

**RESETTLEMENT ACTION PLAN UNDER MUNICIPAL INFRASTRUCTURE
DEVELOPMENT PROJECT
(Updated on 02.02.2012)**

MIDP 044A “Construction of overhead transmission lines of 10 kV in Kurgan-Tube”

1. Introduction

The development objective of the Municipal Infrastructure Development Project (MIDP) is to improve the availability, quality and efficiency of the delivery of basic municipal services to the population of the eight towns which participate in the project. This objective will be achieved through (a) financing the rehabilitation and repair of infrastructure and installations and or the replacement of equipment of KMK local subsidiary utility enterprises, and (b) assisting KMK and its local subsidiary utility enterprises and, where and when appropriate, local government authorities in their efforts to improve the management of the delivery of basic municipal services. Ensuring access of the population to basic municipal services will be an important factor in supporting local economic growth and poverty reduction.

Project Components

MIDP consists of the three following components: (a) Municipal Infrastructure Rehabilitation; (b) Technical and Institutional Strengthening; and (c) Implementation Support.

Component	Name	Total cost in USD equivalent	IDA
A	Municipal Infrastructure Rehabilitation	12,500,000	11,000,000
B	Technical and Institutional Strengthening	1,500,000	1,500,000
C	Implementation Support	2,500,000	2,500,000
Total		16,500,000	15,000,000

1.1 Execution of work under Component A. “Municipal Infrastructure Rehabilitation”

The component envisages the finance the rehabilitation and/or repair of infrastructure and installations, and the replacement of equipment that are needed for the delivery of basic municipal services by the KMK local subsidiary utility enterprises (water supply, solid waste collection, etc) in the eight towns (Dangara, Istaravshan, Kanibadam, Kulyab, Kurgan-Tyube, Rasht (Gharm), Vakhdat, and Vose).

1.2. Execution of work under Component B “Technical and Institutional Strengthening”

The sub-component envisages the finance a series of studies and activities that are necessary to better define the scope and features of some of the investments to be carried out under Component A in the second and subsequent years of project implementation. The studies and activities, which will be carried out by international and domestic consultants, will include the following: (a) updating of inventory and mapping of existing water supply distribution and sewerage networks; (b) leak detection campaigns for water supply systems; and (c) other technical and hydrogeological studies as needed

1.3. Execution of work under Component C

Sub-component C.1: PMU Operations Support

The sub-component envisages the finance: (a) operating costs of the PMU including staff salaries, incountry travel costs, mandatory employer social charges, office consumables, staff training, miscellaneous project supervision costs, communications, vehicle insurance and maintenance, as well as office equipment, furniture and vehicles.

Within the framework of MIDP according to Component A (Municipal Infrastructure Rehabilitation) Water Intakes No 1,2,3 of Vodocanal were rehabilitated in Kurgan-Tube, including: rehabilitation of the existing wells, drilling of new wells and replacement of pumping equipment as well as the supply of special equipment for the enterprises of the housing and public utilities and Vodocanal.

1.4 Project activities that trigger the Resettlement Action Plan

RAP was prepared under Component A “Municipal Infrastructure Rehabilitation” and according to OP/BP 4.12; (MIDP 044A “Construction of overhead transmission line of 10 kV in Kurgan-Tube”). This project (pure electricity line of 10kV) is targeted at the uninterrupted electricity supply to the main water intake and around the clock provision of the population with drinking water since during winter period there are restrictions on electricity supply in Tajikistan.

According to the project the power supply line will be laid from Lomonosov Substation up to the Water Intake # 1 of Kurgan-Tube Vodocanal. The line runs along Pavlov Street. Some houses on this street have constructed fences on the public right of way and have illegally incorporated some of this right of way into their courtyards. In the event that a power line runs over a fence the fence may be left undisturbed as long as the power line is at a minimum of (3 meter) from the dwelling itself. However, in the event that a pole needs to be installed in a space occupied by a fence, then the fence will be broken down and reconstructed in the legal land area of the household. In addition, 6 pieces of trees located on the right of way of Pavlov Street, and belonging to the Housing and Public Utility will be trimmed and compensated accordingly.

