surveyed. Only 10% of rural properties are covered by deeds, and archives are often outdated and inaccurate. As earlier systems were based on self-report rather than a cadaster, land is often underestimated or overestimated for tax reasons. The switch to a cadastral system with the 2008 Law on Managing Land Affairs did not resolve these problems as cadastral records and court-based records sometimes do not match.

153. Authorities have had difficulty with registering community owned lands and distinguishing between people who own and lease a particular land plot. As the land registration system has evolved over time, other ways have emerged apart from deeds to prove ownership. Ownership may also be proved through community certification, cadastral records, records from previous governments and customary documents such as bills of sale and purchase, wills, pawn agreements, plot subdivisions and witness accounts. Even if no documentary evidence of ownership exists, a person may claim land if they are putting it to productive use.

Land Acquisition and Resettlement

154. The Constitution of Afghanistan (2004), the Law on Managing Land Affairs (2008) and the Law on Land Acquisition (2017) entitle the Government of Afghanistan to acquire private or government- owned land for public purposes upon payment of fair market value. According to these laws, compensation is based on rates determined by the legally constituted resettlement committee. If a land and property are acquired by the government for public purposes, the owner is entitled to receive (i) the value of land; (ii) the value of residential houses and buildings; and (iii) the value of trees and orchards and other assets on the land. 55. A person, who loses his /her residential land plot, is entitled to receive a new plot of land of the same value. If they

wish, they can receive a residential plot on government property in exchange under proper procedures. Under current law, when private landholdings are acquired for public purposes, compensation is paid to the owner based on the category and location of the land and the value of land for compensation is determined by a valuation committee consisting of the following members:

- (i) The Provincial Governor, head of the Committee;
- (ii) The Mayor, deputy head of the Committee;
- (iii) Director of MUDL; (iv) Representative of cadaster survey of MUDL;
- (iv) Representative of Directorate of Agriculture, Irrigation and Livestock;
- (v) Representative of Directorate of Urban Development and Housing;
- (vi) Representative of Directorate of Justice;
- (vii) Representative of Directorate of Public Works;
- (viii) Representative of Mastofiat;
- (ix) Representative of Expropriating Authority; and
- (x) Representative of Afghanistan Chamber of Commerce and Industries.

155. The land acquisition process is initiated with the constitution of the committee by the provincial governor at the request of the IA. If APs and their legal representatives are not satisfied with the compensation for an expropriated property, they can present their objection to the Expropriating Authority within 60 days of being notified about their compensation, and the Expropriating Authority shall assess the appeal within 30 days. If the AP is still dissatisfied, the matter is referred to a jury consisting of (i) a representative of the relevant union of engineers; (ii) a representative of the Afghanistan Chamber of Commerce and Industries; and (iii) a representative of the people of the area subject to expropriation. The decision of the jury is final if the parties agree; otherwise the matter is referred to a competent court.

156. The whole process is based on a negotiated approach and the AP is included as a member of this legally constituted committee. The committee thus also performs the tasks of a Grievance Redress Committee (GRC).

157. Overall, the above laws/regulations provide that the principle of compensation at full replacement cost is reasonable and legally supported. The laws also identify the types of damages eligible for compensation and indicate that compensation is to be given both for loss of physical assets and for the loss of income.

Absent Affected People

158. Due to fragile and conflict situation (FCAS) in Afghanistan, there were number of cases where APs were not located and considered to be absent. For such cases, the LAL article 36 refers the expropriating agency to the relevant court to assign his/her trustee. Upon assignment of the trustee by the court, the valuation committee can proceed with the valuation process and the expropriating agency can proceed with expropriation. The expropriating agency is required to deposit the compensation amounts of these absentees in a government bank so that once they refer, they can receive their compensation.

159. The national legislation does not provide specific requirements on procedures for finding absent affected people. In this regard, as per local practice, executing agencies will be obliged to render all its substantive efforts including announcements through local newspapers, radios, mosques, CDCs and all other viable sources to locate the absent affected people.

160. Fair and replacement value compensation will be calculated based on market value on each case. Escrow account will be opened under each absent person's name or his/her representative's name and funds will be allocated prior to physical or economic impact. Escrow accounts will be kept active at least two years upon closure of this project.

Absence of Data on Affected Land

161. Transmission lines routes' often pass through remote areas where the government's control was not restored for several decades. This caused uncertainty in identification of state, private or other status of affected land within central land acquisition authorities (ARAZI/MUDL), local governments or communities residing near such affected land.

162. These land parcels will be registered at MUDL as per Afghanistan legislation and parcel number will be provided. Fair and replacement value compensation will be calculated based on market value on each case. Escrow account will be opened under each land parcel number and compensation funds will be allocated prior to physical or economic impact. Escrow accounts will be kept active at least two years upon closure of this project.

C. The ADB Safeguard Policy

163. The ADB Safeguard Policy Statement, 2009, applies to losses due both to physical and economic displacement caused by involuntary acquisition of land. The objectives of involuntary resettlement safeguard policy are to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. SPS IR safeguards is based on the following basic principles:

- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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 non-land assets.
- 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.
- 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.
- 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.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout subproject implementation.
- 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, and disclose monitoring reports.

D. Identification of Gaps between the ADB Policy and the Afghanistan Law

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

Table 10: Comparison of ADB Safeguard Policy Statement (2009) and the LAL of Afghanistan

| ADB SPS 2009 | Amended Land Acquisition Law (LAL, 2017) | Remarks/Agreed Reconciliation Measures |
|---|---|--|
| DPs are to be fully informed and consulted on compensation options. | The amended LAL provides for full information and compensation options to be discussed with the AHs. | No reconciliation required. |
| DPs should be compensated for all their losses at replacement cost. | LAR for public interest is to be compensated based on equal/fair value per current market rates. In case of residential land, land for land is offered, subject to availability and AH agreement. Affected crops and trees will be valued by the competent authorities. | The LARF specifies that affected land will be compensated at replacement cost, free of transaction cost, while buildings/structures are compensated without deducting for depreciation. Crops or trees will also be compensated in cash at replacement rates. |
| Lack of formal title should not be a barrier to compensation/rehabilitation. | The amended LAL provides for compensation to the users without any legal/formal documentation. | No Reconciliation required. |
| DPs should be timely compensated. | The amended LAL provides for compensation to be paid prior to commencement of project works. | The LARF provides for crops compensation whether they have been harvested or not to avoid civil works delays and pressures on land users to harvest a crop before it is fully ripe. Land users harvesting their crops after notification of the land occupation date will not lose any part of their due compensation. |
| DPs should be compensated and/or assisted, to guarantee at least the maintenance of their pre-project livelihood level. | Compensation at replacement rate will be given for land, house, crops, or trees losses. Compensation for income losses/relocation costs is not considered. | General rehabilitation for income losses and for relocation costs will be given if these impacts occur. |

E. Entitlements

1) Principles for Entitlement and Eligibility

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

- The negative impact on DP must be avoided or minimized as much as possible.
- Where negative impacts are unavoidable, the persons affected by the project and vulnerable groups will be identified and assisted in improving or regaining their standard of living.

- Information related to the preparation and implementation of the LARP will be disclosed to DPs and all key stakeholders and people participation will be ensured in planning and implementation.
- 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. DPs who neither have titles nor recognized or recognizable claims to land will be compensated for their structures and for other improvements to the land.
- 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 displaced by the project has been prepared and provisions will be kept in the budget for those who were not present at the time of census survey. However, people moving in the project area after the cut-off date will not be entitled to any assistance. In case of land acquisition, the date of notification for acquisition will be treated as cut-off date. For non-titleholders such as squatters and encroachers the date of project census survey or a similar designated date declared by the executing agency will be considered as cut-off date.
- Appropriate grievance redress mechanism will be established at the 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.
- Consultations with DPs will continue during the implementation of resettlement and rehabilitation works.
- Compensation and rehabilitation are to be provided before the land is acquired.
- DPs entitled to compensation or rehabilitation under the Investment Programs are:
 - All DPs with formal title, formal or customary deed, or traditional land right as vouched by the local Jirga, elders or Community Development Council;
 - Tenants and sharecroppers, whether registered or not;
 - Owners of buildings, crops, plants, or other objects attached to the land (including those with no legal rights to the land) and,
 - DPs losing business, income, and salaries (including those with no legal rights to the land).

166. Compensation eligibility will be limited by a cut-off date to be set on the completion day of the impacts' assessment and DP census. Additional cut-off dates will apply for currently unassessed areas upon completion of sectional implementation-ready LARPs. All DPs settling

in affected areas after that date and who cannot prove that they are displaced users of affected plots will not be eligible for compensation.

