

Resettlement Plan

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Afghanistan: Energy Sector Improvement Investment Program (Tranche 7)

Puli Hashimi – Shindand 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
<i>Jirga</i>	Traditional Afghan local and regional council
Kg	kilogram
kV	kilovolt
LAL	Land Acquisition Law of Afghanistan
LAR	Land acquisition and resettlement
LARF	Land Acquisition and Resettlement Framework
LARFS	Land Acquisition and Resettlement Field Survey
LARP	Land Acquisition and Resettlement Plan
M&E	Monitoring and Evaluation
MFF	Multitranches 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 Pul-e-Hashimi – Shindand 220 kV Double Circuit Transmission Line 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 and Distributions:** 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. There are 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 LARP is prepared for the proposed 220kV Transmission Line Pul-e-Hashimi to Shindand Substation of total ~135km.**

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 finalise 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 current draft LARP is based on preliminary TL design with limited site visits due to FCAS and COVID-19 related challenges. Thus, there were many technical challenges in finalizing social safeguards field surveys and assessment of LAR-impacts. These include the on-site visits and surveys, meetings and consultations 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 and shall be updated as per the final design of the project.

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

- Annex 1: Record of the consultations conducted along the transmission line route as part of field surveys
- Annex 2: Project Information Leaflet Islamic Republic of Afghanistan: Regional Power Interconnection funded by the Asian Development Bank
- Annex 3: Project Information Leaflet
- Annex 4: Scope of Work for EMA
- Annex 5: LAR and Non-LAR Areas

B. Proposed 220kV Transmission Line Pul-e-Hashimi to Shindand Substation

11. This draft LARP is prepared for the construction of the 220-Kv Transmission Line (TL) of ~135km length from Pul-e-Hashimi to Shindand Substation in Herat province. The TL will follow the Herat – Kandahar highway at an average 50 m offset (25 m at each side). The TL will require installation of 490 transmission towers. The precise location of transmission towers will be known during the detailed design stage. It is pertinent to note that the location of towers can safely be adjusted by 10–15 meters to minimize resettlement impact as the average distance between two transmission towers ranges from 200–225 meters. The preliminary design envisages the Right of Way (ROW) of 50 meters width corridor per 25 meters per each side of the centreline) and 7 meters height along the TL route.

12. There is no major city or town along the TL route. Most parts of the TL route passes through barren deserts, hills and mountain. The survey shows that 108 km out the total 134.88 km is **crossing through government owned lands (non-LAR impact area) covering 80.13% of the total TL** and the remaining 26.8 km is crossing through privately owned land covering 19.87% of the total TL. It is mainly a mix of different composites ranging from rocks, sand, hills, soft soil and agricultural areas as per the survey results. The design will maintain compatibility with other 220 kV transmission line designs already implemented in Afghanistan in several other projects.

C. land acquisition and resettlement impact

13. 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.

14. 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.

15. **Land impacts.** Of the total 490 transmission towers to be installed for the TL, 389 will be on state lands and 101 on privately owned lands. The survey shows that 108 km out the total 134.88 km is crossing through government owned lands (non-LAR impact area) and the remaining 26.8 km is crossing through privately owned. Total area of land affected permanently by tower footings is 120,850 m², and this includes acquisition for towers (22,899 m²) and clearance of residential structures under the tower footings and/or in between the towers (2,700 m²). No tower will have a low-bar to restrict future cultivation of the lands under the towers and the AHs may potentially continue cultivation as before after the completion of the civil works. However, land compensation at replacement cost will be paid for all loss of land under tower footings that will be permanently acquired and for crop loss. In affected agricultural lands, 7,960 m² permanently and 151,600 m² temporarily of wheat crops will be affected, and 7,960 m² corresponds to footings and 151,600 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 151,600 m² has been recorded during the field survey. 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.

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)	251	75,300	31	9300
B (250)	54	13,500	16	4000
C (200)	90	18,000	28	5600
D (150)	91	13,650	26	3900
E	4	400	0	0
Total	490	120,850	31	22,800

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: 151,600 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 96	N/a	To be confirmed at LARP update based on census and DMS

16. 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

Puli Hashimi – Shindand TL	
Total area of land affected (permanent)	120,850 m ² (100%)
Total Gov. lands	98,050 m ² (81.1%)
Total Private lands: (18.9%)	22,800 m ²
• Agricultural land: 20,100 m ²	
- Irrigated: 8,850 m ²	
- non-irrigated: 11,250 m ²	

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

• Residential land: 2,700 m ²	
Temporary impact private crops	151,600 m ²

In total 101 AHs. In total 101 households are expected to be affected by the tower footings. 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. , and 21 AHs will also experience partial impact to their structures. Of the total 101 AHs, 96 AHs will experience temporary land impact and lose crops during the civil works (construction of tower foundation, tower installation and stringing works), and the remained 5 AHs do not cultivate the temporary effected lands and have no crops on these lands. Of the total 101 AHs, 15 AHs will experience impacts to their structures such as houses and other buildings in ROW: 12 of them may need to be physically displaced and impact to houses of 3 AHs will be partial (only boundary walls), based on the current preliminary engineering design. The requirements are based on the project design and Afghanistan technical standards (PUE Soviet standards) applied as best available technical standards in Afghanistan for such transmission lines. In preparation of detail engineering design, DABS will ensure conducting an assessment of design alternatives to avoid impacts to houses of these 12 AHs. If the impact will be unavoidable, these 12 AHs shall be relocated considering the long-term impacts of electromagnetic fields on the residents. In this draft LARP, these 12 AHs houses are treated as AHs need physical relocation.

17. 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 appopare 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.

Table 4: Number of towers and affected land and households by type of losses

Type of Tower	No. of Towers	Affected Land m ²
A	251	75,300
B	54	13,500
C	90	18,000
D	91	13,650
E	4	400
Total	490	120,850
Affected Households (AHs)		
Total No. of AHs (estimated based on the number of towers located on private land)		101
No. of AHs with both permanent and temporary land impacts		101
No. of AHs losing crops in addition to land		96
No. of AHs losing trees in addition to land		4
No. of AHs losing structures		21
No. of AHs need physical relocation		12
No. of Severely AHs		21 ²
No. of Vulnerable AHs		21
Affected Persons (APs)		APs
No. of Affected Persons ³		808
No. of Severely Affected Persons ⁴		168

18. **Business loss.** No permanent impacts on business along the TL route has been identified at the preliminary design stage. The field survey identified 5 shops which may be temporarily displaced during the civil works within the line corridor. Compensation for temporary loss of their incomes is included in LARP costs budget.

Table 5: Summary of Impact Magnitude

Impact Type	Quantity
Private agricultural lands	8,850 m ²
Private residential lands	2,700 m ²
Loss of crops (Wheat)	7,960 m ²
Fruit and Non-fruit trees	238 timber trees and 384 fruit trees = 622

19. **Loss of crops.** Loss of crops will occur both on permanently to be acquired lands for towers' footings and on temporary impacted lands due to civil works. The civil works will last about 22 months and AHs will be paid compensation for loss of 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. The works will be carried out in a 50 m width corridor (ROW) for the 3-tier process of constructing towers foundations, towers installation and stringing. If all civil works will be carried out during the cropping seasons of spring and summer (civil works in cropping season shall be avoided as far as feasible), temporary impacts and loss of crops will be on 7,960 m² agricultural lands cultivated with wheat. Crop cultivation within the corridor can continue after the stringing of lines are laid out. Mitigation measures are provided in this draft LARP for restoring the temporary effected lands of AHs after the civil works completion.

20. **Loss of trees.** Within and nearby the the RoW corridor, vegetations above 7 m height needs to be permanently cleared. A total of 238 timber trees and 384 fruit trees will be lost.

² As per the LARF, the AHs whose structures/houses will be affected by 25%.

³ Including the family members of AHs.

⁴ Including the family members of Severely AHs.

21. **Loss of structures.** A total of 1,426 sqm and 370 Cub.m of physical structures will be affected which include houses, shops and perimeter walls (Table 6).

Table 6: Types of structures to be affected

Type of Structure	Area
Houses/Buildings (Mud/brick/wood)	1426 sq.m
Perimeter Walls (Mud/Brick/Wood)	370 Cub.m
Total structures	1426 Sq.m and 370 Cub.m

22. **Vulnerable AHs.** Consultation meetings and AHs preliminary census and surveys found a total of 21 AHs as vulnerable households living below poverty line (AHs earning less than a dollar per day), all are men-headed households.

