

Resettlement Plan

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Afghanistan: Energy Sector Improvement Investment Program (Tranche 7)

Shindand – Farah 220 kV double circuit TL

Prepared by the Da Afghanistan Breshna Sherkat for the Asian Development Bank.

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Abbreviations and Acronyms

ADB	Asian Development Bank
AFN	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
GoIRA	Government of Islamic Republic of Afghanistan
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
Jirga	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
LARFSL	Land Acquisition and Resettlement Field Survey
LARP	Land Acquisition and Resettlement Plan
M&E	Monitoring and Evaluation
MFF	Multitranchise Financing Facility
MoF	Ministry of Finance
MW	Mega Watt
NHLP	National Horticulture and Livestock Programme (WB)
NGO	Non-Government Organization
OHL	Overhead Line
PMO	Project 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

Glossary

Affected person	Persons in the project's area of influence experiencing economic, social or environmental impacts
Compensation	Payment in cash/voucher or kind to which the affected people are entitled in order to replace the lost asset, resource or income.
Cut-off date	A cut-off date is a date of eligibility for entitlements, which is required to be disclosed. A person settling in the project affected area after this published date and claiming compensation will not be eligible to receive compensation. If a country's laws do not provide for such a cut-off date, generally the project level census start or end date is determined to be the cut-off date.
Displaced person	Person affected by involuntary acquisition of land or involuntary restrictions on land use resulting in physical or economic displacement.
Economic displacement	Loss of land, assets, access to assets, income sources, or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
Entitlements	All compensation, relocation and income restoration measures due to displaced persons, specified by their property status and particular losses.
Involuntary resettlement	Development project results in unavoidable resettlement losses that people affected have no option but to rebuild their lives, incomes and asset bases elsewhere.
Non-titled displaced person	Displaced persons without formal legal rights to land or claims to land recognized or recognizable under national law; eligible for compensation of non-land assets.
Replacement cost	Compensation for acquired land, structures and other assets, including (i) fair market value, (ii) transaction costs, (iii) interest accrued, (iv) transitional and restoration costs, and (v) other applicable payments, if any.
Socio-economic survey	Assessment of the social and economic conditions of the displaced persons through a combination of quantitative and qualitative research methods, providing a baseline and benchmark for monitoring and evaluation.
Vulnerable person	A distinct group of people who may suffer disproportionately from resettlement effects. The SPS defines vulnerable groups as households below the poverty line, the elderly, female headed households, and disabled headed households, those without legal title to assets, landless, women, children and indigenous people.

Executive Summary

A. Background

1. This draft Land Acquisition and Resettlement Plan (LARP) is prepared for the Project Shindand Substation to the Farah Substation 220 kV Double Circuit Transmission Line for total ~176 km length under a multitranche financing facility (MFF) for the Afghanistan Energy Sector Development Investment Program (ESDIP) approved by Asian Development Bank (ADB) in December 2015. The Facility is financed from ADB's Special Funds resources (Asian Development Fund) and ADB-administered co-financing (through Afghanistan Infrastructure Trust Fund). The MFF initially included six tranches to address the following sector challenges:

- lack of generation capacity,
- constraints on transmission and distribution systems,
- weak financial management and sustainability of sector entities because of suboptimal tariff frameworks,
- inadequate sector regulations.

2. The Executing Agency (EA) of the Project is Da Afghanistan Breshna Sherkat (DABS) the national power utility company, which operates and manages electric power generation, import, transmission, and distribution throughout Afghanistan on a commercial basis.

3. The Government of Afghanistan has subsequently requested additional finance from ADB for Tranche 7 to extend the transmission and distribution infrastructure in Herat and Farah provinces of western Afghanistan. The Project will provide a new supply to over 25,000 end users in Farah and Herat provinces who currently rely on power supplied by diesel generators. In Farah, for example, electricity demand is currently provided by diesel sources with operating capacity of 2 MW but the power system is almost crippled as the supply is barely sufficient to meet the demand and efficiency is very low.

4. To address this need, the Tranche 7 package comprises the following key elements:

- **Transmission Lines:** Construction and operation of two new 220kV Transmission Lines which will broadly follow the Herat-Kandahar Highway south from Pul-e-Hashimi. These will run for ~135km from the Pul-e-Hashimi Substation to the Shindand Substation (both in Herat province) and for ~176 km from the Shindand Substation to the Farah Substation (in Farah province).
- **Substations:** New 220kV system HV substations at Shindand (2x16 MVA capacity) and Farah (2x40 MVA capacity) and an upgrade to the Pul-e-Hashimi substation (two 220kV line bays) which will be constructed under WB financing.
- **Distribution:** Onward distribution networks into Shindand and Farah from the substations.

5. Construction and operation of two new 220kV Transmission Lines which will broadly follow the Herat-Kandahar Highway south from Pul-e-Hashimi. These will run for ~135km from the Pul-e-Hashimi Substation to the Shindand Substation (both in Herat province).

6. For construction of each of these two new transmission lines, separate draft LARPs are prepared. **This draft LARP is prepared for the proposed for Shindand Substation to the Farah Substation 220 kV Double Circuit Transmission Line for total ~176 km.**

7. The Project is treated as Category A for Involuntary Resettlement impact following ADB SPS (2009).

8. The draft LARP is prepared following ADB Safeguards Policy Statement (SPS 2009) and laws of Afghanistan. It provides involuntary resettlement safeguards principles, compensation and mitigation measures that the project will follow. It is prepared in the project preparation stage based on preliminary design and the DABS will update and finalize it as per the detailed engineering design of the project. A detailed measurement survey (DMS) and a census of all AHs will be conducted based on the final detail engineering design and defined location of the transmission towers and other project structures. The overall transmission line alignment will be divided into sections to be defined during the detailed engineering design of the project. Based on such sectioning, DABS will prepare and endorse final implementation-ready LARPs for each section and submit for ADB review and approval, before implementation and before the start of civil works on each section.

9. The draft LARP is prepared as per the findings of the on-site visits and surveys and meetings with AHs, and information from the Preliminary Technical Design Report (Pre-design Report). The land acquisition and resettlement (LAR) team of DABS and the company Dynamic Vision (DV) engaged by DABS, consisting Social Safeguard specialist and a field surveyor, conducted site visits and AHs surveys in the project areas between 21 February to 25 March 2019, and the assessments in this draft LARP is the outcome of these activities. This draft LARP shall be updated as per the final detail engineering design of the project.

10. Additional detail information is provided in the following Annexes of these draft LARP:

- Annex 1: Record of the consultations conducted along the TL route as part of field surveys
- Annex 2: Project Information Leaflet: ADB funded Regional Power Interconnection
- Annex 3: Project Information Leaflet
- Annex 4: Scope of Work for EMA
- Annex 4: LAR and Non-LAR Areas

B. Proposed 220kV Transmission Line

11. This LARP is prepared for the proposed for Shindand Substation to the Farah Substation 220 kV Double Circuit Transmission Line for total ~176 km. The technical highlights of the project have been contained under 2 separate components - Transmission line and substation.

Transmission Line

12. The double conductor single circuit 220 kV transmission line will be 176 km long which is between Shindand and Farah. Throughout its length, it will follow the Herat – Kandahar highway at an average 50 m offset (25 m at each side) and it also avoids the TAPI route spacing. The terrain is appropriate for tower erection though it can present minor challenges in terms of construction works as it is mountainous in some parts of the route. It is mainly a mix of different composites ranging from rocks, sand, hills, soft soil and agricultural areas as per the survey results. The transmission line crosses some barren desert lands when it gets close towards Farah province where water availability can be challenging.

13. The design will maintain compatibility with other 220 kV transmission line designs already implemented in Afghanistan in several other transmission line projects. The proposed will pass through Shindand, Zawal and Kohezor Districts of Herat and Balabluk District of Farah Provinces and will connect to Farah City capital of Farah Province. The land route for the transmission line is mostly uncultivated barren land site along the ring road and Herat Kandahar Highway. The TAPI Gas Pipeline Route is located near this route with clear distance of 200m in several areas. There is no major city or town located along the route and 78.9 % of the lands required for the towers is governmental lands while 21.1 % of the lands required for the transmission line towers is owned privately by the people.

C. Farah Province

14. Farah is located in the western part of the country, adjoining Iran. It is a spacious and sparsely populated province, divided into eleven districts and contains hundreds of villages. It has a population of about 925,016, which is multi-ethnic and mostly a rural tribal society. It is the fourth largest province in Afghanistan with a total area of 48,470.9 km². The province is home to a great many ruined castles including the "Castle of the Infidel" just south of Farah City. Farah's economy is overwhelmingly agricultural. The province has minerals such as gypsum, lime and construction stones, gold's coal and uranium. 1300 worker were employed by manufacturing firms in the province. 74% of rural households reported either agriculture or livestock to be their main source of income and 24% reported that trade and service (including non-farm labor) is their main source of income.

15. More than 80% of the province consists of ethnic Pashtuns (excluding Kuchi nomads), Tajiks are the second largest group residing mainly in Farah city and Baluchis are third group. The primary Pashtun tribes in the province are the Eshaqzai, Alizai, Barakzai, and Nurzai. Kuchi nomads, a Pashtun group, make a sizeable population in winter. The provincial dominant language is Pashto and Dari (Afghan Persian) Pashto is spoken by around 80%, followed by around 10%-15% Dari.

D. Scope of land acquisition and resettlement impact

16. The preliminary design was guided wherever possible to use non-agricultural and state-owned lands in TL alignment to avoid and minimize involuntary resettlement impacts, have close proximity to an existing road to facilitate access to the towers, and be located away from the community areas of Hashemi and Shindand districts (see figures below) to minimize the social or environmental adverse impacts.

17. The construction of the TL will acquire lands permanently for towers' footings from private and state owned lands. There will be also impact to the structures and buildings in the TL alignment due to land use restriction to be imposed within the TL's ROW. The permanent impacts to lands and structures/buildings will mostly be partial. Besides, land use restriction-related land impact is expected within 50 meters widths and 7 meters height Right of Way (ROW) corridor, necessary for stringing between and erection of towers, and for access road to approach towers, access to tower sites and sticking operations. It is estimated the whole project civil works last 22 months but at each tower location and between towers the installation of towers and stringing is anticipated to last up to eight weeks which will cause temporary land impacts and loss of crops and trees within the ROW corridor.

18. Of the total 547 towers that will be installed for the proposed TL, 543 will be constructed on Government lands and 116 towers will be constructed on the private lands. Total area of land affected permanently by tower footings will be 154,150 m² of which 123,000 m² government lands and 31,150 m² are on private lands, and this includes acquisition for towers (31,150 m² private lands) and clearance of residential structures under the tower footings and/or in between the towers (4,600 m² of private lands from the above said 31,150 m²). No tower will have a low-bar to restrict future cultivation of the farmlands under the towers and the AHs may potentially continue cultivations after the completion of the civil works. However, land compensation at replacement cost will be paid for all lands under the towers footings that will be permanently acquired and for crop loss. In affected agricultural lands, 8,490 m² permanently and 120,000 m² temporarily of wheat crops will be affected, while 8,490 m² corresponds to footings and 120,000 m² to ROW between footings. For the temporary affected lands and loss of crops, compensation will be paid for crop loss for two years. The 120,000 m² has been recorded during the field survey as between towers in some places there were no crops as per data recorded during the field surveys. Impacts to agricultural lands and structures between towers should be fully reassessed and validated at LARP finalization. There is no major city or town located along the route and about 80% of the land required for the towers is governmental lands while about 20% of the land required for the transmission line towers is owned privately by people (see Tables 1 -6).

Table 1. Permanent land acquisition for tower footings:

Type of Tower	No. of Towers	Total Affected Land	Private land to be acquired	
		m ²	No	m ²
A (300)	455	136,500	81	24,300
B (250)	15	3,750	7	1,750
C (200)	51	10,200	18	3,600
D (150)	22	3,300	10	1,500
E	4	400	0	0
Total	547	154,150		31,150 m²

Table 2. Land use restriction and temporary impacts in the ROW between towers¹

	Government owned	Privately owned
	km ²	km ²
Total ROW area, excluding towers 120,000 m ²	To be confirmed at LARP update based on census and DMS	To be confirmed at LARP update based on census and DMS
Number of AHs 109	N/a	To be confirmed at LARP update based on census and DMS

19. In updating this draft LARP based on detail engineering design, the state ownership of the lands under the project shall be verified and supported by relevant documents. The LARP update process shall include due diligence for recognizable land tenure, and customary documents, oral evidence of possession for a long period of time and acquisition prescription possession shall be verified. The updated final LARP should provide a full breakdown of land use and ownership for the full area of the towers footings.

Table 3: Types of affected lands

Shindand – Farah TL	
Total area of land affected (permanent)	154,150 m ² (100%)
Total Gov. lands	123,000 m ² (79.7%)
Total Private lands: 31,150 m² (20.3%) <ul style="list-style-type: none"> • Agricultural land: 26,550 m² <ul style="list-style-type: none"> - Irrigated: 14,550 m² - non-irrigated: 12,000 m² • Residential land: 4,600 m² 	
Temporary impact private crops	120,000 m ²

¹ Information on impacts related to access roads will be added upon LARP update.