2) Entitlements and Valuation

167. DPs are entitled to various types of compensation and resettlement assistance as detailed below. Some of these impacts have not been noted in the preliminary assessment and may not be applicable for the transmission line component, but were included in case these are identified during the LARP finalization:

- **Acquisition of land** will be compensated at replacement cost either through replacement plots of similar value and condition or in cash based on replacement/current market to be approved by the council of ministers. DABS will shoulder all fees, taxes, and other charges, as applicable under relevant laws incurred in the acquisition and resource establishment.
- **Houses, structures and buildings** will be compensated in cash at replacement cost free of depreciation or transaction costs. Replacement costs are calculated in consultation with local governments, provincial DABS engineers and AP and will not include depreciation or salvaged materials which can be used for free by the AH. A lump sum shifting allowance of AF7,500 will be paid for each resettled AH in addition to building compensation.
- **Loss of crops** will be compensated at market rate of the crops lost.
- **Loss of trees** - Fruit bearing trees will be compensated at the value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same productive level of the tree lost. Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume. The compensation for the tree will be free of deduction for the value of the wood left to the AH.
- **Vulnerable households** – Vulnerable households (AHs below the poverty line, women household heads, mentally challenged headed households, etc.) will be provided an additional three months of average household income allowance (AF45,000) as assistance and will be given priority in employment in project-related jobs.
- **Severe agricultural land impacts** – When 10% or more 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** – AHs forced to relocate will receive a lump sum livelihood allowance of AF22,500.
- **Community structures and public utilities** – Will be fully replaced or rehabilitated so as to satisfy their pre-project functions.

168. The determination of replacement cost will be 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, in Afghanistan there may be situations where land or building markets are insufficiently developed and land sales prices are not systematically recorded. In these cases, valuation will be based on local government revenue rates and will then be negotiated with the local communities. The

replacement value rates payable to the affected households will be determined based on extensive consultations with the local Jirgas and the affected households. These negotiated rates will be adopted once endorsed by the Governor Office. The final LARP will detail the consultation and negotiation activities that led to the definition of the final land rates so as to document the fairness and transparency of the land valuation process and the final agreement of the HHs.

169. Compensation against losses and impacts will be provided in accordance with the entitlement matrix as provided in Table 12 below. This entitlements matrix contains provisions for the actual impacts of this subproject. Given the multi-phase nature of transmission line construction, this LARP aims to ensure that all impacts within the established RoW (currently defined as 25m on each side from the centre line) or Corridor of Impact (whichever the larger) are compensated prior to start of civil works. Compensation for crops and productive trees within the ROW/COI (in additional to those affected by tower foundations) will be provided prior to civil works.

Table 12: Entitlement Matrix⁴

| Item | Application | Eligibility | Compensation Entitlements |
|---|--|---|--|
| Permanent agricultural/ residential/ commercial land loss | Land affected by right-of-way (RoW) corridor of impact (Col) and tower locations (6,430m ² of land) | AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council ⁵ . | <p>Compensation at replacement cost either through replacement plots of same value or in cash based on full replacement cost based on fair market value to be negotiated and agreed with the AP and approved by the council of ministers. Replacement cost based on fair market value at a valuation date will be updated/adjusted as per market rate at compensation payment date.</p> <p>All fees, taxes or other charges, as applicable under relevant laws, are to be borne by the project.</p> |
| Structure loss | Residential/ commercial or auxiliary structures affected (4 AHs losing 567m ² of structures) | Owners of structures (including informal settlers) | <p>- Cash compensation for affected structure and other fixed assets at replacement cost of the structure free of depreciation, taxes/fees and salvaged materials.</p> <p>- Compensation for partial impact may be allowed if complied with building safety requirements and AP's will to keep the remaining structure, where replacement cost compensation will be provided for affected part of structure and replacement cost required to restore remaining structure, all free of depreciation, taxes/fees and salvaged materials.</p> |

⁴ All compensation rates (land and assets) will be re-assessed at the time of LARP update.

⁵ In case the users/possessors of lands do not have any valid paper evidence of ownership of the affected lands (traditional users), the AFG land management law requires that in such circumstance these lands of up to 0.2 hectares (5 Jeribs, 2,000sqm) of quantity will be considered the possessor's property and official deeds shall be issued to him/her provided that it meets the conditions such as: (i) the land is not registered as government land in the government records, (ii) there is no valid documents of ownership with any other person of that land (iii) there are visible agricultural and residential construction signs of the possessor and, (iv) neighboring plot owners confirm possession by the person for at least 15 years prior to 30 April 1978.

| Item | Application | Eligibility | Compensation Entitlements |
|--|---|---|---|
| | | | <ul style="list-style-type: none"> - Right to salvage material from demolished structure - Rental allowance of 6 months for loss of residential building |
| Crops losses | Crops on affected land (55 AHs losing crops – foundations and all remaining households affected by ROW/COI) | Owners of crops / sharecroppers | <ul style="list-style-type: none"> - Cash compensation equal to replacement cost of crop loss plus cost of replacement seeds and restoration of future crop activities (including any forgone harvests) Compensation is provided for all crops located within ROW/COI. |
| Trees Losses | Trees on affected land (12 AHs losing fruit and non-fruit trees and other households affected by ROW/COI) | Owner of trees (including informal settlers) | <ul style="list-style-type: none"> - Fruit bearing trees will be compensated at the market value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same production level of the tree lost and full replacement cost of a saplings for each grown tree. - Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume. - The compensation of the tree will be free of deduction for the value of the wood left to the AH. Compensation is provided for all affected productive trees located within ROW/COI. |
| Business losses | Permanent / temporary | Business / shop owners (including informal settlers) | <ul style="list-style-type: none"> - Owners: Business compensation based on monthly income from that business by month of business stoppage. The compensation for business loss will be calculated based on tax receipts or when these are not available based on fixed rates as per the average monthly income ^a -Employer: indemnity for lost wages of 3 months income -Employees: indemnity for lost wages of 3 months income to be paid directly to employee. |
| Transitional Allowance | Relocating households | All relocating households (including renters and informal settlers) | -Transitional allowance per household for livelihood losses at AF7,500 multiplied by 3 months = AF22,500 |
| Relocation Allowance | Relocating households | All relocating households (including renters and informal settlers) | -Relocation allowance per household of AF7,500 |
| Assistance to Vulnerable Affected Households | Affected by land acquisition, resettlement, etc. | AH which are: female-headed; poor (below poverty line) or headed by handicapped/ disabled persons | -Additional cash assistance equivalent to 3 months average household income at district level as per the national statistics |

| Item | Application | Eligibility | Compensation Entitlements |
|---|---|---|---|
| | | | data (AF45,000) -Preferential employment in project related jobs, if qualified for the position. |
| Severe Impact | Physical displacement 10% or higher loss of productive income source (e.g., land, structure, rental income, etc.) | All severely affected AHs including informal settlers | - Agricultural land impact: Additional crop compensation equal to one year yield from the affected land; - For other formalized non-agricultural impacts: an allowance covering 12 months net formalized income (tax or equivalent reports); or - For other non-formalized non-agricultural impacts: a fixed amount on the average 12 months net income of people residing in the relevant project areas. |
| Temporary land occupation/Temporary impacts on land | | Title holders (formal and informal) lease holders | -Additional compensation for 1 harvest (crops and productive trees) for all crops and productive trees within ROW/COI. - Complete plot rehabilitation/reinstatement . Tenants to share the lump-sum with land-use certificate holders as per their contract |
| Unidentified Impacts | | | -Unforeseen impacts compensated based on above entitlements and in accordance with SPS 2009 during project implementation by EA. |
| Impact on irrigation channels | Temporary or permanent loss due to the Project activities | Community/affected households | -Irrigation channels are diverted and rehabilitated to previous standards |
| Loss of community, cultural, religious, or Government sites | Temporary Or permanent loss due to the transmission line component activities | | Conservation, protection & cash compensation for replacement (schools, communal centers, markets, health centres, shrines, other religious or worship sites, tombs. Cash compensation for affected structures based on the above structures entitlements |

^a This fixed rate will be based on the average net income of project areas as determined by the surveys conducted during preparation of final LARP based on detailed design.