23. **Severely AHs.** No AHs will lose permanently more than 10% of their land/productive assets. 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 is from 100sqm to 300 sqm. However, 21 AHs are considered as severely affected due to the impact to their houses.

24. **Avoiding impacts in detail engineering design.** At present, the exact location of towers are not known and given that the location of towers can safely be adjusted by 10–15 meters the resettlement impacts can be minimized as the average distance between two transmission towers ranges from 200–225 meters. Therefore, the detail engineering design shall consider this as design alternatives to minimize some impacts especially to houses and livelihoods of people. Also, 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 state-owned land to avoid impact to private lands.

25. While assessing total impacts of the TL project, as a matter of strategy, all potential losses and impacts are included in this draft LARP as precaution to secure sufficient LARP budget. The present assessment is prepared on the basis of most likely alignment route which was done by field survey team and engineers of the Company Dinamic Vision (DV), engaged in preliminary design preparation in collaboration with the local government authorities and localities along the proposed TL. However, there may be adjustments in the final route and detail engineering design, guided by the principle of avoiding and minimizing involuntary resettlement impacts. The project will conduct additional extensive consultations with communities and AHs at the LARP finalization stage for avoiding impacts to lands and livelihoods of people, especially for avoiding physical displacement by all costs.

D. Compensation for Losses

26. The entitlements matrix in Table 7 below provides compensations at replacement cost for all type of impacts as well as allowances to vulnerable and severely AHs, to be paid fully prior to start of civil works in impacted sections. The allowances envisaged in the entitlements matrix of this draft LARP shall be updated and CPI-adjusted at the LARP update stage.

Table 7. Entitlements Matrix⁵

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	AHs with title, formal/customary deed, or traditional land right as vouched by local Jirga, elders or Community Development Council. ⁶	<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.

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

⁶ 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
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. - The 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.
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)	<ul style="list-style-type: none"> - Transitional allowance per household for livelihood losses at AF7,500 multiplied by 3 months = AF22,500.⁷
Relocation Allowance	Relocating households	All relocating households (including renters and informal settlers)	<ul style="list-style-type: none"> - Relocation allowance per household of AF7,500.⁸
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	<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).⁹ - Preferential employment in project related jobs, if qualified for the position.

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.

⁹ 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
Severe Impact	Physical displacement 10% or higher loss of productive income source (e.g., land, structure, rental income, etc.)	children, and indigenous people and those without legal title to land. 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); ¹⁰ 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. ¹¹
Temporary land occupation/Temporary impacts on land		Title holders (formal and informal) lease holders and/or crop owners	- 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			- Unforeseen impacts compensated based on above entitlements in accordance with SPS 2009 during project implementation by EA. - Irrigation channels are diverted and rehabilitated to previous standards
Impact on irrigation channels	Temporary or permanent loss due to the Project activities	Community/affected households	
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.

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

¹¹ The allowances envisaged in this entitlement matrix of this draft LARP will be CPI-adjusted at the LARP update stage.

E. Estimated compensation rates

27. 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 and replacement cost principle of ADB SPS 2009.

28. 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.

29. **Compensation for permanent loss of agricultural land:** 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.

30. **Compensation for permanent loss of residential land:** The agreed estimated price rate 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.

31. **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/sq.m.

32. **Compensation for crops.** Compensation for crops is estimated based on market value of affected crop and on the basis of productivity per sqm of land. As per the assessments conducted, from each sqm of land, maximum 0.5 kg of wheat can be harvested. On average, 0.5 kg of wheat per each sqm of land was considered for crop lands (15 AF/sqm).

33. **Compensation for trees.** Fruit bearing trees is 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 are valued taking into account commercial value of the wood multiplied by the volume of wood likely to be available from these non-fruit bearing trees.

34. There are 384 fruit-bearing trees that include 134 Apricot trees, 100 pcs of Grape vines, 92 of Apple and 58 pcs of Almond trees. The assessed rates for the various affected trees range from 4,500 AFN to 6,900 AFN. And average of 6,000 AFN per tree is considered.

35. 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 considered at 4,000 AFN.

36. **Relocation assistance allowances.** The 12 AHs who will need to be relocated, will be provided with an amount of AFN 7,500 per AH. In addition, they will also be provided a lump sum amount of AFN 22,500 per AH.

37. **Vulnerability allowances.** There are 21 AHs who observed to be falling below poverty line and vulnerable who will receive a lump sum allowance of AFN 45,000 per AH.

F. Disclosure and public consultations

38. Information disclosure and public consultations were conducted with AHs and public along the TL routing from Pul-e- Hashimi to Shindand district during February and March 2019. The objective was sharing of information about the proposed project and planned activities. 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.

39. Some of the potentially affected people wanted to know about the norms to be adopted for deciding on the compensation amounts. The queries related to compensation to be paid for lands, standing crops, fruit crop, fruit and non-fruit trees, structures and construction of houses for the potentially displaced people. The payment of compensation to AHs at full replacement cost as per ADB SPS (2009) principles including the project Grievance Redress Mechanism , was explained to participants with examples from projects implemented with ADB financing in Afghanistan. Participants were satisfied with the explanations and ensured that monitorings will be carried out to ensure the compensation delivery to AHs will be in a transparent manner.

40. Participants showed willingness and understanding of importance of project implementation for supporting the national and regional infrastructural development. It was also explained to the participants that the project is at a pre-design stage and this is not a final design for TL. Further, consultations will be held with AHs and communities members in preparation of the project's detailed engineering design when the exact locations of the towers and numbers of AHs will be known. Accordingly, a final LARP will be prepared and disclosed to AHs in local language and its English copy will be disclosed on ADB website.

G. Grievance Redress Mechanism

41. A Grievance Redress Mechanism (GRM) will be put in place to be accessible to all 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 under the project. The GRM will provide a platform to mediate conflict and cut down lengthy litigation which may delay implementation of the project. For implementation of the GRM, DABS will establish Grievance Redress Committee (GRC) in local level as well as in DABS Management level, order to receive and resolve AP's concerns and complaints related to the project's social and environmental management performance. A GRC will include representatives of DABS, Contractor and CSC, affected villages, District Governors with legal experience, and active NGO when available in the area.

42. DABS will ensure that the GRC will have adequate provisions for addressing grievance in timely, effective and mutually consensus manner at local levels. If the GRC cannot resolve the grievance, it will be reviewed by the General Manager of DABS in Head Office in Kabul.

43. The CSC will provide capacity building training to staff of DABS, contractor and other government stakeholders to redressed grievances in a sensitive manner and with respect of local cultures to ensure the subject issues do not trigger any further disputes.

H. Estimated budget for resettlement

44. The draft LARP costs are estimated at **22,634,450** AFN, that is equivalent to **290,185.21** USD (conversion rate 1USD = 78 AFN) including compensations to AHs for all types of losses as well as assistance 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.

I. Institutional Arrangement, LARP Update and Monitoring Implementation

45. The Project Management Office (PMO) of DABS will update the draft LARP based on the detailed 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.

46. The project Construction Supervision Consultant (CSC) to be engaged in project implementation, shall assist the DABS in full implementation of the updated and final LARP in compliance with the Program's LARF prior to start of civil works.

47. 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.

48. The final LARP implementation will be monitored internally by the PMO with assistance of the CSC, as well as externally by the external/third party monitor. DABS will engage the external/third party monitor for external monitoring of LARP implementation. 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 envisage in the section of this draft LARP for Monitoring and Reporting.

49. 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.

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

I. INTRODUCTION

A. Overview

51. This draft Land Acquisition and Resettlement Plan (LARP) is prepared for the Project Pul-e-Hashimi – Shindand 220 kV Double Circuit Transmission Line 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.

52. 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.

53. 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.

54. Construction and operation of two new 220kV Transmission Lines (TLs) 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).

55. For construction of each of these two new TLs, two separate draft LARPs are prepared.

B. Objective of the LARP

56. 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.

57. 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.

58. It is based on information collected by project preparation consultant during the site visit in February – March 2019 in consultation with the stakeholders, especially community leaders and householders in the project communities. The draft LARP defines the AHs, estimates of the types of impacts, and compensations and assistance allowances. According to the principles of ADB's SPS (2009), laws of Afghanistan and the MFF Program's LARF.

59. The Project Management Office (PMO) of DABS will update this draft LARP and prepare a final LARP based on the detailed engineering design of the project. DABS will ensure conducting a Detailed Measurement Survey (DMS) and a census of all 100% of AHs based on the detail engineering design and final route and locations of the towers. The formal valuation will be conducted with engagement of the MUDL and other relevant authorities and negotiated with AHs, and compensation and assistance allowances amounts will be updated.

