
RESETTLEMENT POLICY FRAMEWORK

RURAL WATER SUPPLY AND SANITATION PROJECT

THE PREPARATION OF FEASIBILITY STUDY, DETAILED ENGINEERING DESIGN AND TENDER DOCUMENTS, ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA), AND FINANCIAL MANAGEMENT TECHNICAL ASSISTANCE

Part 3 – Environmental and Social Assessment Studies

STAGE:

RESETTLEMENT POLICY FRAMEWORK

DATE:

12/2018



STATE UNITARY ENTERPRISE “KHOJAGII MANZILIYU KOMMUNALI” (KMK)



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Rural Water Supply and Sanitation Project	Resettlement Policy Framework
Part 3 – Environmental and Social Assessment Studies	12/2018

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PROJECT: Rural Water Supply and Sanitation Project – The Preparation of Feasibility Study, Detailed Engineering Design and Tender Documents, Environmental and Social Impact Assessment (ESIA), and Financial Management Technical Assistance		DATE: 12/2018
PART: Part 3 – Environmental and Social Assessment Studies	STAGE: Resettlement Policy Framework	
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LIST OF ACRONYMS AND ABBREVIATIONS

ALRI	Agency for Land Reclamation and Irrigation
ARAP	Abbreviated Resettlement Action Plan
CBO	Community based organization
CNP	Committee on Nature Protection
CLMG	State Committee on Land Management and Geodesy
CSO	Civil Society Organization
DALYs	Disability Adjusted Life Years
DP	Displaced person
ECAPDEV	The Europe and Central Asia region Capacity Development Trust Fund
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
FGD	Focus Group Discussion
GBAO	Gorno-Badakhshan Autonomous Region
GCRC	Gross Current Replacement Cost
GDP	Gross Domestic Product
GRMC	Grievance Redress Management Committee
HCSE	Housing and Communal Services Enterprises under the KMK
InfoShop	A public bookstore and resource center that offers public access to information on World Bank Group projects and programs
KII	Key informant interview
KMK	State Unitary Enterprise “Khojagii Manziliy Kommunal”
MEWR	Ministry of Energy and Water Resources
NGO	Non-governmental organization
O&M	Operation and Maintenance
OP	Operational Policy
PAP	Project-affected persons
ПГТ	Посёлок городского типа (settlement of urban character)
PMU	Project Management Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RT	The Republic of Tajikistan
RWSSP	Rural Water Supply and Sanitation Project
SES	Sanitary and Epidemiological Services
SPCR	Society for the Protection of Human Rights
SUE KMK	State Unitary Enterprise “Khojagii Manziliy Kommunal”
ToR	Terms of Reference
TV	Television
UNDP	United Nations Development Programme
W&FA	Women and Family Affairs Committee
WASH	Water, sanitation and hygiene
WB	The World Bank
WSS	Water supply and sanitation
WUA	Water Users’ Association

GLOSSARY OF TERMS

Borrower also includes, wherever the context requires, the guarantor of the project implementing agency.

Census and socio-economic survey - A complete count (enumeration) of the population affected by a project activity to identify and determine the number of project-affected persons (PAP) and the socioeconomic data necessary to establish baseline conditions and to formulate entitlements. It is often combined with inventory of assets.

Compensation – is paid for lost assets, with the exception of land, at their full value. Taking of assets is only possible after the payment of compensation.

Cut-off date - The date by which PAPs and their affected assets have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. Persons whose ownership, use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census. Normally, this cut-off date is the date the census begins. The cut-off date could also be the date the project area was delineated, prior to the census, provided that there has been an effective public dissemination of information on the area delineated, and systematic and continuous dissemination subsequent to the delineation to prevent further population influx.

Displaced persons (DP)- Any person who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily. The term is synonymous with “**project-affected persons**” (PAP) and is not limited to those subjected to physical displacement.

Detailed measurement survey - Detailed inventory of losses that is completed after the detailed design for the project infrastructure and boundaries for sanitary zones.

Economic displacement - Loss of income streams or means of livelihood resulting from land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of a project or its associated facilities.

Entitlement - the range of measures comprising cash or in-kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution/business restoration, which are due to displaced persons, depending on the type, extent and nature of their losses, and which improve their livelihoods and standards of living or at least restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

Host population - People living in or around areas to which people physically displaced by a project will be resettled, who, in turn, may be affected by the resettlement.

Inventory of assets – lists all the immobile property that will have to be acquired.

Involuntary resettlement - Resettlement is involuntary when it occurs without the informed consent of the displaced persons or if they give their consent without having the power to refuse resettlement.

Land includes anything growing on or permanently affixed to land, such as buildings or crops

Land acquisition - Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses.

People without title or use rights - Those 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 prior to the cut-off date (squatters, encroachers, people with informal or customary rights not recognized by the Tajik legislation).

OP/BP 4.12 - The World Bank Group Operational Policies and Procedures on Involuntary Resettlement, December 2001, Revised April 2013. OP/BP 4.12 includes safeguards to address and mitigate impoverishment risks arising from involuntary resettlement under development projects.

Physical displacement - Loss of shelter and assets resulting from the acquisition of land associated with the project that requires the affected person(s) to move to another location.

Replacement cost - is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms, attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance.

Resettlement - All direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning—physical relocation. Resettlement can, depending on the case, include (a) acquisition of land and physical structures on the land, including businesses; (b) physical relocation; and (c) economic rehabilitation of displaced persons (DPs), to improve (or at least restore) incomes and living standards.

Resettlement Acton Plan (RAP) - A resettlement instrument (document) to be prepared when subproject locations are identified. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

Resettlement assistance - Support provided to people who are physically displaced by the project. Assistance may include transportation, food, shelter, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new location, such as moving expenses and lost work days.

Resettlement Policy Framework (RPF) - A policy framework needs to be prepared if the extent and location of resettlement cannot be known at appraisal because the project has multiple components, as typically happens in sectoral investments, projects with financial intermediaries, and other projects with multiple subprojects. The policy framework establishes resettlement objectives and principles, organizational arrangements, and funding mechanisms for any resettlement operation that may be necessary during project implementation. The framework also estimates the probable number of affected persons and resettlements, and especially for financial intermediary projects, assesses the institutional capability to design, implement, and oversee resettlement operations. When during project implementation the extent of resettlement in any subproject becomes known, an RAP (or an abbreviated RAP, depending on the scale and severity

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of impacts) is prepared before the investment is approved for funding (OP 4.12, paragraphs 29–30).

Stakeholders - Any and all individuals, groups, organizations, and institutions interested in and potentially affected by a project or having the ability to influence a project.

Voluntary Land Donation - communities or individuals may agree to voluntarily provide land for subprojects for desired community benefits. The operative principles in voluntary land donation are “informed consent and power of choice”. Informed consent means the people involved are fully knowledgeable about the project and its implications and consequences and freely agree to participate in the project. Power of choice refers to the people involved having the option to agree or disagree, without adverse consequences imposed formally or informally by others.

Vulnerable groups – People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

1 BACKGROUND INFORMATION

1.1 PROJECT BACKGROUND

The Rural Water Supply and Sanitation Project (RWSSP) aims to improve the current situation in the water supply and sanitation sector, with the focus on three rural areas in Khatlon region. In 2018, the State Unitary Enterprise “Khojagii Manziliy Kommunalii” (KMK) received grant funding from the ECAPDEV Trust Fund to strengthen KMK’s capacity and to assist with preparation of the Rural Water Supply and Sanitation Project proposed for World Bank funding.

The State Unitary Enterprise KMK and the Ministry of Energy and Water Resources are the Executive Bodies of the project. A Project Management Unit (PMU) will co-ordinate all project activities, including future tendering procedures and contract management issues.