Table 4: Number of towers, affected land and AHs by their type of losses

Type of Tower	No. of Towers	Affected Land m ²
A	455	136,500
B	15	3,750
C	51	10,200
D	22	3,300
E	4	400
Total	547	154,150.00
Affected Households (AHs)		
Total No. of AHs (estimated based on the number of towers located on private land)		116
No. of AHs losing with both permanent and temporary land impacts		116
No. of AHs losing crops in addition to land		109
No. of AHs losing trees in addition to land		5
No. of AHs losing structures		18
No. of AHs needing relocation		18
Vulnerable AHs		26
No. of Severely AHs Note: No AHs lose more than 10% productive lands permanently, but 5 AHs lose productive trees and 18 AHs lose more than 25% of structures and treated as severely AHs.		23
Affected Persons (APs)		
No. of severely affected persons		184
*Total No. of affected persons		928

* Average size of HHs in the given region.

20. Farah substation will be located at Farah city district of Farah Province. Construction of this substation would not entail acquisition of any land. They would be constructed on the Government land. Therefore, issue of land acquisition for setting up the sub stations becomes irrelevant. However, some amount of land and loss of properties in terms of houses, walls, adjoining buildings, shops, agricultural lands, trees etc. would be unavoidable for erection of towers, stringing of transmission lines and for impact areas of the TL.

21. A total of 116 AHs are identified. The number of AHs to be affected by land use restriction and temporary impacts related to civil works between towers will be confirmed at LARP update. Loss of houses and structures will be avoided wherever possible. However, there will be also impact to the structures and buildings in the TL alignment due to land use restriction to be imposed within the TL's ROW. It is estimated that, in the worst-case scenario, of total 116 AHs, 18 AHs will be displaced. Of the total 101 AHs, 109 AHs will experience temporary land impact and as such lose crops during the civil works (construction of tower foundation, tower installation and stringing works), and the remained 7 AHs do not cultivate the temporary effected lands and have no crops on these lands. 5 AHs will lose trees in addition to lands. This will be assessed again in LARP update/finalization and design specifics to be identified in detail design as per experience of ADB financed projects in Afghanistan and shall be reflected in updated final LARP. In preparation of detail engineering design, DABS will ensure conducting an assessment of design alternatives to avoid impacts to houses. If the impact will be unavoidable, the 18 AHs shall be relocated considering the long-term impacts of electromagnetic fields on the residents. In this draft LARP, these 18 AHs houses are treated as AHs need physical relocation.

22. In addition, regarding the partial impacts to houses/buildings, if the impact to the lands and house/structure will reach 25% and/or effect its viability and safety requirements, the whole land and house/structure should be acquired and the respective AHs to be compensated at the replacement costs principle. If the land plot of the AHs is of an appropriate size, the AHs are entitled to build on a new house/structure on it to replace the lost without being physically displaced. If the size of the land plot is not viable, and/or if it is not safe for the AHs to stay there, the whole land will be acquired and the AHs will also be compensated for the loss of the whole land plot and structures.

23. The field survey identified some houses, agriculture land and 7 shops which would be temporarily displaced during the civil works within the line corridor. Compensation for temporary damages and displacement has been also included draft LARP budget.

Table 5: Summary of Impact Magnitude

Impact Type	Quantity
Private agricultural lands	26,550 m ²
Private residential lands	4,600 m ²
Loss of crops (Wheat)	8,490 m ²
Fruit and Non-fruit trees	286 timber trees and 576 fruit trees=862

24. Losses to agricultural production will occur on irrigated land. As vegetable gardens (only irrigated) are small which take up only a small percentage of the area used, it could be possible to avoid the damage of such lands during final design stage. Sufficient clearance shall be provided below the transmission lines to ensure access by tractors, allowing the affected farmers to continue cultivation of land in unhindered manner.

25. The construction process is estimated to be completed in a span of 22 months, thereby causing crop losses for a total of two cropping seasons and accordingly, cash compensation will be paid to the affected farmers for the loss of agricultural crops for two years. According to the consultation meetings and field surveys, the AHs have one crop per year on impacted lands, thus it will be causing crop losses for a total of two cropping seasons. Additional verification shall be done and if construction will go beyond 22 months, Ahs will be compensated for loss of crops for additional crops season/s as construction would last. A 50 m corridor will be required for the 3-tier process and, in the worst-case scenario, all works would be made during the cropping seasons of spring and summer (this shall, however, be avoided as far as feasible). For the affected agricultural land, 8,490 m² of wheat crops will be affected.

26. Crop cultivation within the corridor can continue after the stringing of lines are laid out. Inside the RoW, vegetation above 7 m height needs to be permanently cleared, including possible tall trees outside but nearby the ROW corridor. A total of 286 timber trees and 576 fruit trees will be lost.

27. A total of 1486 sqm and 380 Cub.m of physical structures will also be affected which include houses and perimeter walls.

Table 6: Description of type of Structure to be affected

Type of Structure	Area (sqm)
Houses/Buildings (Mud/brick/wood)	1486 sqm
Perimeter Walls (Mud/Brick/Wood)	380 Cub.m
Total structures	1,486 Sqm and 380 Cub.m

28. Consultations identified a total of 26 vulnerable AHs living below poverty line (earning less than a dollar per day), all men headed households.

29. 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 to private land ownership rights. While assessing total impacts for the TL project, as a matter of strategy, estimates are prepared considering physical numbers on the higher side so that the estimates for land acquisition and resettlement budgets are on the safer side. However, as the present assessment is prepared on the basis of most likely alignment route, there may be some changes at the time of final route design to be prepared.

E. Compensation for Losses

30. Consultations were carried out with the AHs and public along the transmission line routing from Shindand to Farah City during February to March 2019. The objective was sharing of information about the proposed project planning and execution activities. The information shared included project activities and their expected impacts on the physical, biological and socio-economic conditions.

31. 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.

32. DABS with assistance of the project's Construction Supervision Consultant (CSC) shall carry out full implementation of the land acquisition prior to construction and in full compliance with the updated LARP and the program LARF. LARP implementation will be monitored internally by the PMO with support of CSC and externally by the External/third party monitor. Based on the ADB SPS (2009) the AHs will be paid compensation for all types of losses based on the replacement costs principle and also assistance allowances to eligible AHs as described in the Entitlement Matrix below.

Table 7. Entitlements Matrix²

Item	Application	Eligibility	Compensation Entitlements
Permanent agricultural/residential/commercial land loss	Land affected by right-of-way (RoW) corridor of impact (CoI) and tower locations	AHs with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council. ³	<ul style="list-style-type: none"> - Compensation at replacement cost either through replacement land plots of the 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. - All fees, taxes or other charges, as applicable under relevant laws, are to be borne by the project.
Structure loss	Residential/commercial or auxiliary structures affected	Owners of structures (including informal settlers)	<ul style="list-style-type: none"> - Cash compensation for affected structure and other fixed assets at replacement cost of the structure free of depreciation, taxes/fees and salvaged materials. - 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. - Right to salvage material from demolished structure - Rental allowance of 6 months for loss of residential building
Crop losses	Crops on affected land	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.
Tree Losses	Trees on affected land	Owner of trees (including informal settlers)	<ul style="list-style-type: none"> - Fruit bearing trees or perennial crops 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/perennial crop lost and full replacement cost of saplings for each grown tree/perennial crop seed. - 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 trees located within ROW/COI.

² The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

³ In cases 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
Business losses	Permanent / temporary	Business / shop owners (including informal settlers)	- 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. - 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 ⁴
Relocation Allowance	Relocating households	All relocating households (including renters and informal settlers)	- Relocation allowance per household of AF7,500 ⁵
Assistance to Vulnerable Affected Households	Affected by land acquisition, resettlement, etc.	AH which are below the poverty line, the landless, the elderly, women-headed households, households with disabled, women and children, and indigenous people and those without legal title to land	- Additional cash assistance equivalent to 3 months average household income at district level as per the national statistics data (AF45,000) ⁶ - 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); ⁷ 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. ⁸

⁴ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

⁵ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

⁶ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

⁷ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

⁸ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

Item	Application	Eligibility	Compensation Entitlements
Temporary land occupation/Temporary impacts on land		Title holders (formal and informal) lease holders and/or crop owners .	<ul style="list-style-type: none"> - Additional compensation for 1 season harvest (crops and trees) for all crops and productive trees within ROW/COI - Complete plot rehabilitation/reinstatement - Cost of one season lease to formal/semi-formal lease holders.
Unidentified Impacts			<ul style="list-style-type: none"> - Unforeseen impacts compensated based on above entitlements 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	<ul style="list-style-type: none"> - 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	.	<ul style="list-style-type: none"> - 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

F. Estimated compensation rates

33. Compensation rates on replacement cost principle for all losses and assistance allowances to vulnerable and severely affected AHs have been estimated as per the current market prices, which have been disclosed in consultation meetings with AHs, local community councils (*shuraas*) and government authorities in the project areas and consensus of the participants have been obtained. DABS will conduct formal valuation of loss lands and assets, including with engagement and approval of other government authorities such as local authorities and Ministry of Urban Development and Land (MUDL) after the project and in updating this draft LARP for preparing the final implementation-ready LARP, as it is the experience in ADB projects in Afghanistan. DABS will conduct Detailed Measurement Survey (DMS) of losses during the project implementation when the detail engineering design becomes available. The rates for compensation of all types of losses will be updated when this draft LARP will be updated according to the detail engineering design of the project, and following the formal valuation procedures envisaged in Afghanistan.

34. All compensation rates envisaged in this draft LARP and the updated final LARP will be updated if the compensations are paid after more than a year since the rates are established.

35. **Compensation for permanent loss of agricultural lands:** For compensation against, loss of agricultural lands, intrinsic quality of the lands has been the determining factor - category 1 (priced at 250 AFN/sqm), category 2 (priced at 100 AF sqm and category 3 land (priced at 30 AF/sqm). It may be noted that most of the lands to be affected were categorized under category 3.

36. **Compensation for permanent loss of residential lands:** The price rate decided under this category was 250 AF/sqm. This includes lands that have been earmarked for construction of houses but pending for some reasons or other which are related to individual issues, and not due to the present TL project.

37. **Compensation for permanent loss of structures:** The valuation of loss of structure was done based on 'replacement cost' free of depreciation. Replacement costs are calculated in consultation with the local governments (which could include provincial officials and ARAZI as well) and provincial DABS personnel. The replacement costs are estimated taking into account market value for replacement of structures, which include costs of material, labor and transport. For mud houses, it was 3,000 AF/sqm, for brick houses 15,000 AF/sqm, for perimeter wall of brick construction, it was 1500 AF/sqm.

38. **Compensation for permanent loss of crops:** Compensation for crops estimated based on market value of affected crop and productivity per sqm of land. As per the assessments conducted, from each sqm of land, maximum 0.5 kg of wheat can be harvested. So, on average, 0.5 kg of wheat per each sqm of land was considered for crop lands (30 AF/sqm).

39. **Compensation for permanent loss of crops:** 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 have been valued taking into account commercial value of the wood multiplied by the volume of wood likely to be available from these non-fruit trees.

40. There are 576 fruit-bearing trees to be impacted that include 233 Apricot trees, 174 pcs of Grape vines, 96 of Apple and 73 pcs of Almond trees. The assessed rates for affected trees range from 6,000 AFN per tree.

41. For non-fruit trees, as the non-fruit tree was in early ages of their life cycle with a maximum height of 3 m and maximum girth of 0.3 m, the cost per tree estimated at 4,000 AFN.

42. **Relocation allowances:** 18 AHs who will be relocated, will be paid AFN 7,500 per AH. In addition, they will also be provided a lump sum amount of AFN 22,500 per severely AHs.

43. **Vulnerability allowances:** There are 26 AHs who observed to be falling below poverty line and vulnerable who will receive a lump sum allowance of AFN 45,000/HH. Moreover, 7 persons will have temporary business loss and they will receive a compensation of AFN 8,000.

G. Scale of impacts

44. The overriding safeguards principle is to avoid/minimize any adverse impact on AHs, their assets and livelihoods. Therefore, at the time of final design, alternatives will be evaluated to avoid and minimize LAR impacts. However, some impacts are unavoidable, and compensation and mitigation measures will be provided to AHs to minimize the adverse impact.

H. Disclosure and public consultations

45. Information disclosure and public consultations were conducted with AHs and communities along the TL routing during February and March 2019. The information shared included project activities and their expected impacts on the physical, biological and socio-economic conditions. The project team addressed concerns and suggestions of participated AHs and members of public and appreciated their participations. Summary of the discussions are provided in the main body of the draft LARP and also Annex 1 provides photos and participants lists.

46. Some of the potentially affected people wanted to know about the norm to be adopted for deciding on the compensation amount. For instance, query related to compensation to be paid for lands, standing crops, fruit crop, fruit and non-fruit trees, construction of houses for the potentially displaced people over different areas were shared with the participants. The payment of compensation to the affected people was explained to them citing example of the completed project financed by ADB in Afghanistan.

47. Information on the compensations rates and ADB SPS (2009) principles was shared with the participants. Furthermore, the experiences from other completed ADB project about cash compensation was explained to them with a focus that "compensation money would be released in a clear and transparent manner" and compensation rates would be commensurate with the prevailing market rates. As a result of the consultation meetings, it was understood that the participants were willing to accept implementing this project of immense national significance, especially in supporting infrastructural development in their region.

48. It was also explained to the participants that the present exercise is being carried out basically as a pre-design exercise and this is not a final design for TL. Further, extensive and meaningful consultations shall be held during updating of this draft LARP in detailed design when exact tower locations would be ascertained and actual AHs would be identified. The final LARP will be disclosed to the AHs in local language and an English copy will also be disclosed on ADB website.

I. Grievance Redress Mechanism

49. DABS will put in place a Grievance Redress Mechanism (GRM) for the APs so that they could appeal for any disagreeable decision, practice or activity arising from land acquisition or for compensation of any other assets to be affected, social and environmental issues and also complaints about information disclosure and consultations, related to the project. The main objective of the GRM is to provide a platform to resolve complaints effectively and ensure timely implementation of the project.