CHAPTER 5

CONSULTATION AND DISCLOSURE

A. Introduction

170. A consultation process was carried out with the potentially affected people/public along the transmission line routing from middle of the Uzbekistan–Afghanistan border river crossing (Amu-Darya River) near Khayraton bridge – Khwaja Alwan (Pul-Khumri) (the only project component where LAR-related impacts are expected). The objective was sharing of information related with the project planning and execution activities. The information shared included project activities and their expected impacts on the physical, biological and socioeconomic conditions. Accordingly, the concerns/issues of the affected population/locals associated with the project were documented and understood. Table 13 below shows number of AHs heads and female family members consulted, location and date:

**Table 13: Details of Consultation Meeting with the AHs
(photos of the consultation session is in the Annex 2)**

| Date | Number of Participants | Location |
|--------------|---|--|
| 21 Aug. 2019 | 65 (40 AHs including 12 women representing all the other AHs and 25 CDC members) | Community Develop Council (CDC) office in Hazrat Sultan locality |

Findings During the Consultation Meetings with the People and Governmental Offices of the Area:

171. At most of consultation meetings along transmission line route, the participants were asking similar questions like (i) Why the imported electric of Uzbekistan is being used instead of producing and constructing our own substations (ii) Will the compensation be enough for the loss of lands, **structures** and crops (iii) The new substation in Khwaja-Alwan will be able to provide enough power for the area?

172. In addition, the people were of the opinion that the electricity produced in Afghanistan would be cheaper than buying from other countries. This will affect savings in energy costs in our families. According to them, “in order to make our production system competitive we require cheap electricity so that we **produce** the goods and services cheaper than the world process and can compete with the imported goods and strengthen our country”.

173. Some of the affected people wanted to know about the norms decided for compensating different components. For instance, they wanted to know how land loss will be compensated, loss on standing crops will be estimated, damage to fruit and non-fruit trees will be evaluated and paid to the AHs etc. Their query also covered such areas as basis of determining dislocation compensation, **construction** loss, if the compensation amount would be adequate or not and how compensation will be released and the process of receiving the compensation.

Answer to the Questions of People:

174. In response to their questions, it was explained that this is a capital-intensive project and it would require time to complete the construction process.

175. The extension of these lines is necessary to carry electricity through these lines. In addition, these lines would smoothly transmit power from one part to another part of Afghanistan. "Through these lines we would even be able to supply electricity to the neighboring provinces". Through all these clarifications, it was possible to draw people's attention to the main points of the proposed project and win their trust and confidence.

176. Regarding the compensation given to the affected people, the citation was made to the previous projects funded under ADB assistance, and how ADB has devised transparent policy, oversight and how they monitor release of such payment was explained to them to their satisfaction. In addition, it was also mentioned that the process generally involves time as ADB has a process in place and they carry out complete due diligence and upon their satisfaction, clearance is given for full release of compensation.

177. In the meeting, adequate explanation was given to the participants about the compensation policy and norms of compensation of ADB. Furthermore, the experiences from other completed ADB project regarding the compensation money was fully explained to the participants. It was clarified that the compensation money was paid in a very clear and transparent manner; compensation package was estimated on the basis of norms decided component wise, which has again been decided by taking into account prevailing market rates and replacement cost.

178. The consultation meeting was very helpful as both sides discussed issues in a free and frank environment, appreciating each other's perspectives. For the AHs, it was an opportunity wherein they could escalate their worries, concerns and more importantly, desired to know about the project, appreciated the economic benefit that the project would make in individual life as well as for the country as a whole. Regarding the compensation package, they required clarities, wanted to know ADB policies of compensation packages—all these were explained.

179. The participants appreciated the utility of such infrastructural project, economic benefit that it would generate in the society which were the positive take away messages. Alongside, it was emphasized that the cooperation of the local people is a must, and government too has important role to play to make the project implementation a smooth experience.

B. Identification of Stakeholders

180. Possible stakeholders of the project are: The Ministry of Agriculture, Irrigation and Livestock, the Ministry of Rural Rehabilitation and Development, the, Community Development Councils (CDCs) and the National Area Based Development Program developed by District Development Assemblies.

181. In addition, the local government, local electricity departments and the Departments for Women's Issues at provincial level are quite active and it would be possible to involve them in supporting the project. Local units of DABS and the Ministry of Energy are the overall responsible organizations for all electricity-related issues—planning, execution of the project, operation and maintenance of the existing properties. They are also key players when addressing supply side issues and resolving conflicts.

182. In general, when it comes to identifying impact of the project, the primary stakeholders are the people in the districts of these 3 provinces who are affected in different ways, type of losses, compromises and adjustments to be made during the construction phase of the project. Most negative impacts are small and short term so that the positive impacts of the project will most probably compensate the people for the nuisance caused by the civil works (apart from the compensation payment for losses).

C. Stakeholder Consultation

183. During the field survey, some meetings were held with people along the line corridor with regional and local stakeholders from 3 provinces. At the same time, information on the project was provided to those stakeholders who, until that point, had not been informed, formally. During the sessions, scope of the project was explained to the stakeholders and their cooperation with the project was solicited. Further, details were shared with all the stakeholders about the compensation payments to the AHs as per ADB policy, tentative timeline of the project commencement and they were informed of the next steps which will include conduct of detailed surveys and consultations with the AHs in order to update/finalize the LARP for payment of their compensation. The stakeholders welcomed the government and ADB efforts in constructing the transmission line and involving and consulting them prior to project commencement.

D. Results from the Preliminary Consultation Process

184. When asked who should organize the valuation of losses, fix the compensation, and conciliate in case of grievances, most people favored either the traditional (tribal) Shura or the government established Shura. In some cases, Community Development Councils (CDC) were also mentioned.

185. The predominant concern is that the future supply would not be fair (i.e. that their village would not be included in the public network - as it had been left out once before). Some groups expressed the fear that "compensation payments would not be made at all, or that the compensation money would not cover losses adequately".

186. The majority of the people would not have any problems with land acquisition and compensation procedures. However, they all pointed out that there were vulnerable households living in their communities (not affected by the ROW though).

187. The transmission line route passes through some villages of Samangan province affecting 4 structure below the transmission line and need to relocated due to electromagnetic field impact on the health of the residents.

188. Consulting meetings were held and the list of consultations conducted along the transmission line route including the number of participants is provided in (Annex 2).

E. Conclusions and Further Proceedings

189. One understanding and conclusion that the consultation efforts and social survey enabled is that the preparation and implementation of draft and final the land acquisition and resettlement process will ensure women involvement throughout the process As far as security conditions permit, for integration of female staff members into the contractor's and the

consultant's team, contacts with women as land owners and women as heads of households in general will be made by female social experts.

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

- With the start of the final HVTL design with the Detailed Measurement Survey, a leaflet will be prepared by the PMO DABS with assistance from the project supervision consultant mentioning summary of land acquisition and compensation process (including the grievance redressal mechanism and all addresses of concerned institutions) and distributed to all persons identified as owners of affected land and other properties. A draft leaflet is shown in Annex 1.
- The involvement of the affected population and their representatives will be ensured by their participation in the Provincial Valuation and Compensation Committees (PVCC). After agreement of the LARP between DABS and ADB, the approved LARP will be uploaded onto the homepage of ADB and will be made available in the local offices of DABS in local language.
- DABS will also on a parallel way provide a translation of the summary of the principles of the LARP, and the land acquisition and compensation process to the concerned district administrations for further distribution to the possibly affected communities.

191. Apart from the institutional participation of representatives of the population, all affected persons are encouraged to apply to the PMO and their Due Diligence Team (DDT) about any matter related to the project that they might have. Phone numbers and other information about the concerned institutions will be provided in the project leaflet mentioned above.

F. Grievance Redress Mechanism

192. In accordance with ADB safeguards, care will be taken under the project to minimize escalation of grievances. This is all the more necessary since Afghanistan is already labeled as "conflict" and requires special attention to avoid any further emergence of conflicts.

193. Prevention of grievances will be achieved mainly through careful land acquisition design and implementation, by ensuring full DPs participation and consultation; and by establishing extensive communication and coordination between the community, the PMO and their consultants and coordinators, and the local governments. By including women in the team, implementation of the land acquisition and resettlement (and compensation) process will be made gender-sensitive and culturally adapted.

194. Notwithstanding the above safeguard and protocol, complaints are sometimes unavoidable. For instance, it is possible that understanding of the value of losses and consequently of compensation payment could arise. Therefore, a grievance redress mechanism is being adopted for the project to allow the DP the opportunity to appeal against any disagreeable decision, practice or activity arising from valuation of losses and the compensation/rehabilitation process. Efforts to make DPs fully informed of their rights and of the procedures for addressing complaints will continue during the updating of the LARP and at the time of compensation.

195. The various queries, complaints and problems that are likely to be generated among the DP and that might require mitigation, include the following:

- DP not listed as affected
- Losses not identified correctly
- Compensation/assistance considered inadequate or not as provided by the entitlement matrix
- Dispute about ownership
- Internal dispute amongst owners, leaseholders, and /or sharecroppers
- Delay in disbursement of compensation payments/assistance
- Improper distribution of compensation payments/assistance in case of joined ownership of land and other properties
- Rehabilitation work not properly done by contractor.

