

Republic of Tajikistan
Ministry of Transport



Central Asia Road Links Project – Republic of Tajikistan

Resettlement Policy Framework

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Contents

Abbreviations	5
DEFINITION OF TERMS	6
CHAPTER 1. INTRODUCTION	8
1.1 Project Background	8
1.2 Scope of work	8
1.3 Road Sections selected for detailed design	9
1.4 Objectives of Resettlement Planning	10
CHAPTER 2: LAND ACQUISITION AND RESETTLEMENT FRAMEWORK	12
2.1 Land Acquisition & Resettlement Processing Requirements	12
2.2 Legal-regulatory framework	12
2.3 World Bank Policy on Involuntary Resettlement	15
2.4. Legal Gap Analyses and reconciliations	16
CHAPTER 3. INSTITUTIONAL ARRANGEMENTS	19
3.1 General	19
3.2 Ministry of Transport of the Republic of Tajikistan (MOT)	19
3.3 Agency for Land Management and Geodesy (ALMG)	20
3.4 MBTI under the State Unitary Enterprise Housing and Communal Services	21
3.5 The Local Executive State Power in Districts (Hukumats)	21
3.6 Consultants	22
3.7 Other Government Organizations	24
CHAPTER 4. SCREENING, RESETTLEMENT PLAN PREPARATION AND IMPLEMENTATION	26

4.1 Screening Resettlement Impacts	26
4.2 Procedure for Resettlement Action Plan (RAP) Preparation	26
4.3 Review and Approval of Plans	29
4.4 Vulnerable Groups	30
4.5 Gender Impact and Mitigation Measures	30
CHAPTER 5: POLICY FRAMEWORK AND ENTITLEMENTS	31
5.1 Project Affected People – Eligibility	31
5.2. Compensation Entitlements	32
CHAPTER 6. DETERMINATION OF UNIT RATES FOR COMPENSATION	37
6.1 Land Compensation Strategy	37
6.2 Unit rates per types of expected Impact	37
CHAPTER 7: CONSULTATION, PARTICIPATION AND DOCUMENTS DISCLOSURE	39
7.1 Introduction	39
7.2 Objectives of Public Information and Consultation	39
7.3 Consultation during RAP Preparation and Implementation	40
7.4 Public Information Booklet	40
7.5 Disclosure	41
CHAPTER 8: GRIEVANCE REDRESS MECHANISM	42
8.1 Objectives	42
8.2 Grievance Redress Commission (GRC)	42
8.3 Local Authorized Person (LAP)	42
8.4 Functioning of the GRC within the Grievance Redress Mechanism	43
8.5. Technical Experts	44

8.6 Grievance Resolution Process	44
8.7 GRC Records and Documentation	45
CHAPTER 9: MONITORING AND EVALUATION	46
9.1 INTERNAL MONITORING	46
9.2 External Monitoring	46
9.3 Training in RAP implementation	47
CHAPTER 10: IMPLEMENTATION PROCESS	48
ANNEXES	50
Appendix 1. Land Acquisition & Resettlement Screening and Checklist	51
Appendix 2. Contents of Abbreviated Resettlement Plan	53
Appendix 3. Contents of Full Resettlement Plan	54
Appendix 4. Complaints and Grievance Submission Form	56

Abbreviations

ALMGC	Agency for Land Management, Geodesy and Cartography
CAREC	Central Asia Regional Economic Cooperation
CC	Civil Code
DMS	Detailed Measurement Survey
EA	Executive Agency
GoT	Government of Tajikistan
GRC	Grievance Redress Commission
GRM	Grievance Redress Mechanism
HH	Households
ID	Identification Card
IM	Independent Monitor
Kg	Kilogram
LC	Land Code
MBTI	Municipal Bureau of Technical Inventorization
MoT	Ministry of Transport
NGO	Non-government organization
OP	Operational Manual (of World Bank)
PAP	Project Affected Person
PIB	Public Information Booklet
PIU	Project Implementing Unit
RAP	Resettlement Action Plan
RoW	Right of way
RT	Republic of Tajikistan
SUEHCS	State Unitary Enterprise for Housing and Communal Services
Sq.m.	Square meter
TJS	Tajikistan Somoni (currency)
WB	World Bank

Definition of Terms

Compensation	Payment in cash or in-kind for an asset to be acquired or affected by a Project at replacement cost at current market value.
Cut-off-date	The date, after which people will not be considered eligible for compensation, i.e. they are not included in the list of APs as defined by the census.
Dekhan Farm	Farms, usually mid-sized, that are legally and physically distinct from household plots, for which full user rights but not ownership is allocated to either individuals or groups.
Detailed measurement Survey	The detailed survey of project affected land parcels and inventory of affected assets.
Project Affected Persons	All the people affected by the Project through land acquisition, relocation, or loss of incomes and includes any person, household (sometimes referred to as Project affected family), firm, or public or private institution. PAPs therefore include; i) persons affected directly by the road corridor, right-of-way, tower or pole foundations or construction work area; (ii) persons whose agricultural land or other productive assets such as trees or crops are affected; (iii) persons whose businesses are affected and who might experience loss of income due to the Project impact; (iv) persons who lose work/employment as a result of Project impact; and (v) people who lose access to community resources/property as a result of the Project.
Encroachers	People who move into the Project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the Project.
Entitlement	The range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution/business restoration, which are due to APs, depending on the type, extent and nature of their losses, and which suffice to restore their social and economic base.
Hukumat	Administration District
Inventory of losses	Pre-appraisal inventory of assets as a preliminary record of assets to be affected or lost as a result of the Project
Jamoat	Sub-district administration unit under each District
Land acquisition	Process whereby a person is compelled by a public agency to alienate all or

part of the land she/he possesses, to the ownership and possession of that agency, for public purposes, in return for fair compensation.

Livelihood	Means of support; subsistence (source of income)
Non-titled	Physical persons who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant, i.e. those people without legal title to land and/or structures occupied or used by them.
Oblast	Region in Tajikistan
PAP	Project Affected Person
Presidential Land	Land for which use rights have been allocated by Presidential Decree but ownership remains with the State.
Replacement cost	The method of evaluation of project affected assets ¹ to replace the loss at current market value, or its nearest equivalent, and is the amount of cash or equivalent in kind needed to replace an asset in its existing condition, without deduction of transaction costs or for any material salvaged and depreciation for age cannot be deducted from the compensation.
Reserve Fund Land	Land owned by the State and controlled by the district administration that may be rented, mainly for agricultural purposes.
Sharecropper	Same as tenant cultivator or tenant farmer, i. e a person who cultivates land they do not own for an agreed proportion of the crop or harvest.
Significant impact	When as a result of project 200 people or more will experience major impacts, which are defined as; (i) being physically affected from housing, or (ii) losing ten percent or more of their productive assets (income generating).
Vulnerable	Any person who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and includes; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households (below poverty line); (iv) landless; (v) elderly households with no means of support; (vi) households without security of tenure; (vii) ethnic minorities.

¹ Replacement cost for project affected assets will be determined by the State Unitary Enterprise for Housing and Communal Services.

Chapter 1. Introduction

1.1 Project Background

1. Within the framework of Central Asia Regional Economic Cooperation (CAREC) Program, Central Asian countries are cooperating to increase regional transport connectivity by coordinating investments in transport infrastructure and aligning respective policy and regulatory reforms to make impacts of those investments sustainable. This will improve the region's competitiveness, reduce poverty and expand trade, both within Central Asian economies, regionally, and globally. CAREC program focuses on investment and other activities along six transport corridors that link across north, south, east and western Central Asia.
2. The proposed Central Asia Road Links program will be incorporated into the regional program comprising improvements prioritizing road links within Central Asian countries. This is anticipated to have a substantially positive impact on poverty reduction and economic growth, not only because of the high population density along the catchment area of the corridor, but also due to the existence of high poverty rates and its related effects on social cohesion and migration.
3. Tajikistan is a landlocked country and by area, the smallest nation in Central Asia, located between Uzbekistan and Kyrgyzstan to the west, and north, Afghanistan to the south, and China to the east. It features the Pamir range of mountains, with more than fifty percent (50%) of the country's elevation over 3,000 meters (9,800 ft.) above sea level. Tajikistan depends on external trade for its development, and its export-driven business in agriculture and industry requires fast, reliable and economically affordable transport.
4. The Government of the Republic of Tajikistan requested financial assistance from the World Bank (among other donors) to rehabilitate priority road links in Tajikistan's Sugd Oblast, which are of significant national and regional importance. Potential financing of the proposed program and project activities are subject to their inclusion into the Country Partnership Strategy agreed between the Government of Tajikistan and the World Bank (FY14-17).

1.2 Scope of work

5. The scope of work includes carrying out feasibility studies and the preparation of preliminary designs for the civil works to rehabilitate and/or upgrade above mentioned road sections in Sugd Oblast, including roads: (i) leading to border crossing with the Kyrgyz Republic (near Guliston), in the southeast of Isfara district, (ii) between Kanibadam to Patar (border crossing with Uzbekistan), (iii) between Kanibadam to Khujand town, and (iv) toward a second border crossing with the Kyrgyz Republic (at Madaniyat).

6. The feasibility studies should provide for (i) the selection of feasible and preferred option for the intervention of the entire length of Guliston – Isfara – Kanibadam – Patar and Kanibadam - Khujand - Proletarsk – Madaniyat sections (e.g., rehabilitation, upgrade and/or realignment), with the proposed alternative routes when approaching the urbanized areas of Isfara, Kanibadam, Khujand, J. Rasulov, and the economic evaluation indicators, (ii) the preliminary designs for the agreed option/alternatives; (iii) respective framework safeguard documents, including the Environmental and Social Management Framework as well as Resettlement Policy Framework.
7. MOT plans to maintain Category II and III roads (two lane road according to SNIP Standards) for the road sections between Guliston – Isfara – Kanibadam – Patar, and Kanibadam - Khujand - Proletarsk – Madaniyat. A design speed of 100 km/h for flat terrain road sections will be adopted for design purposes.
8. The Report on the Feasibility Studies and preliminary designs for the rehabilitation and upgrade of road sections (about 180 km) in Sugd Region (along Guliston – Isfara – Kanibadam - Patar, Kanibadam-Khujand – Proletarsk - Madaniyat) was submitted in June 2014. As a result, using multi-criteria-analysis, a number of road sections has been selected for detailed design. The document in hand is related to these design sections as stated below.

1.3 Road Sections selected for detailed design

9. The eight (8) road sections selected for the further detailed design are given in the table 1.

Table 1. Road Sections Selected for the Detailed Design

Design Road Sections			
No.	Location	Road Category	Length (km)
1a	Guliston - Isfara Bypass (Option 1)	III	18.7
2	Isfara - Kim	III	13.0
3	Kim - Kanibadam	III	10.0
4	Kanibadam - Patar	II	12.4
6	Kim - Kuchkak (bypassing Kanibadam)	III	13.9
11	Dehmoi - Proletarsk	III	5.7
11A	Access to Intermodal Terminal	III	2.2
12	Proletarsk - Mandaniyat	III	9.0
Total			84.9

10. The preliminary surveys conducted by the design Institute along the road project sections revealed that tentative project impact is to extended over more than 1500 (one thousand

five hundred) perennials to be cut down and eight (8) structures (among them two (2) residential dwellings) located on the project affected land parcels.

11. The other sections and sub-sections of the existing roads have sufficient width. Thus, no physical resettlement is anticipated to occur, unless the need for further alignment change is required at a later phase of road works.
12. Final results obtained from the field surveys and analyses of these results will determine the magnitude of project impact on local communities from a resettlement and social impact perspective.