50. A GRC would be established for the project to facilitate the resolution AP's concerns and complaints related to the project's social and environmental performance, information disclosure and consultation. The GRC will include representatives of the affected villages, local District Governor with legal experience, DABS, representative from regionally active NGO and others.

51. The GRM would have adequate provisions for grievance redress by the higher authorities including the court. If the GRC cannot resolve the grievance, then the APs can escalate their grievances to General Manager, DABS HO Kabul. The grievances shall be redressed in a sensitive manner that the present issue does not trigger any further disputes.

J. Estimated budget for resettlement

52. It is estimated that a sum of **27,309,510** AFN equal to **350,121.2** USD (conversion rate 1USD = 78 AFN) will be required to compensate for loss of land and other assets, allowances to eligible AHs, administrative costs, and 20% contingency. Details and table of budget calculations are provided in the Budget Section of this draft LARP.

K. Institutional Arrangement, LARP Updating and Monitoring Implementation

53. The Project Management Office (PMO) of DABS will update the draft LARP based on the detailed engineering design of the project and implement it. DABS will ensure conducting a Detailed Measurement Survey (DMS) and an updated census of all AHs based on the detail engineering design and final route and locations of the towers, and adjust compensation rates based on replacement costs principle for all types of identified losses.

54. implementation, shall assist the DABS in full implementation of the updated/final LARP in compliance with the Program's LARF prior to start of civil works.

55. A LARP validation exercise in all populated areas as a condition of ADB's concurrence for the final LARPs to ensure that physical and economic displacement is not underreported and impacts beyond the tower footings are captured fully and appropriately in the implementation ready LARP. TPM hired by ADB will validate the final LARP for the most sensitive parts of the alignment and will monitor LARP completion as well at the later stage.

56. The final LARP implementation will be monitored internally by the DABS/PMO with assistance of the CSC, and externally by the external monitor to be engaged by DABS. DABS will submit to ADB for review and approval both internal and external monitoring on final LARP implementation and resettlement safeguards compliance on regular bases envisaged in the section of this draft LARP for Monitoring and Reporting.

57. The project progress will be monitored by the ADB on bi-annual basis and important observations from such monitoring will be uploaded onto the website in local language for all stakeholders as knowledge and information besides ensuring transparency.

58. External monitoring shall confirm compliance implementation of LARP including timely disbursement of all compensations and assistance allowances to the respective AHs, and delivery of safeguard measures as per the final LARP. Upon approval of external monitoring report by ADB, a no objection notice will be issued for start of civil works on resettlement impacted sections of the project.

I. INTRODUCTION

A. Overview

59. This draft Land Acquisition and Resettlement Plan (LARP) is prepared for the Project Shindand Substation to the Farah Substation 220 kV Double Circuit Transmission Line for total ~176 km length under a multitranches financing facility (MFF) for the Afghanistan Energy Sector Development Investment Program (ESDIP) approved by Asian Development Bank (ADB) in December 2015. The Facility is financed from ADB's Special Funds resources (Asian Development Fund) and ADB-administered co-financing (through Afghanistan Infrastructure Trust Fund). The MFF initially included six tranches to address the following sector challenges:

- lack of generation capacity,
- constraints on transmission and distribution systems,
- weak financial management and sustainability of sector entities because of suboptimal tariff frameworks,
- inadequate sector regulations.

60. The Executing Agency (EA) of the Project is Da Afghanistan Breshna Sherkat (DABS) the national power utility company, which operates and manages electric power generation, import, transmission, and distribution throughout Afghanistan on a commercial basis.

61. The Government of Afghanistan has subsequently requested additional finance from ADB for Tranche 7 to extend the transmission and distribution infrastructure in Herat and Farah provinces of western Afghanistan. The Project will provide a new supply to over 25,000 end users in Farah and Herat provinces who currently rely on power supplied by diesel generators. In Farah, for example, electricity demand is currently provided by diesel sources with operating capacity of 2 MW but the power system is almost crippled as the supply is barely sufficient to meet the demand and efficiency is very low.

62. To address this need, the Tranche 7 package comprises the following key elements:

- **Transmission Lines:** Construction and operation of two new 220kV Transmission Lines which will broadly follow the Herat-Kandahar Highway south from Pul-e-Hashimi. These will run for ~135km from the Pul-e-Hashimi Substation to the Shindand Substation (both in Herat province) and for ~176 km from the Shindand Substation to the Farah Substation (in Farah province).
- **Substations:** New 220kV system HV substations at Shindand (2x16 MVA capacity) and Farah (2x40 MVA capacity) and an upgrade to the Pul-e-Hashimi substation (two 220kV line bays) which will be constructed under WB financing.
- **Distribution:** Onward distribution networks into Shindand and Farah from the substations.

63. Construction and operation of two new 220kV Transmission Lines which will broadly follow the Herat-Kandahar Highway south from Pul-e-Hashimi. These will run for ~135km from the Pul-e-Hashimi Substation to the Shindand Substation (both in Herat province).

64. For construction of each of these two new transmission lines, separate draft LARPs are prepared. **This LARP is prepared for the proposed for Shindand Substation to the Farah Substation 220 kV Double Circuit Transmission Line for total ~176 km.**

65. The company Dynamic Vision was engaged to prepare the pre-design report, had discussions with DABS/ADB for understanding design requirements and visited the site with the surveys of transmission line route from the substation in Shindand District of Herat province through Farah Substation located in Farah city in Farah province. The consultants also reviewed the reports on standard practices of DABS/ADB in order to prepare the pre-design report. The new consultant verifies the route by visiting the field to confirm the technical viability of the line.

66. Draft LARP includes AHs and APs, impacts, compensation entitlements, costs, organizational set-up and provides an action plan related to the implementation of land acquisition and resettlement (LAR) impacts and rehabilitation for the road. Its preparation involved: (i) desk-based study (ii) detailed measurement surveys (DMS), (iii) consultation with the AHs (iv) 100% AH census and (v) a socio-economic survey of the AHs.

B. Objective of the LARP

67. The draft LARP defines the principles, requirements and types of compensations and assistance allowances which shall be applied for any land acquisition and resettlement impacts identified during the project's preliminary design and detail engineering design and/or during the implementation. The document reconciles the discrepancies in laws of Afghanistan and involuntary resettlement safeguards requirements of ADB SPS (2009) and (i) stipulates the principles, procedures and compensation entitlements to be applied in the planning and implementation of the land acquisition and resettlement, and (ii) guide DABS in updating and implementing the final LARP to ensure the resettlement safeguards are planned and implemented effectively in compliance with ADB SPS (2009) and the MFF Program's LARF.

68. 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.

69. It is based on information collected by project preparation consultant during the site visit in February – March 2019 in consultation with the stakeholders, community leaders and AHs in the alignment land acquisition and resettlement (LAR) zone of influence. The draft LARP defines the AHs, estimates of the types of impacts, and compensations and assistance allowances as per the principles of ADB's SPS (2009), laws of Afghanistan and the MFF Program's LARF.

70. 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 all AHs will be conducted based on the final location of the towers and other project structures. The final LARP will provide a detailed inventory of all losses, formal valuation and updated rates for compensation of loss lands and other assets.

71. The draft and final LARP will be endorsed by the DABS and submitted for ADB review and approval. After ADB's approval, it will be disclosed to AHs in the project communities and on ADB's website. ADB encourages DABS to publish the final and draft LARP in its website. The external monitor will also issue a no-objection certificate (NOC) when all compensations have been fully implemented in the areas identified with LAR impacts. The start of the physical civil works in the proposed TL sections with resettlement impacts: is conditional to the full implementation of the LARP including full delivery of compensation and rehabilitation. Such a condition will be clearly spelled out in the text of the civil works contract.

C. Proposed Transmission Line and Substation

72. The project consists of a new 220/20 kV substation at Farah city of Farah Province with a capacity of 2x16 MVA. This will be connected with a transmission line from Shindand to Farah with 220 kV double circuit traversing a length of 176 kilometers and additional line bays.

73. The transmission line along its 176 kilometers route avoids private lands and structure as much as possible while maintaining minimum clearance to the outside surroundings and under the line (For additional information regarding LAR and Non-LAR areas, see Annex-5). This transmission line connects Farah and Herat province while supporting the national grid and eventually creates potential scope for linking other provinces of the area with the WPS.15. The line route has been provisionally decided taking into account technical, economic, environmental and social aspects that are relevant along the route corridor.

74. The Pule Hashimi Substation is the power source for the 220 KV double circuit transmission line from Pule Hashimi to Shindand Substation and from Shindand Substation to Farah City Substation.

75. The project is designed to be formed as a ring system involving Noor Jihad substation, 24 Hoot substation, and Ghoryan substation.

Figure 1: Farah Substation Land

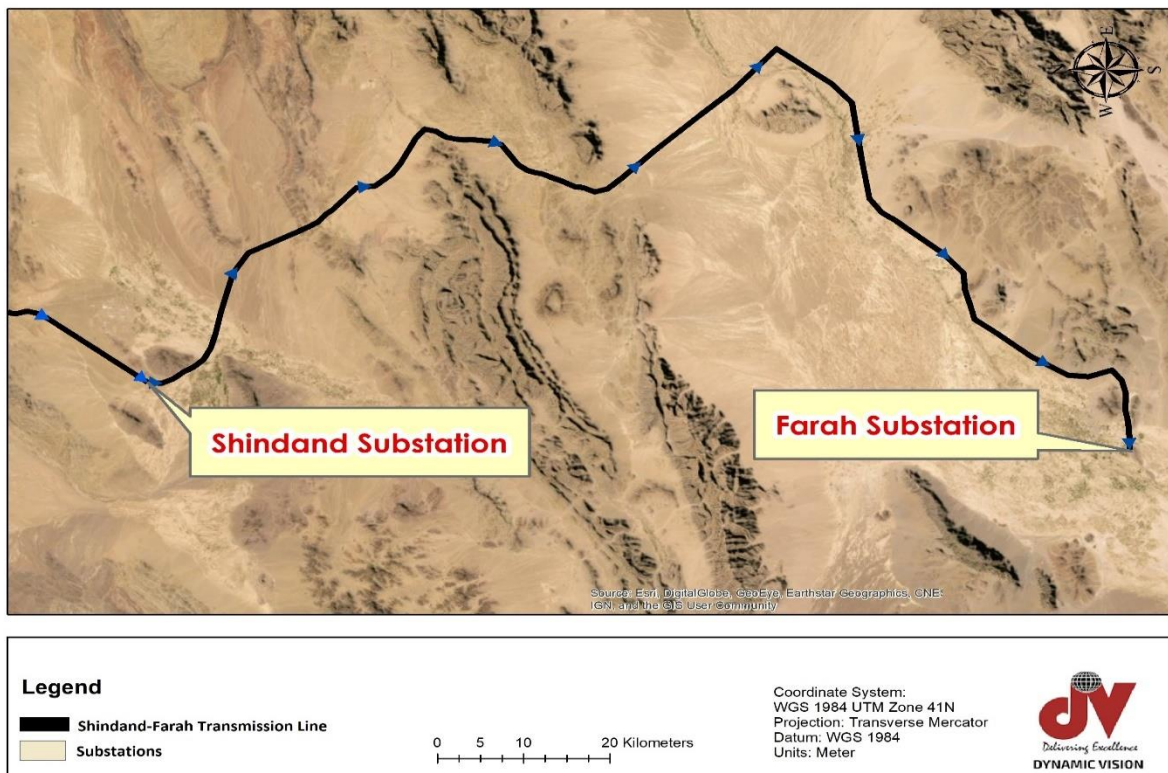


Figure 2: Farah – Shindand TL Route

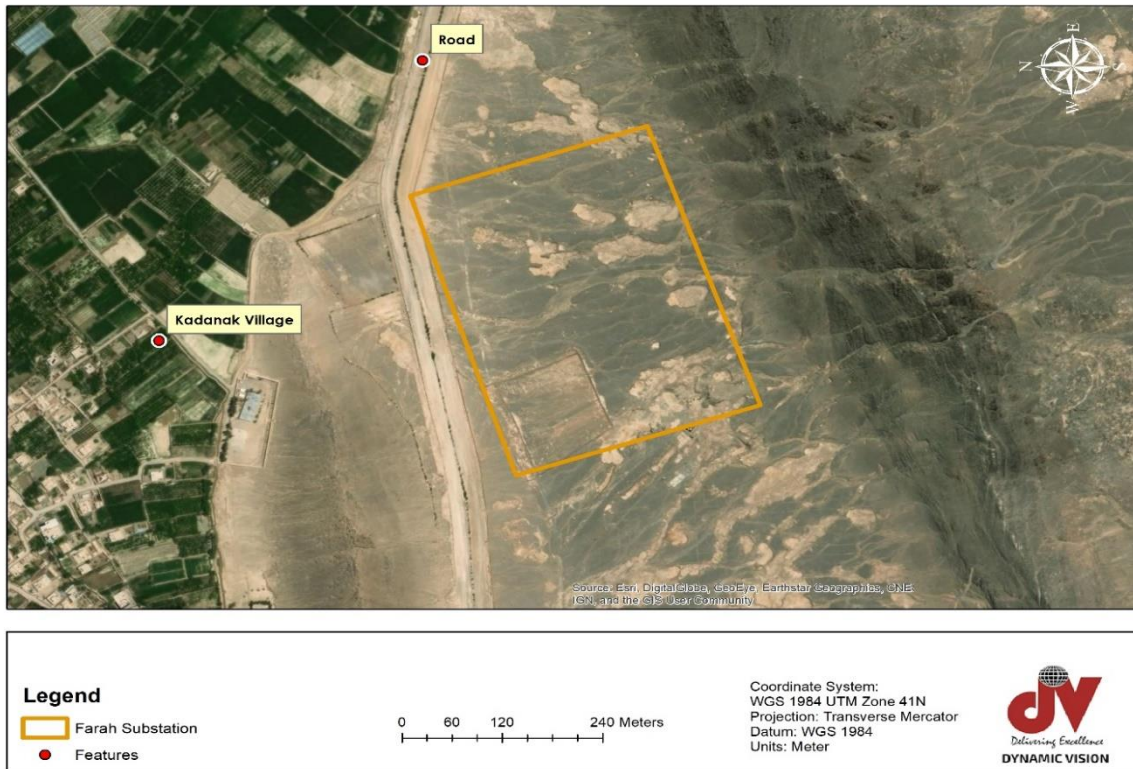


Figure 3: The main features along TL route



D. Right of way and clearance

76. Regarding the planned 220 kV line, the Right of Way (RoW) is calculated to be 50 m (30 m on both sides of the center line) on the basis of the span-width, the proposed line swinging and the electrical safety distance. There is no national standard available in Afghanistan for RoW, however, Russian standard used likely to be used.