196. Complaints and grievances will be addressed through the following steps and actions. However, such steps shall not prevent any complainant to seek redress of his or her complaint directly to the court. These are only offered as an alternative complaint resolution.

197. **First Step:** A Grievance Redress Committee (GRC) will be established for each concerned district during the conduct of detailed measurement surveys and consultations for update/finalization of the LARP which will occur after completion of detailed design. It would include two members of the community along the HVTL corridor (preferably one DP and one non-directly affected person from two different villages concerned) to be elected by the regional jirga, one representative of the district governor with juridical experience, one representative of the concerned district DABS office, and one representative of a regionally active NGO (who will act as a civil society organization), preferably with experience in mediation/conflict management. Subject to agreement of the local communities, the GRC will include a few female representatives in order to ensure full access of the women to the GRC and convenient resolution of their grievances.

198. The committee will be chaired by the representative of the concerned district governor. Grievances should be sent in written form to the committee and must be heard and resolved within 21 days of submission of the complaint.

199. **Second Step:** If the district-level GRC is unable to resolve the grievance within a 21-day period, the complaints should be presented via the local DABS representative to the DABS General Manager at the central level. The elected representatives of the DP at the provincial level will have the opportunity to mediate by providing their written comments and proposals to the manager. A final decision will be made by the Director of DABS after the assessment of the case and a careful preparation of the decision by the PMO representative. Grievances should be sent in writing and must be heard and resolved as soon as possible on the spot or within 14 days of submission of the complaint.

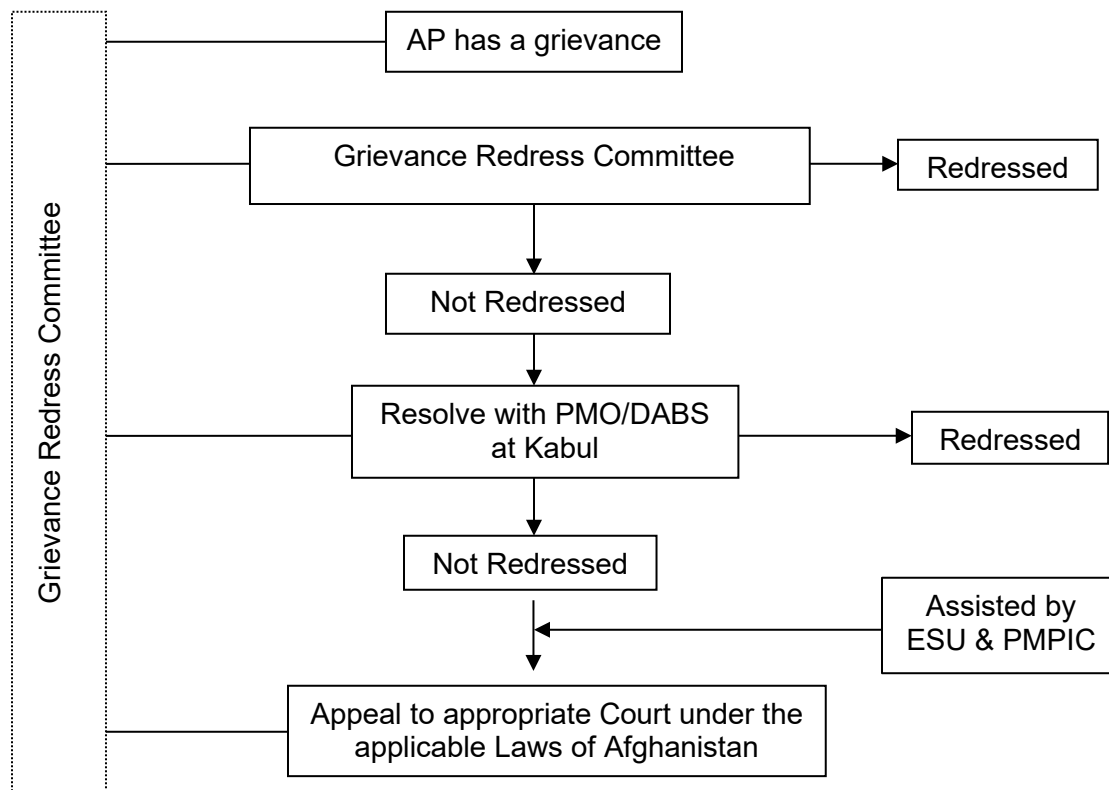
200. While applying for Grievance Redress Mechanism, the DP can seek support from the representative of the coordinator who may also be assisted by the national and international consultants. The contact addresses/phone numbers will be disseminated via the project information leaflet to be distributed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

201. If the cause of a grievance is the contradiction between traditional law and modern legislation, the DP may also seek support from the local Jirga and/or from elders which may hear the legal position of the DP.

202. If the issue or complaint remains unresolved through the grievance redress mechanism, the case can be referred to the appropriate court for resolution.

203. The PMO will design a pro-forma letter to be used for filling complaints. A representative of the coordinator or a member of the DDT will help in filling the form and transmitting it to the appropriate committee/authority and will assist the DP at every stage of the complaint process.

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



G. Income Restoration and Rehabilitation

205. The initial assessment shows that the impact of the transmission line component on the income of most AHs is negligible and can be covered by the compensation for loss of assets.

206. Households below the poverty line and otherwise vulnerable households and households losing significant income due to the loss of trees and crops may lose their livelihood base if impacted by the project / loss of land or relocation. In this case, a special livelihood support program may be considered.

207. So far, not a single case has been identified where a business could be affected, and the probability that the final design may result in more losses than estimated (exceptional cases) is very low. However, only 4 HHs are likely to be displaced from their residences which will be considered to be avoided or decreased through design options in detailed design stage. In case this impact cannot be avoided, the dislocation allowances provided in the entitlement matrix should be sufficient to help these AHs to cope with resettlement to the new locations where they would propose to be relocated. This needs to be ensured through adequate/routine consultations with the AHs and monitoring of the process by DABS and the project supervision consultant.

H. Institutional Arrangements

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

1) Da Afghanistan Breshna Sherkat (DABS)

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

- Ensure availability of a budget for LAR activities;
- Select and appoint organizations and consults for specific activities;
- Coordinate with line departments, implementing organization and the Construction Supervision Consultant (CSC);
- Train resettlement team; and,
- Manage tasks involving local or central government or the affected communities *Shuras*.

210. The EA staff dealing with LAR impacts will require further training on safeguards issues. This will be provided by the project supervision consultant's national and international resettlement specialists.

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

212. **If upon completion** of: (a) detailed measurements, census and all other required safeguards surveys as per ADB SPS 2009; and (b) all necessary actions required under Afghanistan law to identify affected property and verify ownership of such property, **DABS will not be able**: (i) find information about owners of some land parcels (list will be provided); and

(i) find owners of land parcels, which were declared missing/disappeared as per Afghanistan legislation requirements, **DABS and MUDL** will open escrow accounts in one of private banks of Afghanistan, where compensation funds, calculated as per final LARP, will be transferred to individual accounts: (1) based on cadastre number of affected land parcel for cases, where affected property owner was not identified; (2) name of the owner of affected land that is declared missing/disappeared.

213. Third Party monitor's verification: In addition to the proposed sectional solution, TPM will be hired to go to the field and verify the above listed. Though, it is a category B project and external monitors are not required under ADB SPS 2009, this is an attempt to cover the information gap due to limited access to project site areas.

2) The Construction Supervision Consultant (CSC) and Contractor

214. Da Afghanistan Breshna Sherkat (DABS) is the implementing agency (IA) for the project and the primary responsible for LAR planning, implementation and **financing**. The LARP will need to be updated by DABS with assistance from the construction supervision consultant and contractor upon completion of detailed design. DABS will ensure that contract with CSC and contractor will include all necessary provisions ensuring CSC and contractor's compliance with ADB Safeguards Policy Statement 2009 requirements. DABS will

215. For "civil works" type of contract: (i) no civil works contract will be awarded prior to acceptance of LARP by ADB, and (ii) no civil works will commence prior to submission and acceptance of compliance report by ADB, confirming that compensation payments and other entitlements have been provided to affected persons as per final disclosed LARP.

216. For "design and build" or "turnkey" type contract, where contractor is also responsible for finalizing project design, DABS will ensure that such contract expressly provides that the commencement of the installation and construction phase for any section or part of project site works is strictly conditional upon issuance by DABS of a notice to commence such section or part of such works.