60. 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 relevant LARP including full delivery of compensation and rehabilitation. Such a condition will be clearly spelled out in the text of the civil works contract.

C. Proposed 220kV Transmission Line Pul-e-Hashimi to Shindand Substation

61. This draft LARP is prepared for the construction of the 220-Kv Transmission Line (TL) of ~135km length from Pul-e-Hashimi to Shindand Substation in Herat province. The proposed TL will be connected with 220/20 kV substation at Shindand District of Herat Province. The TL along its total 135 km route avoids private lands and structure as much as possible while maintaining minimum clearance to the outside surroundings and under the line. The proposed TL connects Pul-e- Hashimi and Shindand while supporting the national grid. The proposed TL route has been selected taking into account technical, economic, environmental and social aspects that are relevant along the route corridor.

62. The TL will require installation of 490 transmission towers. The precise location of transmission towers will be ascertained during the detailed design stage. It is pertinent to note that the location of towers can safely be adjusted by 10–15 meters to minimize resettlement impact as the average distance between two transmission towers ranges from 200–225 meters. The preliminary design envisages the Right of Way (ROW) of 50 meters width corridor along the TL route, that is per 25 meters per each side of the TL, and 7 meters height.

63. There is no major city or town along the TL route. Most parts of the TL route passes through barren deserts, hills and mountains (see Figures 1-5). It is mainly a mix of different composites ranging from rocks, sand, hills, soft soil and agricultural areas as per the survey results. The design will maintain compatibility with other 220 kV TLs designs already implemented in Afghanistan in several other projects.

Figure 1: Pul -e- Hashimi - Shindand TL Route



Figure 2: Pul -e- Hashimi - Shindand TL Route

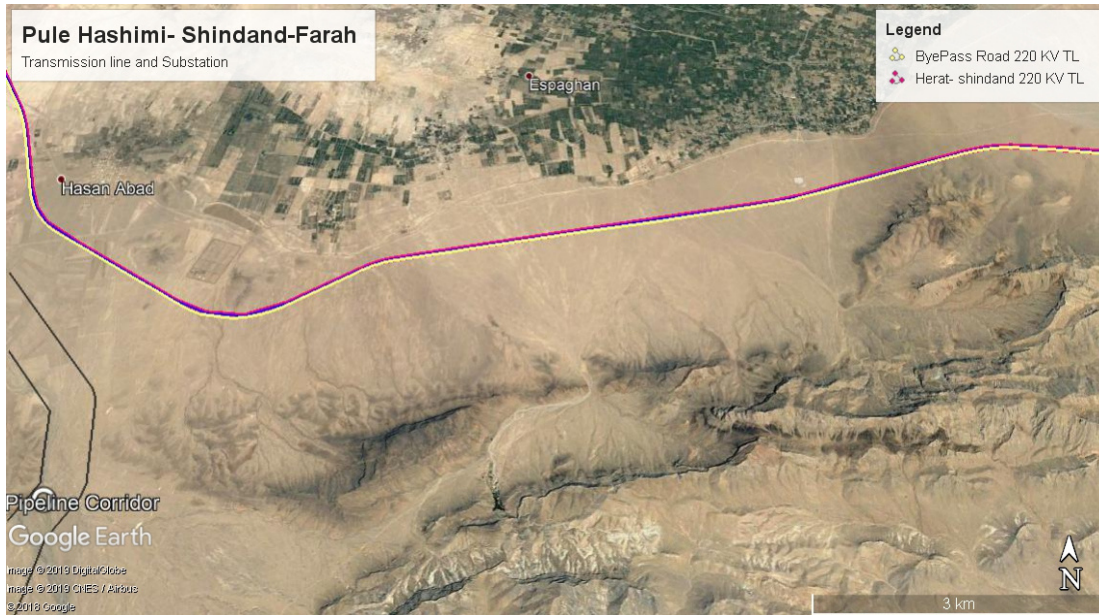


Figure 3: Pul -e- Hashimi - Shindand TL Route



Figure 4: Pul -e- Hashimi - Shindand TL Route



64. Three TLs, namely the Iran 132 kV TL, (double circuit), TAP 500 kV TL and TL Noor Jahad (220 kV) will be connected to Pul -e- Hashimi substation. It is predicted to have a capacity of about (2*160) 320 MW voltage. The project is designed to be formed as a ring system involving Noor Jahad substation, 24 Hoot substation, and Ghoryan substation.

D. Right of Way and clearance

65. The Right of Way (RoW) for the proposed TL is defined as 50 meters width corridor (25 m on both sides of the center line) on the basis of the span-width, the proposed line swinging and the electrical safety distance. 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. 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. Concerning ground clearance, Table 8 below shows the standards 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

66. The proposed TL is located on the western part of Afghanistan in Herat province. Starting from Pul -e- Hashimi substation to Shindand Substation of Shindand district. The land falling under the proposed TL is mostly state-owned barren lands with no cultivations. However, privately-owned agricultural lands will also be impacted. The security situation along TL route from Pul-e- Hashimi to Shindand District is mostly secure with very welcoming and helpful local people. The TL will pass through 4 districts of Herat province,. They are Zindajan, Guzara, Adraskan, Shindand starting from Pul-e- Hashimi to Shindand.

67. The TL will run from Pul-e- Hashimi, the substation location, in Zindajan district, to west of Herat Province. It would then run towards east, through Guzara, Adraskan districts and then run towards Shindand sub-station of Shindand district.

68. From the starting point of TL to the eastern portion of Guzara District, the land is flat, barren up to Mirdawood village of Guzara District. From Mirdawood village, the terrain is rocky and gravel hills up to Shindand start (Shindand do rahi). The route will cross rivers at two points. In Adraskan District, it would cross rivers Kharchan and Gaz respectively. The TL route will pass agricultural land in Adraskan and Shindand District.

F.Measures to Minimise Resettlement

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

- (i) Non-agricultural and state-owned land to be used wherever available;
- (ii) If the TL has to traverse agricultural land, the shortest feasible crossing distance is sought;
- (iii) Where tower placement allows it, suitable land is sought from a land user with a large plot to minimize the number of AHs and impact magnitude on any single AH;
- (iv) Settlements, houses and built-up areas are avoided wherever possible;
- (v) 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.
- (vi) The final impacts may be minimized as towers may be constructed with priority on barren lands, public space along streets and channels, and on other types of state-owned lands in order to avoid interference into private land ownership rights.

G. Eligibility Cut-Off Date

70. **The cut-off date.** 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.

II. SCOPE OF LAND ACQUISITION AND RESETTLEMENT

A. Overview

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

72. The LARFS involved impact assessment by quantifying and estimating the costs for the losses/disturbances to land, structures, trees and crops based on consultations with various stakeholders including affected households (AHs). Socio-economic data of the AHs have been collected, and consultations with AHs and the affected communities have been completed. 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.

73. The findings in this draft LARP will be updated upon finalization of detailed engineering design by DABS/PMO with assistance of construction supervision consultant. 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. With regard to the definite losses it is also important to time the construction works during autumn and winter so that crop damages are minimized, barring winter wheat crop in some regions. This is expected to cause moderate to low impacts due to land acquisition and resettlement activities.

B. Scope of land acquisition and resettlement impact

74. The preliminary design was guided wherever possible to use non-agricultural and government-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 to minimize the social or environmental adverse impacts.

75. The construction of the proposed 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. The impacts to lands and structures/buildings will be partial. Besides, temporary land impact is expected within 50 meters width corridor and 7 meters height Right of Way, necessary for stringing between and erection of towers, and for access road to approach towers, access to tower sites and sticking operations. At each tower location and between towers the installation of towers and stringing is anticipated to last up to eight weeks. This will cause temporary land impacts and loss of crops and trees within the established 50 meters width corridor (ROW) for tower construction and stringent works.

76. **Land impacts.** Of the total 490 transmission towers to be installed for the TL, 389 will be on state lands and 101 on privately owned lands. The survey shows that 108 km out the total 134.88 km will cross through government owned lands (non-LAR impact area) covering 80.13% of the total TL and the remaining 26.8 km will cross through privately owned land covering 19.87% of the total TL. No tower will have a low-bar to restrict future cultivation of the lands and the AHs can continue cultivations as before in the temporary affected lands after the civil works. Therefore, land compensation at replacement cost will be paid for all loss lands under tower footings that will be permanently acquired lands. In affected agricultural lands, 7960 m² permanently and 151,600 m² temporarily of wheat crops will be affected and compensation will be paid for crop loss for two years.