77. The minimum safety distance between ground and conductors as per international standards for electric and magnetic fields (EMF) is 15 meters in view of the public.

78. Complete clearing of the RoW would be required in the center strip of 25 meters (12.5 meters on both sides) allowing for stringing of conductors. Outside this strip but still inside the RoW, vegetation above 7 meters height needs to be cleared, including possible tall trees outside but nearby the RoW corridor.

79. Concerning ground clearance, the table below shows the transmission line standards for the Soviet Union (PUE) which is applicable to the Project.

Table 8: Clearance as per PUE for 220 kV transmission lines

Clearance	220 KV Line
Above normal ground	7.0
To roads	8.0
To other OHLs	3.0

E. Project Area

80. The proposed TL is located on the western part of Afghanistan, in Herat and Farah Provinces, starting from Shindand to Farah City, capital of Farah Province. The terrain falling under the proposed TL is mostly barren with few agricultural or any other economic activities.

81. The security along Shindand – Farah TL line route is secure and locality along the route are very welcoming and helpful. The TL would pass through districts and villages of Herat and Farah provinces. They are Shindand, Zawal, Kohezor, and ZerKoh Districts of Herat Province and Balabluk District of Farah Province and Farah City District of Farah Province. The TL would move towards east, touching Shindand, Zawal, Kohezor, Zerkoh, and Balabluk Districts of Farah Province and then move towards Farah City Capital District of Farah Province.

82. From Shindand Do Rahi to Farah City, the land is flat except in Shawz village where it is mountainous. The TL will cross rivers in Shindand District at one point and in Farah Province; it will cross Farah River (Farah Roud) at one point. The entire path of the proposed TL is approximately 176 kilometers. The most commonly cultivated crops in this area are wheat, barley, maize, carrot, cotton and turnip. The entire path of the proposed transmission line will cross canal five times and river two times.

F. Analysis of Alternatives to Minimise Resettlement

83. At different stages i.e. designing, Pre - feasibility and feasibility stage different options have been considered for the TL route by the team of experts (design engineers, planners, environmentalists, sociologist, economists, and other technical experts) considering following.

- Urban, densely populated, settlements, schools, buildings and market places areas are avoided while designing this transmission line route;

- Places having religious buildings like Shrines, mosques and churches, historical, national parks, game reserves, monuments and protected areas have been avoided to minimize the loss or damage to aforementioned places/structures.
- Given the minimum loss of environmental and socio-economic parameters following has places have been avoided; (i) forest and water catchment zones; (ii) ecological areas having birds' nests, trees, endangered flora and fauna species, migration zones; (iii) keep electrical field, magnetic field, audible noise and TV interference as far as possible below national/international accepted levels; (iv) Areas prone to flooding and erosion, intermittent water courses and runoff areas, areas of alluvial sediment.

84. The following measures were adopted to minimize project impacts at this preliminary route selection stage:

- Non-agricultural and government-owned land has been used wherever available;
- If the HVTL has to traverse agricultural land, the shortest feasible crossing distance is sought;
- Where tower placement allows it, suitable land is sought from a land user with a large plot to minimize the number of DPs and impact magnitude on any single DP;
- Built-up areas are avoided wherever possible.
- In some areas there are empty space along the line corridor. If possible, the towers shall be installed in these empty spaces, even if it marginally goes out of the corridor alignments.
- 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 impacts to private lands.

G. Eligibility Cut-Off Date

85. After the project approval, DABS will announce the cut-off date in the project area as the last day of the to be conducted detailed measurement survey (DMS) and the final census of all AHs for preparing the updated and final LARP. In draft LARP, due to Afghan situation and also COVID-19 pandemic, it was difficult to reach all locations and all APs. DABS will initiate the cut of date after the project approval to avoid any unnecessary adverse impacts.

I. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Overview

86. This chapter has been written based on the site visits to the project area and on the preliminary design. 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 to carry out the land acquisition and resettlement field survey (LARFS).

87. 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 stakeholders including affected households (AHs). Through a participatory approach, socio-economic data of the AHs have been collected, and consultations with t AHs and the affected communities have been completed.

88. The LARP team, comprising a Social Safeguard specialist and a field surveyor, conducted the LARFS in the project area between 21 February to 25 March 2019. DABS/PMO with support of CSC will update this draft LARP upon finalization of detailed design. The detailed socio-economic surveys and final census specific to the AHs (on land, assets, employment, etc.) will be conducted as part of the final LARP preparation once the alignment of the transmission line is finalized. The socio-economic vulnerability status for each AHs will be properly assessed for a final LARP. Vulnerability incidence should be confirmed by TPM as well.

B. Assessment of Potential LAR Impacts

89. The construction of the proposed TL will acquire lands permanently for the 220 kV towers. There will be also loss of crops and fruit and non-fruit trees impacted during civil works, and some impacts to AHs' houses, adjoining buildings, walls, with partial impacts.

90. While assessing total impacts for the TL project, as a matter of strategy, estimates are prepared considering physical numbers on the higher side so that the estimates for land acquisition and resettlement budgets are on the safer side. Assessment of losses in this draft LARP is prepared on the basis of most likely alignment route that may be adjusted at the time of final detail design. With regard to the definite losses it is also important to time the construction works during autumn and winter so that crop loss are minimized, barring winter wheat crop in some regions. In updating this draft LARP based on detail engineering design, the state ownership of these lands will be verified and supported by relevant documents. The LARP update process shall include due diligence for recognizable land tenure, and customary documents, oral evidence of possession for a long period of time and acquisition prescription possession will be verified. A summary of LAR impacts is provided in 9-11.

Table 9: Number of Towers, estimated affected land and AHs by their type of losses

*Type of Tower	No. of Towers	Affected Land m ²
A	455	136500
B	15	3750
C	51	10200
D	22	3300
E	4	400
Total	547	154,150
Affected Households (AHs)		
Total No. of AHs		116
No. of AHs losing land		116
No. of AHs losing crops in addition to land		109
No. of AHs losing trees in addition to land		5
No. of households losing structures		18
No. of Households needing relocation		18
No. of Vulnerable AHs		26
No. of Severely AHs Note: No AHs loose more than 10% of productive land, but 5 AHs lose productive trees and 18 AHs lose more than 25 % of their structures and treated as severely AHs.		23
Affected Persons (APs)		
No. of severely affected persons		184
**Total No. of affected Persons		928

* For more details on the location (village, District & Province) of the towers, see Annex-6.

** Average size of AHs in the given region.

91. The nomadic herders using state-owned lands for grazing their livestock along the TL corridor will not be affected. This is because availability of public lands along the corridor have been found to be in abundance and during the project civil works, they will use other lands in vicinity for livestock grazing. This issue has been specifically probed at the time of public consultation meetings with local people and AHs. It has to be noted also that nomadic (not sedentary) way of livestock grazing is practiced in Afghanistan. The shepherds move their livestock for grazing from one area to other and even move to the higher altitude in search of biomass during summer months and return to the plain lands during winter. Availability of biomass during winter is an issue in Afghanistan, and use of public lands for the proposed TL will not affect the livestock owners. Temporary land impact is insignificant and small.

92. A total of 116 AHs are identified. It is estimated that in the worst-case scenario up to 18 houses will have to be relocated and included in this draft LARP, but detail design will avoid impact to houses as much as possible.

93. At present no any permanent adverse impacts on business identified. The field survey identified some 7 shops (7 AHs) which will have to be temporary relocated during the civil works within the TL corridor (in between the towers).

94. Losses to agricultural production will occur on irrigated land. As vegetable gardens (only irrigated) are small and they take up only a small percentage of the area used, it may be possible to avoid loss of such lands during construction works. It is significant to state that sufficient clearance shall be provided below the transmission lines to ensure access to tractors, allowing the affected farmers to continue cultivation of land in unhindered manner. Temporary lands required for ROW, access road and area around the tower foundation are not considered in Table .

95. Construction works have insignificant environmental impacts on local population. Construction will only be conducted close to living areas in some villages of Shindand and Farah city. Adverse impacts in such areas could be: additional traffic where some care and safety to children will need to be ensured. In addition, emission of dust from the construction vehicles on unpaved roads, noise from construction works and some pollution e.g. from welding would need to be addressed through project's environmental management plan.

96. Impact on land. Of the total 547 towers that will be required to be installed for the 220 kV line From Shindand to Farah City, 78.9 % will be located on state lands. About 21.1 % (or 116 towers) of the towers will be located on the private lands. No tower will have a low-bar to restrict future cultivation of the farmlands.

97. 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 (impact area). The area included in this perimeter depends on the type of towers. As per the preliminary design, there are five types of towers requiring different areas of land (Table 10).

Table 10. List of Towers to be erected on private lands and its impacts

Type of Tower	No. of Towers in private lands	Sq.m/tower	Affected Land m ²
A	81	300	24300
B	7	250	1750
C	18	200	3600
D	10	150	1500
E	0	100	0
Total	116		31,150.00

98. **Impact on crops:** There will be also temporary land impacts and 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 civil works will last for estimated 22 months. Accordingly, cash compensation will be paid to the affected farmers for the loss of agricultural crops for two years. AHs have one crop season on impacted lands. A 50 m width corridor and 7 meters height ROW will be required for the 3-tier process. In the worst-case scenario, all works would be made during the cropping seasons of spring and summer (this shall, however, be avoided as far as feasible). For the affected agricultural land, 8,490 m² permanently and 120,000 m² temporarily of wheat crops would be affected.

99. **Impact on Trees:** Crop cultivation within the corridor can continue after the stringing of lines are laid out. Inside the RoW, vegetation above 7 m height needs to be permanently cleared, including possible tall trees outside but nearby the ROW corridor. A total of 286 timber trees and 576 fruit trees will be lost.

100. **Impact on structures:** A total of 1486 sqm and 380 Cub.m 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 11.

Table 11: Description of type of Structure to be affected

Type of Structure	Area (sqm)
Houses/Buildings (Mud/brick/wood)	1486
Total Structures	1486
Perimeter Walls Cubic Meter	380
Total Perimeter Walls	380 M³

101. There will be a total of 116 AHs who will experience both permanent and temporary land impacts, and some of them will lose structures, trees, crops and business income due to the project. The following sections present a detailed breakdown of the number of AHs and APs.

102. Vulnerable **AHs**: A total of 26 AHs are considered vulnerable as living below poverty line because of the emergency context, and all men-headed households.

103. Severe AHs. No AHs will lose permanently 10% or more of their land. The AHs' land holding is from 7,284 sqm (1.8 acres) and it is estimated that there will be located about one transmission tower in land of one AHs. The areas needed for installation of transmission towers depending from the tower categories which require from 100 sqm to 300 sqm. However, 23 AHs are considered as severely affected due to the impact to their houses.

104. However, a total of 23 AHs will be severely affected. Of this, 18 AHs will lose 25% of their structures and needs relocation and 5 HHs will lose 10% of their productive assets (fruit bearing trees).

C. Relocation

105. The project will create linear LAR impacts along the TL alignment. AHs with 25% or more of their structures affected shall be relocated if they will not have enough available land to reconstruct the structures. AHs that are affected by relocation will relocation allowance to cover any cost that they may incur in the process of relocating and will also receive a transition allowance to cover their loss of livelihood for the transitional period.

106. A total of 18 AHs are losing more than 25% of their structures along Shindand - Farah TL route with need for relocation.

D. Loss of livelihoods

107. In addition to the provision of cash compensation for all losses, including land, structures and business, the project will facilitate the relocation and livelihood restoration of the AHs. DABS/PMO will facilitate housing reestablishment by seeking the collaboration of the town authorities and the local community through the Jirga. For the reestablishment of temporary impacted businesses, DABS with respective AHs and in collaboration with the town authorities will establish a market place for the displaced businesses. In addition, the DABS/PMO will ensure that displacement from the existing structures does not take place just before or during winter. DABS/PMO will ensure the contractor is only provided access to the ROW after standing crops are harvested.

II. SOCIO-ECONOMIC PROFILE

A. Overview

108. This chapter presents the socio-economic profile of the population along the tentative route of the alignment. It may be noted that the detailed socio-economic surveys and final census specific to the affected households (on land, assets, employment, etc.) will be conducted as part of the final LARP preparation once the alignment of the transmission line is finalized. The present survey therefore is an outcome of the TL alignment that has been visualized and physically examined and assessed using different tools like satellite imagery, consultation meeting with the AHs, stakeholders and walkthrough survey of the impact areas.