1.4 Objectives of Resettlement Planning

13. This Resettlement Policy Framework (RPF) has been prepared for the proposed Project and outlines the resettlement principles and procedures ensuring that if resettlement needs are identified, the executing agency (EA), Ministry of Transport (MoT) of the Republic of Tajikistan, will adopt and implement the procedures for involuntary resettlement in compliance with the Government's applicable laws and regulations and the World Bank's policy. The RPF should be read in conjunction with the World Bank's OP 4.12 Involuntary Resettlement Policy and Tajikistan laws. The RPF sets out the project goals and project implementation schedule, eligibility criteria for project affected people (PAPs), legal framework and institutional involvement, determines valuation methodology, establishes compensation entitlements and unit rates, participation and consultation procedures, and grievance redress mechanism which will be employed to compensate, and restore the livelihoods and living standards of PAPs.
14. The main objectives of the RPF are to: (i) guide in properly identifying, compensating, and restoring the livelihoods of PAPs, (ii) serve as a binding document to ensure payment of compensation and assistance to PAPs, and (iii) provide direction in preparing, updating, implementing and monitoring subprojects' RAPs. The RPF includes measures to ensure that PAPs are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the Project.
15. This RPF is a document prepared by the MoT of the Tajikistan Republic which has been reviewed and cleared by the World Bank. The RPF will be uploaded to the web sites of the Ministry of Transport of the Republic of Tajikistan and the World Bank.
16. Following WB policies, the MoT will ensure that the RPF translated into Russian will be distributed to local government agencies. Besides, the MOT will prepare Public Information

Booklet (PIB), i.e. reduced version of the final RPF in understandable language and format for PAPs. The Public Information Booklet will be prepared into Russian and Tajik languages and provided to all Hukumats (and Jamoats) to be publicly disclosed in the project sites. Local government representatives are responsible to make the Public Information Booklet accessible to the local population, including potentially affected communities within the project influence area for review, comments and input made during the RPF disclosure period. All comments and suggestions will be collected through the heads of Hukumats and provided to MOT. MOT and Consultant will review, address accordingly and if relevant reflect in the final version of the Resettlement Policy Framework. The MOT will undertake all measures to ensure the Final version of the RPF is provided to each Hukumat within project area.

17. The RPF comprises three important elements: (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and, (iii) assistance for restoration of livelihood to achieve at least the same level of well-being with the Project as without it. The RPF is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized;
- Compensation must ensure the maintenance of the PAPs' pre-project living standards;
- PAPs should be fully informed and consulted on compensation options;
- PAPs' socio-cultural institutions should be supported as much as possible;
- Compensation will be carried out with equal consideration of women and men;
- Lack of formal legal land title should not be a hindrance to rehabilitation;
- Particular attention should be paid to households headed by women and other vulnerable groups and appropriate assistance should be provided to help them improving their living standards;
- Land acquisition and resettlement should be conceived and executed as a part of the project, and the full costs of compensation should be included in project costs and benefits; and
- Compensation/rehabilitation assistance will be paid prior to commencement of civil works, i.e. before an impact occurs.

Chapter 2: Land Acquisition and Resettlement Framework

2.1 Land Acquisition & Resettlement Processing Requirements

18. With respect to resettlement, based on World Bank's Policy OP 4.12 "Involuntary Resettlement" and best international practice, approval of the implementation of subprojects will require the preparation of a number of reports and documents as follows:

- This RPF for the overall project is applicable to all sections of the road rehabilitation or subprojects;
- A resettlement checklist and categorization form (Appendix 1) indicating for each section of road rehabilitation or sub-section, whether land acquisition impacts are likely to occur, type of impacts, likely magnitude;
- If land acquisition occurs, a RAP for each section (or sub-section) of rehabilitated road based on the detailed design data, will be prepared. The RAP will include detailed compensation and administration budgets and implementation schedules linking land acquisition and resettlement planning tasks to the initiation of civil works. As detailed in OP 4.12 of the World Bank, the complexity and contents RAPs vary depending on the degree of impact severity of a subproject. When impacts are considered significant, a subproject is classified as Category "A" and a full RAP will be prepared (Appendix 3); and
- For subprojects that create minor or insignificant land acquisition and resettlement impacts, they will be classified as Category "B" and only an abbreviated RAP is to be prepared (Appendix 2).

2.2 Legal-regulatory framework

19. The Resettlement Policy Framework for the Project is based on the Legislation of Republic of Tajikistan and the WB OP 4.12 on Involuntary Resettlement². In Tajikistan legislation, there is no special law that regulates the issues of resettlement and/or land acquisition or expropriation of rights to land and immovable property for state or public needs.

20. Moreover, there is no separate law that completely provides norms and mechanisms for the determination of a full, fair, market value of land. The key legislative acts regulating land management relations and the ownership rights to immovable properties in the Republic of Tajikistan are the following:

- Constitution of the Republic of Tajikistan (1994, as amended in 2003)³
- Land Code (as amended in 2008⁴ and 2012)⁵

² OP 4.12 dated December 2011 and revision dated April, 2013.

³ Constitution, November 6, 1994, as amended on 22 June 2003

⁴ Land Code, as amended by N 498 from December 12, 1997., N 746 from May 14_ 1999, N 15 from May 12 2001, N 23 from February 28 , 2004. From 28.07.2006 №199, from 5.01.2008 №357, from 18.06.2008 №405.

- Civil Code (as amended in 2007)⁶
 - Regulation “about compensation of losses to the land users and losses of agricultural products” (approved by the Decree of Government of the Republic of Tajikistan, 2000. № 515)⁷.
21. The Constitution of the Republic of Tajikistan is the main legal document guaranteeing citizen’s rights. Article 12 states: “The economy of Tajikistan is based on various forms of ownership. The state will guarantee freedom of economic activity, entrepreneurship, equality of rights, and the protection of all forms of ownership, including private ownership.” Further, article 13 states “land, bowels of the earth, water, airspace, animal and vegetable kingdoms, and other natural resources are owned by the state, and the state guarantees their effective use in the interests of the people.”
22. The legal basis for state acquisition of private property for public works is outlined in Article 32 which states “the property of an individual is taken away only on the basis of the law, with the consent of the owner and to meet the requirements of the state and society, and with the state paying full compensation.”
23. Compensation for land withdrawal and other impacts due to public interest projects are also regulated by other legislative acts such as the Land Code RT (LC), the Civil Code RT (CC) and various normative-legal acts, which govern land withdrawal, land allotment and impacts compensation to the citizens. The withdrawal/allotment of lands and resettlement is based on the principles for compensation for losses incurred by land users or users of other registered rights connected to land when the land plot is withdrawn for state and public need.
24. The withdrawal of land plots for state and public need from land users and users of other registered rights regarding land may be made after:
- Allocation of a land plot of equal value;
 - Construction of housing, production, and other buildings with same purpose and same value, instead of withdrawal, in a new location by the natural persons and legal entities to whom the land plot had been allocated, in accordance with established procedure, or cash payment;
 - Full compensation for all other losses, including lost profits, in accordance with the legislation of the Republic of Tajikistan.
25. Upon the withdrawal of land plots for state and public need all losses shall be calculated according to the market price, which shall be defined by taking into consideration the location of the land plot and shall be paid by persons in whose favor the land has been withdrawn. The chapters 5 and 6 describe the details of compensation entitlements and explain the valuation methodology for assessment of project impacts and determination of compensations unit rates per each type of impact/loss.

⁵ Land Code of the Republic of Tajikistan as amended on 01 August 2012

⁶ Civil Code, as amended by August 6, 2001, N 41: May 3 2002 №5, March 1 2005, N 85; April 29, 2006 №180, May 12, 2007.№247).

⁷ Approved by the Decree of Government of Republic of Tajikistan, December 30, 2000.№515

26. Annulment of use right to a land plot with a right to alienate it for state and public needs can be carried out after allotment to the land user of equal land plot with right to alienate it and compensation of other expenses provided for by part one of present article. (L.C. Article 41; In RT Law edition dated 1 August 2012, No. 891).
27. Procedure for compensation of losses to land users or users of other registered rights regarding land and losses connected to the removal of land from circulation regulated by Article 43 of the Land Code edition dated 1 August 2012, No. 891:
28. In the event of withdrawal of a land plot for state and public need, compensation for losses to land users or users of other registered rights regarding a land plot and losses connected to the removal of land from circulation, shall be made by natural and legal persons whose activity led to the necessity of the withdrawal prior to the withdrawal.
29. In the event of withdrawal of a land plot for state and public need, the procedure for compensation of losses to land users or users of other registered rights regarding a land plot and losses connected to the removal of land from circulation shall be defined by the Government of the Republic of Tajikistan (In RT Law edition dated 5 January 2008, No. 357).
30. At termination of the rights of property then property will be assessed based on its market value (Article 265 Civil Code). Land user or user of other registered rights associated with land should be noticed in writing about land withdrawal by local executive government body not later than one year before the pending withdrawal of the land (Article 40, Land Code of the RT amendment dated as of August 1. 2012 no. 891).
31. In the event that international agreements recognized by the Republic of Tajikistan establish other rules than those contained in the Land Code of the Republic of Tajikistan, the rules of international agreement shall be applied (Article 105, LC of the RT edition dated 28 February 2004 No. 23).
32. The LC, 1997 is the core legal document related to land acquisition. It has been updated several times and most recently in August 2012. Article 2 of LC states that “land is an exclusive ownership of the State...[but]...guarantees its effective use in the interests of its citizens”. However, Articles 10-14, the LC outlines land title as being of long-term, short-term, and inherited land use entitlement. Article 14 of the LC of the RT also states that land users may lease land plots by agreement (In RT Law addition dated 1 August 2012 No. 891).
33. Article 24 of LC describes the **allocation of land for non-agricultural purposes**, and provides that when choosing a suitable location for such land uses, land not suitable for agricultural should be favored. The same principle is stressed by Article 29 LC, which discourages the use of high-yielding agricultural land for non-agricultural use. However, Article 29 also allows for allocation, and sequestering of agricultural land for “other very important State objects”.
34. Article 19 of LC states the rights of land users, including clauses allowing a land use rights holder to:

- Execute civil-legal transactions (buying-selling, gift, exchange, mortgage and other) with allocated (acquired) use right to a land plot with a right to alienate it independently without interference of executive government bodies, except for provisions of present Code; (In RT Law edition dated 1 August 2012 No. 891)
 - Lease the land plot;
 - Establish private (based on consent) servitude to a land plot; (In RT Law edition dated 1 August 2012 No. 891)
 - Mortgage the right to a land plot; Receive compensation in the event of withdrawal of the right to use the land plot for state and public need in accordance with Article 41 – 43 of the present Code.
35. In this Project, it could be interpreted as compensation for permanent loss of land use and crops, and complying with (ii) and (iii) above, the need to compensate for temporary loss of use of land and disturbance of cropping patterns for construction purposes.
36. A compensation for land, which belongs to the State but which is allocated and essentially leased to users by each hukumat, will be implemented in the following way: a land user will receive a new land parcel of equal value and if he cannot harvest the crops he will receive relevant cash compensation at market value at same unit determined for annual loss of crops.

2.3 World Bank Policy on Involuntary Resettlement

37. The World Bank's safeguard policy on Involuntary Resettlement – OP 4.12 seeks to ensure that impoverishment risks due to involuntary resettlement are addressed and minimized.
38. The overall objectives of the World Bank's policy on involuntary resettlement are:
- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
 - Where avoiding resettlement is not feasible, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
 - Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
39. The policy covers direct economic and social impacts that result both from Bank-assisted investment projects and are caused by the involuntary taking of land resulting in:
- relocation or loss of shelter;
 - loss of assets or access to assets; or
 - loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

- the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of PAPs.
40. Where impacts on the entire displaced population are minor (fewer than 200 people are displaced)⁸, an abbreviated resettlement plan may be prepared. For projects causing significant resettlement (more than 200 people are displaced), a full resettlement plan is required. The resettlement plan will include measures ensuring that the displaced persons are informed about their options and rights pertaining to resettlement; appropriately consulted, offered choices or options, and provided with technically and economically feasible resettlement alternatives; and provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project. The policy requires that in the resettlement planning process:
- Displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, appropriately consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement activities. Appropriate and accessible grievance mechanisms are established for these groups;
 - In new resettlement sites or host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources (such as fishing areas, grazing areas, fuel, and/or fodder);
 - Patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. To the extent possible, the existing social and cultural institutions of re-settlers and any host communities are preserved and re-settlers preferences with respect to relocating in pre-existing communities and groups are honored.
41. To achieve the objectives of the policy, World Bank requires that particular attention be paid to the needs of vulnerable groups amongst those displaced, especially those below the poverty line, the landless, the elderly, women and children, or other displaced persons who may not be adequately protected through national land compensation legislation.