The Government of Tajikistan is committed to improving access to water and sanitation and to achieving Sustainable Development Goal 6 (Ensure access to water and sanitation for all) targets by 2030. Despite considerable effort and investment however, lack of access to clean drinking water continues to be a major issue, particularly for people in rural Tajikistan. Many residents rely on rivers and open ditches for drinking water. Access to safe drinking water and sanitation is also a challenge for many social buildings/facilities in the rural areas. Schools often do not possess a regular water supply and lack sanitation facilities or the existing facilities are old and in need of substantial repair. The World Bank WASH Poverty Diagnostic (2017) found that the population with the poorest drinking water conditions is largely concentrated in the districts with high poverty rates, particularly in Khatlon in the south-west and the Sughd region in the north of the country. [1] [10]

According to the World Bank *Poverty Diagnostic of Water Supply, Sanitation and Hygiene Conditions in Tajikistan* [10], in 2016 about 30% of residents in Khatlon rely on “surface water”. The share of households with access to improved water on premises is around 40%. Given the unreliability of drinking water supply, households rely on multiple sources throughout the year; households in Khatlon region used more sources than the national average. Reliance on unimproved water sources as a secondary source (such as irrigation canals and drainage canals, or the water delivered by private trucks and carts) increases particularly in the summer from 22 to 27% of households, contributing most likely to WASH related DALYs, particularly for the poor strata of population who cannot afford for water delivery by trucks or construct water storage tanks. Public services such as schools experience the same difficulties with effect on the health of children. Khatlon (along with GBAO) has also by far the highest proportion of households without access to improved sanitation, with most using pit latrines with slab. Lack of access to safe water and sanitation within the premises creates particular problems for people with disabilities. [10]

1.2 PROJECT OBJECTIVES AND OUTCOMES

The aim of the project is to develop solutions for rural water supply systems, and to some extent sewerage connections, in order to meet the needs for drinking water in the rural locations of the project districts listed above, to improve public health and environmental conditions. One of the main issues to be resolved is that water supply systems are absent in many of the rural project areas and improving access to safe sanitation in selected school and health care facilities.

The specific objectives outlined for the project are [1]:

- *To provide the quantity of drinking water supply and corresponding sanitation facilities;*

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- *To provide different alternatives for efficient use of available water resources and for collection and disposal of sewerage as required.*
- *To enhance financial sustainability of the proposed water supply schemes and self-financing capacity for future capacity expansion.*

The following project outcomes have been identified [1]:

- *Drinking water supply systems, household connections including metering systems;*
- *Improved sanitation systems in selected social buildings;*
- *Availability of proven metering, tariff, billing and revenue collection systems;*
- *Efficient operation and maintenance services for water supply;*
- *Consumption behavior changed in favor of rational water use;*
- *Implementation of a Financial Management Improvement Plan*

The Consultant's scope of work under the project can be divided into the following main components:

- Part 1 – Preparation of a feasibility study and technical and engineering designs
 - Phase 1 - Feasibility Study & Preliminary Engineering Designs
 - Phase 2 - Detailed Engineering Design, Construction Drawings and Tender Documents for distribution system subprojects;
- Part 2 - Financial Management Technical Assistance Engagement
- Part 3 - Environmental and Social Assessment - To prepare required environmental and social safeguards documents, such as Environmental and Social Management Framework (ESMF) and Resettlement Policy Framework, as well as the ESIA for the first year of the project interventions.
- Training and workshops

The Consultant will work to fulfil the specific objectives outlined in the ToR:

- *To provide the quantity of drinking water supply and corresponding sanitation facilities;*
- *To provide different alternatives for efficient use of available water resources and for collection and disposal of sewerage as required.*
- *To enhance financial sustainability of the proposed water supply schemes and self-financing capacity for future capacity expansion.*

The precise nature of the project activities and locations are not yet defined, however, activities could involve for example:

- **Construction of new/reconstruction of existing water supply facilities** – for example: pipelines, water storage tanks, boreholes, wells.
- **Improving access to safe sanitation for selected schools and healthcare facilities** – for example sewers, manholes, treatment facilities.

1.3 PROJECT AREAS

The Rural Water Supply and Sanitation Project (RWSSP) covers three proposed areas in the Khatlon region of Tajikistan.

The three proposed areas for the project are:

1. **The Vakhsh inter-district water supply system** - The Vakhsh inter-district water supply system (Vakhsh WSS) was constructed in 1977 to serve six districts (Kushoniyon [Bokhtar], Vakhsh, Balkhi, Levakant [Sarband], Dusti, Jaihun). Due to a lack of investments and O&M, the system has almost fully deteriorated. Only about half of the current population can be supplied through the connection to the Vakhsh inter-district water supply system. [1] There are eight Jamoats in Kushoniyon (Bokhtar) district, seven in Vakhsh district, eight in Balkhi district, three in Levakant district, six in Dusti district and six in Jaihun district.
2. **Vosse district** - The majority of the population does not have access to water supply services, relying on the water from open irrigation canals or low quality water from the boreholes. There are eight Jamoats in this district.
3. **Danghara-Temurmalik (Kangurt) area** – The existing Danghara-Temurmalik water supply system covers a relatively insignificant territory. The majority of the population relies on traditional sources or water brought by trucks. There are nine Jamoats in Danghara district, and seven in Temurmalik district.

In the locations listed, water supply infrastructure has suffered from decades of chronic under-investment. There are also no improved sanitation facilities in the project area. The high cost to operate and maintain water supply infrastructure poses a significant fiscal burden, as revenues cover only a small share of the system's operational and maintenance costs, resulting in low service quality, low willingness to pay, underfunded operating budgets and lack of investment funding. [1]

1.4 SOCIO-ECONOMIC BACKGROUND OF THE REGION

The Khatlon Region is located in the southwest of Tajikistan and is the largest region in Tajikistan. It has a population of some 3,198,600 people (2018) and is the most populous region in the country. Most (over 80%) of the population lives in rural areas. The share of men and women living in the rural areas is almost equal. Almost 60% of the Khatlon population is of working age, with equal distribution among the genders. [2]

Table 1: Population of Khatlon Region (2018 data), divided by gender, working age and rural or urban

Gender	Total Population		Urban Population		Rural Population		Population of working age	
	No.	%	No.	%	No.	%	No.	%
Men	1,612,100	50.40	284,100	49.95	1,328,000	50.50	943,700	58.54
Women	1,586,500	49.60	284,700	50.05	1,301,800	49.50	920,600	58.03
Total	3,198,600	100.00	568,800	17.78	2,629,800	82.22	1,864,300	58.28

Source: State Statistical Agency [2]

The population in Khatlon is predominantly engaged in agriculture. Approximately 45 percent of the country's irrigated land is located in this region. Cotton is the major crop grown in the area and accounts for 60 percent of the cotton harvest in the country [1].

The total number of extreme poor registered by Jamoats in Tajikistan in 2015 was 163,617, as according to UNDP [3]. Poverty levels in Khatlon was the highest of the four regions in Tajikistan, with the total of 65,354 individuals living in its territory [3]. Khatlon has the highest rate of population growth of Tajikistan regions. The average size of the household in Khatlon region is 8.5 people [2] (2018 data). Most of the population is below the age of 14, the unofficial unemployment rate (2013) is almost 35 percent [4] resulting in large migration abroad from the region. Migration percentage (share of households with migrants) has been reported to be higher in Khatlon (38.9) than in the whole country (35.7) [4]. Remittance flow at the same time is low, which has been associated with the low skill level of migrants from the region [4].

Although the primary education enrolment is 100 percent, men in Khatlon are reported to be less educated when compared to the rest of the country, hence labor force participation is also low among males [4]. In contrast, girls' enrolment in secondary education is higher, while women participate in labor force less overall [4]. A report published in 2017 about Khatlon region identified that the majority of the population (81%) is Tajik, with 13% Uzbeks, 0.2% Russians and 5.1% of other national minorities [9].

Half of Khatlon's population are women 1,586,500 as per Table 1 above. Labor force participation among women in 2009 in the region was significantly lower (49%) in comparison to men (69.7%) [4]. In the years following independence, the number of women working in agriculture increased in Khatlon, particularly with high level of migration of men from rural areas to other countries or to other areas in Tajikistan [11]. Women's role in agriculture depends on several factors, such as availability of male family members, age, physical knowledge and ability [11].

The rise of migration in the years following independence created both difficulties and opportunities for women. A study in Khatlon (2016) showed that wives of migrant workers took on the role of heads of households with the men leaving them to make most of the decisions [12]. Anecdotal evidence suggests that migration has also resulted in an increased number of abandoned or divorced women in Tajikistan.