As the TL route crosses the Shindand, Zawal, Kohezor Districts of Herat Province and Balabluk and Farah City Districts of Farah Province, the focus of the socio-economic data has been on the areas along the TL route. Land acquisition and resettlement field survey (LARFS), including estimated measurement of affected assets, estimated census of AHs and community consultations were initially carried out from the 21 February to 25 March 2018.

109. The census included questions about the socio-economic characteristics of AHs so that information about their livelihood conditions are ascertained. A preliminary assessment of the population, land and other assets that would potentially be affected by the implementation of the project has been made based on the primary and secondary data.

110. A summary of the location of AHs and their household members is in Table 12.

Table 12: Number of affected houses and household members, according to location

Location	Number of AHs	Number of APs
Shindand	4	32
Zawal	33	264
Kohizor	3	24
Balabluk	57	456
Farah City	19	152
Total	116	928

111. During field surveys, the AHs reported that they have been working on their own land for many years and they do not give them to lease or they hire wage labors for tilling their lands. This means these lands are owner operated lands. The survey results regarding socio-economic conditions and the impact assessment in the affected area are described below.

B. Demographic characteristics

112. The first part of the questionnaire concerns the demographic details of the APs. More than one-third of the affected population fall under less than 20 years old category. Another 40% of population belong to 20-35 years age bracket. It is therefore found that about 70% of the affected population are relatively of young with less than 35 years of age.

Table13: Demographic Characteristics

Age Group (years)	Population %
up to 20	34.7
21-35	40
36-50	16.3
51-60	5
> 60	4
Total	100

Household Members

113. The total number of households affected by the project is 116 with an average household size of 8. The affected population is divided between males and females in proportion of 48.8% and 51.2% respectively.

Education Level

114. The data shows that 39.8% of the respondents are illiterate, 21.8% have primary education, 14 % have middle education, and 12.4% have graduate degree and while the remaining 12% have different educational levels,

Ethnic composition

115. The survey revealed that the affected population have a mix of largely Pashtuns and, Tajiks. Out of the 116 AHs (71.3%) are Pashtuns, speak Pashto and (27.7%) are Tajiks speak Dari.

Economic Activities

116. Agriculture is the principal economic activity of the AHs. The second important activity is either casual labor or small businesses as given in Table 14.

Table14: Economic Activities of the Sample APs

Economic Activities of the Sample Affected People		
Economic activity	No. of AHs	%
Agriculture	78	67.2
Business (Small enterprise, Shops, Etc.)	7	6
Labor	18	15.5
Employment (public and private)	2	1.7
Livestock raising	11	9.5
Total	116	100

Cropping Pattern

117. The affected area is mainly a wheat and vegetable growing area. The main crops during winter season are wheat, vegetables and fodder. Summer crops in majority of affected locations are vegetables, melons and watermelons.

C. Gender roles

118. In the provinces covered under project, men and women are economically active and contribute to the household economy. The men members of the family are mainly responsible for agricultural activities, ranging from land preparation, irrigation, sowing, manuring, monitoring and supervising over all progress of crop cultivating and harvesting. Women support the men in agriculture mainly during cultivation stage (weeding) and harvesting. Women also engaged in processing of food crops from their lands for family consumption.

119. Men are decision-makers in households, for school enrolment of both boys and girls, purchases of household devices and agricultural instruments like agro machinery, farm implements, tools and machineries, utensils or live animals. Application of agricultural inputs like chemical fertilizers, pesticide, bio fertilizers, use of compost, animal vaccination etc are essentially the responsibility of the male members of the society. Men are also the main decision makers for school enrolment of both boys and girls. Men control the major household assets, own house, agricultural land, farming equipment and livestock (large animals like cows, horses, and donkeys, and small animals like sheep and goats). Only chicken and ducks are reported to be belonging to women folks in the society. For the LARP, the men will likely receive the cash compensation for affected assets.

120. The APs are males and females in proportion of 48.8% and 51.2% respectively. The difference may reflect households identifying all family members and the high migration rates, with female household members staying at home and male household members seeking work, military and education opportunities away from the household base. Afghanistan is predominately a conservative society with strong traditions. It is common for men to have more than one wife.

121. One of the biggest issues face women in Afghanistan based on the survey of Afghanistan people conducted by the Asia Foundation (2011) is lack of education and illiteracy. The figures from Herat and Farah provinces indicate that only 16.4 and 5.1 percent (respectively) of women are literate (NHLP, 2012), women's rights deprived and social issues such as forced marriages, domestic violence, women being confined to their homes and lack of job opportunities.

122. No one of AHs are female headed households. The project is committed to ensuring that women from AHs will participate in updating and implementation of the LARP.

III. LEGAL AND POLICY FRAMEWORK

A. General

123. The principles of ADB SPS (2009) and laws and regulations of Afghanistan discussed below will constitute the provisions of the draft LARP.

B. Afghanistan's Legal Framework

124. The following laws and policies regulate land acquisition and resettlement (LAR) activities in Afghanistan:

- (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).

125. **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.

126. **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.

127. **Environment Law (2007)** 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.

128. **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.

129. **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.

130. **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.

131. 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 areas³. 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.

132. **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.

133. **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.

134. **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.

135. **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.

136. Land **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 state can own and the distinction between state and publicly owned land is unclear.

137. **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.

138. **Pasture land use.** Law on Managing Land Affairs (2008) provides that 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.

139. **Occupancy Rights.** 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.

140. **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.

141. **Land Registration.** 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.

142. 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 the problems as cadastral records and court-based records sometimes do not match.

143. Authorities have challenges in 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.

144. **Land Acquisition and Resettlement.** 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 state- 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:

- Provincial Governor, head of the Committee;
- Mayor, deputy head of the Committee;
- Director of MUDL; (iv) Representative of cadaster survey Department of MUDL;
- Representative of Directorate of Agriculture, Irrigation and Livestock;
- Representative of Directorate of Urban Development and Housing;
- Representative of Directorate of Justice;
- Representative of Directorate of Public Works;
- Representative of Mastofiat;
- Representative of Expropriating Authority; and
- Representative of Afghanistan Chamber of Commerce and Industries.

145. 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.

146. 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).

147. 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.

148. **Absent Affected Persons.** Due to decades of fragile and conflict situation (FCAS) in Afghanistan, some APs may not be found 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.

149. The national laws do not provide specific requirements on procedures for finding absent APs. In this regard, as per local practice, executing agencies will undertake all reasonable and substantive efforts to find absentees/missing affected people, including announcements through local newspapers, radios, mosques, CDCs and all other viable sources.

150. 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.

151. **Absent of Data on Affected Land.** The projects 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 affected lands.

152. 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. ADB's Safeguard Policy Statement (2009)

153. ADB has adopted SPS in 2009 including safeguard requirements for environment, involuntary resettlement (IR) and indigenous peoples (IP). The objectives of involuntary resettlement safeguard policy is 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. Following are the basic policy principles of ADB's SPS on involuntary resettlement:

- i. 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.
- ii. 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.

- iii. Improve, or at least restore, the livelihoods of all displaced persons through (a) 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, (b) prompt replacement of assets with access to assets of equal or higher value, (c) prompt compensation at full replacement cost for assets that cannot be restored, and (d) additional revenues and services through benefit sharing schemes where possible.
- iv. Provide physically and economically displaced persons with needed assistance, including the following: (a) 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; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required.
- v. 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.
- vi. 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.
- vii. 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.
- viii. 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.
- ix. 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.
- x. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout subproject implementation.
- xi. 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. Bridging gaps between Afghanistan laws and ADB's SPS (2009)

154. Land Acquisition Law (LAL) of Afghanistan and ADB policy diverge on some key points on compulsory acquisition of land. The amended LAL introduced improvements that provide greater protection to people who are displaced by development projects. The LAL now requires consultation with affected parties on compensation options. Specific article on collective resettlement of people displaced by the project affecting an entire village has been articulated in this amended LAL. However, the amended LAL does not entitle to compensation APs without title nor provides compensation for income losses caused by LAR. by LAR. Table 15 summarizes the differences between the amended LAL and the ADB safeguards, and identifies the resolutions taken for the subprojects to reconcile the gaps.

Table15: Gap Analysis between ADB's and the amended LAR's Requirements

ADB SPS 2009	Land Acquisition Law (2019)	Agreed Reconciliation Measures
DPs shall be fully informed/consulted on compensation options.	The amended LAL provides for full information and compensation options to be discussed with AHs.	No reconciliation required.
DPs should be compensated for all their losses at replacement cost.	Land acquisition and resettlement (LAR) for public interest is to be compensated based on equal/fair value according to current market rates. In case of residential land, land for land is offered. Affected crops and trees will be valued by the competent authorities.	Affected land will be compensated at replacement cost, free of transaction cost, while buildings/structures are compensated without deducting for depreciation. Crops or trees will also be compensated in cash at replacement rates.
Lack of formal title will not be a bar 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.	Land owners/users rights on a plot will be terminated prior to commencement of project works. The termination of the owner/user rights will not affect the rights to collect the last harvest except in the case of an emergency.	Crops compensation whether they have been harvested or not will be provided to avoid construction 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 shall be compensated and/or assisted to e at least the maintenance of their pre-project livelihood level.	Compensation at market rate will be given for land, house, crops or trees losses. But compensation for income losses/relocation costs are not considered.	General rehabilitation for income losses and for relocation costs will be given if these impacts occur.
Compensation amounts of the absentee DPs need to be deposited into escrow accounts and efforts rendered to locate them	Expropriation of the absent person's property should be ensured upon relevant court's designation of a trustee to the absent person and the compensation amount should be deposited in a government bank for the absent person to receive upon return.	Accounts will be established for absentee AHs (either in a government or a commercial bank) with the cadastral details of the lands/other assets, in case person's own details are not available) and the compensation amounts for their losses will be keep in that account. DABS will continue efforts to locate those AHs and pay their compensations as soon as they are located.

E. Principles and Policies Adopted for this Project

155. Based on the above analysis of national provisions and ADB's Safeguards Policy Statement, the broad resettlement principles for this project shall be the following:

- The negative impact on DP must be avoided or minimized as much as possible.
- Where negative impacts are unavoidable, the persons affected by the project and vulnerable groups will be identified and assisted in improving or regaining their standard of living.
- Information related to the preparation and implementation of the LARP will be disclosed to DPs and all key stakeholders and people's participation will be ensured in planning and implementation.
- Land acquisition for the project would be done as per the Land 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 is to be provided before the land is acquired.

156. DPs entitled to compensation or rehabilitation under this draft LARP 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).

157. Compensation eligibility will be limited by a cut-off date to be set on the completion day of the impact's assessment and all AHs census. APs 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. Additional cut-off dates will apply for currently unassessed areas upon completion of sectional implementation-ready LARPs.

F. Compensations and Entitlements

158. Land acquisition and resettlement tasks under the Project will be implemented according to a compensation eligibility and entitlements framework in line with both Afghanistan laws and regulations and ADB Policy.

Eligibility

159. The guiding principle is that AHs and APs will be compensated for loss of land, shelter, assets, access to assets, income sources or means of livelihood resulting from the Project whether they be full or partial, permanent or temporary. They will also receive needed assistance as appropriate for rehabilitation and transitional support. AHs and APs eligible for compensation and/or assistance under the Project are:

- Those losing land whether titled, with tax, receipts, formal or informal deeds or with traditional rights to be vouched for by the local Jirgas or Community Development Councils (CDCs);
- Sharecroppers and tenants, whether registered or not;
- Owners of buildings, whether permanent or temporary, trees, orchards, crops, plants and other objects attached to the land;
- Renters of buildings and other objects attached to the land; and
- Those losing income, salaries, wages, business and other forms of livelihood.

160. Compensation eligibility is limited by the cut-off date which is yet to be set, but will be the last day of the detailed socio-economic surveys and the DMS. Those who settle in the affected areas after the cut-off date will not be eligible for compensation. However, they will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to Project implementation. Their dismantled structures materials will not be confiscated and they will not pay any fine or suffer any sanction. In the event realignment may be pursued during the detailed engineering design to avoid or minimize impacts, any current DPs on the basis of the first alignment that will no longer be impacted due to the realignment shall be accordingly informed, individually.

161. Those not impacted by the previous alignment but impacted because of the final alignment will be informed during the marking of the realignment and in greater detail during the final DMS and census. Moreover, those newly affected by a new/revised alignment will not be subject to the current cut-off date provision and a new cut-off date will be declared for them. Following the delivery of compensation all APs will be given three months to vacate their properties and remove their houses if they wish to retain salvaged materials.

162. All AHs are entitled to various types of compensation and resettlement assistance as detailed below. Some of these losses not identified at the draft LARP stage, but are envisaged below in case these are identified during the LARP update/finalization or as anticipated impacts during project implementation.

- **Acquisition of land**
 - 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.
 - All fees, taxes or other charges, as applicable under relevant laws, are to be borne by the project.

- **Houses, Structures and Buildings**
 - Cash compensation for affected structure and other fixed assets at replacement cost of the structure free of depreciation, taxes/fees and salvaged materials.
 - 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.
 - Right to salvage material from demolished structure
 - Rental allowance of 6 months for loss of residential building
- **Loss of crops**
 - 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.
- **Loss of trees:**
 - Fruit bearing trees or perennial crops 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/perennial crop lost and full replacement cost of a saplings for each grown tree/perennial crop seed.
 - Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume.
 - Compensation of trees will be valued based on the market value of their dry wood volume and free of deduction for the value of the wood left to AHs.
 - Compensation is provided for all affected trees located within ROW/COI.
- **Loss of business**
 - 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.
 - Employer: indemnity for lost wages of 3 months income
 - Employees: indemnity for lost wages of 3 months income to be paid directly to employee.
- **Vulnerable Households**
 - 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 agricultural land impacts**
 - 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.