217. Sectional project site handover for commencement of works will be adopted and reflected in bidding documents with a preliminary schedule of works commencement. Final schedule of sectional project site works commencement will be agreed between engineering, resettlement and other teams of DABS, PMO, CSO and contractor upon mobilization of CSO and contractor. Schedule dates for works commencement will reflect timelines required for: (i) finalizing project design and conducting meaningful project consultations; (ii) allocating funds for LARP implementation and updating LARP as per final project design, its acceptance by ADB and disclosure; (iii) submission and acceptance of compliance report by ADB, confirming that compensation payments and other entitlement have been provided to affected persons in accordance with the LARP. Refer to LARP Implementation Schedule Section for the detailed discussion of the site handover procedure.

3) Provincial Valuation and Compensation Committee under MUDL/ARAZI

218. The assessment of all damages and losses will be done and the valuation of compensation will be decided by the Provincial Valuation and Compensation Committee (PVCC) in consultation with APs. The Committee would consist of the following members (i) one representative of the Province governor responsible for land affairs; (ii) one representative of the

PMO (preferably a member of Due Diligence Team); (iii) one representative of the coordinator/facilitator; (iv) one representative of the land users where lands are taken permanently or temporarily; (v) one representative of the District *Jirga*, preferably coming from the most relevant District regarding land acquisition of the respective Province; and (vi) one representative of the contractor, responsible for the identification of losses, is also a member of the sub-commission without right to vote. During project implementation land ownership documents and valuations will be approved by administrative meeting of provincial governor.

4) Other Agencies and Institutions

219. Several other agencies and institutions would have a role in the preparation and implementation of the LARP. These are:

- **Community Shuras, Local Jirgas and Community Development Councils.** These local entities will assist in various ways the communication between DABS and the affected communities. This includes facilitating public consultation, monitoring the management of complaints and grievances, vouching as needed for the land occupation status of the APs and assisting in the definition of land compensation rates where no clear land markets are established.
- **Provincial Governments.** This entity will ensure government functions at the provincial level, and following the land valuation survey or negotiation, will provide official endorsement of land compensation rates.
- **Ministry of Finance (MOF).** The MOF will be responsible to Execute the grant agreement and coordinate overall project activities between various stakeholders.
- **Women's groups** may be an additional stakeholder if present in the districts. They may support the team of coordinator and constructor in direct information, consultation, and negotiation with women. This will only be applied if such women's groups exist in the neighborhood of the women affected by the project so that they know their situation and have close contact with them.

5) Capacities of DABS/PMO and Training Requirements

220. The capacity of DABS and especially PMO regarding three key components of adequate project planning and implementation is relatively low. They are identified as:

- Participatory planning, implementation and monitoring of projects has, at least so far, little relevance in the day-to-day business;
- Communication techniques are poor, and
- Involvement of women in projects is not sufficiently represented.

221. Especially, a gender-sensitive implementation would require inputs from the side of the international consultant and resettlement specialist and their national counterparts. The IRS will be recruited under the project supervision consultant's team and will be the primary person updating and preparing the sectional LARPs taking into account all the requirements of the SPS. The PMO team will be provided on-the-job training by the IRS on conduct of surveys and consultations and preparation of LARP. This will be included in the ToR of the IRS. DABS will hire a designated involuntary resettlement specialist at PMO level and at least two district-level specialists to assist PMO in LARP implementation.

CHAPTER 6

RESETTLEMENT/COMPENSATION BUDGET

A. Basic Provisions

222. Funds for the implementation of the LARP are part of the overall project budget. In this chapter, the budget is indicated in a preliminary manner based on a rough calculation of the number and type of transmission towers to be constructed, at the estimated market price of 2019 (current price) of major crop (wheat) grown in the two provinces to be covered by the transmission line, and the value of other assets to be lost as has been described in the LARF.

223. The budget includes administration charges, inclusive of fees for the coordinator, contingencies, and monitoring expenses.

224. Due to the preliminary status of the design for the transmission line, only very rough estimations of land acquisition and resettlement costs can be provided. The cost of LARP implementation will be finalized after the elaboration of the final engineering design by the contractor and the Detailed Measurement Survey.

225. DABS will ensure funds availability upon finalization of this LARP based on detailed design.

B. Compensation for Permanent Land Losses

226. The total permanent private lands requirement for towers will be 6,430.00 m². The agricultural lands were divided into 3 categories for valuation. This includes (i) fully-irrigated agricultural lands (1,430m² affected) (ii) less-irrigated agricultural lands (1,980m² affected) (ii) non-irrigated agricultural lands (2,520m² affected) and (iv) residential lands (500m² affected). The valuation process included consultations with various landowners and assessment of land transactions in the area.

227. 4 AHs owning residential structures located on agricultural land plots were preliminarily calculated in this LARP. Final design will attempt to avoid any impacts on land plots in residential areas. In case, if this will not be possible, such ROW restriction impact on such land will be calculated based on replacement cost at market value.

Table 11: Compensation for Permanent Land Losses

| Type of Land | Rate (AF per m ²) |
|------------------------------------|-------------------------------|
| Agricultural lands | |
| Category 1 (1,430 m ²) | 320 |
| Category 2 (1,980m ²) | 200 |
| Category 3 (2,520m ²) | 120 |
| Residential land | |
| Residential land | 320 |

C. Compensation for affected structures

228. Structure loss valuation was done based on 'replacement cost' free of depreciation. Replacement costs are calculated in consultation with the local governments and provincial DABS personnel. The replacement costs are arrived at by assessment of market value for replacement of structures and include costs of material, labour and transport.

Table 12: Compensation for Affected Structures

| Item (structure) | Unit | Rate (AF) |
|-----------------------------------|----------------|-----------|
| Houses/Buildings (Mud/brick/wood) | m ² | 500 |
| Perimeter Walls (Mud/Brick/Wood) | m ³ | 67 |

D. Compensation for crops

229. Compensation for crops was valued based on market value of affected crop and on the basis of per sqm productivity of land. As per the assessments conducted, from each sqm of land, 1–2 kg of wheat can be harvested. So, on average, 1.5 kg of wheat per each m² of land was calculated. These include impacted crops on and between tower foundation within ROW of the preliminary design of TL route.

Table 13: Compensation for Crops

| Affected area of crops (Wheat) m ² | Rate (AF) |
|---|-----------|
| 1,880.00 | 20 |
| 10,000.00 (other crops) | 20 |

E. Compensation for trees

230. Fruit bearing trees were valued at the value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same productive level of the tree lost. Non-fruit bearing trees were valued at the commercial value of the wood x its volume. There are 172 number of fruit trees and 83 non-fruit trees. The assessed rates for the various affected trees range from AF4,000–AF8,000. These include impacted trees on and between tower foundations within ROW of the preliminary design of TL route.

F. Allowances

231. Relocation Allowance: The 4 AHs who will need to be relocated, will be provided a lump sum amount of AF7,500 per AH.

232. Transitional Allowance: The 4 who will need to be relocated, will also be provided a lump sum amount of AF22,500 per AH.

233. Vulnerable AH allowance: The 27 AHs who were considered to be below poverty line, will receive a lump sum allowance of AF45,000 per HH.

234. Temporary impact allowance: This allowance is to be paid to all APs with crops and productive trees within ROW/COI. The allowance is equal to 1 additional harvest (based on crops and productive tree yields).

G. Income Restoration

235. Following completion of detailed design and DMS, if any significant impact on households incomes, or severe impacts on the livelihood of vulnerable households is identified, appropriate measures including budgetary provisions will be determined during the update of LARP. An additional severe impact allowance and income restoration measures will be provided based on a detailed assessment.