Women perform most of the domestic and agricultural work in rural areas, particularly with the migration outflow among men. They are also engaged in taking care of family members. Women

are typically the primary users, providers and managers of water in their households and the guardians of household hygiene; when access and level of services improve, they benefit most. Thus, women in Khatlon are more burdened with lack of water as they use/need water more within the household than other family members for tasks such as cooking, washing and bathing children [13]. Moreover, studies have observed that hygiene standards at home, such as washing hands with soap before handling food is highly dependent on women's behavior [14]. It is the women who often have to travel long distances to fetch water.

1.4.1 POPULATION IN AREAS TO BE CONSIDERED UNDER THE PROJECT

In the tables below data on population and numbers of households in the wider project area districts are presented (source: relevant departments of the Statistical Agency under President of the Republic of Tajikistan, with the exception of Temurmalik district – see reference no. [17]). The average household size has been calculated by the Consultant.

Table 2: Population in the Vakhsh inter-district area

District	Population	No. of Households	Average household size
Kushoniyon (previously Bokhtar)	225,279	27,173	8
Vakhsh	188,160	23,988	8
Balkhi	186,700	29,630	6
Levakant (previously Sarband)	46,225	7,127	6
Dusti	106,241	22,806	5
Jaihun	127,978	20,371	6
Total	880,583	131,095	7

Table 3: Population in the Vosse district

District	Population	Households	Average household size
Vosse	201,960	23,902	8
Total	201,960	23,902	8

Table 4: Population in the Danghara-Temurmalik area

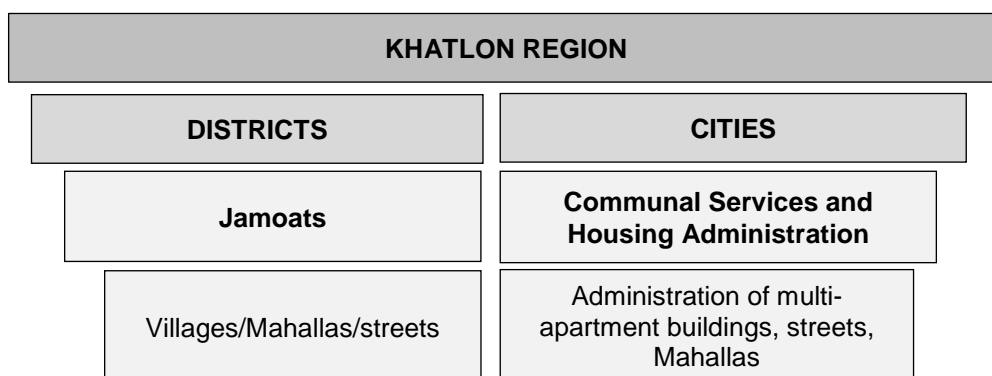
District	Population	Households	Average household size
Danghara	168,578	24,691	7
Temurmalik	66,551	8,293	8
Total	235,129	32,984	7

1.4.2 ADMINISTRATIVE STRUCTURE

The administrative-territorial division of the Khatlon region consists of four tiers:

- Central Government
- Khatlon Region (*область*)
- Districts (*район*) and cities (*город*)
- *Jamoats* (*Jamoat Shahrak* for urban and *Jamoat Dekhot* for rural)
- Villages, neighborhood committees (*кишлак, Махалла*)

Figure 1: Administrative structure



The administrative structure for the proposed project area to the *Jamoat* level is depicted in the table on the following page. “U” has been use to indicate urban, “R” to indicate rural *Jamoats*. The numbering of *Jamoats* is consistent with their numbering throughout the Feasibility Study.

Table 5: Districts and Jamoats in the proposed project areas

KHATLON REGION								
Vakhsh inter-district area - encompasses 6 Districts (38 Jamoats)			Vosse District - Vosse District (8 Jamoats)			Danghara- Temurmalik area - encompasses 2 Districts (16 Jamoats)		
KUSHONIYON District (previously Bokhtar)			VOSSE District			DANGHARA District		
Jamoats			Jamoats			Jamoats		
#	Name	U/R	#	Name	U/R	#	Name	U/R
1.1.1	Bokhtarion	U	2.1.1	Khulbuk	U	3.1.1	Danghara	U
1.1.2	Bustonkala	U	2.1.2	Abdi Avazov	R	3.1.2	Sharipov	R
1.1.3	Mehnatobod	R	2.1.3	Mirali Mahmalaliev	R	3.1.3	Lolazor	R
1.1.4	Sarvati Istiklol	R	2.1.4	Rudaki	R	3.1.4	Koreza	R
1.1.5	Orion	R	2.1.5	M. Vaisov	R	3.1.5	Lohur	R
1.1.6	Navbakhor	R	2.1.6	Guliston	R	3.1.6	Oksu	R
1.1.7	Zargar	R	2.1.7	Tugarak	R	3.1.7	Pushing	R
1.1.8	Ismoili Somoni	U	2.1.8	Kh. Radjabov	R	3.1.8	Sanktuda	R
VAKHSH District						3.1.9 Sebiston R		
Jamoats						TEMURMALIK District		
1.2.1	Vakhsh	U				Jamoats		
1.2.2	20 solagii istikloliyati	R				3.2.1	Soviet	U
1.2.3	Kirov	U				3.2.2	Bobounus	R
1.2.4	Vahdad	R				3.2.3	Karakashim	R
1.2.5	Rudaki	R				3.2.4	Karmishev	R
1.2.6	Tojikobod	R				3.2.5	Kangurt	R
1.2.7	Mashal	R				3.2.6	Rahimov	R
BALKHI District						3.2.7	Tanobchi	R
1.3.1	Guliston (Orzu)	U						
1.3.2	Balkh	U						
1.3.3	Kalinin	R						
1.3.4	Khalevard	R						
1.3.5	Madyanat	R						
1.3.6	Uzun	R						
1.3.7	Navobod	R						
1.3.8	Frunze	R						
LEVAKANT District (previously Sarband)								
1.4.1	Levakant	U						
1.4.2	Vahdad	R						
1.4.3	Guliston	R						
DUSTI District								
1.5.1	Dakhonobod	R						
1.5.2	Gulmurodov	R						
1.5.3	Navzamin	R						
1.5.4	Nurivaksh	R						
1.5.5	Jikilul	U						
1.5.6	20 solagii Jumhurii	R						
JAIHUN District								
1.6.1	Dusti	U						
1.6.2	Yakkadil	R						
1.6.3	Vahdati Mili	R						
1.6.4	Panj	R						
1.6.5	Istiklol	R						
1.6.6	Kumsangir	R						

(Source: Relevant district departments of the Agency on Statistics under President of the Republic of Tajikistan. For Temurmalik district: [17])

1.5 RATIONALE FOR THE RESETTLEMENT POLICY FRAMEWORK

In accordance with the World Bank's Operational Policy 4.12 on Involuntary Resettlement, this Resettlement Policy Framework (RPF) has been prepared to ensure that a framework is in place in order to ensure that if resettlement is required, then appropriate procedures are followed.

To date, only a list of districts, Jamoats and some villages to be considered under the project are available, the precise locations of project sites and details of investments will be defined in later stages of the project. As such, a RPF has been produced, rather than a Resettlement Action Plan (RAP). Once details of the project sites and investments / subprojects are available at later stages of the project, the need for further RAPs or abbreviated RAPs will be assessed, in accordance with the RPF.

1.6 OBJECTIVES AND PRINCIPLES OF THE RESETTLEMENT POLICY FRAMEWORK

In accordance with the World Bank OP 4.12, resettlement covers direct economic and social impacts as a result of project investments, caused by:

- (a) *the involuntary taking of land resulting in*
 - (i) *relocation or loss of shelter;*
 - (ii) *loss of assets or access to assets; or*
 - (iii) *loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or*
- (b) *the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.*

Source: [5]

The purpose of the RPF is to establish resettlement objectives and to clarify resettlement principles, organizational arrangements for any resettlement operations (RAP or abbreviated RAP) that may be required during the implementation of subprojects.

The principles of the RPF are based on the overall policy objectives on involuntary resettlement from the World Bank's OP 4.12 applicable to this project:

- (a) *Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.*
- (b) *Where it is not feasible to avoid resettlement, 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.*
- (c) *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.*

Source: [5]

1.7 POTENTIAL ADVERSE PROJECT IMPACTS

Potential future project activities, for example, construction of new pipelines or other water supply facilities may result in some negative impacts on existing land, structures and income sources.