2.4. Legal Gap Analyses and reconciliations

42. The framework for the Project is based on the WB OP 4.12 on Involuntary Resettlement as embedded in the WB Policy Requirements for Involuntary Resettlement (Operational Manual O.P. 4.12) the Constitution of the Republic of Tajikistan, and the Land Code of the Republic of Tajikistan. Where differences exist between the legislation of project host country and the WB policies and practices, the resettlement for this Project will be resolved in favor of the later.

⁸ Impacts are considered "minor" if the affected people are not physically displaced and less than 10% of their productive assets are lost.

43. In principle, the laws of the Republic of Tajikistan and World Bank Policy both adhere to the objective of compensation at replacement cost, but Tajikistan law does not provide for rehabilitation and in practice this has been left to ad hoc arrangements taken by project proponents in order to meet international donor requirements. To clarify these issues and reconcile eventual gaps between Tajikistan law and World Bank Policy, this RPF has been prepared for the given Project, ensuring compensation at replacement cost of all items, the rehabilitation of people not holding land use rights and informal settlers, and the provision of subsidies or allowances for PAPs that may be relocated, suffer business losses, or may be severely affected or qualify as vulnerable.

44. The main provisions affording reconciliation of the differences between Country legislation and

World Bank Policy includes:

- Any PAPs, regardless of title (holding/not-holding titles), will be entitled to compensation (for structures, crops and trees) and rehabilitation measures under the project. This includes landless people using land and squatters;
- PAPs and affected communities will be consulted on options and any impacts of land acquisition and resettlement;
- If land for land compensation is not technically or sociably feasible, compensation will be in cash at full replacement cost at current market value;
- Compensation for any other assets affected (structures, crops and trees, as well as business/income loss) will be in cash or kind at full replacement cost at current market value. Vulnerable PAPs will be entitled to additional measures as relevant, and gender issues will be addressed;
- Maintenance works will avoid or minimize, as far as possible, the need for land acquisition and resettlement; and
- The RPF includes measures for severely impacted PAPs and requires that any RAP prepared for the project include all costs related to rehabilitation and/or livelihood restoration.

Table 2. Legal Matrix

World Bank Policy on Involuntary Resettlement	Provisions of relevant Laws of Tajik Republic	Meeting the Gaps
Lack of formal legal title to the land by some affected groups should not be a bar to PAP to receive compensation or rehabilitation.	Pursuant to the active legislation, compensation for land is provided only to registered settlers.	All land users with registered (legalizable) Certificates will receive compensation for land acquired for Project purposes. PAPs not holding Land Certificate, or any documents originating land use rights are not eligible for compensation for land but will receive compensation for assets attached to land and other assistance as required. Local Community will be informed about their rights, responsibilities, eligibility to compensation and cut-off-date provisions, to prevent squatters within the project affected

		area.
PAPs are to be informed / consulted on resettlement / compensation options.	Active legislation does not require public consultations.	Communities within project influence area will be involved in priority selection process, consulted and informed on resettlement and compensation and options. Besides, Public Information Booklets will be distributed to PAPs The RPF will be officially disclosed to public.
PAPs to be compensated and assisted, so that their economic/social future would be generally as favorable as it would have been in the absence of the Project	Active legislation provides compensation for loss of project affected assets only.	PAPs, in addition to compensation for income and assets loss, will also receive additional rehabilitation measures in the form of technical assistance (updated, relocation /transportation costs covered, utilities to be provided to new resettlement sites, etc.) and other additional allowances as determined under the RAP.
WB safeguards provide for additional rehabilitation allowances for PAPs in need, including vulnerable and severely affected PAPs.	Active legislation does consider additional rehabilitation for vulnerable or determines procedures for severe impact.	PAPs in need, qualified as vulnerable or severely affected will be eligible to additional cash and/or in-kind compensation. This entitlement measure will be determined based on the analyses of information and data obtained during Census, DMS and livelihood surveys and detailed description will be provided in the draft RAP for stakeholders input.

Chapter 3. Institutional Arrangements

3.1 General

45. This chapter below describes the specific role and responsibility of each State Agency participating in the given project.
46. The Ministry of Transport of the Republic of Tajikistan (MOT) will be the Executing Agency (EA) having the lead responsibility for the road construction, as well as the RAP implementation in case the need for land acquisition eventuates and would finally be confirmed. Besides MOT, a number of other governmental departments will play an instrumental role in the design, construction and operation of the Project.
47. The Agency on Land Management and Geography is responsible for allocation and registration of new land plots. The Ministry of Justice is responsible for registration of any changes of the rights to affected immovable properties, that will be evaluated by the State Unitary Enterprise for Housing and Communal Services⁹. MBTI will register any changes regarding immovable property and its physical condition and issue technical passport. Further, the State Committee for Investment and State Property Management of the Republic of Tajikistan is responsible for an independent evaluation of all affected structures based on their current market value. Representatives of these agencies together with representatives of Hukumat of each Rayon (district) comprise an ad-hoc Committee to adequately respond and assist MOT in the process of project implementation.

3.2 Ministry of Transport of the Republic of Tajikistan (MOT)

48. In order to attain the target of RAP implementation and monitoring the MOT will form a Project Implementation Unit (PIU) and assign a Project Director. Project Director will be in charge of guiding the PIU staff in the process of implementing the projects, and will manage and monitor PIU daily activities. The PIU staff will be composed of engineers, lawyers, land acquisition and safeguard specialists with relevant qualifications and previous experience in similar projects.
49. The PIU will hire one full time designated resettlement specialist who, with assistance from other designated officials as necessary, will be over-viewing and managing the implementation of RAPs and ensure coordination of the work of all involved agencies.
50. In order to address land acquisition and resettlement issues associated with the given road Project, the MOT will form a Working Group for land acquisition planning (Resettlement Working Group) comprising the following representatives:

⁹ State Unitary Enterprise for Housing and Communal Services is authorized to assess property of physical and legal persons.

- First Deputy Minister, MOT
- Deputy Head of Department for Construction and Road Administration of MOT.
- Head of Cadastre and Land Registration, Land Management, Geodesy and Mapping Agency under the Government of the Republic of Tajikistan
- Senior Construction Supervision Inspector, Construction and Architecture Agency under the Republic of Tajikistan
- Engineer of IZDP unit, State Unitary Enterprise “Research, Design & Surveying Institute”
- Coordinator for consultants in PIU
- Representatives of the all Hukumats and Jamoats in Sugd region that are immediately located in project area.

51. The principal task of this group is to adhere to the general principles and this RPF and ensure the development of relevant RAP after it is clearly known whether any of the sections/sub-sections may incur land acquisition and resettlement impacts. The group will be assisted by International and Local Consultants in the process of defining the appropriate methodology for the assessment of a fair replacement value for residential and commercial land, and to establish principles and processes for cash compensation payments. The Resettlement Working Group will also gain the assistance by the representatives of the various state departments involved in RAP planning and implementation, as well as officials at central and local government level. In addition, number of consultations on WB OP 4.12. safeguard requirements will be provided to the Resettlement Working Group if the RAP/ preparation is confirmed at a later stage.

52. After the MOT obtains the approval from the Government of the Republic of Tajikistan to the final list of project affect persons (physical and legal), their affected assets will be evaluated and RAP implementation budget¹⁰ will be presented to the government for approval.

3.3 Agency for Land Management and Geodesy (ALMG)

53. The ALMG is the central government body with executive power for land management¹¹. This Agency, together with the state enterprises under its control, is responsible to:

- promote and develop unified state policy in land matters, and the management of government land manage survey work including land cadastres, geodesy, aerial imagery and topographic mapping
- control the use and protection of land, geodesy, and further development of the level of government geodetic control, aerial imagery and mapping activities
- undertake government activities on land management, land cadastre, geodetic, aerial imagery, mapping
- coordinate scientific research on the study of natural resources using satellite imagery for Government departments

¹⁰ However, bank service fees (varying between 0.5% - 1 %) will be added on top of the amount of cash compensation PAPs will receive at the banks.

¹¹ Regulation on Agency on land management, geodesy and cartography under the Government of Republic of Tajikistan, approved by the Government Decree from December 28 2006, № 613.

- conduct registration of land use rights and implementation of land reform
- undertake surveying and land plot formation activities
- prepare and issue of Land Use Right Certificates (LURC)¹²
- register changes of land user
- allocate new land plots
- acquire land as required for the state
- survey the land plots, the subject of land use rights
- develop Projects for allocation of land use rights for non-agricultural needs, and
- implement land assessment work, soil assessment and economic valuation of land¹³.

3.4 MBTI under the State Unitary Enterprise Housing and Communal Services

54. The State Unitary Enterprise Housing and Communal Services, together with the state enterprises under its control are the suppliers of public utilities in Tajikistan, including 31 local Departments of Bureau of Technical Inventory (MBTI). MBTI is established as a self-funding enterprise, operating at district and city levels. It is mainly in charge of technical inventory of immovable property, buildings (houses, constructions, etc). The Government Decree No 513, dated 30 December 1998 provides the following roles for MBTI: technical inventory of private houses, buildings, apartments and state companies:

- technical inventory and valuation of constructions and structures
- technical inventory of the affected assets
- technical inventory of engineering networks, and registration of ownership and preparation of an Ownership Certificate for immovable assets.

55. The registration of structures and other objects is conducted to establish ownership rights on houses, buildings and apartments and their registration in cities and villages. MBTI registers immovable properties in its Registration Book, based on land plots, including the following information: (i) Date, (ii) Identification Number in the Register, (iii) Address of immovable property, (iv) Owner's name, (v) Shares, (vi) Legal documents, (vii) Encumbrances, (viii) Signature of registering staff member, and (ix) Remarks. A unique number is applied for buildings and apartments based on postal address: (i) District name, (ii) Block Number, (iii) Street name, (iv) Building Number, and (v) Apartment Number. However, the block is different to that used by the ALMG. MBTI is required to update the data about the changes of structure and the value of the buildings every three years, mainly for taxation purposes. MBTI offices have specialists in architecture and construction for each district.

3.5 The Local Executive State Power in Districts (Hukumats)

¹² This is a legal document that verifies the title holding of any parcel of land.

¹³ The Government Decree No.613, dated 26 December 2006 provides the details of the roles and responsibilities, organizational structure and its associated enterprises.