Table 17: Summary of Total Cost

| Land (A) | Affected Area/m2 | Unit Rate | Amount (AF) | Amount (\$) |
|--|-------------------------|------------------|----------------------|--|
| 1- Private Land | | | | |
| Agricultural irrigated land | | | | |
| First Category | 1,430.00 | 320.00 | 457,600.00 | 5,720.00 |
| Second Category | 1,980.00 | 200.00 | 396,000.00 | 4,950.00 |
| Third Category | 2,520.00 | 120.00 | 302,400.00 | 3,780.00 |
| Residential Land | 500.00 | 320.00 | 160,000.00 | 2,000.00 |
| Subtotal | 6,430.00 | | 1,316,000.00 | 16,450.00 |
| Structure (B) | Affected Area | Unit Rate | Amount | |
| Houses/Buildings (Mud/brick/wood) | 432 | 2,500 | 1,080,000.00 | 13,500.00 |
| Houses/Buildings (Mud/brick/wood) | 68 | 10,000 | 680,000.00 | 8,500.00 |
| | 500 | | 1,760,000.00 | 22,000.00 |
| Walls | Affected volume | Unit Rate | | |
| Perimeter Walls (Mud/Brick/Wood) | 49 | 300 | 14,700.00 | 183.75 |
| Perimeter Walls (Mud/Brick/Wood) | 18 | 1,000 | 18,000.00 | 225.00 |
| Subtotal | 67 | | 32,700.00 | 408.75 |
| Trees (C) | Affected Area | Unit Rate | Amount | |
| Nonproductive Trees | 83 | 4,000 | 332,000.00 | 4,150.00 |
| Productive Trees | 172 | 8,000 | 1,376,000.00 | 17,200.00 |
| Productive Trees (ROW) | | | | Not known (covered under contingency) |
| Subtotal | 255 | | 1,708,000.00 | 21,350.00 |
| Crops Loss (D) | Affected Area | Unit Rate | Amount | |
| Crops (foundations) | 1,880 | 20 | 37,600.00 | 470.00 |
| Crops (ROW) | 500,000.00 | 20 | 10,000,000.00 | 125,000.00 |
| Subtotal | 501,880 | | 10,037,600.00 | 125,470.00 |
| Allowance (E) | Household /Area | Unit Rate | Amount | |
| Transitional Allowance | 4 | 22,500.00 | 90,000.00 | 1,125.00 |
| Vulnerable AHs allowance | 27 | 45,000.00 | 1,215,000.00 | 15,187.50 |
| Relocation AH Allowance | 4 | 7,500.00 | 30,000.00 | 375.00 |
| Temporary Impact allowance (crops plus productive trees) | | | 10,000.000 | 125,000 |
| Severe impact allowance | | | | Contingency |
| Subtotal | | | 7,711,000.00 | 96,387.50 |
| Total (A+B+C+D+E) | | | 22,565,300.00 | 282,066.25 |
| Other Cost | | | | |
| LARP Operation cost 0% | | | 2,256,530.00 | 28,206.63 |
| External monitoring | | | 1,000,000.00 | 12,500.00 |
| Contingencies cost 20% | | | 4,513,060.00 | 56,413.25 |
| Subtotal | | | 7,769,590.00 | 97,119.88 |
| Total Project Cost | | | 30,334,890.00 | 379,186.13 |

CHAPTER 7

IMPLEMENTATION SCHEDULE

236. DABS will ensure that bidding documents for contracts with CSC and contractor will include all necessary provisions ensuring CSC and contractor's compliance with ADB Safeguards Policy Statement 2009 requirements and institutional arrangements provided in this draft LARP.

237. For "design and build" or "turnkey" type contract, where contractor is also responsible for finalizing project design, DABS will ensure that such contract expressly provides that the commencement of the installation and construction phase for any section or part of project site works is strictly conditional upon issuance by DABS of a notice to commence such section or part of such works.

238. The following describes a sectional handover procedure to be applied for the purposes of LARP implementation under this project:

- (i) After determining the number of sections along the TL alignment based on detailed technical surveying, the EA will prepare a sectional implementation-ready LA.
- (ii) RP based on DED for a corresponding section. The EA will advise ADB on the number of sections for each TL alignment/component. The DED will establish a corridor of impact for a section or apply a standard 50m ROW (whichever is larger) to be applied for identifying all entitled affected persons for the purposes of LARP compensation. The EA will ensure that the contractor's terms of engagement and work schedule will reflect the sectional site handover procedure. The EA will include mandatory safeguards benchmarking as part of contractor's monthly progress report.
- (iii) The EA will seek ADB's clearance for each implementation-ready sectional LARP.
- (iv) The EA will implement a sectional LARP and commission a LARP compliance report for the corresponding section.
- (v) EA will issue notice to proceed for civil works within a section on the basis of ADB's clearance of a sectional LARP compliance report for the current section.
- (vi) Issuance of the notice to proceed for civil works on the subsequent sections will follow the same procedure for LARP preparation, implementation and clearance of a LARP compliance report.
- (vii) The EA will procure services of a qualified external monitor to validate LARP implementation on all sections and prepare LARP compliance reports, for further submission to ADB in order to obtain ADB's no objection for issuance of a notice to proceed to a contractor.

239. Sectional project site handover for commencement of works will be adopted and reflected in bidding documents with a preliminary schedule of works commencement. Final

schedule of sectional project site works commencement will be agreed between engineering, resettlement and other teams of DABS, PMO, CSC and contractor upon mobilization of CSC and contractor. Schedule dates for works commencement will reflect timelines required for: (i) finalizing project design and conducting meaningful project consultations; (ii) allocating funds for LARP implementation and updating LARP as per final project design, its acceptance by ADB and disclosure; (iii) submission and acceptance of compliance report by ADB, confirming that compensation payments and other entitlement have been provided to affected persons in accordance with the LARP.

240. Where applicable, for “civil works” type of contracts, including subcontractors’ contracts: (i) no civil works contract will be awarded prior to acceptance of LARP by ADB, and (ii) no civil works will commence prior to submission and acceptance of compliance report by ADB, confirming that compensation payments and other entitlements have been provided to affected persons as per final disclosed LARP.

Table 14: Schedule for Contract Award, Finalizing Design and LARP, Submission of Compliance Report and Works Commencement

| LARP Implementation Tasks | Dec 2019 | March 2020 | April 2020 | May 2020 | Jun. 2020 | July. 2020 | Aug. 2020 | Sep. 2020 |
|--|----------|------------|------------|----------|-----------|------------|-----------|-----------|
| Tentative contract award of design and build or turnkey contract | — | | | | | | | |
| Detailed design completion | | — | | | | | | |
| LAR field surveys and consultations | | | — | | | | | |
| LARP update and finalization based on detailed design | | | | | — | | | |
| DABS review of final LARP | | | | | | — | | |
| Approval of LAR budget by DABS and MoF | | | | | | — | | |
| ADB review of final LARP | | | | | | — | | |
| Final LARP disclosure | | | | | | — | | |
| LARP implementation and compensation payment | | | | | | | — | |
| Grievance Redress | — | — | — | — | — | — | — | — |
| Notice to proceed for civil works in LAR sections | | | | | | | — | |
| Monitoring: Monthly and Quarterly Progress Reporting | | | | | | | — | — |

CHAPTER 8

MONITORING AND EVALUATION

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

A. Internal Monitoring

242. Internal monitoring will be conducted by the PMO. Monitoring and evaluation (M&E) reporting will cover the following:

- Compliance with land acquisition and resettlement compensation policies;
- Adequacy of the organizational mechanism for implementing the LARP;
- Fair and judicious handling of complaints and grievances;
- Compensation payments to AP made as mandated by the LARP,
- Success in restoring the APs incomes to pre-project levels; and
- Grievance cases.

243. Monitoring will be carried out on a monthly basis by the PMO and will be reported to ADB on quarterly basis. The PMO will be responsible for determining if any follow-up actions are necessary and ensuring these actions are undertaken.

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

B. External Monitoring

245. DABS will appoint an independent external monitor (EM) for external monitoring of sectional LARP implementation and preparation of sectional LARP compliance reports as well as routine bi-annual safeguards reports. External monitoring will cover all aspects of LARP implementation. For external monitoring a third party firm or individual consultants will be engaged. Notice to Proceed to Contractor will be conditional upon implementation of sectional LARPs as verified by a compliance report submitted by the External Monitor. ADB will review such compliance reports to provide its no objection for issuance of Notice to Proceed. 10% of overall LARP budget have been included for these and other services required for finalizing LARP at the detailed design change. Also, project institutional arrangement funds will be allocated for these services, if needed.

C. Reporting

246. Quarterly safeguards monitoring reports will be submitted to ADB along with regular progress reports. The monitoring reports will be posted on ADB website, and relevant information from these reports will be disclosed in the project areas in local languages.

Annex 1: Project Information Leaflet

Islamic Republic of Afghanistan: Regional Power Interconnection funded by the Asian Development Bank

Executing Agency: Da Afghanistan Breshna Sherkat (DABS)

Expected Implementation Period: 2020–2021

Project Description: The principal goal of the construction of OHTL 500 kV SS «Surkhan» - SS «Pul-e-Khumri» (Khodja-Alwan) is to secure export capacity in scope 1000 MW of electricity from the Republic of Uzbekistan (RUz) towards the Islamic Republic of Afghanistan (IRA), to increase stability Afghanistan power grid system, to release limitation of power transfer to the North grid system of Afghanistan, to provide electricity for new open end-users of the region, to increase efficiency and secure power supply to industries and population.