- Air pollution and noise from construction machinery
- Water quality issues
- Generation and disposal of construction (mainly unused pipes) and other domestic Solid waste (from construction camps and active work sites)
- Construction camp management (which will be temporary with only minor and localized negative effects)
- Street/home inaccessibility during construction
- Traffic management
- Unannounced and/or prolonged disruption in water supplies during construction
- Land use and/or acquisition (temporary and permanent)
- Impact on assets and livelihoods
- Impact of labor influx on neighboring communities.

Resettlement impacts are not expected to be substantial due to the nature of the project. As previously mentioned, the locations and design of the project investments, has not yet been defined. Therefore, the precise nature and location of impacts, and thus the potential need for resettlement, cannot be defined. However, the RPF will consider the following potential impacts: relocation or loss of structures (shelter etc.), loss of assets or access to assets (land, crops, fruit trees), loss of income sources or means of livelihood, loss of access to services.

The estimated number of people to be displaced in the project will be assessed in a more detailed RAP to be produced once project activities are defined.

The aim of this Resettlement Action Plan, and the Environmental and Social Impact Assessment reports to be produced at later stages of the project, will be to identify potential risks and avoid, minimize and where not possible mitigate for such risks. The project will avoid resettlement wherever possible. Where resettlement is unavoidable, the procedures in this RPF document will be followed.

2 INSTITUTIONAL AND LEGAL FRAMEWORK

2.1 PROJECT ORGANIZATIONAL FRAMEWORK

The Project Executive Bodies are the State Unitary Enterprise for Housing and Communal Services (Khojagii Manziliyu Komunali) (KMK) and the Ministry of Energy and Water Resources (MEWR) of the Republic of Tajikistan.

The project will be implemented through a Project Management Unit (PMU). The PMU was founded by the Government of the Republic of Tajikistan represented by the State Committee on Investment and State Property Management, Executive Office of the President of the Republic of Tajikistan and Ministry of Finance of the Republic of Tajikistan. The Project Manager is under the supervision of these authorities. The subordination of the PMU is shown in the Figure below. The PMU has established an office within the central KMK building in Dushanbe.

The PMU was established for the Development of Municipal Infrastructure Project in 2004. According to the Chief Executive Officer of the President of the Republic of Tajikistan, Resolution No. 22 / 10-239 dated August 16 2018, the implementation of the Rural Water Supply and Sanitation Project is entrusted to the PMU of the Development of Municipal Infrastructure Project.

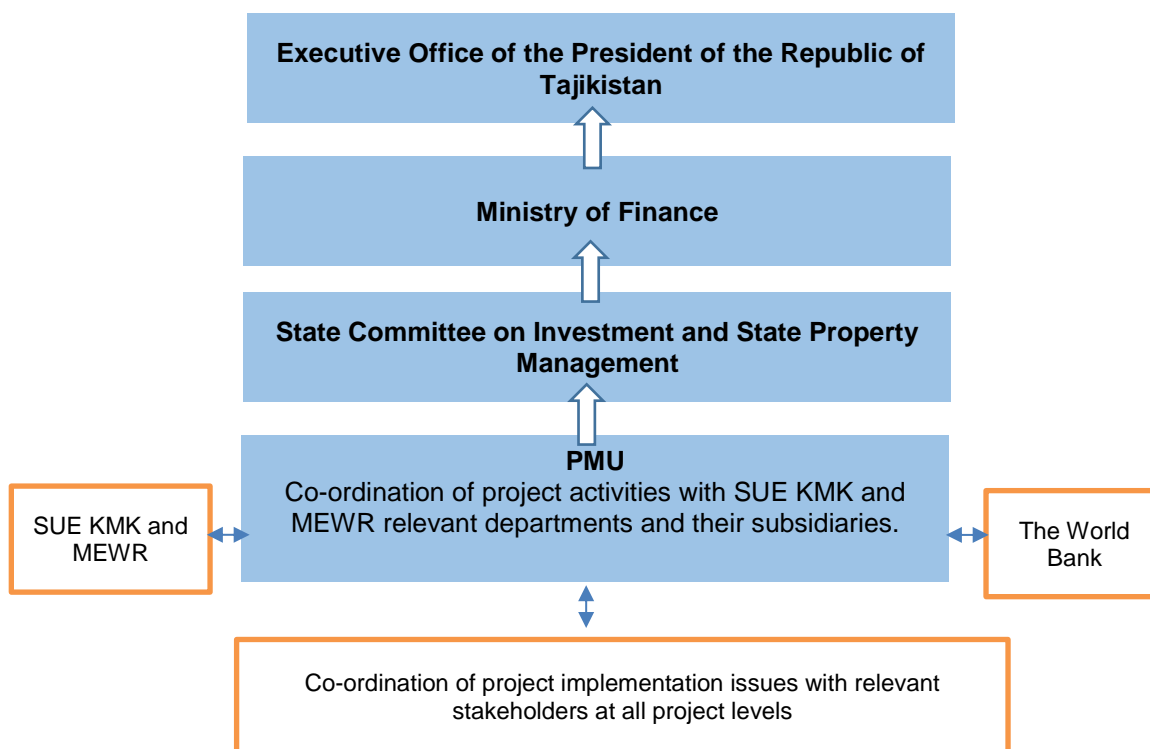


Figure 2: PMU subordination and co-ordination with other parties (shown in orange boxes)

The PMU will co-ordinate all project activities, including future tendering procedures and contract management issues and will be in charge of the day-to-day management of the project. The PMU will also be responsible for: the co-ordination of activities at all project levels with implementing agencies, municipal authorities, the World Bank and other parties involved in project implementation issues; compilation of quarterly and annual reports to the World Bank, Executive

Bodies and other relevant authorities; supervision of development of the project implementation plan and budget in co-ordination with SUE KMK and MEWR, and obtaining its approval by SUE KMK/MEWR and other relevant bodies. The PMU is responsible for liaison with KMK, MEWR, the Government of the Republic of Tajikistan, the World Bank, and other parties involved in the project implementation.

The PMU will engage a number of staff/consultants, including: PMU Director, Financial Manager, Procurement Specialist, Chief Engineer, Officer Manager, Field Engineers/Consultant, Monitoring and Evaluation Specialist, Environmental Engineer, Social Safeguards Specialist, Technical support staff, Interpreter/Consultant. The field staff and consultants will be based in the project areas in a rented office(s), and whom will work closely with local authorities, KMK and Tojikobdehot. The social (community) mobilization tasks in the field will be provided by a consultancy firm/ NGO appointed by the PMU.

The PMU will ensure close co-ordination and co-operation with the local authorities for technical and general contractual and coordination matters. The PMU is responsible for implementation of the Resettlement Policy Framework and development of required reports, with the support of consultants (to be hired by the PMU) and in cooperation with various stakeholders. The PMU Social Safeguards Specialist will be responsible for planning and coordinating resettlement, with the support of the Grievance Redress Management Committees (GRMCs). GRMCs will be established for the management of grievances and overseeing resettlement (see section 4.2 for more information about the GRMCs).

2.2 LAWS OF THE REPUBLIC OF TAJIKISTAN

The main laws of the Republic of Tajikistan (RT) of relevance to resettlement are:

1. Constitution of the Republic of Tajikistan adopted on 6 November 1994 and amended by referendum on 26 September 1999 and 22 June 2003
2. Civil Code of the Republic of Tajikistan Part I: Enacted: June 1999. Last amendment in 2016.
3. Land Code of the Republic of Tajikistan: Enacted: December 1996. Last amendment in 2016.
4. Government Decree from On approval of the procedure for compensation of losses to land users or users of other registered rights associated with land and losses associated with land withdrawal from circulation from December 30, 2011, № 641
5. RT Law On valuation activity from July 28 2006 № 196
6. Law on appeals of individuals and legal entities from July 23 2016, № 1339
7. Civil procedural Code of the Republic of Tajikistan from 05.01.2008, № 341
8. RT Law On the right of access to information from June 18, 2008, №411

1. Constitution of the Republic of Tajikistan

According to the Constitution the land is the exclusive property of the state. However, the Land Code was changed in 2012, according to which, individuals and legal entities of the Republic of Tajikistan may alienate (sell, exchange, donate etc.) the right of using the land plot on the grounds, conditions and within the limits established by this Code and civil legislation. The right to use the land plot, with the right to alienate, may be subject to sale, gift, barter, rent, pledge and other transactions, and may transfer to another person by inheritance or universal succession. Upon termination of the right to use the land with the right to alienate it, the land user is compensated for the market value of the right to use its land plot. However this is currently not practiced – for details refer to the section on the Land Code.