77. 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. Number of towers and estimated affected land and AHs by their type of losses are presented in Tables 9-11 below.

78. In total 101 AHs are identified who will experience both temporary and permanent land impact, and partial impact to their structures. Of these 101 AHs, 96 AHs will lose crops due to temporary impacts during the civil works (tower erections and stringing), and 5 AHs do not cultivate and have no crops in affected lands. Of the total 101 AHs, 15 AHs will experience impacts to their structures such as houses and other buildings: 12 of them may need to be physically displaced and impact to houses of 3 AHs will be partial (only boundary walls), based on the current preliminary engineering design. In preparation of detail engineering design, DABS will ensure conducting an assessment of design alternatives to avoid impacts to houses of these 12 AHs. If the impact will be unavoidable, these 12 AHs shall be relocated considering the long-term impacts of electromagnetic fields on the residents.

79. In addition, regarding the partial impacts to houses/buildings, if the impact to the house/structure will effect its viability and safety requirements, the whole 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 appropriate size, the AHs are entitled to build on a new house/structure to replace the lost one 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 the whole land/structure will be acquired and the AHs will also be compensated for the loss of the whole land plot.

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

Type of Tower	No. of Towers	Affected Land m2
A	251	75,300
B	54	13,500
C	90	18,000
D	91	13,650
E	4	400
Total	490	120,850
Affected Households (AHs)		
Total No. of AHs		101
No. of AHs losing land		101
No. of AHs losing crops in addition to land		96
No. of AHs losing trees in addition to land		4
No. of households losing structures		21
No. of Households needing relocation		12
No. of Severley affected households		21
Vulnerable AHs		21
Affected Persons (APs)		
No. of affected population		808
No. of severely affected persons		168

Table 10: Summary of Impact Magnitude

Impact Type	Quantity
Private agricultural lands	8,850 m ²
Private residential lands	2,700 m ²
Loss of crops (Wheat)	7,960 m ²
Fruit and Non-fruit trees	238 timber trees and 384 fruit trees = 622

80. 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 therefore use of public lands for the proposed TL will not affect the livestock owners.

81. Apart from land impacts, construction works have insignificant environmental impacts on local population. Construction will only be conducted close to living areas in Adraskan district and in some villages of Shindand. Adverse impacts in such areas could be additional traffic where traffic safety to children will need to be ensured. Emission of dust from the construction vehicles on unpaved roads, noise from construction works and some pollution e.g. from welding which will be addressed by the project's environmental management plan.

82. 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 11).

Table 11: List of towers to be erected on private lands and its Impact

Type of Tower	No. of Towers in private lands	Sq.m/tower	Affected Land m²
A	31	300	9300
B	16	250	4000
C	28	200	5600
D	26	150	3900
E	0	100	0
Total	101		22,800

83. Loss of crops. Loss of crops will happen both on permanently to be acquired lands for towers' footings and on temporary impacted lands due to civil works, and both situation. The civil works will last about 22 months (involve a 3-tier process of tower construction, i.e.; (i) construction of foundations, (ii) erection of towers, and (iii) stringing of power lines) and AHs will be paid compensation for loss of 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 and therefore, cash compensation will be paid to the affected farmers for the loss of agricultural crops for two seasons. The works will be carried out in a 50 m (ROW) corridor for the 3-tier process of towers installation and stringing. If all civil works will be carried out during the cropping seasons of spring and summer (civil works in cropping season shall be avoided as far as feasible and construction works schedule adjusted with irrigation schedules and local people informed/consulted on construction works schedule affecting water supply). In affected agricultural lands, 7,960 m² permanently and 151,600 m² temporarily of wheat crops will be affected.

84. Crop cultivation within the corridor can continue after the stringing of lines are laid out. 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 restoration and transfer to AHs after construction should be also monitored and reflected in the internal and external monitoring reports.

85. **Business loss.** No permanent impacts on business along the TL route has been identified. The field survey identified 5 shops which may be temporarily displaced during the civil works within the TL corridor. Compensation for temporary loss of income and displacement are estimated in the draft LARP budget.

86. **Impact on trees:** Inside and nearby the RoW, vegetation above 7 m height needs to be permanently cleared. A total of 238 timber trees and 384 fruit trees will be lost.

87. **Impact on structures:** A total of 1,426 sqm 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 Table 12.

Table 12: Types of structure to be affected

Type of Structure (all residential)	Area (sqm)	AHs
Houses/Buildings (Mud/brick/wood)	1426	21 (all residential)
Total Structures	1426 sqm	
Perimeter Walls Cubic Meter	370	8 out 21 (perimeter walls around residential houses)
Total Perimeter Walls	370 m³	

88. **Vulnerable AHs:** A total of 21 AHs are considered to be vulnerable households living below poverty line, all are men-headed households.

89. **Severely AHs.** No AHs will lose permanently 10% or more of their land/productive assets. 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, 21 AHs are considered as severely affected due to the impact to their houses.

C. Relocation

90. The project will create linear LAR impacts along the TL alignment. The AHs with than 25% or more of their structures affected will be relocated if they will not have enough available land to reconstruct the structures. AHs affected by relocation will receive relocation allowance to cover any cost that they may incur in the process of relocating and transition allowance to cover their loss of livelihood for the transitional period. A total of 21 AHs will lose 25% or more of their structures along Pul-e-Hashim - Shindand TL route with need for relocation.

91. Of the total 101 AHs, 21 AHs will experience impacts to their houses and other buildings: 12 of them may need to be physically displaced and impact to 8 of 21 AHs will also loose boundary walls based on the current rough preliminary engineering design. In preparation of detail engineering design, DABS will ensure conducting an assessment of design alternatives to avoid impacts to houses of these 12 AHs. If the impact will be unavoidable, these 12 AHs shall be relocated considering the long-term impacts of electromagnetic fields on the residents.

92. About the partial impacts to houses/buildings, if the impact will effect its viability and safety requirements, the whole house/structure will be acquired and the AHs compensated at the replacement cost. If the land plot of the AHs is of appopare size, the AHs will build on a

new house/structure to replace the lost one 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 the whole land will be acquired and the AHs will also be compensated for the loss of the whole land plot.

III. SOCIO-ECONOMIC PROFILE

A. Overview

93. The data in this section is based on national statistics and face to face socio-economic survey interviews conducted of AHs during the field survey during February and March 2019. A summary of the location of affected houses and their household members (APs) is in Table 13. 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. 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.

TABLE 13: Number of AHs AND HOUSEHOLD MEMBERS according to location

Location	Number of AHs	Number of APs
Zindajan	41	328
Guzara	39	312
Adraskan	19	152
Shindand	2	16
Total	101	808

94. AHs reported that they have been working on their own land for many years and they do not give them to lease or 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 briefly below.

B. Demographic characteristics

95. **Age range.** More than one-third of APs are below 20 years old. Another 40% are in range of 20-35 years. Thus, about 70% of APs are below 35 years old (Table 14).

Table 14: Demographic characteristics

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

96. **Household Members.** The total number of households affected by the project is 101 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.

97. **Education Level.** 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.

98. **Ethnic composition.** The survey revealed that the affected population have a mix of largely Persian speaking Tajiks following by Pashtuns. Out of the 101 affected households, 71.3% are Persian speaking Tajiks and 28.7% are Pashto speaking Pashtuns. Turkmens and Uzbeks are the minorities along the route.

C. Socio-economic characteristics

99. **Economic Activities.** Agriculture is the principal economic activity of the affected households. The second important activity is either casual labor or small businesses. The economic activities of a 100% of AHs have been obtained and presented in Table 15.

Table 15: Economic Activities of the Sample APs

Economic activity	No. of APs	%
Agriculture	73	72.3
Business (Small enterprise, Shops, Etc.)	6	5.9
Labor	15	14.9
Employment (public and private)	2	2.0
Livestock raising	5	5.0
Total	101	100

100. **Cropping Pattern.** The affected area mostly grows wheat and some vegetables. The main crops during winter season are wheat and fodder. Summer crops in majority of affected locations are vegetables, melons and watermelons.

D. Gender roles

101. In the province covered under project, men and women are economically active and contribute to the household economy. Men 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 men in agriculture, mainly during cultivation stage (weeding), and also during harvesting. The women also do processing of food crops raised from their lands for family consumption.