56. The District Hukumat is the local administration body, established in all cities and districts. It is under the Oblast level and there are Jamoats under the District Hukumats. The Hukumat is led by a chairperson who has a wide range of responsibilities and authorities, including land management, housing and infrastructure, social security, law and order, health care and production. The planning and implementation of any LAR activities related to land and assets is undertaken through Hukumats. This is the local administration having a direct link with the people and most of small grievances related to allocation and distribution of land rights. In relation to land and immovable property administration, the Hukumat assists the concerned departments (land commission/MBTI/PIU etc) in resolving the issues such as allocation of land use rights, and decisions on acquisition of land use rights and allocation of alternate sites for resettlement. Special Commission is functional to address and resolve Land Acquisition/Compensation/Resettlement issues.
57. For defining the losses to land users due to land acquisition for state and public needs or for the temporary occupation of land parcels, the valuation commissions are formed consisting of the following members¹⁴:
- a representative of the district Hukumat, usually the deputy chairman of the district or town,
 - the head of the district agency for land management, geodesy and cartography,
 - a representative of the district or town office of architecture,
 - representatives of Jamoats,
 - a representative of the district for environmental protection
 - representatives of the affected land users,
 - representatives of the enterprises and/or institutions interested in land acquisition, and
 - representatives of other organizations as defined by the Hukumat.
58. In case it is decided to prepare a RAP, local commissions will be involved in assessment of all agricultural losses and determination of the compensation amounts and obtainment of the approval of relevant Hukumats.
59. During RAP preparation MBTI will be in charge to issue technical passport for each affected buildings and structures, valuation will be undertaken by the independent appraisal group in compliance with the legislation of RT. In addition, during the preparation of the RAP, the State Committee on Investment and State Property Management of the Republic of Tajikistan, will conduct independent evaluation of all affected structures based on their current market value.

3.6 Consultants

60. International and Local Consultants will be involved in the preparation, implementation and monitoring of the RAP tasks.

¹⁴ Item 31, Regulation about the order of compensation of losses to the land users, approved by the Government Decree dated December 30, 2000, №515.

61. Preparation of RAP - If there is need for the preparation of RAP for specific road section/sub-section, the International Consulting Company will be hired to prepare relevant RAP document. The International Consulting Company will hire a local company with relevant experience and qualification to assist with DMS and Socio-economic surveys of PAPs and collection of all data required to produce RAP as requested by the Client.
62. The Consultants will assist MOT to conduct final impact assessment survey, jointly with the MOT Resettlement Specialist and other staff and in close consultation with the PIU and Resettlement Working Group. The Consultants will work with the MBTI representatives, the State Committee on Investment and State Property Management of the Republic of Tajikistan and the representatives of relevant Hukumats for the valuation of structures and buildings. The International Consultant together with local sub-consultant will provide the following services:
- Assist MOT in organizing Public Consultations/Orientation meetings within project affected communities to encourage participatory involvement of PAPs in the process of RAP development and implementation;
 - Conducting DMS and census of 100 % of affected households;
 - Identification of vulnerable and severely impacted PAPs and determinations of appropriate additional rehabilitation measures aiming on livelihood restoration;
 - Socio-economic/livelihood survey of project affected communities;
 - Identification of cut-off date and compensation eligibility criteria to be in detail described in the RAP;
 - Dissemination of Information within project affected communities and informing people on the project scope, types of project impact and compensation entitlements;
 - Setting up the Grievance Redress Commission, setting up Grievance Procedures and training the GRC members;
 - Inventory of project affected assets, development of valuation methodology for income/assets loss assessment;
 - Determination of reasonable compensation rates per each type of project impact: land, structures, annual crops, perennials, permanent/temporary loss of job/business etc.
 - Coordination with State and Public Institutions on National and local level to ensure their active involvement in the RAP preparation and implementation process;
 - Attendance RAP Public Disclosure meetings to ensure the feedback of stakeholders are addressed accordingly and if relevant incorporated into the final RAP document and approved for implementation.
 - Provision of other activities as revealed necessary during RAP preparation.
63. RAPs Implementation - MOT, PIU and Resettlement Working Group will be in charge of implementing the RAPs initially agreed with the Government of Tajikistan and where No Objection Issued by the World Bank.
64. Monitoring of **RAPs Implementation** – The MOT will engage an **Independent Monitor¹⁵ (the IM)**, an entity/agency or an individual consultant, for independent monitoring and evaluation

¹⁵ Preferred option will be selected later, when the RAP is ready, and the scope of work (number of affected land parcels /persons) is specified.

of the implementation of the RAPs as well as monitoring and assessment of social and environmental impacts, including community health and safety issues.

65. The IM will work according to the terms of reference agreed with WB and report on their compliance with the RAP approved by MOT and WB, before the commencement of any civil works on project sites. IM hiring procedure will go through the WB clearance prior to engagement of IM in monitoring task.

3.7 Other Government Organizations

66. The Ministry of Finance (MOF) is responsible for allocating the budget for RAP implementation. The MOF will allocate the budget for resettlement project implementation on the estimates included in the RAP.

67. The entire institutional arrangement for the implementation of the entire RAP is presented in the following figure.

Figure 1. Institutional Arrangements

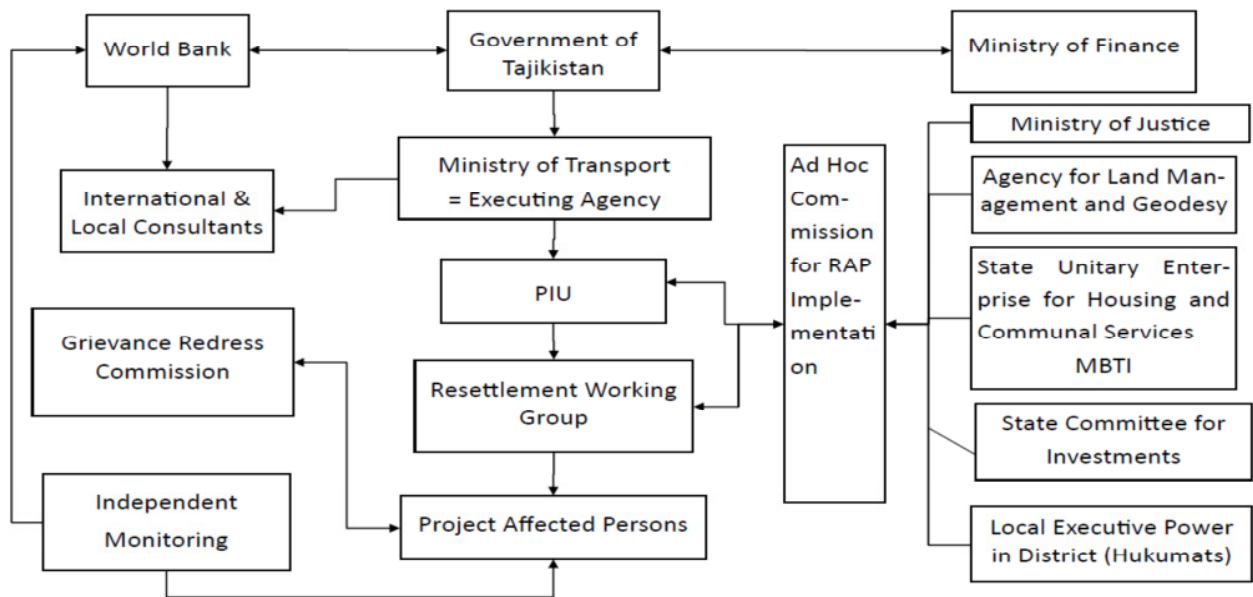


Table 3. Agencies and their responsibilities

N	Agencies	Responsibilities
1	World Bank	Guidance for RAP preparation Approval of RAP Disclosure of RAP on World Bank website Issuance of no objection letter for commencement of civil works
2	Government of the Republic of Tajikistan	Approval of RAP and budget Decision to allocate government budget for RAP implementation
3	Ministry of Transport	Coordination between GOT and WB; Overall responsibility for RAP preparation and implementation; Monitoring and assessment of RAPs Implementation
3	PIU	Coordination with MOT, Resettlement Working Group and International Consultants and GRC on managing the preparation and implementation of the RAPs
4	Grievance Redress Commission	Following the Grievance Redress Procedures established under the approved RAP; Timely review each Grievance submitted by PAPs; Maintain and regularly update Grievance Log. Put relevant attempts to ensure that PAPs' Grievances/complaints are resolved timely and peacefully. Participate in Court hearing in case unsatisfied PAP decides to apply to the Court.
5	Resettlement Working Group	Review/approval of Identification of impacts surveys and AP census Consultation of APs Approval of assets valuation Active participation with International Consultants in the process of RAP preparation; RAP implementation
6	Ministry of Finance	RAP Budget allocation
7	MBTI	Valuation of affected assets
8	Consultants	Execution of impacts surveys, census and socio economic surveys Actual preparation of RAP in coordination with relevant State Agencies, PIU, Client and all stakeholders. Participation in Public Orientation and RAP Disclosure Meetings; Provision of necessary trainings for PIU, Resettlement Working Group and GRC. Assistance to GRG and APs for grievance redress
9	IM	independent monitoring and evaluation of RAP implementation; monitoring and assessment of social, environmental impacts, community health and safety issues.

Chapter 4. SCREENING, RESETTLEMENT PLAN PREPARATION AND IMPLEMENTATION

4.1 Screening Resettlement Impacts

68. Sub-project (road sub-section) screening is used to identify the types, nature and magnitude of potential resettlement impacts that are likely under the Project, and to provide adequate measures to address these impacts to ensure that potential PAPs are:
- Informed about their options and rights pertaining to resettlement;
 - Included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives; and
 - Provided with prompt and effective compensation at full replacement cost for losses of land, assets, or access to assets and livelihoods as a result of sub-project works.
69. The screening checklist is provided in Appendix 1. A screening form will be prepared for each road section/sub-section put forward for financing under the Project. The checklist will be completed by the EA, assisted by the project implementation team. Each screening form will be reviewed and cleared by World Bank. World Bank will advise (i) whether an additional assessment should be carried to avoid or reduce the physical or economic displacement; or, (ii) whether the conclusion of the sub-section screening is based on sufficient evidence for recommendations proposed. The World Bank will confirm the best course of action. For any road sub-section project that will create resettlement impacts, a draft Resettlement Action Plan (RAP) that conforms to this RPF and has been satisfactorily implemented is a condition of road sub-section construction. Where impacts on the entire population of PAPs are determined to be minor (i.e. PAPs are not physically displaced and less than 10% of their productive assets are lost), or fewer than 200 PAPs are affected, an abbreviated plan will be prepared. Where impacts are significant a Resettlement Action Plan (RAP) will be prepared.

4.2 Procedure for Resettlement Action Plan (RAP) Preparation

70. For each road section or sub-section project requiring a RAP, social impact assessment surveys will be based on census, inventory of losses (IOL) or detailed measurement survey (DMS)¹⁶. The IOL or DMS, covering the type of information indicated in Table 3, will be completed for all PAPs losing land or asset or losing access to land or assets under the Project, i.e. coverage of the IOL or DMS will be 100% of PAPs.

¹⁶ An IOL or DMS is dependent on the level of design available. An IOL is usually undertaken based on preliminary design while a DMS is usually undertaken based on detailed design and demarcation of the extent of impact on the ground. Any plans prepared on the basis of an IOL will be updated following detailed design through the completion of a DMS.

Table 4. Data to be collected during IOL/DMS

Data about PAPs/PAHs	Data on land and assets affected
<ul style="list-style-type: none"> • Total number of PAPs • Demographic information of PAP members • Including the Head of the household head (gender, marital /social status) • number and age of HH members • Number of project affected land parcels per PAP¹⁷ • Total number, size and type of other land parcels the PAP may use aside to those affected by road project¹⁸ • Language group/ethnicity/religion • Education, literacy • vulnerabilities (disability, below poverty line, single mothers and female headed households) • Livelihood and economic activities • Income sources and regularity of income • Land tenure and use • Socio-economic production systems • Use of natural resources • Social networks and social organization 	<ul style="list-style-type: none"> • Map of the area and villages affected by road project • Map of enumerated project affected land parcels • Total area of affected land parcel; • Area of land take; • Number of components of land parcels resulting from the land take¹⁹ • Land type (residential, agricultural, commercial) • Type of land use rights • Number, names and shares of all shareholders of project affected land parcel • Assets lost (by type and number) • Existing community facilities and infrastructures; • Public facilities (detailed description) • Shared facilities (utilities, such as irrigation system, gas pipeline, electivity, access roads and ect)

71. The entitlement matrix in this RPF (provided in Table 4) will be used, and the IOL or DMS will enumerate each PAP by identifying their location (sub-village, village, sub-district and district), the area and type of land affected (and total land holding of PAP), the type, size and use of any other assets affected (structures, crops, perennials, business, ect), community property affected, and the compensation for each type of loss.