2. Civil Code

The Civil Code of the RT regulates the main principles of property rights, including grounds for property acquisition, its protection, procedures for the exercising property right and other real rights.

According to the articles 259, 263, 265 of the Civil Code:

- Compulsory withdrawal of property from the owner is not allowed, except in cases established by this Code, including alienation of immovable property in connection with the withdrawal of the land plot;
- The termination of the right of ownership to immovable property in connection with the decision of a state agency not directed expressly towards the withdrawal of property from the owner, including by the decision to withdraw a land parcel on which a house other structures, installations or trees belonging to the owners are situated, shall be permitted only in cases, and in the procedure, established by legislative acts. The owner shall be presented property of equal value and compensation in full for losses caused by the termination of the right of ownership.
- If the owner disagrees with the decision entailing the termination of the right of ownership, it may not be effected until the settlement of the dispute by a judicial procedure.
- When a dispute is considered, all issues associated with the compensation to the owner for losses caused shall also be resolved.
- In the event of termination of the right of ownership, the property shall be valued on the basis of its market price.

In 2013 article 246 of the Code was changed in accordance to which the following provisions were deleted:

“The right of ownership to an unauthorized building may be declared by a court for the person in whose ownership, lifetime inheritable possession, permanent (or without limit of time) use is the land parcel where the building was made. In this case the person for whom the right of ownership to the building is declared shall compensate the person who made it for the building expenditures in an amount determined by the court”.

From this time RT legislation does not allow compensation of illegal structure or users of land under dispute. **This is not in compliance with World Bank OP 4.12.**

3. Land Code

According to the Land Code, land users are legal entities and individuals, with varying rights:

- Limited in time (physical and legal entities) including using land plots on the terms of a lease agreement or in terms of public-private partnership agreement
- Unlimited in time (physical and legal entities)
- Using land plot for lifelong inheritable use. This right is provided to individuals or groups of citizens for the organization of Dekhan economies as well as to citizens for a personal plot of land.

Chapter 5 and 6 of the Code regulates the relationship related to withdrawal of land and compensation.

The main provisions of the Land code related to resettlement policy are:

- The right to use land, or a part of land, is terminated in cases established by this Code, including seizure of land for state or public needs
- The seizure of land for state or public needs is carried out in exceptional cases in the absence of other options for locating facilities related to:

- fulfilment of the international obligations of the Republic of Tajikistan, ratified in accordance with the established procedure;
- creation of new settlements, the expansion of cities and settlements;
- installation of:
 - objects of transport infrastructure: roads, streets, bridges, tunnels, overpasses, and other transport engineering structures, communication facilities;
 - electric, gas, heat and water supply facilities, as well as sewage disposal facilities;
- the grounds for taking decisions on the seizure of a land plot for state or public needs are city planning documentation approved in the established procedure, other projects that justify the need and technical and economic calculations for the seizure of the land plot.
- The execution of the decision on termination of the right to use the land plot shall be carried out after the end of the agricultural cycle.
- The land user or user of other registered rights related to land should be notified in writing not later than one year before the forthcoming seizure of the land plot by the local executive body of state power.
- The process of seizing a land plot for state or public needs is transparent. All decisions on the seizure of a land plot are **published in the national newspapers in the state and Russian languages within five working days from the day of adopting the decision of executive body.**
- In case of disagreement of the land user or the user of other registered rights related to the land plot, with the decision to seize the land plot, he has the right to apply to the court with a suit.

However, the Land Code does not provide for public consultation in case of losses of the land plots and compensations for this, which is provided by **World Bank OP 4.12.**

Compensation of losses to land users or users of other registered rights:

Article 37 of the Land Code stipulates:

"Upon termination of the right to use a land plot with the right to alienate it on the grounds specified in the first part of this article, the land user is reimbursed the market value of the right to use his land plot"

Article 41 of the Land Code stipulates:

Land seizure for state or public needs from land users or users of other registered rights associated with land may be made after:

- a. the allocation, at their request, an equivalent land;
- b. construction in a new place, in the prescribed manner, by individuals and legal entities for whom a land plot is allotted, residential, industrial and other buildings similar in purpose and equivalent in return for withdrawn, or in cash;
- c. full compensation for all other losses, including lost profits, in accordance with the legislation of the Republic of Tajikistan.

All losses are estimated at market value, which is determined taking into account the location of the land plot and is paid by the persons to which the land plot will be granted.

Cancellation of the right to use a land plot with the right to alienate the right to use for state or public needs may be made after the land user has allocated an equivalent land plot with the right to alienate and compensate for other damages provided for in the first part of this article.

If the land user disagrees with the size of land and terms of compensation for damages, he has the right to apply to the court.

Even though the last paragraph of article 37 provides cash compensation for right to use the land plot, the article 41 of this Code provides only allocation of the equivalent land plots. This different interpretation of the rules of these two Articles is exacerbated by the absence of legal normative acts which could provide mechanism for counting the value of land use right. Under these circumstances it is not possible to apply the provision under Article 37 for cash compensation of the user rights.

In 2012 the Land Code was also amended by the provisions, regulating public and private **easement (servitude)**.

The limited right to use the land plot (easement) may be established with the consent of the parties (private easement) or, if necessary, on the basis of the decision of the local executive bodies (public easement).

Public easements may be established in particular for the temporary use of part of the land for the repair and maintenance of communal, engineering, electrical networks, as well as transport infrastructure facilities.

The user of land burdened by private (voluntary) or public (obligatory) easement has the right to demand adequate payment from persons (legal or physical), in whose interest the easement has been established.

According to article 10 (1) of the Land Code if the establishment of an easement leads to the impossibility of using the land plot, the land user has the right to demand the withdrawal of a land plot, including buying back from him the rights to this land plot with compensation for losses or provision of an equivalent land plot with compensation for damages. If the establishment of a public (compulsory) servitude leads to difficulties in the use of the land plot, the land user has the right to demand the commensurate fee.

According to the article 104 of this Code, unauthorized occupied lands shall be returned to their owners without compensation for expenses incurred during their illegal use. Bringing land into usable condition, including the demolition of buildings is performed by persons who illegally occupied the land. **Therefore, the Land Code also does not allow compensation of illegal structures, which is not in line with World Bank OP 4.12.**

4. Government Decree from December 30, 2011, № 641

The Decree regulates the detailed procedure for compensation of losses to land users or users of other registered rights.

According to this procedure, when land is withdrawn for state and public needs, all costs are estimated in accordance with the procedure established by regulatory legal acts of the Republic of Tajikistan at market prices and are calculated taking into account the location of the land plot.

The loss of agricultural production associated with the withdrawal of land from circulation is reimbursed by individuals and legal entities that are granted agricultural land for non-agricultural purposes.

The following losses should be compensated to the land users:

- Cost of registration for the rights to use the land;
- Cost of residential buildings, cultural and community facilities, industrial and other real estate located on the seized or temporarily occupied land and immovable property

located outside the seized land plot, if further use of these facilities by appointment is not possible;

- Cost of trees, fruit bushes, protective and other perennial plantations, as well as the work performed by the land user for the care and maintenance of plantations in accordance with the submitted approved documents;
- Cost of work in progress (ploughing, mineral fertilization, sowing and other works);
- Costs for soil preparation, as well as other types of work;
- Cost of unselected agricultural crop; the cost of buying seedlings, costs of production, purchase and use of agrochemicals, as well as the cost of seeded crops, agrochemicals and other substances used on the land;
- Losses caused to the land user in connection with the early termination of its obligations under the contracts.
- Funds spent by land users in connection with repair and recovery works of land reclamation facilities built at the expense of the state budget and donated to them.
- Losses caused by the termination of use of water sources (wells, ponds, wells and others)

Compensation for agricultural production losses

In order to develop new land instead of the agricultural land being withdrawn, as well as to ensure the necessary level of agricultural production, legal entities and individuals who are allocated land for construction and other needs, reimburse agricultural land production losses. The land user has the right for compensation to improve the new land to level of productivity as the land that was taken.