- **Transitional livelihood allowance⁹**
 - Transitional allowance per household for livelihood losses at AF7,500 multiplied by 3 months = AF22,500.
- **Community structures and public utilities**
 - 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.
- **Impacts on irrigation channels:**
 - Irrigation channels are diverted and rehabilitated to previous standards.
- **Temporary impacts:**
 - Additional compensation for 1 season harvest (crops and trees) for all crops and productive trees within ROW/COI
 - Complete plot rehabilitation/reinstatement
 - Cost of one season lease to formal/semi-formal lease holders.

163. Unforeseen impacts compensated based on above entitlements in accordance with the Programs LARF and in compliance with SPS 2009 during project implementation.

164. ARAZI, the Land Settlement and Land Revenue maintaining agency is responsible for identification and verification of land records will verify ownership of private and public lands that would fall under the TL project. 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 's Office. The final LARP will detail the consultation and negotiation activities that led to the definition of the final land rates so as to document the fairness and transparency of the land valuation process and the final agreement of the AHs.

165. The above described entitlements are summarized in the Entitlements Matrix in Table 16.¹⁰

⁹ Transitional livelihood allowance is computed based on the prevailing wage rate of AF200 per day by 26 days or AF5,200 per month. This is also the basis for cash compensation on lost wages. This rate will be adjusted based on the current prevailing wage rate during census for the LARP finalization.

¹⁰ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

Table 16: Entitlements Matrix

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	AP with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council. ¹¹	<ul style="list-style-type: none"> - 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. - All fees, taxes or charges, as applicable under relevant laws, will be paid by the project.
Structure loss	Residential/ commercial or auxiliary structures affected	Owners of structures (including informal settlers)	<ul style="list-style-type: none"> - Cash compensation for affected structure and other fixed assets at replacement cost of the structure free of depreciation, taxes/fees and salvaged materials. - 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. - Right to salvage material from demolished structure - Rental allowance of 6 months for loss of residential building
Crop losses	Crops on affected land	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.
Tree Losses	Trees on affected land	Owner of trees (including informal settlers)	<ul style="list-style-type: none"> - Fruit bearing trees or perennial crops 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/perennial crop lost and full replacement cost of a saplings for each grown tree/ perennial crop seed. - Non-fruit bearing/timber trees will be valued based on the market value of their dry wood volume. - Compensation of the tree will be free of deduction for the value of the wood left to AHs. - Compensation is provided for all affected trees located within ROW/COI.

¹¹ In cases 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
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. - 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 ¹²
Relocation Allowance	Relocating households	All relocating households (including renters and informal settlers)	- Relocation allowance per household of AF7,500 ¹³
Assistance to Vulnerable AHs	Affected by land acquisition, resettlement, etc.	AHs which are below the poverty line, the landless, the elderly, women-headed households, households with disabled, women and children, and indigenous people and those without legal title to land.	<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) ¹⁴ - 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);¹⁵ 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. ¹⁶
Temporary land occupation/Temporary impacts on land		Title holders (formal and informal) lease holders and/or crop owners.	<ul style="list-style-type: none"> - Additional compensation for 1 season harvest (crops and trees) for all crops and productive trees within ROW/COI - Complete plot rehabilitation/reinstatement - Cost of one season lease to formal/semi-formal lease holders.

¹² The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

¹³ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

¹⁴ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

¹⁵ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

¹⁶ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

Item	Application	Eligibility	Compensation Entitlements
Unidentified Impacts			- Unforeseen impacts compensated based on above entitlements 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.

G. Land Valuation

166. In principle, land will be valued at replacement rates based on a survey of land sales in project areas. However, in rural Afghanistan there may be situation where land markets are insufficiently developed and land sales prices are not systematically recorded. In these cases, land valuation will be based on local government revenue rates and then be negotiated with the local communities. The land rates payable to AHs will be determined based on extensive consultations with the local jirgas and the affected households. These negotiated rates will be adopted once endorsed by the Governor's Office. Updated LARPs will detail the consultation and negotiation that lead 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 AHs.

H. Livelihood Restoration Measures

167. The resettlement assistance will support each affected household for their livelihood restoration activities at their individual level and or collectively within the provisions of Community Development Program under the project. In addition, the affected households will be given high priority for employment in reconstruction and maintenance services by the construction contractors/subcontractors and or any other agencies involved in this project. In this case, the District Governor and the community representatives will work as negotiator/mediator through providing motivational work at each village/community level, so that no grievance or conflict may arises among the affected households or employers. AHs will be given preference for non-skilled jobs during the construction phase of the project.

IV. PUBLIC CONSULTATION AND DISCLOSURE

A. Overview

168. DABS with assistance of the company DV engaged in project preliminary design preparation, have carried out public consultations with the AHs and the general public along the TL routing from Shindand to Farah City (where LAR-related impacts are expected) during February to March 2019. The objective was to share information about the proposed project, benefits that would accrue to the residents, economic activities of the region that will get impetus for growth, cooperation needed from the project affected people and others, project planning and execution activities that would follow in due course after necessary clearances are obtained. The information shared included project activities and their expected impacts on the physical, biological and socio-economic conditions. Accordingly, the concerns/issues of the affected population/locals associated with the project were appreciated and documented. Records of public and stakeholders' consultations are in Annex 1. Project information leaflets is in Annex 2.

Table 17: Details of Consultation Meetings

Sr. No	Venue	Date	No. of participants	Main Concerns
12	Tizan mosque	22-01-2019	10	Tizan village is one of the biggest village in Guzara district, about 3000 residents' lives in it. Community of this village is facing a deficiency of health and drinking water facilities but Government didn't pay attention to these issues. Tizan land is divided in three part and only one part of the tizan land have drinking water and other two part have salty water so if the transmission line passes from our land the Government or world bank should satisfy our needs.
13	Mosque at Hassan abad village	22-01-2019	13	Hassan Abad village is near to bypass road so any transmission line that pass from the north of bypass will directly affect their gardens and houses. They suggested changing the transmission line route because it is passing to bypass road. In this case we will lose less land and be more satisfied.
14	Kabotarkhan village Hall	13/01/2019		They appreciate all those project that are for Afghanistan improvement. But their main concern is loss of land and property which will be resolved by changing the route of transmission line route or through completion of land acquisition process before start of construction.
15	Ab Kalan Blook Village	25/01/2019	9	Participants appreciated the project and ensure their cooperation for its successful implementation. Participants are happy to see the development activity in their project area but also highlighted that they don't have access to clean drinking water. This problem should also be considered at priority to resolve it. Implementation of the project is the concern of the project area residents because they said that such type of projects remained at feasibility studies stage and not implemented in real. It seems that some of private lands will be in the project path and people will not allow to destroy their houses and gardens. Therefore, it is requested to reconsider the project route alignment to minimize losses.
16	Ali Gada Village	19/03/2019	7	
17	Ashraful Holy Mosque	17/03/2019	11	
18	Bala Balook	17/03/2019	4	
19	Chakran Village, Adraskan	14/03/2019	12	
20	Changan Sofla Village	14/03/2019	10	
21	Nayesk Village	19/03/2019	8	
22	Shahrak Mahajrin	16/03/2019	8	
23	Shaka New Village	16/03/2019	15	
24	Shawa Bala Village	18/03/2019		
25	Shawolga village	16/03/2019	11	
26	Shoorab Pahin Village	17/03/2019	10	
27	Sia Hasar Village	25/01/2019	7	
28	Soorab Bala	26/01/2019	7	

B. Responses to the questions raised by the participants

169. The payment of compensation to the affected people was explained to them citing example of the last completed project of the Asian Development Bank. It was heartening to note that participants were satisfied with the explanation given to them wherein the compensation is released by following a properly laid down protocol approved by ADB in a transparent manner. It was also explained that such process of release of compensation would involve some time as it is systematic and governed by government policies.

170. It was observed that due to delays in release of compensations, in some areas, some of the local influential people have appropriated Government properties. Strangely, even one property was sold to multiple persons by these people. It is however the responsibility of the Government to ensure that their property is not appropriated illegally by the local war lords, and in this direction, there should be a clear distinction between Government and private properties. It needs to be mentioned that the capacity of the Government in processing the public claim of compensation is affected due to lack of capacity in some government offices which affect timely release of compensation package. This is an issue the Government needs to address so that the land losers are not put to hardship.

171. In addition to the above, information on the compensations rates and other ADB policies was shared with the participants. Furthermore, the experiences from other completed ADB project regarding the compensation money was fully explained and communicated to them with a focus that “compensation money would be released in a clear and transparent manner” and compensation rates would be commensurate with the prevailing market rates.

172. As a result of the consultation meetings, it was understood that besides all the problems and challenges people have, the participants were willing to accept implementing this project of immense national significance, especially in supporting infrastructural development in their region. This was indeed a positive mindset observed in the consultation meetings and it was felt that it would be a favorable perception of the participants to implement the project with cooperation from the local people and local government as well.

C. Identification and Consultation of Stakeholders

173. AHs as primary stakeholders have been consulted in affected communities along TL route and informed about the potential impacts and principles of compensations for all types of losses, and inconveniences to incur during the construction phase (e.g. dust and noise emissions by the civil works). During the field survey, meetings were held in Shindand, Zawul, Kohizor districts of Herat province and in Balabuluk and Farah center districts of Farah Province and others along the line corridor with regional and local stakeholders from Shindand to Farah city. At the same time, information on the project was provided to those stakeholders who, until that point, had not been informed.

174. The government stakeholders including Ministry of Agriculture, Irrigation and Livestock, the Ministry of Rural Rehabilitation and Development, traditional (tribal) Shura, have been consulted.

175. The NGOs in the area are also key stakeholders in the resettlement process in terms of assisting with LARP implementation. They are active mainly in the water and sanitation sector, health care, education, women 's empowerment, agricultural development, human rights, child care, socio-economic development, cultural and community development.

176. In addition to the above, the local government, local electricity departments and the Departments for Women's Issues at the 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,

development and operation of the existing properties. They are also key players to address power supply related issues and resolving conflicts.

D. Results from the Preliminary Consultation Process

177. Some communities along the line corridor are connected to either the grid or stand-alone public electricity networks. The rest of the communities are either not connected to any type of electricity, or connected to a mini hydropower network. All the people asked along line corridor indicated that they would be happy to pay for electricity.

178. When the DV team sought opinion of the participants regarding 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.

179. The key concern of participants is to connect their villages into the public power network. The other concerns raised were “compensation payments might not be made at all, or that the compensation money might not cover losses adequately”. The DABS with support of DV consultants explained to participants that the proposed project is funded by the ADB, and as per ADB’s safeguard policy, all affected people will be compensated at replacement cost and after verification of disbursement of full compensation amount to the affected people, ADB will give clearance of the project. This also implied that ADB is sensitive to the adverse impact of the affected people and the compensation package will be sufficient to restore the living standards of the affected people as per their pre project implementation status. The majority of the people would not have problems with land acquisition and compensation procedures.

E. Conclusions and Further Proceedings

180. Following the consultations with AHs and other stakeholders at project preparation stage, further meaningful consultations shall be conducted in LARP updating/finalizing and implementation with consideration of:

- With the start of the final TL design, DMS, a leaflet shall be printed with a summary of the land acquisition and compensation process (including the GRM and addresses of concerned institutions) and distributed to all AHs and local people. A draft leaflet is in Annex 2.
- Involvement of AHs and their representatives shall be ensured in the Provincial Valuation and Compensation Committees (PVCC). DABS and ADB 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 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.
- To improve women participation, a gender approach will be needed to allow women to participate in discussions of compensations, and addressing social and environmental adverse impacts of the project. If security conditions permit, the contractor and the CSC should engage female staff to contact female APs.

V. INSTITUTIONAL ARRANGEMENTS

A. Implementing Agency - DABS

181. Da Afghanistan Breshna Sherkat (DABS) is the implementing agency (IA) for the project and the primary responsible for LAR planning, implementation and financing. Within DABS, the project Management Office (PMO) will have day-to-day responsibility for LAR and it will be assisted by each subproject supervision consultant. DABS/PMO has overall responsibility of planning, implementation and monitoring of updated LARP including:

- i. Ensure availability of a budget for LAR activities;
- ii. Select and appoint organizations and consultants for specific activities;
- iii. Coordinate with line departments, implementing organization and the construction;
- v. Manage tasks involving local or central government or the affected communities' shuras.

182. DABS/PMO will work closely with CSC's national and international safeguards staff and on safeguard's issues.

183. DABS/PMO will update and finalize this draft LARP with support of CSC and the contractor based on the detailed design of the project, DMS and census of all AHs. The DMS and all AHs census and surveys including consultations will be conducted by DABS/PMO with support of CSC national safeguards staff and the LARP will be formulated/updated by the CSC's international staff.

184. DABS will ensure that contract with CSC and contractor will include all necessary provisions ensuring CSC and contractor's compliance with ADB SPS 2009.

B. Construction and Supervision Consultant

185. LARP preparation, updating and implementation will be assisted by the construction supervision consultants (CSC) who will also provide for the compliance reports required. The CSC will have local and international staff to carry out LAR-related field works, LAR planning, implantation, monitoring, reporting and capacity building tasks.

C. Contractor

186. The contractor will be required to closely liaise with the construction supervision consultant's safeguard staff in final route selection and assist in exact identification of final tower locations based on detailed design. The contractor should ensure that no physical works in sections with LAR impacts until compensation of DPs have been completed in such sections as confirmed by DABS.