2. Legal Framework

The issue of damage compensation defined under the Action Plan is regulated by the following laws and normative acts:

- Constitution of the Republic of Tajikistan, which establishes an exclusive state land ownership;
- The Land Code of the Republic of Tajikistan - the most systematic set of rules, governing complex of legal relationships arising in the process of possession, use and disposal of land;
- Law of the Republic of Tajikistan dated May 14, 2001 “On Land Appraisal” establishing the legal basis of the land appraisal
- Civil Code of the Republic of Tajikistan defining the legal status of participants of civil turnover, the grounds of arising and procedure of implementation of the rights, contractual obligations, property and non-property relations;
- The Law of the Republic of Tajikistan as of May 12, 2001 “On Land Assessment”, which establishes the legal basis of land appraisal;
- Law of the Republic of Tajikistan as of May 14, 2004 “On local government agencies”, establishing a regulatory framework of the allocation and land redistribution;
- Law of the Republic of Tajikistan as of January 5, 2008 “On land management”, regulating the relations connected with the legal frameworks in the field of land management;
- The State Land Cadastre as a system of information and documents on the natural, economic and legal regime of land, their categories, qualitative characteristic and economic value;
- Regulations on procedures of compensation for damages to land users and the loss of agricultural production approved by Decree of the Government of the Republic of Tajikistan dated December 30, 2000 under No 515, which establishes the procedure for compensation of losses to land users;
- Code of Civil Procedure of the Republic of Tajikistan determining the order, rules and terms of judicial protection in the event of judicial dispute on issues of involuntary resettlement;
- To implement the Resettlement Policy Program the provisions of the World Bank Policy on involuntary resettlement is also used
- SN 465-74 Norms of land allotment for power supply lines. According to this legal document the width of the land strips provided temporarily during the construction of overhead power supply lines of 10 kV constructed at the unified and standard supports, should be not more of 8 meter.
- According to the Electrical Installation Regulations (EIR), Chapter 2.5 “Passing of high-voltage line on a residential area” the distance from high-voltage line of 10 kV to house dwelling is allowed at least 3 meters.

3. The Resettlement Impact of Project Activities and Compensation

3.1. On Trees: 6 pieces of trees located on the right of way of Pavlov Street and belonging to the Housing and Public Utility will be trimmed and compensated accordingly. These have to be trimmed to make room for the 10 kv line.

3.2 On Fences: Some houses on Pavlov Street have constructed fences on the public right of way and have illegally incorporated some of this right of way into their courtyards. In the event that a power line runs over a fence the fence may be left undisturbed as long as the power line is at a minimum of (3 meter) from the dwelling itself. However, in the event that a pole needs to be installed in a space occupied by a fence, then the fence will be broken down and reconstructed in the legal land area of the household.

The design of the power line has been adapted to minimize disruption to any houses or fence structures. During the survey it was noted that no fences would need to be broken down and reconstructed. The earlier version of this RAP had planned for the demolition and construction of the fence in one of the household in Pavlov Street, where the house owner is the citizen Tolibov. However, during the construction of power transmission line it has been found that the fence would do no harm to performance of work and the installed intermediate supports correspond to Electrical Installation Regulations (explanation of Design Engineer is attached.) After consultations with the representatives of the design organization, PMU decided to withdraw from the demolition of the fence. The updated RAP hence reflects this change and is limited to the persons who received compensation for the damages by the trimming of 6 pieces of trees.

The survey was conducted in Kurgan-Tube by the working group comprising: Mr. A. Faizulloev, PMU Chief Engineer, Mr. I. Qurbanov, local representative of PMC SEYASH, Mr. N. Rakhimov, representative of the Contractor, as well as representatives of the household R. Ashurov, N. Sharipov, S.Makhmudov, M. Makhmudov, which is confirmed by the act of the damage assessment (the act is attached)

4. Proposed Compensation to Affected Families/Parties

The 6 trees that have to be trimmed to make room for the 10 KV lines will also be compensated. The cost for the caused damage (trimming) to the trees will be paid by the Contractor.