Compensation of agricultural production losses should be compensated if legal entities are provided land from the agricultural land category and the land is subsequently used for non-agricultural purposes. Losses are reimbursed in full if withdrawal of agricultural land should be done for perpetual use. For fixed-term use of the land, restoration and re-cultivation of the disturbed agricultural lands should be compensated. In the event of the application of a fertile layer of soil to unproductive land at the expense of a legal or natural person who is provided with a land plot, losses are compensated for the amount spent on restoration of the land.

The size of the loss of agricultural production should be brought to the attention of the person interested who is interested in providing the land plot and with their consent shall be recorded in the act.

The funds for compensation of losses of agricultural production will transferred to the special account of the Treasury of the RT Ministry of Finance. The procedure for their use will be determined by the RT State Committee on Land Management and Geodesy of the Republic of Tajikistan with the approval of the Ministry of Finance.

Methods of compensation

Land plots occupied by crops are granted to new land users, usually after harvesting. In cases, if withdrawal is prior to harvest, its cost is compensated, taking into account the fulfilment by the time of the withdrawal the main agro technical measures for cultivating the appropriate agricultural crop and is compensation at market value, and taking into account the average yield of these crops.

Legal and physical persons will be reimbursed the value of structures, or equivalent structures will be constructed in a new location.

The cancellation of the right of using the land plot with the right to alienate it can be made after the allocation of an equivalent land plot to the user.

In the event of seizure or temporary occupation of land plots, as a result of which the work of hydraulic structures, the road network, the operation of anti-erosion and mudflow protections

structures (systems) will be partially or completely disrupted, the amount of damages caused to the land user will be determined, or in the replacement of these objects new structures will be built.

Annex 2 to the Government Decree from December 30, 2011, № 641 states that the prices of land for calculation of compensation for damage in the context of cadastral zones and cities in the regions of the Republic of Tajikistan.

Restriction of access to service, transition assistance and allowance, loss of jobs, social subsidy, rehabilitation measures, which is provided by WB OP 4.12, are not mentioned in RT legislation regulation No. 641.

5. RT Law On valuation activity from July 28 2006 № 196

The law establishes the legal basis for relations arising in the implementation of appraisal activity with the aim of establishing market or other value of valuation objects.

The Law establishes mandatory assessment of the property in case of seizure of the property for public use, provides general requirements for property valuation, evaluation procedure, establishes the rights and obligations to the appraisers and customers.

6. Law on appeals of individuals and legal entities from July 23 2016, № 1339

The Law regulates the procedure for the submission and consideration of appeals (complaints) of individuals and legal entities to state authorities, public associations, and other organisations and consideration of these appeals, including:

- Terms for submission of applications from individuals and legal entities and their consideration
- Registration and recording of applications from individuals and legal entities
- Rights of individuals and legal entities during consideration of applications
- Obligations of the relevant body and organization considering the applications of individuals and legal entities
- Requirements to the results of consideration of applications

7. Civil procedural Code of the Republic of Tajikistan

According to the Land Code in case of disagreement of the land user with the size and terms of compensation for damages, or other prejudice of right he has the right to apply to the court.

The Civil Procedural Code regulates the procedure for consideration claims in the court.

8. Law On the right of access to information

The purpose of this Law is to create legal conditions for the realization of the right of every citizen to freely search for and receive information, as well as to ensure the informational openness of the activities of state bodies, village and village self-government bodies. The Law regulates:

- Information to which access cannot be limited
- Cases for refusal to provide information
- Ways to exercise the right of access to information
- Rights and obligations of the person requesting information

- Responsibilities of bodies and organizations, their officials on the access to information
- Request for information and the procedure for consideration and satisfaction of the request
- The procedure for reimbursement of the costs of providing information
- Appeal against the failure to provide information

2.3 WORLD BANK OPERATIONAL POLICY 4.12 – INVOLUNTARY RESETTLEMENT

Definition of resettlement and objectives

A summary of the World Bank policies on this topic is provided in chapter 1.6 of this report.

Impacts covered – definition of resettlement

A summary of the World Bank policies on this topic is provided in chapter 1.6 of this report.

Required Measures and resettlement planning

For involuntary taking of land, resulting in loss of shelter, assets or access to assets, loss of income or means of livelihood, OP 4.12 requires that:

- a) a resettlement action plan or a resettlement policy framework is produced, including ensuring displaced persons are:
 - informed of options and rights
 - consulted on, and offered resettlement options
 - provided prompt and effective compensation at full replacement cost

- b) if the impacts include physical relocation, the resettlement action plan or resettlement policy framework should include measures to ensure that the displaced persons are:
 - provided assistance during relocation
 - provided with housing, or as required agricultural sites, at least equivalent to the old site

- c) where necessary to achieve the objectives of the policy, the resettlement action plan or resettlement policy framework also includes measures to ensure that displaced persons are
 - offered relevant support after the displacement based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living conditions
 - provided with development assistance in addition to compensation measures
 - offered training and identification of job opportunities

The WB policy also includes provisions to ensure vulnerable groups (e.g. displaced persons below the poverty line, the elderly, women and children, various ethnic minorities), are paid special attention. The policy also covers the resettlement of aboriginal people with traditional authority and cultural identity, which is a particularly complex topic, and as such all alternatives of project designs in order to minimize displacement of these persons should be explored. If it's not feasible to avoid such displacement of these persons, preference is given to land-based resettlement strategies compatible with their cultural identity.

The OP 4.12 also outlines requirements for involuntary restriction of access to legally designated parks and protected areas, including the requirement for the production of a Process Framework report.

The policy outlines that resettlement activities taking of land and related assets can only take place once the resettlement measures are in place and compensation is paid and where applicable, resettlement sites and moving allowances are provided to the displaced persons.

Preference shall be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based including resettlement on public land or on private land purchased specifically for the resettlement. Whenever replacement land is offered, displaced persons should be provided with a land of advantageous character or at least equivalent to the land taken from them. If the land-based option is not the preferred option for the displaced person, or land is not available, non-land-based options with opportunities for either employment or self-employment should be offered in addition to financial compensation for land or properties lost. Any lack of adequate land must be clearly demonstrated in the resettlement process.

Financial compensation for lost land or properties should be appropriate where:

- a) livelihoods are land-based, but the land taken for the project is a small fraction of the affected asset and the residual is economically viable;
- b) active markets for land and housing as well as labor exist, displaced persons use such markets, and there is sufficient supply of land and housing;
- c) livelihoods are not land-based.

Involuntary resettlement also requires the following:

- a) displaced persons are provided with relevant information about resettlement options and offered opportunities to participate in planning of resettlement.
- b) infrastructure and public services are provided in new resettlement sites in order to maintain accessibility of service for the displaced persons.
- c) patterns of community organization appropriate to the new circumstances are based on choices made by the displaced persons. The existing social and cultural institutions of displaced persons are preserved and their preferences are considered.

Resettlement planning includes early screening, scoping of key issues, the choice of resettlement instrument, and the information required to prepare the resettlement component or subcomponent. Relevant information from experts and on relevant community-based organizations and NGOs should be used to inform the resettlement instrument. The scope and level of detail of the resettlement instruments vary with the magnitude and complexity of resettlement.

Eligibility for Benefits

World Bank policies on eligibility for benefits are summarized in chapter 3.1.2 of this report.