72. The RAP will also include measures to ensure that socio-economic conditions, needs, and priorities of women are identified, and to ensure that land acquisition and resettlement does not disadvantage women.

¹⁷ Sometimes one PAP may be the user of several project affected land parcels subject to land acquisition for road project needs.

¹⁸ Such information is useful to determine the cases of severe impact, i.e. portion of the loss of income generating land against the total area of land used for agricultural purposes. Sometimes, PAPs hold several agricultural land parcels, aside to the one to be affected by road project.

¹⁹ Often ROW may divide project affected land parcel into more than 2 portions. In such cases even though the area of remaining land parcel may not be very small, however due to the fact that ROW traverses such parcel in the middle the remaining portions may not be economically feasible for future use. Therefore, it is useful to know ahead of time in how many fractions a project affected land parcels needs to be divided for land acquisition purposes.

73. The RAP will include a budget for implementation identifying where the funds will come from and an implementation schedule linked to the design of civil works. Construction of civil works will not commence until compensation has been paid to PAPs. Compensation will be determined based on the replacement cost at current market rates and valuation methodology described in the RAP per each type of loss the project may incur with PAPs.
74. For each sub-project requiring an RAP, the following steps should be followed:
75. **Step 1:** A screening checklist (Appendix 1) will be completed. If it is determined a plan (short or full) is required, steps 2 through 5 will be followed.
76. **Step 2:** An IOL or DMS will be carried out for each sub-project requiring land acquisition or resettlement. An IOL/DMS form will be prepared by the project implementation consultant for use in any sub-projects requiring RAPs. The IOL/DMS form will be used to gather socio-economic data of the APs and the measurement of type and level of loss. The IOL/DMS will be carried out with participation of PAPs (preferably the head of the PAP or their spouse) and/or with the attendance of Village Head (or other leaders/elders).
77. **Step 3:** Analysis of the IOL/DMS data - information on market prices for land, crops, trees and other assets need to be collected through discussions with the PAPs as well as from respective district and village authorities, and also local markets, so that the cost estimates for the RAP can be prepared. The budget for the sub-project RAP will be prepared based on the compensation unit rates that are sufficient to reflect replacement cost at current market value of all affected assets.
78. **Step 4:** Preparation of a draft ABBREVIATED plan if impacts are not significant and less than 200 APs are affected or a draft FULL plan if impacts are significant and/or more than 200 APs are affected. The contents of ABBREVIATED and FULL plans are described in Appendix 2.
79. **Step 5:** During RAP preparation PAPs and other stakeholders will be consulted. Comments and suggestions relevant to sub-project design and compensation and resettlement options will be incorporated into the draft RAP, which will be made available. This process will be fully documented in the RAP. The draft RAP can be presented at public meetings in each subproject location. The draft RAP will also be made available in a form and language that PAPs can properly understand, at district and village administration offices, the RAP will also be uploaded to World Bank's website.
80. The DMS process is a participatory process involving the PAPs. The PIU in cooperation with RAP development Consultant ensures following actions are undertaken during the project and at the RAP preparation phase:
- inform the PAPs in advance of the DMS schedule, and provide PAPs with clear information about the project, the rights and entitlements of PAPs and the procedures for the DMS and eligibility and to compensation entitlements;

- In cases where PAPs are unavailable for the DMS, the PIU staff will make three callbacks to collect data from PAPs. The PIU staff will attach the callback reports to the DMS Form;²⁰
- Once the DMS survey has been completed with the cooperation of PAPs, the PAPs and the PIU staff undertaking the DMS will sign the DMS Form containing information on the types and magnitude of project impact, unit rates and nature of the compensation;
- If a PAP disagrees with the results or compensation rates and the matter cannot be settled during the DMS survey, he/she can address his/her grievances through the Grievance Redress Commission (GRC). The establishment of grievance redress mechanism (GRM) is discussed in Chapter-8.
- The DMS and subproject compensation chart or summary/list of all PAPs will be prepared by the PIU/consultants and will be submitted to MOT.

4.3 Review and Approval of Plans

81. As required, RAP preparation activities will be initiated as part of the preparation/design of each road section. The PIU with assistance from the design and supervision consultant will be responsible for preparing the resettlement checklist and RAP if required. Following the completion of detailed design each RAP will be reviewed and if necessary updated prior to its implementation.
82. RPs will require updating during the subproject civil works if there are design changes during construction that will result in changes to resettlement impacts. Amended RAPs must also be submitted to World Bank for approval.
83. The project supervision consultant will have both international and national resettlement capacity sufficient to assist PIU/MOT to cover all land acquisition and resettlement planning and implementation needs for each road section/subprojects as they are prepared and implemented.
84. The World Bank will provide capacity to the Republic of Tajikistan Republic's Resident Mission in Dushanbe for the RAPs review and approval. RAPs of Category A, as well as B will be reviewed and approved by Regional Safeguards Advisor at World Bank headquarters in Washington DC.

²⁰ In case a specific PAP cannot be located, the PIU in presence with local authorities, users of adjacent land parcels and /or in presence of village representatives conduct DMS, create relevant Act and obtain the signature of individuals being present during the DMS to confirm the fact that DMC was actually conducted. The Act of DMS should contain the following data: date, place, name of attendees (with their ID numbers, description of action conducted) and signatures of attendees and person/company that conducted DMS.

4.4 Vulnerable Groups

85. As long as the impacts of a subproject are limited to land acquisition and resettlement effects affecting single social units the adaptation to be undertaken will be essentially the production of a culturally appropriate and sensitive RAP.
86. Special attention will also be given to identifying and addressing the needs of disadvantaged groups such as the landless, the poor, female-headed households, the elderly, and the disabled, through measures included in the resettlement plan to try and improve (over and above restoration of) their livelihoods.

4.5 Gender Impact and Mitigation Measures

87. Women hold important economic roles in project areas. They are engaged in a very wide range of income generating activities in the agricultural and marketing sector. The project will pay particular attention to ensuring women are the recipients of the compensation pertaining to their activities and to ensuring women who are household heads are clearly listed as beneficiaries of compensation and rehabilitation proceedings. In order to ensure the above outcome, the following actions will be considered:

- Inclusion of women as impact enumerators;
- Conduction of gender-disaggregated DMS/census data to pinpoint and quantify the women who are likely to be affected by the subproject and to establish their pre-project conditions;
- Organizing separate discussions with women as part of consultation process;
- Inclusion of women as major participants in the consultation processes;
- Emphasize the effect of land acquisition and resettlement impacts on women in monitoring and valuation of RAP;
- Provision to women and vulnerable households of training for new employment opportunities;
- Joint registration of land use rights in the names of husband and wife in instances where households are allocated alternative agricultural and/or residential land;
- Use of participation/consultation strategies that encourage the involvement of women, and vulnerable households in resettlement planning and implementation;
- All questions and queries and complaints/grievances will be reviewed and feedback provided by interested person;
- Emphasis will be given to questions and queries and complaints/grievances lodged by women or vulnerable households;
- Provide access to women and vulnerable households to project-related employment opportunities; and
- Include female government officials in the coordinating committees established to facilitate RAP preparation and implementation.

CHAPTER 5: POLICY FRAMEWORK AND ENTITLEMENTS

5.1 Project Affected People – Eligibility

89. The RPF stipulates eligibility and provisions for compensating all types of losses (land, crops/trees, structures, business/employment, and workdays/salaries/wages). All project affected persons (PAPs), including non-titled or informal dwellers, will be compensated for lost assets (crops, structures, trees and/or business losses) and they will receive (i) compensation (as required, to match replacement value), and / or (ii) replacement land, structures, seedlings, other resettlement assistance such as shifting allowance, assistance with rebuilding structures, compensation for loss of workdays/income.
90. The criteria for eligibility is based on PAPs belonging to one of three groups: (a) those who have title or formal legal rights to land; (b) those who do not have formal legal rights to land at the time of the IOL/DMS or census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the relevant RAP; and, (c) those who have no recognizable legal right or claim to the land they are occupying (i.e. non-titled users or informal settlers).
91. The PAPs who are entitled to compensation under the Project include:
- Persons whose houses or structures are in part, or in total, affected temporarily or permanently by the Project;
 - Persons whose residential or commercial premises and/or agricultural land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project;
 - Persons whose businesses are affected in part, or in total, (temporarily or permanently) by the Project;
 - Persons whose employment or hired labor is affected, temporarily or permanently, by the Project;
 - Persons whose crops (annual and perennial) and/or trees are affected in part, or in total, by the Project;
 - Persons whose access to community resources, public facilities or property is affected in part, or in total, by the Project.
92. Where land is to be acquired, land users (PAPs) with registered / legalizable Certificates will receive in-kind compensation in the form of land-for-land for land acquired for Project purposes at replacement cost, i.e. these PAPs will receive land-for-land (of equal size and productive value and be satisfactory to the PAP) Non-titled PAPs not holding the Certificates are not eligible for compensation for land but will receive compensation for assets attached to land and other assistance as required (especially in the case of vulnerable PAPs).
93. Households headed by single women with dependents and other vulnerable households will be eligible for further assistance to fully mitigate project impacts. Table 4 below presents the Project’s entitlement matrix, based on potential losses.

94. Compensation eligibility will be limited by a cut-off date to be set for each subproject on the commencement date of the PAP census and impact assessment. PAPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and they will not pay any fine or sanction. Forced eviction will only be considered following exhaustion of all other efforts.

5.2. Compensation Entitlements

95. Entitlement provisions for PAPs losing land, houses, assets, income, and rehabilitation subsidies, will include provisions for permanent and temporary land losses, house and buildings losses, crops and trees losses, a relocation subsidy, and a business losses allowance based on tax declarations and/or lump sums.

96. These entitlements are detailed below:

Agricultural land impacts will be compensated at replacement value: in form of land-for-land through provision replacement land equal in value and productivity to the plot lost. The cost of preparation the land to levels similar to those of the affected land and any fees/taxes related to processing transaction registration will be covered by implementing agency. When >10 % of an PAP's income generating or agricultural land is affected, PAP (land-users, leaseholders and sharecroppers) will receive an additional allowance for *severe impacts equal to* the market value of a year's gross yield of the land lost. In none of these cases the PAPs will not be liable for any taxes and eventual transaction fees; these will be paid by the implementing agency unless waived by local governments. Besides, the amount to cover bank service fees will be added on top of the amount of cash compensation to be received by PAPs at the banks.

Residential/commercial land will be compensated at replacement value in the form of land-for-land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land. The cost of any registration and transfer taxes will be covered by implementing agency.

Houses, buildings, structures will be compensated in cash at replacement cost, i.e. construction cost without any deductions for depreciation, salvaged materials, or transaction costs. The compensation for houses/buildings will include the cost of lost water and electricity connections. Construction cost calculation considers market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractor's fees, plus the cost of any registration and transfer taxes.

Trees: Cash compensation shall reflect income replacement.

Crops: Cash compensation at current market rates for the net annual harvest actually being lost. Crop compensation will be paid to land users and/or tenants based on their specific sharecropping agreements being made between these parties, if any.

Businesses: compensation for permanent business losses will be in cash for a 1- year income based on tax declaration or, if unavailable, based on the official minimum annual salary; compensation for temporary business will be cash covering the income of the interruption period based on tax declaration or, where available, official minimum monthly salary multiplied to the number of months of actual stoppage of business.

Business workers and employees: Indemnity for lost wages for the period of business interruption up to a maximum of three (3) months.