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

- With the start of the final HVTL design with the detailed measurement survey, a leaflet will be prepared by the PMO DABS with assistance from the project supervision consultant mentioning summary of land acquisition and compensation process (including the grievance redressal mechanism and all addresses of concerned institutions) and distributed to all persons identified as owners of affected land and other properties. A draft leaflet is shown in Annex 1.
- The involvement of the affected population and their representatives will be ensured by their participation in the Provincial Valuation and Compensation Committees (PVCC). After agreement of the LARP between DABS and ADB, the approved LARP will be uploaded onto the homepage of ADB and will be made available in the local offices of DABS in local language.
- DABS will also on a parallel way provide a translation of the summary of the principles of the LARP, and the land acquisition and compensation process to the concerned district administrations for further distribution to the possibly affected communities.

Expected Impact and Indicative Entitlements:

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

Entitlement Matrix⁶

| Item | Application | Eligibility | Compensation Entitlements |
|---|--|---|--|
| Permanent agricultural/ residential/ commercial land loss | Land affected by right-of-way (RoW) corridor of impact (Col) and tower locations (6,430m ² of land) | AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council ⁷ . | <p>Compensation at replacement cost either through replacement plots of same value or in cash based on full replacement cost based on fair market value to be negotiated and agreed with the AP and approved by the council of ministers. Replacement cost based on fair market value at a valuation date will be updated/adjusted as per market rate at compensation payment date.</p> <p>All fees, taxes or other charges, as applicable under relevant laws, are to be borne by the project.</p> |
| Structure loss | Residential/ commercial or auxiliary structures affected (4 AHs losing 567m ² of structures) | Owners of structures (including informal settlers) | <p>- Cash compensation for affected structure and other fixed assets at replacement cost of the structure free of depreciation, taxes/fees and salvaged materials.</p> <p>- Compensation for partial impact may be allowed if complied with building safety requirements and AP's will to keep the remaining structure, where replacement cost compensation will be provided for affected part of structure and replacement cost required to restore remaining structure, all free of depreciation, taxes/fees and salvaged materials.</p> <p>- Right to salvage material from demolished structure</p> <p>- Rental allowance of 6 months for loss of residential building</p> |
| Crops losses | Crops on affected land (55 AHs losing crops and those affected by ROW/COI) | Owners of crops / sharecroppers | <p>- Cash compensation equal to replacement cost of crop loss plus cost of replacement seeds and restoration of future crop activities (including any forgone harvests)</p> <p>Compensation is provided for all crops located within ROW/COI.</p> |

⁶ All compensation rates (land and assets) will be re-assessed at the time of LARP update.

⁷ In case the users/possessors of lands do not have any valid paper evidence of ownership of the affected lands (traditional users), the AFG land management law requires that in such circumstance these lands of up to 0.2 hectares (5 Jeribs, 2,000sqm) of quantity will be considered the possessor's property and official deeds shall be issued to him/her provided that it meets the conditions such as: (i) the land is not registered as government land in the government records, (ii) there is no valid documents of ownership with any other person of that land (iii) there are visible agricultural and residential construction signs of the possessor and, (iv) neighboring plot owners confirm possession by the person for at least 15 years prior to 30 April 1978.

| Item | Application | Eligibility | Compensation Entitlements |
|--|---|---|---|
| Trees Losses | Trees on affected land (12 AHs losing fruit and non-fruit trees and those affected by ROW/COI) | Owner of trees (including informal settlers) | <ul style="list-style-type: none"> - Fruit bearing trees will be compensated at the market value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same production level of the tree lost and full replacement cost of a saplings for each grown tree. - Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume. - The compensation of the tree will be free of deduction for the value of the wood left to the AH. <p>Compensation is provided for all affected productive trees located within ROW/COI.</p> |
| Business losses | Permanent / temporary | Business / shop owners (including informal settlers) | <ul style="list-style-type: none"> - Owners: Business compensation based on monthly income from that business by month of business stoppage. The compensation for business loss will be calculated based on tax receipts or when these are not available based on fixed rates as per the average monthly income ^a -Employer: indemnity for lost wages of 3 months income -Employees: indemnity for lost wages of 3 months income to be paid directly to employee. |
| Transitional Allowance | Relocating households | All relocating households (including renters and informal settlers) | -Transitional allowance per household for livelihood losses at AF7,500 multiplied by 3 months = AF22,500 |
| Relocation Allowance | Relocating households | All relocating households (including renters and informal settlers) | -Relocation allowance per household of AF7,500 |
| Assistance to Vulnerable Affected Households | Affected by land acquisition, resettlement, etc. | AH which are: female-headed; poor (below poverty line) or headed by handicapped/ disabled persons | <ul style="list-style-type: none"> -Additional cash assistance equivalent to 3 months average household income at district level as per the national statistics data (AF45,000) -Preferential employment in project related jobs, if qualified for the position. |
| Severe Impact | Physical displacement 10% or higher loss of productive income source (e.g., land, structure, rental income, etc.) | All severely affected AHs including informal settlers | <ul style="list-style-type: none"> - Agricultural land impact: Additional crop compensation equal to one year yield from the affected land; - For other formalized non-agricultural impacts: an allowance covering 12 months net formalized income (tax or equivalent reports); or - For other non-formalized non-agricultural impacts: a fixed amount on the average 12 months net income of people residing in the relevant project areas. |

| Item | Application | Eligibility | Compensation Entitlements |
|---|---|---|--|
| Temporary land occupation/Temporary impacts on land | | Title holders (formal and informal) lease holders | -Additional compensation for 1 harvest (crops and productive trees) for all crops and productive trees within ROW/COI - Complete plot rehabilitation/reinstatement . Tenants to share the lump-sum with land-use certificate holders as per their contract |
| Unidentified Impacts | | | -Unforeseen impacts compensated based on above entitlements and in accordance with SPS 2009 during project implementation by EA. |
| Impact on irrigation channels | Temporary or permanent loss due to the Project activities | Community/affected households | -Irrigation channels are diverted and rehabilitated to previous standards |
| Loss of community, cultural, religious, or Government sites | Temporary Or permanent loss due to the transmission line component activities | | Conservation, protection & cash compensation for replacement (schools, communal centers, markets, health centres, shrines, other religious or worship sites, tombs. Cash compensation for affected structures based on the above structures entitlements |

^a This fixed rate will be based on the average net income of project areas as determined by the surveys conducted during preparation of final LARP based on detailed design.

Grievance Redress Mechanism

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

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


Subject to agreement of the local communities, the GRC will include a few female representatives in order to ensure full access of the women to the GRC and convenient resolution of their grievances.

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






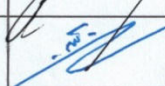
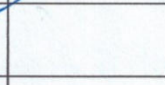
If no solution is reached within 14 days at DABS central level, the AP can further submit their case to the appropriate court of law.

Annex 2: Record of the Consultations Conducted Along the Transmission Line Route as Part of Field Surveys.

Below is attendance sheet of the consultation meeting with Balkh province and Hairatan district


 List of Meeting member for Resettlement work in the Surkhan-Pul-e-Khumri Dasht Khuja Alwan sub station Project

محل میٹنگ: Heratan DABS Balkh province
 موضوع میٹنگ: مذاکره سرحد 350 کیلووات سرخان - پوله - خمری
 تاریخ: 07 / Aug / 2019

| Remarks | Signature | Phone No | Position | Name | No |
|-------------|---|-------------|-----------------|------------|----|
| |  | 0799 447961 | نوعی سرحد | انجمن | 1 |
| |  | 0799101901 | رئیس هیئت مدیره | محمد محمدی | 2 |
| |  | 0700501234 | رئیس هیئت مدیره | محمد محمدی | 3 |
| |  | 0799234338 | مدیر منابع | محمد محمدی | 4 |
| |  | 0799234340 | مدیر منابع | محمد محمدی | 5 |
| |  | 0790062097 | آمر برق | محمد محمدی | 6 |
| 08-Aug-2019 |  | 0791336699 | مدیر منابع | محمد محمدی | 7 |
| 08-Aug-2019 |  | 0729003135 | مدیر منابع | محمد محمدی | 8 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

DABS

Below is attendance sheet of the consultation meeting with Samangan DABS

لست اشراك كلتده گان جلسه هم اهلگي پروژه برقي التلکافي 500 کيلوولت سرخان. پلخري بابت تثبيت خساره متضررين و مطالعات احصاي

List of Meting member for Resettlement work in the Surkhan-Pul-e-Khumri Dasht Khuja Alwan sub station Project