2.4 COMPARISON OF WORLD BANK OPERATIONAL POLICY 4.12 AND LAWS OF THE REPUBLIC OF TAJIKISTAN

Table 6: Comparison of World Bank OP 4.12 and the laws of the Republic of Tajikistan

Topic	World Bank OP 4.12	Tajik law	Reconciliation
Resettlement Planning, Implementation and Monitoring	<p>RPF/RAP/ARAP preparation</p> <ul style="list-style-type: none"> A “resettlement plan” is required for all operations that entail involuntary resettlement. Where impacts on the entire displaced population are minor (if the affected people are not physically displaced and less than 10 percent of their productive assets are lost), or fewer than 200 people are displaced, an “abbreviated resettlement plan” may be agreed with WB. A “resettlement policy framework” is required when the project involves impacts and exact locations are not known and may entail involuntary resettlement. A RAP or ARAP will be required once details of the project are known. 	RAP/ARAP is not regulated under the Tajik legislation	WB OP 4.12 shall prevail for this project. The appropriate resettlement instrument (RAP/ARAP) will be developed.
	<p>Census and inventory</p> <p>A census and assets inventory are is carried out to identify the persons who will be affected by the project and determine who will be eligible for assistance.</p> <p>A cut-off date is set as the date of completion of census and inventory of fixed assets. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance and fixed assets established after the cut-off date will not be compensated.</p>	<p>Losses of agricultural production losses are determined by local land committees with the participation of land users, legal entities and individuals interested in land acquisition, and are assessed in accordance with the relevant regulatory legal act.</p> <p>According to the results of the work, indicating the full amount of compensation for agricultural production losses, an act is drawn up and approved by the signature and seal of the parties. Government Decree from December 30, 2011, № 641.</p>	WB OP 4.12 shall prevail for this project. A census, including inventory will be carried out. This will be carried out with in cooperation with the relevant authorities.
	<p>Monitoring and evaluation:</p> <p>Monitoring and evaluation of the activities in the resettlement Instrument are required. An assessment of whether the</p>	Regulated partially – monitoring of compensation for agricultural production losses is carried out by the State Committee on Land Management and Geodesy.	WB OP 4.12 shall prevail for this project. Monitoring will be carried out as outlined in RAP.

Topic	World Bank OP 4.12	Tajik law	Reconciliation
	<p>objectives of the resettlement instrument have been achieved is required on completion. The assessment should take into account baseline conditions and the results of resettlement monitoring. Follow-up measures should be proposed if objectives are not met. The Client is responsible for implementation of the Instrument and should keep the World Bank informed on progress.</p>	<p>Other resettlement compensation measures are not regulated under national law.</p>	
	<p>Timing of resettlement The policy outlines that taking of land and related assets can only take place once the resettlement measures are in place and compensation is paid and where applicable, resettlement sites and moving allowances are provided to the displaced persons.</p>	<p>Cancellation of the right to use a land plot may be made after the land user has been allocated an equivalent land plot and been compensated for other damages provided</p>	<p>Entitlements to be completed prior to resettlement.</p>
<p>Vulnerable groups</p>	<p>Particular attention should be given to the needs of vulnerable groups among the displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national land compensation legislation.</p>	<p>Not regulated under national laws</p>	<p>WB OP 4.12 shall prevail for this project. Vulnerable groups will be given particular attention in the resettlement process.</p>
<p>Consultation and information disclosure</p>	<p>Displaced persons and their communities should be provided with relevant information and consulted on resettlement options and offered opportunities to participate in planning, implementing, and monitoring resettlement. They should be informed at an early stage about the resettlement aspects of the project and their views taken into account in project design.</p> <p>The procedure for establishing criteria for eligibility for compensation and other resettlement assistance will include provisions for meaningful consultations with affected persons and communities, local authorities, and, as appropriate, nongovernmental organizations (NGOs).</p>	<p>The national law does not fully regulate public consultation with displaced persons and communities on resettlement options and opportunities to fully participate in planning, implementing, and monitoring resettlement. However, it provides the requirement for losses of agricultural production to be determined by local land committees with the participation of land users.</p> <p>The land user or the user of other registered rights associated with the land must be notified in writing by the local executive body of state power no later than</p>	<p>WB OP 4.12 shall prevail for this project. Public consultation will be carried out.</p>

Topic	World Bank OP 4.12	Tajik law	Reconciliation
	<p>The relevant draft resettlement instrument will be made available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. When the instrument is accepted as an adequate basis for project appraisal by the WB, the Bank makes it available to the public through its InfoShop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same way.</p>	<p>one year prior to the forthcoming seizure of the land plot.</p> <p>Decisions on the withdrawal of a land plot for state or public needs are published in republican newspapers within five working days from the date of the decision by the executive body of state power.</p> <p>Decisions on the approval of urban planning documentation are published in the manner specified in this article. At the same time, architectural and town-planning projects, including master plans for development, are open to the public in the form of detailed layouts in public places determined by local executive authorities during the entire period of their implementation. These layouts are exposed for review until the last day of their implementation, within 10 days from the date of their approval.</p>	
Grievance management	<p>An appropriate and accessible grievance mechanism should be established.</p>	<p>There is no requirement for establishing a grievance mechanism for the project, however the RT legislation have provisions on considering complaints.</p>	<p>WB OP 4.12 shall prevail. A grievance mechanism will be established for the project.</p>
Impacts covered	<p>The policy covers direct economic and social impacts caused by the involuntary taking of land ("Land" includes anything growing on or permanently affixed to land, such as buildings and crops) resulting in:</p> <ul style="list-style-type: none"> • 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; 	<p>Regulated partially. Covers loss of land, shelter, buildings, crops, and other assets (see section on entitlements).</p> <p>Not regulated under the national laws:</p> <ul style="list-style-type: none"> • Loss of <u>all</u> assets • Loss of income sources or means of livelihood, whether or not the affected persons must move to another location. (Loss of crops, trees and losses in association with early termination of contracts are compensated) 	<p>WB OP 4.12 will prevail.</p>

Topic	World Bank OP 4.12	Tajik law	Reconciliation
	It also covers the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.	<ul style="list-style-type: none"> Involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. 	
Eligibility	<p>Users with formal legal rights to land (including customary and traditional rights recognized under the laws of the country), and those with no formal legal rights to land 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 RAP, are provided compensation for the land they lose, assets and other assistance in accordance the text under “entitlements”.</p> <p>People with no recognizable legal right or claim to the land they are occupying are provided resettlement assistance (land, other assets, cash, employment etc., as appropriate) in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this policy. Provided compensation for loss of assets other than land.</p>	<p>Registered land users and formal tenants of the land user are provided compensation for the land right (see section under entitlements), crops, tree and buildings. Compensation is not provided for all lost assets.</p> <p>Compensation for people with no recognizable legal rights are not paid.</p>	WB OP 4.12 shall prevail in case if informal settlers need to be compensated.
Entitlements	New resettlement sites or host communities should have adequate facilities, infrastructure and public services 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, or fodder).	Not regulated under national laws	WB OP 4.12 shall prevail in case host communities will accommodate re-located persons. Level of accessibility to communal services, facilities and infrastructure will be restored, improved or maintained on new sites and in host communities.
	Compensation at full “replacement cost” for losses of assets attributable directly to the project. “Replacement cost” is a method of valuation that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation of structures and assets should not be taken into account.	Compensation at full replacement cost is not provided, such as loss of all assets, transaction costs access to public services, customers, and suppliers; or to fishing, grazing, or forest areas, access to equivalent	WB OP 4.12 shall prevail; compensation will be at full “replacement cost”. Cash compensation may be an option in certain circumstances.

Topic	World Bank OP 4.12	Tajik law	Reconciliation
	<p>For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.</p> <p>Payment of cash compensation for lost assets may be appropriate where</p> <p>(a) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable;</p> <p>(b) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing;</p> <p>(c) livelihoods are not land-based. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.</p>	<p>and culturally acceptable resources and earning opportunities.</p> <p>Compensation for specific assets are described below:</p> <p>Loss of Structures:</p> <p>Residential buildings, cultural and community facilities, industrial and other real estate located on the seized or temporarily occupied land and structures/immovable property located outside the seized land plot, if further use of these facilities is no longer possible are compensated by providing equivalent structures in new locations, or cash compensation.</p> <p>Loss of trees</p> <p>The value of trees, berry, protective and other perennial plantations, as well as the work performed by the land user and costs for the care of plantations in accordance with the submitted approved documents are compensated:</p> <ul style="list-style-type: none"> • costs for soil preparation, planting and care of plantations, as well as other types of work; • the cost of buying seedlings; • costs of production, purchase and use of agrochemicals; • Costs of the crops at the market value; <p>Loss of Crops</p>	