Agricultural land leaseholders and workers: Affected leaseholders will receive either a renewal of the lease in other plots or cash corresponding to the yearly yield of land lost for the remaining years of the lease up to a maximum of 3 years. Sharecroppers will receive their share of harvest at market rates (if impact is temporary) plus 1 additional crop compensation (if impact is permanent). Agricultural workers, with contracts to be interrupted, will receive an indemnity in cash corresponding to their salary in cash including portion in-kind compensation for the remaining part of the agricultural year.

Residential land renters/leaseholders and house renters: who have leased land and/or a house for residential purposes will be provided with a cash grant of three (3) months' rent at the prevailing market rate in the area and will be assisted in identifying alternative accommodation.

Relocation subsidy: PAPs forced to relocate will receive a relocation subsidy sufficient to cover transport costs and living expenses for one month.

Assistance for vulnerable people: Vulnerable people (as defined in the Glossary of Terms) will be given priority in employment in project-related jobs. In addition to the compensation of lost land and assets they will be issued social benefits and additional rehabilitation, such as disturbance allowance set to one year payment of the subsistence level (will be specified during the RAP preparation stage). In addition, vulnerable people will be encouraged to participate in the programs of income recovery and livelihood restoration, if such necessity is revealed during the Census and Socio-economic surveys.

97. The entitlement matrix is provided in Table 5.

Table 5. Entitlement Matrix

Asset Specification	Specification	Affected People	Compensation Entitlements
Permanent Loss of agricultural (arable) land	All land losses independent from impact severity	Individual/Family land user (registered/recognizable)	Land for land compensation with plots of equal value and productivity to project affected land parcel; free of taxes, registration fees or land use right transfer costs
		Leaseholder (registered or not)	Renewal of lease in other plots of equal value/productivity of affected land parcel; or Cash compensation equivalent to market value of gross yield of affected land for the remaining lease years (up to a maximum of 3 years)
		Agricultural workers losing their contract	Cash indemnity corresponding to their salary (including portions in kind) for the remaining part of the agricultural year
		Non-titled land users / Squatters	One-time rehabilitation allowance equal to market value of 1 year gross harvest (in addition to crop compensation) for land use loss
		Farmer/Titleholder Legalizable Leaseholder Non titled/ Squatters	One-time rehabilitation allowance for severe impact equal to market value of annual gross harvest of the affected land in addition to standard crop compensation
Residential/ Commercial Land	Land loss	Titleholder	Land for land compensation through provision of a plot comparable in value/location to plot lost free of taxes, registration fees and land use right transfer costs
		Renter/Leaseholder	One-time allowance equal to monthly rental fee (specified in the lease agreement) multiplied to 3; if Lease agreement is not available, minimum monthly salary multiplied by 3
		Squatters	Accommodation in a government resettlement area or a self-relocation allowance

Asset Specification	Specification	Affected People	Compensation Entitlements
Houses and Structures		All relevant PAPs (including squatters)	Cash compensation at replacement rates for affected structure and other fixed assets free of salvageable materials, depreciation and transaction costs. In case of partial impacts full cash assistance to restore remaining structure
Crops	Crops affected	All PAPs (including squatters)	Crop compensation in cash at full market rate for annual harvest to be paid to land-user or tenant will be determined based on specific sharecropping agreements made between these parties
Trees	Trees affected: Fruit bearing perennials	All PAPs (including squatters)	Cash compensation at market value on the basis of type, age, and productive value of fruit tree; Each fruit bearing tree in addition shall be compensated for purchase of seedlings; PAPs will be eligible to dispose logged trees themselves. Construction company ensures free delivery of timber to the residence of PAPs
	Trees affected: Non-fruit bearing perennials		No cash compensation will be issued for perennials not bearing fruits. PAPs will be eligible to dispose logged trees themselves. Construction company ensures free delivery of timber to the residence of PAPs
Business Employment	Temporary or permanent loss of business or employment	All PAPs (including squatters)	Business owner: (i) Cash compensation equal to one year income, if loss is permanent; (ii) cash compensation for the period of business interruption, if loss is temporary. Worker/employees: Indemnity for lost wages for the period of business interruption up to a maximum of 3 months
Relocation	Transport and transitional livelihood allowances	All PAPs affected by relocation	Provision of sufficient allowance to cover transport expenses and livelihood expenses for one month

Asset Specification	Specification	Affected People	Compensation Entitlements
Community Resources			Access shall be maintained or reinstated; Rehabilitation/substitution of the affected structures/utilities (i.e. bridges, roads, schools, health-centers, water pipes, irrigation channels, etc.)
Vulnerable PAP livelihood		PAPs below poverty line; disabled people; pensioners; widows; female headed households; impoverished	Employment priority in project-related jobs; participation in income restoration programs; In addition to compensation for assets lost, a disturbance allowance set to be one year payment of the subsistence level
Temporary impact	Loss of access to land parcel	Owners/Users	Temporary access will be set up by Construction Company
	Income loss due to lack of temporary access road to the business activity	Business units	Temporary access will be set up by Construction Company
	Temporary loss of income caused by occupying land parcels for the camps and quarries	Owners/users	During camps' site selection process Construction Company should coordinate with relevant state agencies and give priority to vacant lands not used for agricultural /residential purposes. But in case the land parcels selected for camps and quarries will have private land-users, all losses and amount of due compensation shall be determined according to the principles of compensation entitlements provided under this RPF and relevant RAP.
Any other unforeseen impacts	As required	any	As required, in the spirit of the Resettlement Policy Framework

Chapter 6. Determination of Unit Rates for Compensation

6.1 Land Compensation Strategy

98. The legally based land compensation method that exists in Tajikistan is compensation with replacement land, i.e. the land-for-land compensation. Presumably, the Government and the local population prefer this approach if the adjoining or nearby land to the affected plot is readily available. The current practice is to allocate a replacement plot of 600 m² residential land to citizens affected by land acquisition especially those who may lose significant portions of their land parcels as a result of land acquisition.
99. In case the result of land take, the remaining land parcel is in the situation of losing its current designation, whether it is residential, commercial or agricultural, land-for land compensation scheme will be exercised.
100. The valuation of residential and commercial land presents particular challenges as residential and commercial land has no intrinsic productive value, other than facilitating.

6.2 Unit rates per types of expected Impact

101. To assess the cost of land acquisition and resettlement per each sub-section, the Consultant determined the following Unit Rates.

Replacement cost of project affected land

102. Loss of land use rights will only be compensated in the form of land for land (in-kind) compensation with plots of equal value and productivity to project affected land parcel, free of taxes, registration fees or land use right transfer costs.

No Unit rate for land is determined under this RPF

Replacement Cost (Construction Cost) of project affected structures

103. Construction cost will be identified by professional valuer of the State Unitary Enterprise for Housing and Communal Services.

Relocation/transportation Costs for PAPs

104. The Unit rate for relocation cost to be issued as additional rehabilitation measure for HHs to assist them with the process of relocation (transportation of their belongings) was determined at 250 USD /HH. Considering that the HHs have agricultural land parcels they cultivate to grow annual crops, in the case of physical resettlement, their new location should be in the vicinity of the current location (within the territory of the same village/settlement) to ensure that they keep access to other agricultural land parcels they legally use to grow agricultural produce. Therefore, considering the information received during public meetings indicating regular maintenance cost to be about 300 USD/year, the suggested unit rate should be highly acceptable.

Cash compensation for relocations: 250 USD /PAH

Cash compensation for project affected perennials (mature apricot trees)

105. The suggested approach for calculation of unit rate for cash compensation for a single (1) mature apricot tree is as follows:
The average yield capacity of one mature apricot tree is taken to be 40 kg; market price per 1 kg of apricots is 1 USD/kg. The number of years required to grow a new tree to maturity is 10 years.

Unit rate for cash compensation for income loss from affected apricot trees: 400 USD/mature apricot tree

Cash compensation for project affected annual crops

106. The market price per annual crops is taken at the highest rate of 2.1 TJS/kg/yr for corn²¹ from the approved LARP of the ADB funded road project. A total of 5 years are considered sufficient to prepare a new land parcel and gain the maximum productivity level.
107. The suggested unit rate for cash compensation for project affected annual crops per 1 sq. m. including 5% inflation rate:
 $(2.1 \text{ TJS} \times 5 \text{ yrs}) + 5 \% = 11.025 \text{ TJS}$
 $11.025 \text{ TJS} = 2.205$ (at exchange rate 1 USD - 5 TJS)

Unit rate for annual crops compensation: 2.205 USD/1 sq. m.

²¹ TAJ Grant: 0245, Dushanbe-Uzbekistan Border Crossing Improvement Project.

108. This compensation approach will be explained and discussed with the affected persons, that may potentially face land acquisition for project purposes, during the community consultations to be held.

CHAPTER 7: CONSULTATION, PARTICIPATION AND DOCUMENTS DISCLOSURE

7.1 Introduction

109. Oblast, rayon, and Hukumat (Jamoats) officials will be informed about the project, and their assistance will be solicited in the conduct of the inventory of affected assets and the census of PAPs. In addition, prior to the finalization of the RAP, and its submission by PIU, PAPs will be thoroughly informed on the results of the census and inventory of impacts, and their preferences on compensation and/or other resettlement assistance will be given due consideration. The processes and mechanisms ensuring the active involvement of PAPs and other stakeholders will be detailed in the RAPs, which will also include an appendix with dates, list of participants, and minutes of consultation meetings.

7.2 Objectives of Public Information and Consultation

110. Information dissemination to PAPs and involved agencies is an important part of RAP preparation and implementation. Consultation with PAPs and ensuring their active participation will reduce the potential conflicts and minimize the risk of project delays. To ensure that local authorities, as well as representatives of PAPs, will be included in the planning and decision-making processes, PIU/MOT will continue a dialogue with district and village (Jamoat) authorities and NGOs, as relevant, during subproject implementation to ensure:
- Fully sharing information about the proposed subproject components and RAP activities with the PAP;
 - Obtaining information about the needs and priorities of PAPs, as well as receiving information about their reactions to proposed policies and activities;
 - That PAPs are fully informed about the decisions that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that will directly affect them;
 - Obtaining the cooperation and participation of the PAPs and communities in activities necessary for resettlement planning and implementation;
 - Transparency in all activities related to land acquisition and resettlement.

7.3 Consultation during RAP Preparation and Implementation

111. Public consultation and participation plan will be included in the Project to involve the stakeholders, especially the people either directly benefiting from, or affected by the subprojects, through participation in the design, implementation, and monitoring of the subprojects. All communications will be in the language most appropriate for involved and engaged parties in the project area. During RAP preparation and implementation, the PIU, with assistance as required from the project supervision consultant, will undertake the following:
- Conduct information dissemination and consultation for all PAPs, NGOs and other stakeholders;
 - Establish the rates/unit prices to be used as the basis of compensation awards, and confirm land acquisition and impact on properties through the IOL/DMS/census and demarcation, in consultation with PAPs;
 - Conduct a survey (as part of the IOL/DMS) to:
 - inform them about possible resettlement options;
 - request information from PAPs about their preferences and choices of resettlement options; and,
 - request that PAPs indicate services such as education/ health/markets that they are currently using and their distance from such services;
112. Consultation regarding the PAPs preferred option for livelihood stabilization and/or rehabilitation assistance (where required). This applies to PAPs experiencing significant impacts and vulnerable PAPs.

7.4 Public Information Booklet

113. To ensure that PAPs, their representatives, and local government agencies in subproject areas fully understand the details of the RAP process, and are also informed about the compensation and rehabilitation packages applicable to the Project, a Public Information Booklet (PIB) will be prepared by the consultant for each section/subproject requiring a RAP.
114. This PIB will be distributed to all PAPs and communities in the subproject area. The PIB will be translated into Tajik and Russian. The general contents of the PIB will include the following:
- Brief description of the project, implementation schedule;
 - Project impacts, entitlements and rights of PAPs;
 - Resettlement and rehabilitation policies for all types of impacts;
 - Institutions responsible for resettlement and time-frame (schedule);
 - Information dissemination to and consultations with PAPs and stakeholders;
 - What to do if PAPs have a question or a problem;
 - Outline of the grievance redress procedure; and
 - Requirements for monitoring and evaluation, including independent monitoring.