102. Men are decision-makers in households, for school enrolment of both boys and girls, own and control the major household assets such as houses, agricultural land, farming equipment and livestock (large animals like cows, horses, and donkeys, and small animals like sheep and goats). Women own only chicken and ducks reportedly. In the draft LARP, since most of the lands are men owned and all families are men headed along the proposed TL route, men will likely receive the cash compensation for affected assets.

103. The affected population is divided between males and females in proportion of 48.8% and 51.2% respectively. This difference may be attributable to migration rates among working males and male members seeking work away from their homes, military and education opportunities away from the household base. It may be noted that Afghanistan is predominately a conservative society with strong traditional values where the female members largely stay indoor. Culturally, it is common for men to have more than one wife.

104. The challenge faced by the 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 province indicate that only 16.4 percent of women are literate (NHLP, 2012). Another key gender issue reported violating of women's rights, forced marriages, domestic violence, women being confined to their homes and lack of job opportunities.

105. There were found no AHs headed by women in the socioeconomic survey. The project is committed to ensuring that female members of AHs will participate equally (to the extent possible given the social and cultural situation of the country) in the public consultations during project and in implementation of the LARP.

IV. POLICY AND LEGAL FRAMEWORK

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

A. Afghanistan's Legal Framework

107. The following laws and policies regulate land acquisition and resettlement 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).

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

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

110. **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.

111. **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.

112. **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.

113. **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 resettlement on people.

114. 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.

115. **Land Management Law (2017)** replaced 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.

116. **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.

117. **Presidential Decree on the Registration of Properties in Urban Informal Settlements (2018)** allows 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.

118. **Land ownership:** 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.

119. Land ownership may be grounded in informal 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 the state and publicly owned land is unclear.

120. **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.

121. **Pasture land use.** The Law on Managing Land Affairs (2008) provides that lands such as pastures are public land which neither the state nor individuals can possess (except as otherwise provided by Sharia) and which must be kept unoccupied to allow activities such as grazing. Customary law allows individuals and communities to obtain exclusive or non-exclusive access to such lands; however, such lands do not belong to them. Pasture lands are the most controversial type of land in Afghanistan and up to 70% of lands in the country are used for this purpose.

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

123. **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.

124. **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.

125. While authorities have made a number of efforts to introduce a formal registration system in Afghanistan, only a third of the country's land has been surveyed. Only 10% of rural properties are covered by deeds, and archives are often outdated and inaccurate. As earlier

systems were based on self-report rather than a cadaster, land is often underestimated or overestimated for tax reasons. The switch to a cadastral system with the 2008 Law on Managing Land Affairs did not resolve these problems as cadastral records and court-based records sometimes do not match.

126. 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.

127. **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. 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 defined by a valuation committee consisting of the following members:

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

128. 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.

129. 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).

130. 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.

131. **Absent Affected People.** 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.

132. The national laws do not provide specific requirements on procedures for finding absent affected people. 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, and other viable sources.

133. 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.

134. **Absence of Data on Affected Land.** TLs routes' often pass through remote areas where the government's control was not restored for several decades. This caused uncertainty in identification of state, private or other status of affected land within Central Land Acquisition Authorities (ARAZI/MUDL), local governments or communities residing near such affected land. 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 the project.

B. ADB's Safeguard Policy Statement (2009)

135. ADB has adopted SPS in 2009 including safeguard requirements for environment, involuntary resettlement (IR) and indigenous peoples (IP). The ADB Safeguard Policy Statement, 2009, applies to losses due both to physical and economic displacement caused by involuntary acquisition of land. The objectives of involuntary resettlement safeguard policy 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.

C. Bridging gaps between Afghanistan laws and ADB's SPS (2009)

136. The laws of Afghanistan and ADB SPS (2009) principles diverge on some points on compulsory acquisition of land. The Land Acquisition and Compensation Law (LAL) of Afghanistan introduced improvements to give greater protection to people displaced by development projects. The LAL requires consultation with affected parties on compensation options, and specific articles on collective resettlement of people displaced by the project affecting an entire village. However, the amended LAL does not entitle to compensation of APs without title nor provides compensation for income losses. Table 16 summarizes the differences between the LAL and ADB SPS (2009), and proposes reconciliations for gaps.

Table 16: Gap Analysis between ADB's and the amended LAR's Requirements

ADB SPS 2009	Amended Land Acquisition Law (LAL 2019)	Remarks/Agreed Reconciliation Measures
DPs to be fully informed and consulted on compensation options.	The amended LAL provides for full information and compensation options to be discussed with the AHs.	No reconciliation required.
DPs should be compensated for all their losses at replacement cost.	Land acquisition and resettlement for public interest is to be compensated based on equal/fair value on current market rates. In case of residential land, land for land is offered. Affected crops and trees will be valued by the competent authorities.	Affected land will be compensated at replacement cost, free of transaction cost, while buildings/structures are compensated without deducting for depreciation. Crops or trees will also be compensated in cash at replacement rates.
Lack of formal title should not be a bar to compensation/rehabilitation.	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 paid 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 should be compensated and/or assisted to guarantee at least the maintenance of their pre-project livelihood level.	Compensation at market rate will be given for land, house, crops or trees losses. However, 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 the absentee affected persons (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 kept in that account. DABS will continue efforts in order to locate those absentee persons and will pay them their compensations as soon as they are located.

D. Principles and Policies Adopted for this Project

137. Based on the above analysis of national provisions and ADB's SPS (2009), 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.

138. AHs **eligible for** compensation and/or rehabilitation as per this draft LARP are:

- All AHs 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,
- AHs losing business, income, and salaries or other forms of livelihoods including those with no legal rights to the land.

139. Compensation eligibility will be limited by a cut-off date to be set on the completion day of the inventory of impacts and census of all 100% AHs. Any one 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.

140. 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, 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.

141. If by detailed engineering design, impact will be avoided or minimized to land or assets of any current AHs, they shall be accordingly informed. Any new AHs not impacted by the preliminary alignment but impacted by the final alignment will be informed and for them will be applied a new cut-off date. Upon delivery of compensations, all AHs will be given three months to vacate their properties and remove their houses if they wish to retain salvaged materials.

E. Compensations and Entitlements

142. 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.
- The project will bear all fees, taxes or other charges, as applicable under relevant laws.

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 paid 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 the tree will be 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.

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 allowance¹²

- 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.
- 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.

143. The above described entitlements are summarized in Entitlements Matrix in Table 17 below.¹³

144. Unforeseen impacts compensated based on above entitlements in accordance with the MFF LARF and compliance with SPS 2009 during project implementation by DABS.

¹² 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.

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

Table 17: 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 or Development Council. ¹⁴	<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 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 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. - 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.

¹⁴ 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)	<ul style="list-style-type: none"> - Transitional allowance per household for livelihood losses at AF7,500 multiplied by 3 months = AF22,500 ¹⁵
Relocation Allowance	Relocating households	All relocating households (including renters and informal settlers)	<ul style="list-style-type: none"> - Relocation allowance per household of AF7,500 ¹⁶
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.	<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) ¹⁷ - Preferential employment in project related jobs, if qualified for the position.
Severe Impact	Physical displacement 10% or higher loss of productive income source (e.g., land, structure, rental income, etc.)	All severely affected AHs including informal settlers	<ul style="list-style-type: none"> - Agricultural land impact: Additional crop compensation equal to one year yield from the affected land; - For other formalized non-agricultural impacts: an allowance covering 12 months net formalized income (tax or equivalent reports); or - For other non-formalized non-agricultural impacts: a fixed amount on the average 12 months net income of people residing in the relevant project areas.

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.

¹⁷ 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. - Irrigation channels are diverted and rehabilitated to previous standards
Impact on irrigation channels	Temporary or permanent loss due to the Project activities	Community/affected households	
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.Land Valuation

145. 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 situations 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 will then be negotiated with the local communities. The land 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 LARPs 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 APs.

146. 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 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. 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.

147. The processes for deciding on compensation rates for acquired lands and assets often differ between the borrower and ADB. To comply with ADB's SPS (2009), rates to compensate for lost land and assets must be at replacement cost in order to meet the policy objective of "at least" restoring people's livelihoods and ensuring that people affected by a project are not left worse off. According to ADB's Policy, replacement cost means the amount of cash or in-kind support needed to replace an asset in its existing or better condition. Replacement cost is the value determined as compensation for the current market price without depreciation or deduction of the costs of any transaction or for any material salvaged. Land will be valued at replacement rates based on a survey of land sales in the project areas. However, in rural Afghanistan there maybe situations 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 will then be negotiated with the local communities. The land rates payable to the AHs will be determined based on extensive consultations with the local Jirgas and the affected households. The negotiated rates will be adopted once endorsed by the Governor's Office.