187. 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 LARP compliance report by ADB, confirming that compensation payments and other entitlements have been provided to affected persons as per final disclosed LARP.

188. 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.

189. 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.

D. Provincial Valuation and Compensation Committee

190. The assessment of all damage and losses will be made and valuation of compensation decided by the Provincial Valuation and Compensation Committee (PVCC). The Committee consists of the following members: 1) one representative of the Province governor responsible for land affairs, 2) one representative of the PMO (preferably a member of Due Diligence Team), 3) one representative of the coordinator/facilitator, 4) one representative of the land users to whom lands are taken permanently or temporarily, 5) one representative of the District's Jirga, preferably coming from the most relevant District regarding land acquisition of the respective Province, and 6) one representative of the contractor, responsible for the identification of losses and who is also a member of the sub-commission without voting rights.

E. Other Agencies and Institutions

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

a. Community Shuras, Local Jirgas and Community Development Councils: These local entities will assist in the communication between DABS and the affected communities in a variety of ways, including 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.

b. Provincial Governments: This entity will ensure government functions at provincial level and, following the land valuation survey or negotiation, will provide official endorsement of land compensation rates.

c. Ministry of Finance (MOF): The MOF will be responsible for coordinating the approval of the LARP by the Cabinet of Ministers and, once the LARP is approved, deploying the finances needed for LARP implementation.

d. Women groups: Women groups may be an additional stakeholder if present in the districts. They may support the team of the coordinator and the constructor in direct information, consultation, and negotiations 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.

F. Capacity building

192. The capacity of DABS, and especially PMO and the Due Diligence Task unit, for adequately planning and implementing the LARP needs improvements on:

- LARP planning, implementation and monitoring for ADB financed projects;
- Effective communication means; and
- Involvement of women in projects and LARPs planning and implementation.

193. The IA staff dealing with LAR and LAR impacts will require training on LARP planning and implementation, GRM, monitoring and reporting and other social safeguard issues. The training is proposed to be provided by international consultants of CSC to staff of DABS and other government stakeholders prior to the final line routing.

194. The trainings should include social and gender inclusive approaches to improve understanding of DABS and other government agencies staff about the particular disadvantages of women in land acquisition and resettlement process in Afghanistan context.

G. Asian Development Bank

195. DABS is responsible for updating, finalizing and implementing the final LARP. ADB will provide guidance and supervision as needed in involuntary resettlement process, provide feedback and guidance as necessary in finalization of the draft LARP according to the detail design. After DABS will update and endorse the final LARP, DABS will be submitted it to ADB. ADB will approve it and review its implementation. This will include a review of the monitoring reports, project review missions to the project sites to ascertain the status of the LARP implementation and involuntary resettlement safeguards performance of the PMO and Contractor. ADB will issue clearance for commencement of the construction works upon compliance completion of the final LARP implementation. ADB will also assist DABS in satisfactory implementation of the final approved LARP. If the involuntary resettlement safeguards related non-compliances cases will be identified, ADB will assist and guide DABS in taking corrective actions according to the final LARP and safeguard covenants envisaged in the project financing agreement and documents and ADB SPS (2009).

VI. GRIEVANCE REDRESS MECHANISM (GRM)

A. Overview

196. ADB SPS (2009) requires that the borrower/client shall establish a project level grievance redress mechanism (GRM) to receive and resolve the affected persons' concerns and grievances about physical and economic displacement and other possible impacts of projects and pay attention to the impacts on vulnerable groups. The GRM should be scaled to the risks and adverse impacts of the project. It should address the received concerns and complaints promptly, using an understandable and transparent process that is gender-responsive, culturally appropriate, and readily accessible to the affected persons at no costs and without retribution. GRM shall not impede access to the country's judicial or administrative remedies. The borrower/client will inform affected persons about the GRM.

197. The grievances related to project's physical, situational and social impacts can raise at different stages of the project cycle. Some grievances may arise during the project design and planning stage, while the others may come up during project implementation. Not only should affected persons (APs) be able to raise their grievances and be given an adequate hearing, but also satisfactory solutions should be found that mutually benefit both the APs and the project. It is equally important that APs/DPs have access to legitimate, reliable, transparent and efficient institutional mechanisms that are responsive to their complaints. The persons interested are also entitled to file reference before the Civil Court. Against the decision of the Civil Court, they can seek their remedy before the Higher Courts.

198. Grievance redress mechanism. A project level grievance redress mechanism with representation of all stakeholders will be established at the time of project inception. Details are in Appendix 3.

199. The situation in the conflict-marked Afghanistan requires special attention in order to avoid any additional development of conflicts. Prevention of grievances will mainly be affected through careful land acquisition design and implementation, by ensuring full DP participation and consultation and by establishing extensive communication and coordination between the community, the PMO and their consultants and coordinators and the local governments. In order to include women, the team for the implementation of the land acquisition and resettlement (and compensation) process will be gender-sensitive and culturally-adapted.

200. Complaints are unavoidable. Therefore, GRM will allow the APs to appeal against any contested decision, practice or activity arising from the valuation of losses and the compensation/rehabilitation process. Efforts to make DPs fully aware of their rights and of the procedures for addressing complaints will continue during the updating of the LARP and at the time of compensation.

B. Project GRM Process

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

202. **First Step:** A Grievance Redress Committee (GRC) will be established for each district concerned. It includes:

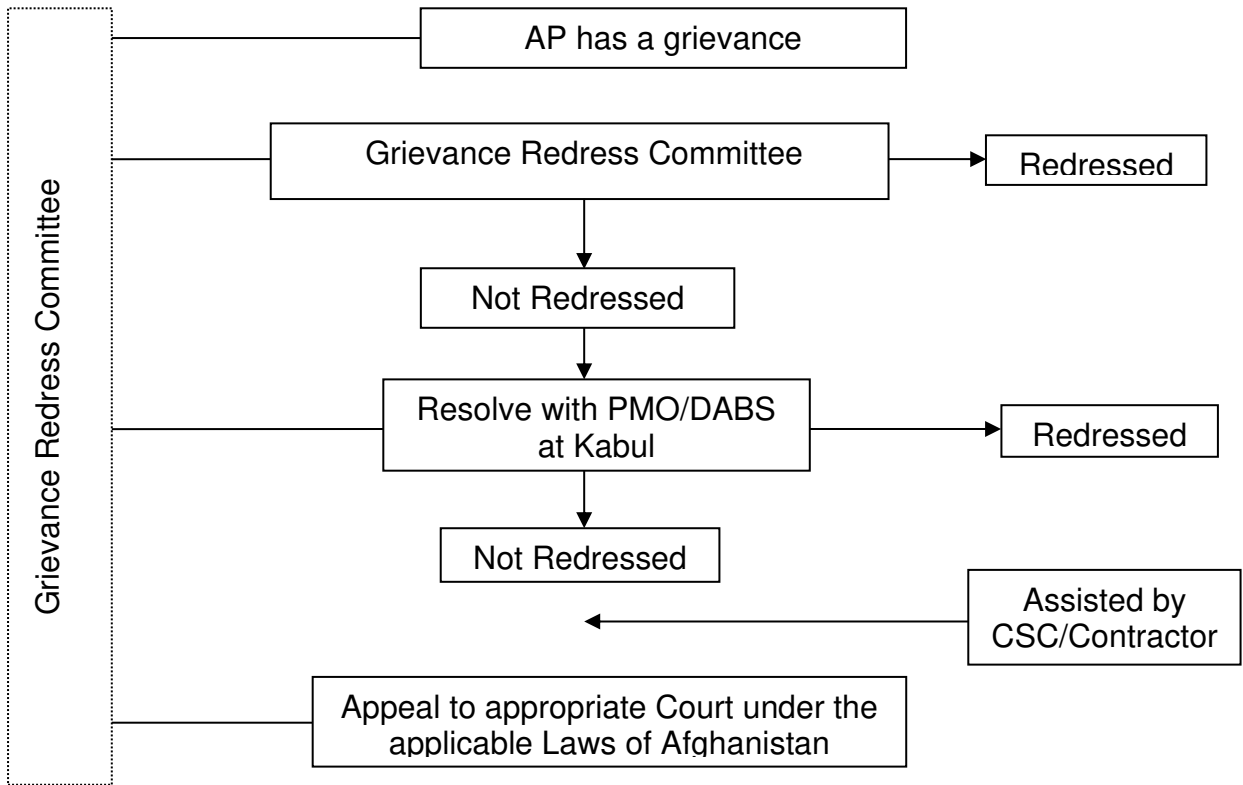
- (i) Two members of the community along the TL corridor (preferably one AP and one non-directly affected person from two different villages concerned) to be elected by the regional jirga;
- (ii) One representative of the district governor with juridical experience;
- (iii) One representative of the district DABS office concerned, and one representative of a regionally active NGO, preferably with experience in mediation/conflict management.
- (iv) 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.
- (v) The committee is to be chaired by the representative of the concerned district governor and will receive complaints. Grievances should be sent in writing to the committee and must be heard and resolved within 21 days of submission of the complaint.

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

204. If the cause of grievance be a contradiction between traditional law and modern legislation, the AP may also seek support from the local jirga and/or from elders who may hear the position of the AP. If the issue or complaint remain unresolved through the GRM, the case can be referred to the appropriate court for resolution. The PMO will design a pro-forma letter to be used for filing complaints. Staff of CSC will help filling in the form and forwarding it to the appropriate committee/authority and will assist the DP at every stage of the complaint process.

205. If grievances cannot be resolved at local level, the DABS will nevertheless pay the amount laid down by the PVCC (Provincial Valuation and Compensation Committee) 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 AHs. Grievance redress process is illustrated in Table 18 below.

Table 18: Grievance redress process



VII. RESETTLEMENT BUDGET

A. Overview

206. LARP implementation costs will be part of the project budget. DABS will ensure availability of funds upon finalization of the draft LARP based on detailed design. The budget in draft LARP is estimated based current market prices of affected land and assets. It includes administration charges, contingencies, and monitoring expenses of the external monitor. Due to the preliminary status of the design for the TL, only rough estimations of compensation rates were consulted with AHs during field survey and consultations. The budget will be updated in LARP finalization as per final engineering design and completion of final DMS. The rates are estimated at current market prices in the project areas for types of losses and preliminary discussed with AHs, and will be updated in updating the LARP.

B. Compensation for Permanent Land Losses

207. The total permanent land requirement for towers will be 31,150.00 sqm. The agricultural lands were divided into 3 categories for valuation and most of lands along project belong to category 3. The estimated compensation rates are based on consultations with AHs and review of land transactions rates in the area (Table 19).

Table 19: Compensation for Permanent Land Losses

Type of Land	Rate (AFN/sqm)
Agricultural lands	
Category 1	250
Category 2	100
Category 3	30
Residential land	
Residential land	250

C. Compensation for affected structures

208. Structure loss compensation is estimated based on 'replacement cost' free of depreciation. Replacement cost is 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, labor and transport (Table 20). This is the norm that has been used for estimating LAR costs.

Table 20: Compensation for Affected Structures

Item (structure)	Unit	Rate (AFN)
Houses/Buildings (Mud /brick/wood)	Sqm	3000
Houses/Buildings (Mud/ brick /wood)	Sqm	15000
Perimeter Walls (Mud/Brick)	M ³	1500

D. Compensation for crops

209. Compensation for crops is estimated based on market value of affected crop and productivity per sqm of land. It is assessed from each sqm of land up to 1 kg of wheat can be harvested. An average, 0.5 kg of wheat per each sqm of land is estimated (Table 21).

Table 21: Compensation for Crops

Affected area of crops (Wheat)	Rate (AFN)/M ²
8,490 Permanent	30

E. Compensation for trees

210. Compensation for fruit bearing trees estimated 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 is estimated at the commercial value of the wood x its volume. There are 576 fruit-bearing trees that include 233 Apricot trees, 174 pcs of Grape vines, 96 of Apple and 73 pcs of Almond trees, and 286 non-productive trees. The calculation of the compensation for productive and non-productive trees are integrated in (Table 23). The assessed rates for the various affected trees range from 6000 AFN – 7,500 AFN as per table below. A unified rate of 6,000 AFN/fruit tree was calculated.

Table 22: Compensation for Trees

Tree	Average Annual Yield, Kg	Rate, AFN/kg (Market prices)	Years to regrow to productive level	Rate per tree (AFN)
Apricot	233	40	4	6,000
Almond	73	350	8	6,000
Grape	174	50	3	6,000
Apple	96	65	5	6,000

Table 23. Affected Trees with costs

Items	Affected No.	Unit Rate	Amount/AFN	Amount/\$
Nonproductive Trees	286	4000	1,144,000	14,667
Productive Trees	576	6000	3,456,000	44,308
Total	862		4,600,000	58,974

211. The non-fruit tree was in early ages of their life cycle with a maximum height of 3 m and maximum girth of 0.3 m, the compensation per tree estimated at 4,000 AFN.

F. Allowances

212. **Relocation Allowance:** 18 AHs who will need to be relocated will be paid a lump sum amount of AFN 7,500 /AH.

213. **Transitional Allowance:** The 18 who will need to be relocated, will also be paid a lump sum amount of AFN 22,500 /AH.

214. **Vulnerable AH allowance:** The 26 AHs who were considered to be below poverty line and they will be paid a lump sum allowance of AFN 45,000/AH.

215. **Severe Impact Allowance:** 24 AHs severely impacted, and will be paid an allowance of AFN 45,000/AH.