7.5 Disclosure

115. In addition to the RPF, summary of this RPF (or PIB), RAPs (without the names of PAPs and compensation amounts) and overall implementation schedule will be posted in affected villages and the MOT central and regional/oblast offices. These postings will be updated whenever adjustments to the RPF or RAPs are made. Any amendments to RAPs will also be disclosed to PAPs (including DMS, detailed asset valuations, entitlements, and special provisions, grievance procedures, timing of payments and implementation schedule) before submission to World Bank for review and approval.
116. These activities will continue throughout the implementation of the subproject. There will also be press releases to print and electronic media sent directly to Hukumats prior to advise of the commencement of the consultation process.
117. This RPF will be translated into Tajik and Russian languages and will be disclosed to the PAPs; The RPF in English will be posted on the World Bank website after endorsement by the MOT. Besides, MOT will also disclose it on its website and in the project areas so that PAPs and all interested persons have full access to the document.

CHAPTER 8: GRIEVANCE REDRESS MECHANISM

8.1 Objectives

118. Grievance redressing mechanism will be established to allow PAPs appealing any disagreeable decision, practice or activity arising from implementation of RAPs. PAPs will be fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, time of compensation and implementation of the project. Care will always be taken to prevent grievances rather than going through a long redress process.
119. The GRM will cover issues related to social, environmental and other safeguard issues under the World Bank Safeguard covenants and active Legislation of the Republic of Tajikistan.

8.2 Grievance Redress Commission (GRC)

120. The GRC will be established for the duration of project implementation. The GRC is tasked with all activities needed to discuss a grievance, assess its validity and the scope of eventual impacts, decide eventual required compensation and instruct/facilitate the functioning of the grievance redress mechanism. It will consist of representatives of the PIU, consulting companies, road administration and maintenance units, local authorities, PAPs and NGOs.
121. GRC is for individuals and their communities, for local people and representatives of civil society, located in project-affected areas.
122. Assessment of received complaint is tasked to local authorized person or to responsible point of GRC on local level.

8.3 Local Authorized Person (LAP)

123. Local Authorized Person - a person who is officially assigned to perform and make timely responses to complaints and petitions received from individuals and their communities.
124. Following the registration of a complaint, an authorized person explains the grievance redress process and mechanism to the applicant.
125. After receiving the complaint, a local authorized person must conduct a meeting with the complainant/person (or persons) within 3 working days and obtain documentary evidence confirming the complaint or petition.

126. The authorized person must consider a submitted complaint or petition and make a decision on the issues raised and must inform the complainant/person of their decision.
127. A local authorized person is responsible for receiving and registration of complaints to the GRC, record keeping of each registered complaint, claim and grievance.

8.4 Functioning of the GRC within the Grievance Redress Mechanism

128. The grievance redress mechanism (GRM) involves the following 3 stages of appeals²².

Stage 1: Local Level

129. The grievances will be first lodged at the local level. The complainant will report on a given case to the local authorized person (Assistant of engineer), who is nominated to GRC by MOT. The LAP will trigger the action of the Grievance Redress Commission (GRC) which will assess the situation and seek a solution through consultation with complainant(s). After consultation with GRC, the GRC makes final decision on submitted complaint(s) and determines the eligibility of the complaint and any required redress. Then LAP notifies the claimant on the final decision of the GRC. In case the grievance remains unresolved at the local level, the complaint or statement of claim attached with the relevant information, acquired documentary evidence and result is sent to the applicant and the regional level of GRC.

Stage 2: Regional Level

130. In case within 15 days of registration the grievance/claim is still unresolved at the local level, the claimant with support of the LAP will further raise the issue to regional level. Regional level of GRC, which consists of representatives of the PIU, road administration, local authorities, PAPs and NGOs, will expeditiously review the complaint; make a decision on the eligibility and relevance of the complaint case. In the case the grievance again remains unresolved at regional level, the relevant information, acquired documentary evidence and result is sent to the applicant and the central level of GRC.

Stage 3: Central Level

131. In case within an additional 15 days the grievance is still unresolved at regional level, the relevant information, acquired documentary evidence and result is sent to the applicant and to the central level of GRC. Central level of GRC together with representatives of PIU make a decision on the eligibility and relevance of the complaint and provide the means of resolving

²² The mechanism for Grievance Redress is borrowed from the CARS-1 (Kyrgyz Republic) RPF and suggested in this draft RPF for MOT /PIU review and adjustment to ensure that suggested Grievance Redress process is the most applicable and implementable in Tajikistan.

the issue(s). In case the grievance remains unresolved at central level, the relevant information, acquired documentary evidence and result is sent to the applicant together with information on his rights to make an appeal with international organizations, including international financial institutions, funding the specific project or to the Court.

8.5. Technical Experts

132. As needed, once summoned to provide expert advice for the assessment or evaluation of an impact claim by a claimant/complainant the relevant technical expert will carry out the required technical investigations and prepare a report with a copy to be submitted to the complainant and the GRC. The tasks will include:
- Provision of relevant technical opinion for the reviewed claim;
 - Undertake the required investigations relevant to the claim within the scope of their expertise;
 - Provide recommendations when the legal opinion from the relevant state agencies is necessary.

8.6 Grievance Resolution Process

133. The LAP of GRCs will be regularly available and accessible for PAPs to address concerns and grievances. He/she will assist the aggrieved PAPs in formally lodging their claims to the GRC. The complaints and grievances from the PAPs will be addressed through the process described below in table 6.

Table 6. Grievance Resolution Process

Steps	Action level	Process Timeline
Step 1	Local Level	3 Days
<p>Process: The grievances will be first lodged at the local level. The complainant will report his case to the Local Authorized Person (LAP), who is nominated to GRC by MOT. The LAP will trigger the action of the Grievance Redress Commission (GRC) which will assess the situation and seek a solution through consultation with complainant(s), local Roads Maintenance Unit (RMU), PIU, representatives of local government bodies and local NGO.</p> <p>After consultation with PIU, the GRD makes final decision on submitted complaint(s) and determines eligibility of the claim. The LAP delivers the final decision of the Local Level GRC to the applicant. In case the grievance is unresolved at local level, the complaint or statement of claims, attached with the relevant information is sent to the applicant and the regional level GRC.</p>		
Step 2	Regional Level	15 Days

Process:

In case within an additional 15 days the grievance remains unresolved at the local level, the complainant with support of the LAP will further raise the issue to regional department of MOT through the representatives of PIU). Regional level of GRC after consultations with representatives of PIU will decide on the eligibility and relevance of the claim/complaint case. In case the grievance remains unresolved at the regional level, the relevant information is forwarded to the applicant and the central level of GRC.

Step 3

Central Level

15 Days

Process

In case within an additional 15 days the grievance still remains unresolved at regional level, the relevant information from the applicant is sent to the central level of GRC in the Office of PIU at MOT. The Central level of GRC together with representatives of PIU makes a decision on the eligibility and relevance of the claim/complaint, and offers means to resolve the issue(s). In case the grievance remains unresolved at Central level, the relevant information is sent to the applicant together with information on his rights to appeal at international organizations, including international financial institutions funding the specific project.

134. The GRC will not restrict or influence the PAP from applying to court for legal remedies or World Bank.

8.7 GRC Records and Documentation

135. PIU of MOT will ensure that GRC maintains Grievance Log and all the documents and records of complaints for regular monitoring of grievances and results of services performed by the GRCs, and for periodic review of World Bank representatives.

CHAPTER 9: MONITORING AND EVALUATION

9.1 INTERNAL MONITORING

136. Internal monitoring will be carried out routinely by the PIU, with the results being communicated on a quarterly basis to the World Bank through the project implementation progress reports. Indicators for the internal monitoring will relate to the process and immediate outputs and results. This information will be collected directly from the field and reported monthly to the PIU to assess the progress and results of RAP implementation, and to adjust the work program, if and where necessary. The monitoring reports will be consolidated in the standard supervision reports to the World Bank. Specific monitoring benchmarks will include:

- Information campaign and consultation with PAPs;
- Status of land acquisition and payments on land compensation;
- Compensation for affected structures and other assets;
- If and where required, relocation of PAPs;
- Payments for loss of income;
- If and where required, selection and distribution of replacement land areas; and
- Income restoration activities.

137. The above information will be collected by the resettlement staff of PIU and resettlement specialists of the project supervision consultants' team responsible for monitoring the day-to-day resettlement activities of the project which will be conducted through the following methods:

- Review of census information for all PAPs;
- Consultation and informal interviews with PAPs;
- Sample survey of PAPs;
- Key informant interviews; and
- Community public meetings.

9.2 External Monitoring

138. External monitoring will be implemented by IM twice per year, and monitoring results will be communicated to the PIU and World Bank through semi-annual reports. Subprojects with an implementation timeframe of less than six months will be monitored only once. Indicators for external monitoring include - Review and verify internal monitoring reports prepared by PIU, which will include:

- Review of the socio-economic baseline census information of PAPs;

- Identification and selection of impact indicators;
- Impact assessment through formal and informal surveys with the affected persons;
- Consultation with PAPs, officials and community leaders for preparing review report; and
- Assessing the resettlement efficiency, effectiveness, impact and sustainability, and drawing lessons for future resettlement policy formulation and planning.

139. The IM will also assess the status of project affected vulnerable groups such as female headed households, disabled/elderly and families below the poverty line. The following will be considered the basis for indicators in monitoring and evaluation of the project:

- Socio-economic conditions of the PAPs in the post-resettlement period;
- Communications and reactions from PAPs on entitlements, compensation, options, alternative developments and relocation timetables etc.;
- Changes in housing and income levels;
- Rehabilitation of squatters;
- Evaluation of project affected attestments;
- Grievance procedures;
- Disbursement of compensation; and
- Level of satisfaction of PAPs in the post resettlement period.

140. About a year after completion of its implementation, the IM will carry out a post-implementation evaluation of the RAP. The compelling reason for this study is to assess and confirm the degree of successfully achieving the objectives of the RAP. The benchmark data of socioeconomic survey of any severely affected PAPs conducted during the preparation of the RAP will be utilized to compare and assess the pre and post project conditions. The IM will recommend appropriate supplemental assistance for the PAPs should the outcome of the study identify unattained objectives of the RAP.

9.3 Training in RAP implementation

141. All concerned staff within PIU involved in the land acquisition and resettlement activities, including officials of local government, and NGO staff will be provided training in World Bank resettlement policy and management. The training will be provided by the international specialist under the project supervision contract and will cover the following topics:

- Principles and procedures of land acquisition;
- Public consultation and participation;
- Entitlements and compensation & assistance disbursement mechanisms;
- Grievance redress; and
- Monitoring of resettlement operations.

CHAPTER 10: IMPLEMENTATION PROCESS

142. Based on past experience, it is anticipated that implementation of a 'Category A' full RAP (RAP) may take up to one year. A local NGO or a local consultant may be hired by MOT to assist in the RAP implementation process. For 'Category B' (short) RAPs implementation may take three to six months depending on the number of PAPs involved.
143. For all subprojects MOT will announce the cut-off-date based on the date of census for the proposed subproject and the eligibility criteria defined in this RPF. The PAPs of affected structures/assets (houses, shops, etc.) will be paid their due compensations at least 1 month (30 days) prior to demolition of the structures from the corridor of impact. This time will permit them to dismantle and remove all salvageable material for rebuilding of houses and re-establishment of businesses.
144. However, MOT reserves the right of directly demolishing such structures if this has not been done by the PAP within the agreed deadline. Grievances or objections may be referred to the PIU Safeguards Unit through the process set out in GRM operational procedure.
145. The basic steps for preparation and implementation of RAPs are summarized in Table 7.