The compensation amount for trimming of 6 pieces of trees is $6 \times 120 \text{ TJS} = 720 \text{ TJS}$

In preparation of RAP all aspects of the damage compensations were agreed with households.

Table 5: Agreed Solutions

No	Name	Unit	Number of trees	Amount for the damage	Names of the house owners
1	Sweridenko Street, house # 50	ea.	2	240	Ramazon Ashurrov
2	Sweridenko Street, house # 65	ea	1	120	Nozim Sharipov
3	Pavlova Street, house #	ea	1	120	Safarali Mahmudov

	15				
4	Pavlova Street, house # 2	ea	2	240	Nabijon Mahmudov

5. Responsible agency

PMU and PMC are the controlling and responsible body for the implementation of RAP. The contractor/contracting firm that carries out the line construction will be responsible according to RAP standards for the payment of compensation of the trees.

6. Source of the Budget and Cost Estimate

According to the contract which will be concluded between PMU and Contractor the compensation for the trimming of trees will be included into the bill of quantities of the project (act is attached). This will allow the Contractor to compensate for the trees.

It should be noted that no trees will be fully cut but only 6 pieces of trees will be trimmed to make room for power transmission line and compensated correspondingly.

7. Resettlement Schedule

No civil works (i.e. line installation) will be carried out until the full compensation for trees is paid. After the contract award to the Contractor for construction work of power transmission line of 10 kV, the contractor will provide to PMC and PMU the work schedule. This schedule will indicate that the Contractor will bear responsibility under the RAP and that the cost of the caused damage for trees trimming will be paid by the Contractor to each house owner. These will be done in accordance with this RAP.

8. Monitoring and Evaluation/Sequential Execution of Activities

PMU and PMC are the main responsible institutions for implementation of this Action Plan and simultaneously the representatives of local Hukumat and affected structures and farms will also abide by this RAP. No civil works will commence until full resettlement/replacement structure has been completed and all payments if any have been made. After execution of the construction works by Contractor, the Monitoring Specialist and Independent Monitoring Consultant will submit a field based report on implementation of this Action Plan.

Not later than one month after completion of works, and prior to the final payment to the Contractor, the representatives of PMU, PMC, Contractor and representatives of affected household must conduct inspection and resolve any issues that may be pending in connection with the affected households/structures or any aspects of resettlement/compensation. The final payment cannot be made to the Contractor until this has been verified by the Monitoring Specialist and Independent Monitoring Consultant.

9. Grievance Procedure

In the case of the complaint or grievance each PAP (affected person) may apply to PMU Director, Mr. J. Tabarov. The address and telephone numbers have been already provided in the written form to each affected household and is included in this RAP (56. N.Karabaeva Street, Dushanbe, Republic of Tajikistan, tel: 2338825, fax (99237) 233 13 30, email: office@midp.tj).

In case if controversial questions are unable to be resolved by PMU, Contractor and PAP (affected person) the latter may apply to judicial authority or to the Chairperson of the local Hukumat of Kurgan-Tube town. Any matters in controversy will be solved according to the existing legislation of the Republic of Tajikistan.

10. Costs and Budget

10.1 Expenditures for the RAP in Kurgan-Tube are estimated at 720 TJS and will be financed by MIDP. Its implementation is the responsibility of the Government of Tajikistan. PMU will closely follow up its implementation and the World Bank will also follow up on issues during supervision missions. The estimated cost breakdown is shown below in Table 12.1:

Table 12.1: Budget breakdown and cost

No.	Activity	Cost in TJS
1	Trimming of 6 pieces of trees	720.0
Total		720.00

11. Disclosure of information

This RAP is a state document and will be available in English, Tajik and Russian languages in the World Bank Infoshop, in the World Bank office in Dushanbe, in the office of PMU (56 N. Karabaev Street, Dushanbe, Tajikistan, Tel: 2338825, Fax: (99 237) 233 13 30, email: office@midp.tj) and in the office of the local Hukumat in Kurgan-Tube (196A B.Gafurov Street, 735 214, Tel. (8 3222) 2-74-31).