V. PUBLIC CONSULTATIONS AND DISCLOSURE

A. Overview

148. DABS with assistance of the company DV engaged in project preliminary design preparation, have carried out public consultations with the AHs, general public and other stakeholders along the transmission line routing from Pul-e-Hashimi to Shindand district (where LAR-related impacts are expected) during February to March 2019. The objective was to share information about the proposed project such as; 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. 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 and 2. Project information leaflets in Annex 3.

149. At most of consultation meetings that representative of DV had with the people of the concerned districts falling on the proposed route, there were array of questions and suggestions forthcoming from them. AHs asked about how compensations will be calculated for all types of losses such as lands, crops, trees and structures. Continuing with this, the participants wanted to know the process to be followed for receipt of compensation package from the Government. Concerns for vulnerable and poor people were raised. It was agreed that participation of the AHs (including vulnerable groups) in the Provincial Valuation and Compensation Committee (PVCC) or in Grievance Redress Committee will be ensured.

150. About delivery of compensation, main question was would DABS ensure that compensation money is paid without much delay. The DV team then gave a detailed briefing on this point by saying that the project is being funded by the ADB. As per Bank's safeguard policy, unless full compensation package is implemented, the Bank will never give No Objection Certificate to DABS to initiate construction and erection of TL. Additionally, one external monitoring agency will verify release of the compensation package and upon their certification, a No Objection Certificate for the project will be granted by the Bank. This acted as confidence enhancing point for the affected people.

151. Participants were informed about the project GRM to be established for any concerns and grievances the affected people and communities can have on resettlement compensations, social and environmental issues during the project implementation. Notes of Consultation Meetings in Table 18 below.

Table 18: Notes from Consultation Meetings

No.	Venue	Date	No. of participants	Main Concerns
1	Kabotar Khan Village Hall	13-01-2019	8	<ul style="list-style-type: none"> Participants appreciated the project because it will improve the electricity supply in their district/area. They also highlighted the following issues: Safe drinking water is not available in this area and this problem is also required to be fix as early as possible. Due to current transmission route alignment maybe, they will lose large area of cultivated land. Therefore, they request to revisit the design or route of the transmission line to avoid loss of land.
2	Chaka Mosque	14-01-2019	7	<ul style="list-style-type: none"> After taking detailed project brief, villagers of this village appreciated the project but they highlighted following concerns about proposed transmission line route. At construction stage erection of electricity poles will require access road and gardens will be damaged. Hence they requested to revisit the proposed transmission line route alignment to avoid its passage from residential and cultivated areas.
3	Ghochanak Mosque	15-01-2019	12	<ul style="list-style-type: none"> People of this village appreciated the project but very concerned about the damages that will be happened to their cultivated land. Therefore, they suggested to redesigning the route because in case if it will damage their property they will not allow its passage from their land. They also highlighted that there is not a single healthcare facility in this village and they have to travel long distance to take medical treatment in case of illness. It is requested to Government authorities to pay attention at this issue.
4	Farjayi School	15-01-2019	3+4	<ul style="list-style-type: none"> Such projects are appreciated by the participants. But showed concerns about land/property losses as it crosses their lands. They requested to diverge this path from Farjayi residential area and gardens. Participants' also highlighted the unavailability of drinking water and healthcare facilities that are required to be resolved on priority basis.
5	Shamsabad village Governor house	15-01-2019	12	<ul style="list-style-type: none"> Participants of this FGD are happy to see the energy project in their area but concerned about loss of their property. Therefore they asked to reconsider designed route alignment to reduce loss of property and lives.
6	Gholba Gaz Mosque	16-01-2019	10	<ul style="list-style-type: none"> Participants of this village appreciated the project but showed their concern that Afghanistan has to produce its own energy through dams' construction and use of solar energy instead of importing it from other countries.

No.	Venue	Date	No. of participants	Main Concerns
				<ul style="list-style-type: none"> They also raised the issue of property damage due to current designed TL alignment. Therefore, it is requested to change the transmission line route.
7	Ghoran Village Governor House	16-01-2019	3+4	<ul style="list-style-type: none"> The main occupation of the Ghoran villagers is gardening and has 72 types of grapes for the production of wine. As transmission line is passing through their agricultural land and gardens this will hamper their activities and gardens. Therefore, are not in favor of current transmission line route. They also stated that they have lack of healthcare services and requested Government to start healthcare projects in this village to safe life of people.
8	Pule Sangi Mosque	17-01-2019	15	<ul style="list-style-type: none"> People of this village are attached with seeking employment in industries due to large industrial area in Herat province. They suggested to change the transmission line route alignment because this route alignment is passing from residential area and from over their houses. That's why the Pule Sangi people are not allowing this project to be implemented.
9	Mayon mosque in Kopak and Mayon Village	21-01-2019	14	<ul style="list-style-type: none"> Villagers appreciated the project but based on their past bad experience of "construction of Bypass road. They are not willing to allow this transmission line to pass from their villages before completion of land acquisition process. Because during bypass construction project they were promised to be compensated against their property but still such promises are not being fulfilled.
10	Gawsiah Mosque at Gawsiah Village	21-01-2019	15	
11	Kariz sofi Village elder house		5	<ul style="list-style-type: none"> Kariz Sofi people are busy with gardening and agriculture and some of them are immigrant workers in Iran country. They appreciated the project and showed that process of land acquisition should be completed before start of construction stage.
12	Tizan Mosque	22-01-2019	10	<ul style="list-style-type: none"> 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 has drinking water and other two part have salty water. If the TL crosses our land the Government should satisfy water needs.
13	Mosque at Hassan abad Village	22-01-2019	13	<ul style="list-style-type: none"> 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.

No.	Venue	Date	No. of participants	Main Concerns
				<ul style="list-style-type: none"> • 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		<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Participants appreciated the project and ensure their cooperation for its successful implementation.
16	Ali Gada Village	19/03/2019	7	<ul style="list-style-type: none"> • 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.

B. Addressing participants concerns

152. In response to their questions, the consultation team of DV explained that not only construction of such large project would require long time but also require large budget provision. The TL would be useful to meet their present needs of electricity for various purposes. Additionally, these lines could be utilized for transmission of power to be generated from Afghanistan Dam Construction project, when such project is implemented. Further, in future, these infrastructures could be used for transmission of power from one region to other region. So, they become a permanent economic infrastructure of Afghanistan for consideration of exporting of power and energy to neighboring countries. Given these convincing responses from the DV team, the discussion could center on the main components of the present project.

153. 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.

154. Due to delays in release of compensation package, in some areas, some of the local influential people have appropriated Government properties. Strangely, even one property was sold to multiple person 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.

155. 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.

156. 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. Stakeholders Identification and Consultation

157. AHs as primary stakeholders have been consulted in the districts and villages along TL route. During the field surveys, some meetings were held in Zindajan, Guzara, Adraskan, Shindand districts of Herat province and others along the line corridor with regional and local stakeholders from Pul -e- Hashimi to Shindand. At the same time, information on the project was provided to those stakeholders who, until that point, had not been informed.

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

159. 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.

160. 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 shall be to involved in project implementation. 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

161. The 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. The predominant concern was whether their village be included in the public network.

162. 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.

163. The majority of the people would not have any problems with anticipated insignificant land acquisition given the compensation will be fair and on market value. They expressed concerns about vulnerable households (HHs earning less than a dollar per day) living in their communities. The DV team clarified about the sensitivity that ADB attaches on the affected people who fall under vulnerable category and accordingly, under the project, provisions are made to uphold their interests in socially desirable manner. List of consultations conducted along the transmission line route including the number of participants is provided in Annex 1.

