

**Resettlement Action Plan under Municipal Infrastructure Development Project of
the Republic of Tajikistan
(Updated on February 2, 2012)**

MIDP 040A “Construction of overhead transmission lines of 10 kV in Istaravshan”

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 “Javkandak” and “Argu” of Vodocanal were rehabilitated in Istaravshan, 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 040A “Construction of overhead transmission line of 10 kV in Istaravshan”). 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 in Tajikistan.

According to the project the power supply line will be laid from Chorbog Substation up to the Water Intake Javkandak and Argu of Istaravshan Vodocanal. The line runs along the borders of farmlands. The project will involve temporary loss of access to a 8 meter wide strip under the pole to install it. Tajikistan law does not require any permanent land acquisition for 10 kv line and the farmer may continue to use the land below the line after installation. No trees on autoroad will be affected.

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.

3. The Resettlement Impact of Project Activities and Compensation

3.1 Impacts on Farmlands:

The installation of the 10 kv lines requires that a pole of 40x40 cm be installed in the ground at intervals to hold up the line. The actual land taken by the pole (permanent land acquisition) is minimal, and each farm does not have more than one pole in its entire plot. To install these poles, it is recognized that there is need for access of a 8 wide meter strip (4 meters on either side of pole). While every effort will be made to minimize damage to standing crop, it is recognized that there may be some damage to standing crop in this strip during the installation of the pole. The project has hence undertaken to compensate the

farmers for this temporary loss of access to this strip of land. The project also undertakes to ensure that the contractor restores the land to its original condition and the farmer can proceed to cultivate on all the land around the pole (including under the voltage line) after pole installation is complete.

3.2 Changes from Previous RAP

The list of affected persons in this updated RAP differs from the original list in the previous version of the Istaravshan RAP. This update list includes all dekhkan farms from the original list excluding one dekhkan farm “Pashkent” Farm. This farm is no longer affected due to a change in the design alignment of the line. The compensation amount for “Kalai-baland” Farm was increased from 478.08 TJS to 3087.60 TJS due to a miscalculation in the earlier RAP ($0.62 \times 4980 = 3087.60$). This list also includes two households where 12 trees will be cut (the document is attached). Full compensation is 21 041.28 TJS (as distinct from 24 037.40 TJS in the previous RAP).

These changes are a result of the repeated and already confirmed as-built scheme for construction of power transmission line under the project implementation.

The survey was conducted in Istaravshan by the working group comprising: Mr. A. Faizulloev, PMU Chief Engineer, Mr. Kh. Olimov, PMU Senior Specialist, Mr. I. Qurbanov, local representative of PMC SEYASH, Mr. T. Fozilov, Representative of Land Use Committee of Istaravshan, Mr. M. Latipov representative of the Contractor as well as representatives of the farms. All representatives of the farms were present during farm measurement and were familiarized with the formula for calculation of compensation and the proposed payment procedure. These details have been noted in an act and each farm owner/tenant has been given one copy of this act certified by the signatures of all members of the commission. The act, which is attached, contains details of all the data on the affected farm and the calculated compensation for each farm.

The table below presents the list of affected farms during the installation of the power supply line of 10k V.

Table #1: Property (Goods and Assets Affected)

# of the House hold	Name of affected farm	Name of household head or farmer	Affect ed Plot area	Level of effect (total, partial, minimum) (no more than 1-4 % in each farm)	Tenure status	Employ ment status of all adults	The amount of the compensat ion in TJS
1	“Mamarasul bobo” Farm	Rasulov Azimjon	0,096 ha	Minimum not more than 5%	Heredi table unlimi ted use	Farmer + worker	478.08