Meting place Hazrat-e-Sultan District دستور و متوال حوت ختلا محل ميٽنگ

Agenda Samang n prawni وضع ميٽنگ

Date 20 / Aug / 2019

تاريخ ۲۰ / ۸ / ۱۳۹۸

| Remarks ملاحظات | Signature امضا | Phone No نمبر تيلفون | Position وظيفه | Name اسم | شماره No |
|-----------------|----------------|----------------------|----------------|-----------|----------|
| | | 0799447961 | تقني مسؤل | اختر بيگم | 1 |
| | | 0770144444 | موسل | محمد بيگم | |
| | | 0729004016 | تقني مسؤل | اختر بيگم | |
| | | 0770144444 | موسل | محمد بيگم | |
| | | 0729004016 | تقني مسؤل | اختر بيگم | |
| | | 0770144444 | موسل | محمد بيگم | |
| | | 0729004016 | تقني مسؤل | اختر بيگم | |
| | | 0770144444 | موسل | محمد بيگم | |
| | | 0729004016 | تقني مسؤل | اختر بيگم | |
| | | 0770144444 | موسل | محمد بيگم | |
| | | 0729004016 | تقني مسؤل | اختر بيگم | |
| | | 0770144444 | موسل | محمد بيگم | |
| | | 0729004016 | تقني مسؤل | اختر بيگم | |
| | | 0770144444 | موسل | محمد بيگم | |
| | | 0729004016 | تقني مسؤل | اختر بيگم | |
| | | 0770144444 | موسل | محمد بيگم | |
| | | 0729004016 | تقني مسؤل | اختر بيگم | |
| | | 0770144444 | موسل | محمد بيگم | |
| | | 0729004016 | تقني مسؤل | اختر بيگم | |
| | | 0770144444 | موسل | محمد بيگم | |



Below is picture of Consultation meeting with Samangan province ARAZI



List of Meting member for Resettlement work In the Surkhan-Pul-e-Khumri Dasht Khuja Alwan sub station Project

Meting place *Baghlan Province DAKS* محل میتنگ *په بغلان*

Agenda

 موضوع میٹنگ
 

Date 20 / Aug / 2019 تاریخ 19 / 8 / 1398

[illegible]

Below is attendance sheet of the consultation meeting with Baghlan province DABS

Annex 2 Below is attendance sheets of the consultation meeting with APs in Hazrat-Sultan District of Samangan Province

805-1

لست اشترک کنندگان جلسه آگاهی دهی پروژه تصدیلان انتقال 500 کلو برقی سولطان حضرت سلطان و مقامات اخصاصی

ADB

List of Meeting member for Resettlement work in the Surkhan-Pul-e-Khumri Dasht Khujia Alwan sub station Project

Meeting Place: District of Hazrat Sultan Samangan Province. Chitgarh Sub Station

Date of meeting: 21-Aug-2019

Agenda of meeting: تعارف جلسه ۱۳۸۹/۸/۲۱ تاریخ جلسه: آگاهی دهی و تصدیق انتقال 500 کلو برقی سولطان حضرت سلطان

| شماره | Name | Father Name | Village | District | Province | Position | Signature | Phone No | ملاحظات |
|-------|------------|-------------|-----------|----------|----------|----------|-----------|-----------|---------|
| 1 | عبداللہ | بابا | آسیاد | سولطان | سمنگان | عضو | | ۰۷۷۲۲۸۲۲۴ | |
| 2 | شیر احمد | شیر علی | کودلان | " | " | عضو | | ۰۷۷۴۴۲۴۴ | |
| 3 | محمد هاشم | عبدی خان | سیراباد | " | " | عضو | | ۰۷۷۵۹۱۴۹ | |
| 4 | محمد آصف | محمد حسن | مجنو | " | " | عضو | | ۰۷۷۴۹۸۴ | |
| 5 | عبدالله | سید داد | طوکنی | " | " | عضو | | ۰۷۷۲۲۴۴ | |
| 6 | جهانگیر | گلر | طوکنی | " | " | عضو | | ۰۷۷۴۹۱۱ | |
| 7 | نصیر احمد | محمد خان | دولت آباد | " | " | عضو | | ۰۷۷۵۵۱۵ | |
| 8 | ملا مولی | خانتر | حقی | " | " | عضو | | ۰۷۷۴۴۱۹ | |
| 9 | محمد عثمان | محمد | کادان | " | " | عضو | | ۰۷۷۴۴۱۱ | |

pag-2



List of Meeting member for Resettlement work in the Surkhan-Pul-e-Khumri Dasht Khuja Aliwan sub station Project



Meeting Place: District of Herat sub-tan of Sarwanj province

Date of meeting: 21-Aug-2019

Agenda of meeting:



لړنځې
څه چې
موضوع چې:

| Remarks | Phon No | Signature | Position | Province | District | Village | Father Name | Name | No |
|---------|----------------|-----------|------------|----------|----------|----------|-------------|----------|----|
| | ۰۷۷۲۸۰۱ ۲۵۴ | | رئيس مشاور | سمنگان | خواجه | خواجه | محمد اسم | ملا محمد | ۱۵ |
| | ۰۷۷۲۸۰۷ ۱۵۷ | | رئيس مشاور | " | " | سوارمول | محمد اسم | عبيد | ۱۱ |
| | ۰۷۷۲۸۱۱ ۲۵۵ | | خواجه | " | " | نوابا | محمد اسم | محمد اسم | ۱۲ |
| | ۰۷۷۲۸۰۹ ۴۴۹ | | رئيس | " | " | نوابا | محمد اسم | محمد اسم | ۱۳ |
| | ۰۷۷۲۸۲۲ ۱۴۴ | | عضو مشاور | " | " | ملا محمد | محمد اسم | محمد اسم | ۱۴ |
| | ۰۷۷۲۸۰۳ ۹۴۲ | | رئيس مشاور | " | " | لويان | محمد اسم | محمد اسم | ۱۵ |
| | ۰۷۷۲۸۰۴ ۹۱۵ | | عضو مشاور | " | " | ملا محمد | محمد اسم | محمد اسم | ۱۶ |
| | ۰۷۷۲۸۰۴ ۷۹۴ | | عضو مشاور | " | " | لويان | محمد اسم | محمد اسم | ۱۷ |
| | ۰۷۷۲۸۰۴ ۰۰۸ | | عضو مشاور | " | " | لويان | محمد اسم | محمد اسم | ۱۸ |

لست اشتراک کننده گان جلسه آگاهی دهی پروژه تمديد پلین انتقال 500 كيلو ولت برق سرخان - بلخمری بابت تثبيت خساره مضررين و مطالعات اجتماعی

List of Meeting member for Resettlement work in the Surkhan-Pul-e-Khumri Dasht Khuja Alwan sub station Project

Meting Place: District of Hazrat Sultan Samangan Province










Date of meting: 21-Aug-2019

Agenda of meeting:

ج.ع.ع.

تاریخ جلسہ

∴ दुसऱ्या

| شماره No | اسم Name | ولد Father Name | قریه Village | ولسوال District | ولایت Province | موقعیت Position | امضاء Signature | تذکره Remarks |
|-------------|----------------|--------------------|-----------------|--------------------|-------------------|--------------------|---|------------------|
| 19 | غلام صفت | تغلاک | لوربانگه | خواجه | پکتیا | عضو شورا |  | ۰۷۷۹۴۹۴ ۲۱۱۰ |
| 20 | بابر | دوستدار | کابل پور | ۱۱ | ۱۱ | رئیس شورا |  | ۷۷۲۲۴۵۷ ۲۰ |
| 21 | عزیز خان | حیات الله | سجود | ۱۱ | ۱۱ | رئیس شورا |  | ۰۷۷۲۵۴۶ ۴۲۹ |
| 22 | تاجی | کینه | خواجه بابل | ۱۱ | ۱۱ | رئیس شورا |  | ۰۷۴۹۵۲ ۱۲۴۰ |
| 23 | حاجی انصاری | حاجی سلطان | ۱۱ | ۱۱ | ۱۱ | رئیس شورا |  | |
| 24 | حاجی عبدالغفور | حاجی جوره | دوت آباد | ۱۱ | ۱۱ | رئیس شورا |  | ۰۷۷۹۵۴۱ ۴۸۴ |
| 25 | قوربینی | جست علی | دولوریه | ۱۱ | پکتیا | کارمند شورا |  | ۰۷۷۰۵۵۵ ۹۳۵ |
| 26 | صبر علی | صبر علی | مرد | ۱۱ | ۱۱ | کارمند شورا |  | ۰۲۹۷۵۵۵ ۵۵۵ |
| 27 | عزیز علی | عزیز علی | ۱۱ | | | |  | ۰۷۷۷۷۹۳۹ ۵۵۵ |

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John G. Smith
PMS

2015

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Below are the pictures of Consultation meetings with APs in Hazrat-Sultan District of Samangan Province