E. Conclusions and Further Proceedings

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

- With the start of the final TL design with the Detailed Measurement Survey, a leaflet will be elaborated and printed with a summary of the land acquisition and compensation process (including the grievance redress mechanism and all addresses of concerned institutions) and distributed to all persons identified as owners of affected land and other properties. A draft leaflet is shown in Annex 2.
- Involvement of AHs and their representatives shall be ensured by their participation in the Provincial Valuation and Compensation Committees (PVCC). After agreement of the LARP between DABS and ADB, the approved LARP will be uploaded onto the homepage of ADB and will be made available in the local offices of DABS in local language.
- DABS will also on a parallel way provide a translation of the summary of the principles of the LARP, and the land acquisition and compensation process to the concerned district administrations for further distribution to the possibly affected communities.
- To improve women participation, a “focused gender approach” will be needed, especially that empower and allow women to participate and raise their voices on issues related to involuntary resettlement and compensations, and other social and environmental adverse impacts of the project. As far as the security conditions permit, the contractor and the consultant’s team should have at least one women member in their team. These women staff members will be able to contact women land owners and women headed households more easily and adapt a gender sensitive approach with the local people. Approximately half of directly affected APs along TL route will be women and since the range of indirectly affected APs is not clear or defined in this stage, indirectly affected women are not clear.

VI. INSTITUTIONAL ARRANGEMENTS

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

A. Implementing Agency - DABS

166. Da Afghanistan Breshna Sherkat (DABS) is the Implementing Imp Agency (IA) for the project and the primary responsible for all land acquisition and resettlement tasks, including preparing the updated final LARP, its implementation, monitoring and reporting to ADB. Within DABS, the Project Management Office (PMO) will have day-to-day responsibility for the project and land acquisition and resettlement tasks. The PMO has overall responsibility of planning, implementation and monitoring of updated final LARP implementation 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 CSC and Contractor;
- (iv) Manage tasks involving local or central government or the affected communities' *Shuras*.

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

168. DABS/PMO will update this draft LARP and make it a final implementation-ready LARP (with assistance of CSC) and the contractor based on the detailed engineering design of the proposed TL, DMS and census of all AHs.

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

B. Construction and Supervision Consultant

170. 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

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

172. 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.

173. 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.

174. 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 entitlements to AHs in accordance with the LARP.

D. Provincial Valuation and Compensation Committee

175. The assessment of all losses will be made and valuation of compensation decided by the Provincial Valuation and Compensation Committee (PVCC). The Committee consists of the following members: (i) one representative of the Province governor responsible for land affairs, (ii) one representative of the PMO, (iii) one representative of the coordinator/facilitator, (iv) one representative of the land users to whom lands are taken permanently or temporarily, (v) one representative of the District's Jirga, preferably coming from the most relevant District regarding land acquisition of the respective Province, and (vi) one representative of the contractor, responsible for the identification of losses and who is also a member of the sub-commission without voting rights. During project implementation land ownership documents and valuations will be approved by administrative meeting of provincial governor.

E. Other Agencies and Institutions

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

- b. **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.
- c. **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.
- d. **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.
- e. **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. **External/Third Party Monitoring:** DABS and/or ADB will engage an independent external/third party monitor (EM/TPM) for external/third party monitoring and verification of updated implementation LARP as well as LARP implementation and preparation of sectional LARP compliances, monthly or quarterly progress reports as well as routine bi-annual safeguards reports. External monitoring will cover all aspects

of LARP implementation. For these monitoring purposes a third party firm or individual consultants will be engaged. Notice to Proceed to Contractor will be conditional upon implementation of sectional LARPs as such compliance report has been prepared/verified by a external third-party monitor and ADB acceptance of such compliance report.

F. Capacity Building

177. 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.

178. 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.

179. 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

180. DABS is responsible for updating, finalizing and implementing the final LARP. ADB will provide guidance 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 have it verified by third party monitor. Implementation ready LARP will be disclosed upon its review and acceptance by ADB. These will include a review of the progress and monitoring reports on the status of the LARP finalization and implementation status, as well as performance of the PMO and Contractor upon completion of all LAR activities. ADB will issue no objection for commencement of the construction works for relevant section upon verification of such section by third party monitors and acceptance of compliance report ADB for such section. If any unanticipated cases of impacts will be identified during construction works happening upon completion of all LAR actions, DABS and contractor will immediately stop construction works on the relevant sections and inform ADB such unanticipated impacts until the time when such unanticipated impact will be addressed through preparation and implementation of LARP addendums or corrective action plans according to the final LARP and safeguard covenants envisaged in the project financing agreement and ADB SPS (2009).

VII. GRIEVANCE REDRESS MECHANISM

A. Overview

181. 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 GRM.

182. DABS will put in place the project-level GRM following ADB SPS (2009) and laws and practices of Afghanistan. The GRM shall resolve any grievances that may be raised from APs or public during the project related to the project's resettlement and environmental impacts and/or about consultations and information disclosure. It does not replace the country's judicial system but aims to resolve the grievances effectively. It will be maintained for the duration of the project. The aggrieved persons reserve their rights to appeal to the Court of Afghanistan at any stage of grievance resolution.

183. Accessibility and awareness of the AHs and communities about the GRM is important for its effective functioning. During the public consultations, census of AHs, IOLs, and SES in preparation of the draft LARP, the AHs and public received information about the project GRM including the project information leaflets with the contact information of staff of DABS and local authorities in local language. PMO will further inform the AHs and public about the GRM using appropriate communication means (e.g. public consultations, information leaflets, local media, individual meetings) with special approaches to women and vulnerable APs.

184. 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 effected 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.

185. Complaints are unavoidable. Therefore, the 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, and resolve them in more efficient way. Efforts to make APs fully aware of their rights and of the procedures for addressing complaints will continue during the updating of the draft LARP and at the time of compensation.

B. Project GRM process

186. 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. GRM is only offered as an alternative complaint resolution:

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

- Two members of communities along the TL corridor (preferably one AP and one non-directly AP from two different villages) to be elected by the regional Jirga;

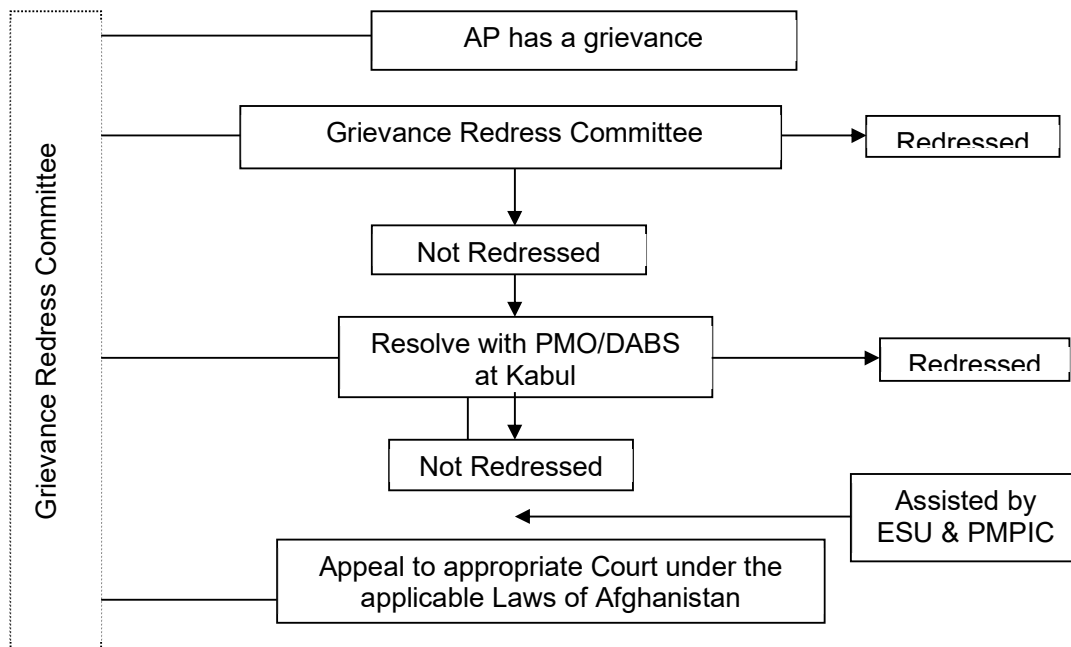
- One representative of the district governor with juridical experience;
- One representative of the district DABS office, and one representative of a regionally active NGO, preferably with experience in mediation/conflict management.
- Subject to agreement of the local communities, the GRC will include a few female representatives in order to ensure full access of the women to the GRC and convenient resolution of their grievances.
- The GRC will 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.

188. **Second Step:** If the district-level GRC is not able to resolve the grievance within 21 days, it should be presented via the local DABS representative to the DABS General Manager at the central level. APs or its elected representatives at provincial level will be allowed 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.