2	“Tuda” Farm	T.Yorov	0,25ha	Minimum	Hereditable unlimited use	Farmer + worker	1245.00
3	“Ashurbobo” Farm	M.Ashurov	0,12ha	Minimum	Hereditable unlimited use	Farmer + worker	597.60
4	“Javkandak” Farm	N.Sharipov	0,95ha	Minimum	Hereditable unlimited use	Farmer + worker	4731.00
5	“Barakat” Farm	M.Komilov	1,9ha	Minimum	Hereditable unlimited use	Farmer + worker	9462.00
6	“Kalai-baland” Farm	K.Faiziev	0,62ha	Minimum	Hereditable unlimited use	Farmer + worker	3087.60
Total							19 601.28

Table No2 Agreed solution on trimming of trees

No	Item	Unit	Number of trees	Amount of damage	Name of the house owners	Note
1	Javkandak village	ea	6	720	Kushokov	
2	Javkandak village	ea	6	720	Rakhimov	

TOTAL COMPENSATION = 21 041.28 TJS

4. Proposed Assistance to Resettled Families

In preparation of RAP all aspects of the damage compensations were agreed with farms. The area and the cost of the damage were defined as well as the procedure of its payment by the contractor through the transfer on their settlement or personal accounts.

Together with representatives of Land Use Committee of Istaravshan we determined the amount of expenses per one ha of the irrigate cultivation area out of the estimation of the market value: fuel, seeds, fertilizer, labor costs. This amounts to 4980 TJS. It should be noted that during the construction work the standing crop of the sown area will not be disturbed and the farmers will immediately proceed to the cultivation of their lands. The compensation will be paid out from the actually listed farmland areas of the attached act on the damage assessment of the farms of Istaravshan.

A detailed breakdown of costs for cultivation of 1 hectare of the sown area is enclosed by the Act and certified by the signatures of all committee members. Since all farmers cultivate wheat the calculation is made based on this crop. The compensation will be paid

out from the actually listed farmland areas of the attached act on the damage assessment of the farms of Istaravshan.

Every effort will be taken to minimize damage to standing crop in the 8 meter wide strip. Once pole installation is complete, the contractor will restore the affected land to its original condition and the farmer may proceed to farming the entire area around the pole, including under the 10 kv line.

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 for the timely payment of the compensation (for the damage from temporary project impact on the cultivated areas of these farms).

6. Source of the Budget and Cost Estimate

The cost of compensation calculated as per this RAP will be included in the bill of quantities of the project. This will enable the contractor then to make the actual payment of compensation to each household, in accordance with this RAP. It should be noted that the compensation will be paid from the PMU budget from the share of the Government of the Republic of Tajikistan.

7. Resettlement Schedule

No civil works will commence on any farm until the full payment of compensation has been made to that household. 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 be responsible to make the payment for each affected person, in accordance with the agreed 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 the heads of the farms will also abide by this RAP. No civil works will commence on any farm until the full compensation payment has been made. The PMU and PMC Monitoring Specialist will verify that this payment has been made before allowing commencement of civil works. After execution of the construction works by Contractor, the Monitoring Specialist and Independent Monitoring Consultant will submit a field based verified 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 the farms must conduct inspection and resolve any issues that may be pending in connection with

the affected areas of the farm. The Contractor must get into the original shape the affected areas and there should not be any obstacles to land cultivation. The final payment cannot be made to the Contractor until this has been verified by the Monitoring Specialist and the 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 Istaravshan 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 Istaravshan are estimated at **21 041.28TJS** and will be financed by MIDP. Its implementation is the responsibility of the Government of Tajikistan. The 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 10.1:

Table 10.1: Budget breakdown and cost

No.	Activity	Cost in TJS
1	Compensation for the damage of the part of the land during construction work	19 601.28
2	Compensation for the trimming of trees	1 440
Total		21 041.28

11. Disclosure

This RAP is a public document and will be available in English, Tajik and Russian in the World Bank Infoshop, at the World Bank office in Dushanbe, at the office of the PMU (56. N.Karabaeva Street, Dushanbe, Republic of Tajikistan, tel: 2338825, fax (99237) 233 13 30, email: office@midp.tj) and at the office of the local Hukumat in Istaravshan town (96 Lenin Street, Istaravshan, tel: 8+3454) 2 22-44).