216. Temporary Business loss: 7 AHs will have business loss and will be paid AFN 8,000/AH.

G. Total Estimated Budget

217. In Table , summarized item wise description of loss compensations for loss land and assets, and 20% contingency is presented in AFN and in USD. In total, draft LARP budget is estimated **27,309,510** AFN equal to **350,121.2** USD (conversion rate 1 USD = 78 AFN).

Table 24: Summary of LARP Cost Estimates and Budget

Description	As per LARP survey			
Land (A)	Affected Area/m2	Unit Rate	Amount/AFN	Amount/\$
1- Private Land				
Agricultural irrigated land				
• First Category	500	250	125,000	1602.56
• Second Category	1,750	100	175000	2243.58
• Third Category	12,300	30	369000	4730.76
Agricultural non-irrigated land	12,000	30	360000	4615.38
Residential Land	4,600	250	1150000	14743.58
Sub-Total	31,150.00		2,179,000	27935.89
Structure (B)	Affected Area	Unit Rate	Amount/AFN	Amount/\$
Houses/Buildings (Mud/brick/wood)	1306	3000	3,918,000	50,230.77
Houses/Buildings (Mud/brick/wood)	180	15000	2,700,000	34,615.38
Sub-Total	1,486		6,618,000	84,846.15
Walls	Affected volume	Unit Rate	Amount/AFN	Amount/\$
Perimeter Walls (Mud/Brick/Wood)	380	1500	570,000	7,307.69
Sub-Total	380		570,000	7,307.69
Trees (C)	Affected Area	Unit Rate	Amount/AFN	Amount/\$
Non -productive Trees	286	4000	1,144,000	14,667
Productive Trees	576	6000	3,456,000	44,308
Sub-Total	862		4,600,000	58,974
Crops Loss (D)	Affected Area	Unit Rate	Amount/AFN	Amount/\$
Permanent Crops Loss	8,490	30	254,700	3,265.38
Temporary Crops Loss	120,000	30	3,600,000	46,153.85
Sub-Total	128,490		3,854,700	49,419.23
Temporary Business Loss (E)	Affected No.	Unit Rate	Amount/AFN	Amount/\$
Shops	7	8000	56,000	717.948
Sub-Total	7		56,000	717.948
Allowance (F)	Household /Area	Unit Rate	Amount/AFN	Amount/\$
Transitional Allowance	18	22,500	405,000	5192.307
Vulnerable AHs allowance	26	45,000	1,170,000	15000
Relocation AH Allowance	18	7,500	135,000	1730.76
Severe Impact Ah Allowance	23	45,000	1,035,000	13269.2
Sub-Total			2,745,000	35,192.3
Total (A+B+C+D+E+F)			20,622,700	264,393
Other Costs			Amount/AFN	Amount/\$
External Monitoring Agency for 2 months	1	500,000	500,000	6,410.20
LARP Operation cost 10%	1	2,062,270	2,062,270	26,439.35
Contingencies cost 20%	1	4,124,540	4,124,540	52,878.7
Sub-Total			6,686,810	85,728.2
Total Project Cost			27,309,510	350,121.2

VIII. IMPLEMENTATION SCHEDULE

A. Overview

218. LARP implementation will start after the endorsement of the final LARP by DABS and approval by ADB. DABS/PMO will plan all activities related to the land acquisition and involuntary resettlement to ensure that all AHs will receive full compensations and allowances before acquiring their lands and commencement of the construction works. DABS will ensure conducting the information disclosure, meaningful consultations, and participation of AHs, monitoring the LARP implementation, and grievance redress throughout the project implementation. Construction works will start after the AHs will receive full compensations and assistance. DABS/PMO will prepare and submit the LARP compliance implementation report to ADB for review and approval.

219. Monitoring will also help to identify any unanticipated involuntary resettlement impact and take corrective actions on-time to avoid delays in project implementation. In case of unanticipated temporary and/or permanent involuntary resettlement impact, DABS/PMO will prepare and endorse a LARP for the new impact according to national laws and ADB SPS (2009), implement it and submit the LARP implementation report to ADB for review and approval before commencing any physical works on the affected site.

B. Updating the LARP based on the Detailed Design

220. DABS with assistance of CSC will update and finalize the draft LARP based on the detail design, including: (i) confirming the impact area/final impact assessment; (ii) conducting the DMS; (iii) census of all AHs and updating the list of AHs, IOL, SES; (iv) updating compensation rates and assistance allowances, and final LARP budget; (v) conducting project information/documents disclosure, meaningful consultations and information about the GRM to AHs and communities; and (viii) conducting monitoring and preparing monitoring reports.

221. DABS will endorse the updated final LARP and submit it to ADB for review and approval. Upon the ADB's approval, ADB and DABS will disclose it on their websites. DABS will disclose it also to the AHs and communities.

C. Implementation Schedule

222. 5 presents the update, finalization and implementation of the LARP. According to the schedule of the construction works for the TL that will be proposed by the Contractors and selected by DABS, the schedule will be adjusted in the final LARP. Table 26 further below presents indicative timeline for LARP finalization and implementation.

Table 25: LARP Finalization and Implementation Schedule

LARP Implementation Tasks	Task Duration / Week	Project	Within 2nd month	Within 3rd month	Within 4th month	Within 5th month	Within 6th month	Within 7th month	Within 8th month	Within 9th month	Within 10th month	Within 11th month	Within 12th month	Within 13th month	Within 14th month	Within 15th month	Within 16th month	Within 17th month	Within 18th month	Within 19th month
Tentative award of D&B contract? works	1 st week	█																		
Supervision's resettlement team on board	1 st week	█																		
Detailed design completion	3		██████████																	
LAR field surveys and consultations	2				██████															
LARP update and finalization based on detailed design	1					██████														
DABS and ADB review of final LARP	1							██████												
Approval of LAR budget by Council of Ministers (CoM)	1								██████											
LARP implementation and compensation payment	4									██████████										
Commencement of civil works in areas without LAR impact	1													██████						
Grievance Redress	15		-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----	-----
Notice to proceed for Civil Works in LAR-affected areas	1																██████			
Internal / External Monitoring: Monthly and Quarterly Progress Reporting	3																	██████████		

Table 26: LARP Finalization and Implementation

LARP finalization and implementation					
#	Milestone activity	Output	Responsible Party	DATE	Status
1.	CSC's resettlement team on board	Names of resettlement team mobilized Names were already provided to ADB (Safeguards Specialist) via email on Feb 26, 2020	DABS supported by CSC	Whitin first week of project commencement	TBC
2.	Detailed design completed	Input from resettlement team to minimize LAR impact and develop this action plan	DABS supported by CSC	Within 4 th month of project commencement	TBC
3.	Social safeguards surveys	Inventory of Losses, census, DMS, Valuation Report, verification of title documents, etc.	DABS with CSC and MULD support	Within 5 th month of project commencement	TBC
4.	GRM	GRM established (IA and local communities)	DABS with CSC support	Within 5 th month of project commencement	TBC
5.	Meaningful consultations	Meaningful consultations completed, project information, including GRM shared	DABS with support of supervision consultant	Within 5 th month of project commencement	TBC
6.	Submission of implementation ready LARP to ADB	LARP compliance with SPS, LARF, Project management arrangements in place	DABS with CSC support	Within 7 th month of project commencement	TBC
7.	ADB review of the LARP	Comments, if any	ADB	Within 8 th month of project commencement	TBC
8.	Address ADB comments	Updated LARP and project management arrangements in place	DABS	Within 8 th month of project commencement	TBC
9.	Start of External/third party monitors engaged and mobilized	Monitor the construction works	External/third party monitors	Within 17 th month of project commencement	TBC
10.	ADB acceptance of LARP	Confirmation on LARP compliance with SPS, LARF, social safeguards project management arrangements in place	ADB (Safeguards)	Within 9 th month of project commencement	TBC
11.	Implementation ready LARP disclosed	Publication on website	DABS, ADB	Within 10 th month of project commencement	TBC
12.	LARP implementation and preparation of the compliance report	LARP implemented; Compliance report verified by external monitor	DABS, External/third party monitor	Within 10 th month of project commencement	TBC

13.	Submit compliance report to ADB	Compliance report verified by external monitor	DABS	Within 14 th month of project commencement	TBC
14.	ADB review compliance of LARP implementation with LARP, LARF and SPS	Comments, questions	ADB (Social Safeguards)	Within 15 th month of project commencement	TBC
15.	ADB comments addressed	Updated compliance report	DABS	Within 15 th month of project commencement	TBC
16.	Compliance Report Disclosure	Confidential information excluded	DABS, ADB	Within 16 th month of project commencement	TBC
17.	All non-resettlement arrangements in place	Internal, optional	DABS ADB (CWEN)	Within 16 th month of project commencement	TBC
18.	ADB no objection letter to commence construction works on the implemented LARP for section [coordinates]	Compliance report accepted by ADB	ADB	Within 17 th month of project commencement	TBC
Commencement of construction works					
19.	Social Safeguards Monitoring Report			Within 18 th month of project commencement	After acceptance of compliance report and other project management arrangements
20.	Corrective Action Plan need to be prepared and implemented, if unanticipated impact identified				

D. Compensation Delivery Schedule

223. All land titles and other relevant legal documents of land donations together with arrangements for compensation and entitlements will be satisfactorily completed and confirmed by the EMA with its own no-objection for ADB's consideration. Civil works can only commence when a no-objection has been issued by ADB indicating that resettlement impacts have been managed, compensation and entitlements have been paid as agreed with APs.

224. A schedule will need to be produced based on the following paragraphs which explain in detail how compensation could be delivered to AHs/APs and the prerequisites needed in triggering the release of financial resources to the ultimate beneficiaries.

- (i) Obtain financial resources - Based on the final budget of the LARP. PMO will obtain the needed money to fund the land acquisition component from the Ministry of Finance.
- (ii) Verification of the list of qualified AHs/APs - PMO through the Implementing NGO will verify the list of AHs/APs provided in the final LARP to ensure that all eligible AHs/APs will be properly compensated and non-eligible AHs/APs will be excluded. To ensure that identification and qualifications are guaranteed, village elders and community Shuras will be consulted to resolve issues rising from the list.
- (iii) Notification of a detailed compensation package – PMO through the District Government will prepare and provide each AHs/APs with a detailed breakdown of affected assets, and the unit cost of each asset affected and the total compensation that they will receive.
- (iv) Locate absentee owners –PMO through the Implementing NGO and village leaders will locate absentee owners of affected assets. There are cases wherein owners are residing or working in other places and serious efforts should be made to locate these absentee owners. Funds for absentee owners should be held in a separate escrow account.
- (v) Notification to the public – Available media and community bulletin boards will be utilized to inform the public that lands with the corresponding owners will be affected by the Project. These will provide sufficient time for any adverse claimants on lands that will be affected to raise their opposition or claims over the affected lands.
- (vi) Grievances addressed – as discussed in the grievance section .
- (vii) Invoices for each of the eligible AHs/APs will be prepared by PMO/Implementing NGO. The invoice entitles the AHs/APs to receive the amount indicated in the invoice.
- (viii) Delivery of the money to local bank – The money from DABS/MoF will be remitted to a local bank of its choice. The bank account will be opened by PMO and will receive from Kabul the compensation in behalf of the AHs/APs.
- (ix) Payment - AHs/APs will receive each a check for the whole amount of compensation from the PMO/Implementing NGO. The AH/AP will sign a document acknowledging the receipt of the whole compensation and a waiver attesting that he/she has no longer any pending claim over the affected property. A photograph will be taken with the AH/AP receiving the check as part of Project documentation.
- (x) The AH/AP will cash the check by presenting their national identification card (NIC) and/or election registration card to the bank. The NIC is the basic Afghan document establishing the identity of a person. It is accepted ID for all government and private transactions. Persons without NICs will have to explain to the pertinent authorities the reasons why they are not in possession of the NIC.

225. AHs/APs are encouraged to open a bank account in any bank and only carry the necessary money to their respective villages to avoid unnecessary exposure to bad elements who might wish to relieve them of their cash. The benefits of having a saving account will be part of the information to be provided by the Implementing NGO.

IX. MONITORING, EVALUATION AND REPORTING

226. Project and LARP implementation will be monitored regularly to ensure that it is implemented as planned and that mitigation measures designed to address the project's adverse social impacts are adequate and effective. DABS will ensure both internal and external/third party monitoring.

A. Internal monitoring

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

- a) Compliance with land acquisition and resettlement compensation policies;
- b) Adequacy of the organizational mechanism for implementing the LARP;
- c) Fair and judicious handling of complaints and grievances;
- d) Compensation payments to AHs made as mandated by the LARP;
- e) Success in restoring the AHs incomes to pre-project levels.

228. Internal monitoring will be carried out on a regularly by DABS/PMO with support of CSC and reported to ADB on a quarterly basis. Prior to the delivery of compensation payments to AH, DABS/PMO will announce the compensation dates, including a detailed compensation schedule, community by community. The CSC will monitor to ensure that no construction in the affected areas commences until the payment of compensation has been fully completed and that DPs' concerns are identified timely and addressed effectively.

229. At the end of the construction works, the lands will be restored and returned to AHs to resume their livelihood/agricultural activities in the same way as they did before the project. Process of temporary impacted land plots transfer to AHs after construction should be also monitored and reflected in the monitoring report. A LARP completion and evaluation report will be prepared summarizing the LARP implementation experience in the entire project.

B. External monitoring

230. DABS will appoint an independent external/third party monitor (EM) for external monitoring of 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 or third-party monitor for ADB review and approval. ADB will review such compliance reports to provide its no objection for issuance of Notice to Proceed.

C. Reporting

231. DABS will submit to ADB quarterly Social Safeguard monitoring reports along with social safeguards monitoring updates with regular project 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.