189. If the cause of grievance is 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 complaint remains unresolved through the GRM, the case can be referred to the court for resolution. The PMO will design a pro-forma letter to for filing complaints. Staff of CSC and Contractor will help filling in the form and forward it to the appropriate committee/authority and assist the AP at every stage of the complaint process.

190. 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 19 below.

Table 19: Grievance redress process



VIII. RESETTLEMENT BUDGET

A. Overview

191. 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

192. The total permanent land requirement for towers will be 22,800 sqm. The agricultural lands were divided into 3 categories (Categorized due to quality – from High to low, one being highest) for valuation and most of lands along project belong to category 3 (Table 20).

Table 20: 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

193. Structure loss compensation is estimated based on replacement cost and free of depreciation. Replacement costs are calculated in consultation with the local governments and provincial DABS personnel. The replacement costs include market value for replacement of structures and costs of material, labor and transport (Table 21).

Table 21: 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

194. Compensation for crops estimated based on market value of affected crop and productivity per sqm of land. As per the assessment, 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 22: Compensation for Crops

Affected area of crops (Wheat)	Rate (AFN)/M ²
7,960	30

E. Compensation for trees

195. Fruit bearing trees were valued at the value of 1 harvest multiplied by the number of years needed to re-grow a tree at the same productive level of the tree lost. Non-fruit bearing trees were valued at the commercial value of the wood x its volume. There are 384 number of fruit trees that include, 134 pcs of Apricot, 100 pcs of Grape vines, 92 pcs of Apple and 58 pcs of Almond trees. The assessed rates for the various affected trees range from 4,500 AFN – 6,900 AFN as per table below. A unified rate of 6,000 AFN/fruit tree was calculated (Table 23).

Table 23: Compensation for Trees

Tree	Average Annual Yield, Kg	Rate, AFN/kg (Market prices)	Years to regrow to productive level	Rate per tree (AFN)
Apricot	134	40	4	6,000
Almond	22	350	8	6,000
Grape vines	100	50	3	6,000
Apple	92	65	5	6,000

196. 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, compensation per tree estimated at 4,000 AFN.

F. Allowances

197. **Relocation Allowance:** The 12 AHs who will need to be relocated. They will be provided a lump sum amount of AFN 7,500 /AH.

198. **Transitional Allowance:** The 12 who will need to be relocated, will also be provided a lump sum amount of AFN 22,500 /AH.

199. **Vulnerable AHs allowance:** The 21 AHs who were considered to be below poverty line, will receive a lump sum allowance of AFN 45,000/HH.

200. **Severe Impacted AHs allowance:** 21 AHs who were included as severe impacted households will receive an allowance of AFN 45,000/HH.

G. Income Restoration

201. Upon completion of detailed design and DMS, , appropriate measures including budgetary provisions will be determined during the update of LARP for any identified significant impact occur on AHs incomes. An additional severe impact allowance and income restoration measures will be provided based on a detailed assessment.

H. Estimated total cost for LARP

202. It is estimated that a sum of **22,634,450** AFN equivalent to **290,185.21** USD (conversion rate 1USD = 78 AFN) including costs of compensations to AHs for all types of losses as well as assistance allowances to eligible AHs, LARP operating cost and 20% contingency are included (Table 24).

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	8850				
Agricultural irrigated land (A)					
• First Category	2400	250	600,000	7,692.3	
• Second Category	2710	100	271,000	3,474.35	
• Third Category	3740	30	112,200	1,438.46	
Agricultural non-irrigated land	11250	30	337,500	4,326.9	
Residential Land	2700	250	675,000	8,653.8	
Sub-Total	22,800		1,995,700	25,585.8	
Structure (B)	Affected Area	Unit Rate	Amount/AFN	Amount/\$	
Houses/Buildings (Mud/brick/wood)	1336	3000	4,008,000	51,384.6	
Houses/Buildings (Mud/brick/wood)	90	15000	135,000	1,730.7	
Sub-Total	1,426		4,143,000	53,115.3	
Walls	Affected volume	Unit Rate	Amount/AFN	Amount/\$	
Perimeter Walls (Mud/Brick/Wood)	370	1500	555,000	7,115.3	
Sub-Total	370		555,000	7,115.3	
Trees (C)	Affected Area	Unit Rate	Amount/AFN	Amount/\$	
Nonproductive Trees	238	4000	952,000	12,205	
Productive Trees	384	6000	2,304,000	29,538.4	
Sub-Total	622		3,256,000	41,743.5	
Crops Loss (D)	Affected Area	Unit Rate	Amount/AFN	Amount/\$	
Permanent Crops Loss	7,960	30	238,800	3,061.5	
Temporary Crops Loss	151,600	30	4,548,000	58,307.6	
Sub-Total	159,560		4,786,800	61,369.2	
Temporary Business Loss (E)	Affected No.	Unit Rate	Amount/AFN	Amount/\$	
Shops	5	8000	40,000	512.8	
Sub-Total	5		40,000	512.8	
Allowance (F)	Household /Area	Unit Rate	Amount/AFN	Amount/\$	
Transitional Allowance	12	22,500	270,000	3,600	
Vulnerable AHs allowance	21	45,000	945,000	12,115.3	
Relocation AH Allowance	12	7,500	90,000	1,153.8	
Severe Impact AH Allowance	21	45,000	945,000	12,115.3	
Sub-Total	45		2,250,000	28,846.15	
Total (A+B+C+D+E+F)			17,026,500	218,288.4	
Other Costs			Amount/AFN	Amount/\$	
External Monitoring Agency for 2 months	1	500,000	500,000	6,410.2	
LARP Operation cost 10%	1	1,702,650	1,702,650	21,828.8	
Contingencies cost 20%	1	3,405,300	3,405,300	43,657.6	
Sub-Total			5,607,950	71,896.7	
Total Project Cost			22,634,450	290,185.21	

IX. IMPLEMENTATION SCHEDULE

A. Overview

203. 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.

204. 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

205. 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.

206. 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

207. Table 24 shows a tentative schedule for the LARP and project implementation. DABS will hire the Contractor for all construction works. 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 25 further below presents indicative timeline for LARP finalization and implementation.

Table 25: LARP Finalization and Implementation Schedule

LARP Implementation Tasks	Task Duration / month	Project	Within 2 nd month	Within 3 rd month	Within 4 th month	Within 5 th month	Within 6 th month	Within 7 th month	Within 8 th month	Within 9 th month	Within 10 th month	Within 11 th month	Within 12 th month	Within 13 th month	Within 14 th month	Within 15 th month	Within 16 th month	Within 17 th month	Within 18 th month	Within 19 th 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 25. Indicative timeline for LARP finalization and implementation:

LARP finalization and implementaton					
#	Milestone activity	Output	Responsible Party	Date	Status
1	CSC's resettlement team on board	Names of resettlement team mobilized ¹⁸	DABS and 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 and CSC	Within 4 th month of project commencement	TBC
3	Social safeguards surveys	Inventory of Losses, census, DMS, Valuation Report, 222 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)	CSC, DABS	Within 5 th month of project commencement	TBC
5	Meaningful consultations	Meaningful consultations completed, project information, including GRM shared	DABS, with support of CSC	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	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	External/third party monitors engaged/ mobilized	Monitor the construction works	DABS	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	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/ preparation of the compliance report	LARP implemented; Compliance report verified by external monitor	DABS, External 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

¹⁸ Names were already provided to ADB (Safeguard Specialist for Afghaistan) via email dated 26 February 2020.

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 start 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. MONITORING, EVALUATION AND REPORTING

208. Project and LARP implementation will be monitored regularly to ensure that it is implemented as planned and 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

209. 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.

210. Internal monitoring will be carried regularly by DABS/PMO with assistance of CSC and reported to ADB on a quarterly basis. Prior to the delivery of compensation payments to the AHs, 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 APs' concerns are identified timely and addressed effectively.

211. 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/Third Party Monitoring

212. DABS and/or ADB will engage an independent external/third party monitor (EM/TPM) for external/third party monitoring and verification of updated implementation LARP as well as LARP implementation and preparation of sectional compliance reports, progress reports as well as routine bi-annual safeguards reports. EM/TPM will cover all aspects of LARP finalization and implementation. For these monitoring purposes a third party firm or individual consultants will be engaged. Notice to Proceed to Contractor will be conditional upon implementation of sectional LARPs as such compliance report has been prepared/verified by an external/third-party monitor and ADB acceptance of such compliance report.

C. Reporting

213. DABS will submit for ADB review and acceptance quarterly or at least semi-annual Social Safeguard monitoring reports and regular social safeguards updates along 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.