Table 7. Process of RAP Preparation and Implementation

Step	Action	Responsibility	Deadline
1	Preparation of checklist indicating for each specific subproject whether land acquisition is required. If so, a scheduled action plan detailing RAP tasks to be assigned to PIU, consultants, local government, and NGO will be determined and prepared	PIU /Consultants	
2	Prepare impacts/PAP surveys forms, train impact assessment and valuation teams, and establish coordination with relevant local government agencies	PIU /Consultants	
3	Verify land records in affected areas, update cadastral maps and implement census, impacts and valuation surveys	Local government/ PIU & Consultant	
4	Check surveys and, if necessary, request additional fieldwork to make improvements to the records	Consultants	
5	Conduct public consultations and negotiations	PIU/Local government/ Consultant/NGO	
6	Integrate impacts base-line and results of consultations/negotiations into RAP	PIU /Consultants	
7	Submission of RAP to MOT, local government, following this, the RAPs will be sent to World Bank for approval	MOT/PIU/Local government/World Bank	
8	RAP disclosure: Distribution of RAP and Public Information Booklet in Tajik and Russian and disclosure in MoT website;	PIU/Consultants/Local government/World Bank	

	Posting of RAP in English on World Bank website		
9	Approval of contract awards	World Bank	
10	Engagement of Independent Monitor in project assessment process	PIU/MOT/World Bank	
11	Conduct of baseline socio-economic survey for external M&E	IM	
12	Distribution of evacuation and relocation notices to PAPs	PIU/MOT	
13	Payment of compensation and implementation of livelihood restoration activities	PIU/MOT PAP	
14	Implementation of livelihood restoration activities	PIU/MOT//NGO	
15	Demolishing/relocation of affected structures/assets	PAP/PIU/MOT	
16	Review of RAP implementation	PIU/consultant/NGO/ World Bank	
17	Notice to proceed for civil works subject to satisfactory implementation of RAPs	World Bank/PIU	
18	Independent monitoring and evaluation (semi-annual)	IM	
19	Internal monitoring; Quarterly progress report to World Bank and PIU	PIU	
20	External monitoring; Compliance Report to the World Bank and PIU.	EM/PIU/World Bank	

Annexes

Appendix 1. Land Acquisition & Resettlement Screening and Checklist

a) Location: District, Sub-district, Village/Settlement

Brief Description: [i.e. length of road, need/purpose of works, proposed works (list/explain activities), number of villages (approx. population) affected, describe communities to be affected, land types, land use, squatters/non-titled, include photos].

b) Screening Questions for Resettlement Categorization

Probable Involuntary Resettlement Effects	YES	NO	POSSIBLE	REMARKS
Will project include any physical construction Works?				
Does the project include upgrading or rehabilitation of any facilities?				
Is the subproject likely to lead to loss of housing, other assets, resource use or incomes/livelihoods?				
Is land acquisition likely to be necessary?				
Is the site for land acquisition known?				
Is the ownership status and current usages of the land known?				
Will easements be utilized within an existing ROW?				
Are there any non-titled people who live and earn their income at the site or within the ROW?				
Will there be loss of housing?				
Will there be loss of agriculture plot?				
Will there be loss of crops, trees, and fixed assets?				
Will there be loss of business or enterprises?				
Will people lose access to facilities, services?				
If involuntary resettlement impact are expected:				
Are local laws and regulations compatible with World Bank's Involuntary Resettlement policy?				
Will coordination between government agencies be required to deal with land acquisition?				
Is there sufficient skilled staff in the Executing Agency for resettlement planning and implementation?				
Are training and capacity-building interventions required prior to resettlement planning and implementation?				

INFORMATION ON AFFECTED PEOPLE		
Any estimate of the likely number of households that will be affected by (WHAT?)	YES	NO
If yes, approximately how many households?		
Are any of the households vulnerable i.e. households?		
Are any of the households vulnerable i.e. households that: (i) are headed by divorced or widowed females with dependents and low income; (ii) include disabled or invalid persons; (iii) include persons falling under the generally accepted indicator for poverty as defined by the Ministry of Social Security/Secretariat of State of for Social Assistance & Natural	YES	NO

Disasters, or the landless; and/or, (iv) are elderly with no means of support?		
If yes, approximately how many households?		
If yes, briefly describe their situation:		
If yes, briefly describe their situation:		

c) Involuntary Resettlement Category

After reviewing the answers above, the Project Team Leader and Social Development/Resettlement Specialist agree, subject to confirmation, that:

Project Categorization and Resettlement Planning Requirements

<p>Based on the definition of impacts in the World Bank’s OP 4.12 <i>Involuntary Resettlement</i>, what is the category?</p> <p><input type="checkbox"/> CATEGORY A – significant (severe) resettlement impact, a FULL resettlement plan is required</p> <p><input type="checkbox"/> CATEGORY B – marginal or non-significant resettlement impact, an ABBREVIATED resettlement plan is required</p> <p><input type="checkbox"/> CATEGORY C – minimal or no resettlement impact, no resettlement is required, generic social impact mitigation specifications will apply</p>
<p>Screening Form & Checklist compiled by:</p> <p>Name: _____ Signature: _____</p> <p>Designation: _____</p> <p>Date: _____</p> <p>Screening Form checked by:</p> <p>Name: _____ Designation: _____</p> <p>Date: _____</p> <p>Screening Form checked by:</p> <p>Name: _____ Signature: _____</p> <p>Designation: _____</p> <p>Date: _____</p> <p>Screening Form checked by:</p> <p>Name: _____ Signature: _____</p>

Appendix 2. Contents of Abbreviated Resettlement Plan

Topic	Component
Introduction	<ul style="list-style-type: none"> • Description of sub-project components; • Summary description of adverse impacts and asset acquisition;
Scope of land acquisition and resettlement	<ul style="list-style-type: none"> • Describe alternative options, if any, considered to minimize land acquisition and its effects, and why the remaining effects are unavoidable; • Summarize key effects in terms of land acquired, assets lost, and people displaced from homes or livelihoods;
Objectives, policy framework, and entitlements	<ul style="list-style-type: none"> • Describe key national and local land, compensation and resettlement policies, laws, and guidelines that apply to project; • Explain how World Bank policy on Involuntary Resettlement will be achieved;
Socio-economic Information	<ul style="list-style-type: none"> • Define, identify and enumerate people to be affected; • Describe likely impact of land acquisition on people affected, taking into account social, cultural, and economic parameters; • Identify all losses for people affected by land acquisition; • Provide details of any common property resources;
Consultation, grievance redress and participation	<ul style="list-style-type: none"> • Describe consultation processes and procedures for redress of Grievances;
Compensation, relocation, and income restoration	<ul style="list-style-type: none"> • Describe arrangements for valuing and disbursing compensation; • Describe arrangements for housing relocation, including transfer and establishment; • Describe income restoration measures to be implemented; • Identify any risks, describe management and monitoring steps;
Institutional framework	<ul style="list-style-type: none"> • Identify main tasks and responsibilities in planning, managing and monitoring land acquisition and resettlement;
Resettlement budget and financing	<ul style="list-style-type: none"> • Provide time schedule showing when, which and how the resettlement activities will be performed for payment of compensation and assistance to the people affected people before demolition begins;
Monitoring and Evaluation	<ul style="list-style-type: none"> • Specify arrangements for M&E;
Appendices	<ul style="list-style-type: none"> • As required;

Appendix 3. Contents of Full Resettlement Plan

Topic	Component
Introduction	<ul style="list-style-type: none"> • Description of sub-project components; • Summary description of adverse impacts and asset acquisition; • Identification of principal stakeholders including social groups; • vulnerable to impoverishment or debilitation; • Indicate measures taken to minimize adverse impacts;
Census and Socioeconomic Survey Results	<ul style="list-style-type: none"> • Review of socio-economic characteristics of project APs, including: <ul style="list-style-type: none"> ✓ Spatial distribution, household size and composition; age/sex structure; income levels, including primary occupation; supplementary sources of income, and subsistence activities; ✓ tenure and ownership status (land and structures); ✓ characteristics of collective land holdings, including area and qualitative characteristics; ✓ characteristics of structures, including construction types. Information should be provided disaggregated by language/ethnic groups, if any, gender, and socioeconomic/income group. Categories and numbers of PAPs by type and degree of impacts such as: severely affected households due to loss of productive assets and required to relocate; severely affected households due to loss of residence, business premises; ✓ partially-affected households likely to be marginalized due to the loss of land, house, or business premises but not required to relocate; households affected by minor impacts, receiving only easement compensation or “moving back” assistance; ✓ tenants, laborers, employees, or other non-landed persons adversely affected by the project;
Compensation Entitlements	<ul style="list-style-type: none"> • Description of objectives of compensation policy; • Eligibility criteria for PAPs, including ‘cut-off date’ if necessary; • Description of compensation entitlements and other forms of assistance for each category of PAPs; • Description of specific measures to mitigate adverse impacts on vulnerable groups (if relevant); • Entitlement matrix consistent with above;
Relocation plan (if required)	<ul style="list-style-type: none"> • Review of suitability of alternative relocation sites; • Site selection criteria; • Review of environmental protection and management at resettlement sites; • Preliminary relocation options of PAPs; • Review of options for provision of shelter, infrastructure and social services; • Review of consultation procedures with PAPs in selection of

	<ul style="list-style-type: none"> resettlement alternatives during implementation; Socio-economic data regarding host population, if applicable;
Income	<ul style="list-style-type: none"> Description of eligibility criteria for income restoration measures;
Restoration Measures	<ul style="list-style-type: none"> Feasibility analysis of any alternative income restoration programs including the use of collective land compensation, Training needs of PAPs in the context of employment opportunities and market demand, access to credit and micro-enterprise support for PAPs interested in small business development; Institutional arrangements to finance and manage income restoration Programs
Consultation, Participation, Disclosure, and Grievance Redress	<ul style="list-style-type: none"> Public consultation exercises conducted during the RAP preparation (provide details), including gender-specific consultation and information disclosure. This would include special attention to guarantee women’s assets, property, and land-use rights; and to ensure the restoration of their income and living standards; Description of opportunities for PAPs to participate in resettlement planning and implementation; Procedures adopted for filing complaints, review, and decision making; Procedures for disclosing RAPs and resettlement information on compensation and resettlement options to PAPs in a form and language that they can understand;
Institutional framework, arrangements & implementation schedule	<ul style="list-style-type: none"> Administrative set-up and plans for training and capacity building as needed; Timetable for implementation of all resettlement activities, tied to overall sub-project timetable; Procedures for implementation or delivery of key elements, as relevant; Review of land-for-land arrangements, including timetable and funding for development of relocation sites and necessary services or other inputs; Review of procedures for payment of compensation; Procedures for assessing adequacy of compensation; Operational procedures for job placement, micro finance, or other income-restoration programs; Legal covenants for inclusion in civil contracts;
Monitoring and Evaluation	<ul style="list-style-type: none"> Listing of performance monitoring indicators; Institutional responsibilities and procedures for internal project monitoring; Discussion of role, if any, of Community Based Organization (CBO) and non-benefit organizations; Content and frequency of monitoring reports; Indicators for external monitoring;
Appendices	<ul style="list-style-type: none"> As required;

Appendix 4. Complaints and Grievance Submission Form

Detail Information of Complainer	
Name: Village: Hukumat: City: Rayon: Oblast: Mobile: Email:	Village: City: Oblast: Phone: Fax:
Language for Communication	Russian _____ Tajik _____ Other (Please specify) _____
Complain submission date:	Date of hearing:
Results/decisions of complain after hearing:	
If complaints/grievance are not resolved, please write down the reasons:	
Signature: _____ Date: _____	