Topic	World Bank OP 4.12	Tajik law	Reconciliation
		<p>When land is acquired prior to harvest, crops are compensated for as follows:</p> <ul style="list-style-type: none"> • Cost of agro technical measures undertaken cultivating the crop (ploughing, mineral fertilization, sowing and other works); • Cost of unharvested crop at market value taking into account the average yield of these crops. <p>General - land user compensation and other assets</p> <ul style="list-style-type: none"> • Losses caused to the land user in connection with the early termination of its obligations under contracts. • Funds spent by land users in connection with repair and recovery works of land reclamation facilities built at the expense of the state budget and donated to them. • Compensation for loss of water sources (wells, ponds, wells and others) on the land users land • Replacement or cash compensation for partially or completely disrupted hydraulic structures, roads, anti-erosion and mudflow structures (systems). • The costs of measures ensuring the restoration of land quality, including conducting \ soil agrochemical and other special surveys, developing projects. 	
	<p>Loss of land: Preference shall be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based including resettlement on public land or on private land purchased specifically for the resettlement. Whenever replacement land is offered, displaced persons should be</p>	<p>Loss of land:</p> <ul style="list-style-type: none"> • Allocation of equivalent land. • Cash for cost of registration for the rights to use the land; • RT Laws do not provide for financial compensation for land. Land in Tajikistan is state owned. Citizens 	<p>Replacement with equivalent or more advantageous land.</p> <p>Where this is not possible, authorities should investigate possibilities for other compensation</p>

Topic	World Bank OP 4.12	Tajik law	Reconciliation
	<p>provided with a land of advantageous character or at least equivalent to the land taken from them.</p> <p>If the land-based option is not the preferred option for the displaced person, or land is not available, non-land-based options with opportunities for either employment or self-employment should be offered in addition to financial compensation for land or properties lost. Any lack of adequate land must be clearly demonstrated in the resettlement process.</p> <p>Payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual is economically viable.</p>	<p>have user rights and cannot sell the land, they can only sell the rights to use the land. The Land Code allows land use right with the right to alienation to be compensated with the market value of the right to use the land. However, there is no implementation mechanism and procedures in the law for valuation.</p>	<p>in line with RT legislation and experience from other similar projects in the area.</p>
	<p>Physical relocation – moving allowance and housing For physical relocation, displaced persons are</p> <ul style="list-style-type: none"> • provided assistance (such as moving allowances) during relocation; • provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the old site 	<p>Not regulated under national laws</p>	<p>WB OP 4.12 shall prevail</p>
	<p>Livelihood restoration Where necessary to achieve the objectives of the policy, displaced persons are also</p> <ul style="list-style-type: none"> • offered support after displacement, for a transition period based on estimated time needed to restore their livelihood and standards of living; • provided development assistance such as land preparation, credit facilities, training, or job opportunities. 	<p>Provision for livelihood restoration is not covered in legislation. Transition assistance and allowance, loss of jobs, social subsidy, rehabilitation measures, are not mentioned in RT legislation regulation No. 641.</p> <p>Providing development assistance such as land preparation, credit facilities, training, or job opportunities are not regulated by national legislation.</p>	<p>WB OP 4.12 shall prevail for this project: restoring livelihoods and standards of living “to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.</p>

3 ENTITLEMENTS

3.1 ELIGIBILITY CRITERIA AND CATEGORIES OF AFFECTED PERSONS

3.1.1 GENERAL PRINCIPLES

At this stage in the project, it is not possible to estimate the number or likelihood of people to be negatively impacted by the project, as the subproject locations have not yet been determined. Therefore, the purpose of the RPF is to establish the mechanisms by which the appropriate tools, screening and RAPs, will be implemented to mitigate potential resettlement impacts once subprojects have been identified.

The RPF stipulates eligibility and provisions for compensating different types of losses (land, crops/trees, structures, business/employment etc.). All PAPs including non-titled or informal dwellers, will be compensated for lost assets (crops, structures, trees and/or business losses) will receive (i) compensation (as required, to match replacement value), and / or (ii) replacement land (except for those with no legal right to use the land), structures, seedlings, other resettlement assistance such as shifting allowance, assistance with rebuilding structures, compensation for loss of workdays/income.

3.1.1.1 VULNERABLE GROUPS

Particular attention will be given to identification of PAPs falling into vulnerable groups, especially those below the poverty line, the elderly, women and children, women-headed households, households with orphans, elderly living alone, sick head of household, disabled persons, or other PAPs who may not be protected through national land compensation legislation to ensure that their needs are identified and that they are provided adequate support.

Through the project, access to safe water will be improved and the health hazards due to poor drinking water quality will be reduced. The socio-economic survey for each RAP will clearly identify the households that are deemed vulnerable in terms of project impact, provide a detailed justification describing the project impact and rationale for vulnerability. The RAP will clearly describe the nature of the impact, the vulnerability and the detailed provisions offered to the household by the project that are specific to its particular needs and cater to its limitations. All vulnerable households will be included in the monitoring samples and follow up visits will be carried out for at least one year after completion of resettlement. Similarly, any grievance complaints made by vulnerable households will be given preference and they will be provided assistance to submit such complaints.

3.1.2 ELIGIBILITY CRITERIA AND ENTITLEMENTS

The involuntary taking of land results in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not. Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. OP 4.12 suggests the following three criteria for eligibility:

- (a) Those who have formal rights to land including customary/communal land, traditional and religious rights recognized under Republic of Tajikistan Law.

(b) Those who do not have formal legal rights to land at the time the project or census commences but have a claim to such land or assets provided that such claims are recognized under the laws of the Republic of Tajikistan or become recognized through a process identified in the RPF / RAP.

(c) Those having no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from before the cut-off date, but are recognized under World Bank OP 4.12.

Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF.

Persons covered under (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the project area prior to a cut-off date established by the project authorities in close consultation with the potential PAPs, local community leaders and the respective local authorities and acceptable to the World Bank.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land. It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land or had use of it, before the entitlement cut-off date.

Eligibility for assistance under World Bank OP 4.12 also applies for project affected persons even if it is deemed that Tajik legal provisions provide for temporary or permanent acquisition of private land immediately adjacent to existing public roads without compensation.

The table below outlines an entitlements matrix based on international practice, which is in some cases stronger than the requirements for compensation in Tajikistan legislation. The proposed entitlements must be reviewed during preparation of the RAP and must fully comply with relevant Tajik legislation.

Table 7: Entitlements matrix, based on good international practice

Asset acquired	Type of impact	Entitled person	Compensation guide
AGRICULTURAL LAND	No displacement: Less than 20 % of total affected land holding Marginal impact on household income and living standards.	Title holder	Replacement with equivalent or more advantageous land. Transfer of any land to the PAP shall be free of taxes, registration & other costs.
		Tenant/lease holder	Opportunity cost compensation equivalent to 10% of net annual income from the lost plot or assistance in rental/lease of alternative land as appropriate/ if necessary (no registration & other costs will be applicable to the PAP).

Asset acquired	Type of impact	Entitled person	Compensation guide
	Displacement More than 20% of landholding lost Severe impact on household income and living standards.	Title holder	Land for land replacement in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Moving assistance during relocation.
		Tenant/lease holder	Assistance in rental/lease of alternative land - land for land replacement. A new parcel of land of equivalent size and productivity with a secure tenure status at an available location will be provided, which is acceptable to the PAP. No registration & other costs will be applicable to the PAP. Moving assistance during relocation.
		Agricultural worker	Cash compensation equivalent to local average of 6 months' salary Moving assistance during relocation. Assistance in getting alternative employment.
COMMERCIAL LAND	No displacement: Land used for business partially affected, limited loss	Title holder/business owner	Land for land replacement. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist) or assistance in rental/lease of alternative land as appropriate/ if necessary (no registration & other costs will be applicable to the PAP).
	Displacement: Premises used for business severely affected, remaining area insufficient for continued use	Title holder/business owner	Land for land replacement in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Moving assistance during relocation. Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates).
		Business person is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Moving assistance during relocation. Assistance in rental/lease of alternative land/property (for a maximum of 6 months) to re-establish the business.

Asset acquired	Type of impact	Entitled person	Compensation guide
RESIDENTIAL LAND	No displacement: Land used for residence partially affected, limited loss, and the remaining land remains viable for present use	Title holder	Replacement with equivalent or more advantageous land. Transfer of any land to the PAP shall be free of taxes, registration & other costs.
		Rental/lease holder	Allowance equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement.
	Displacement: Premise used for residence severely affected, remaining area insufficient for continued use	Title holder	Land for land replacement shall be of minimum plot of acceptable size or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Moving assistance during relocation.
		Rental/lease holder	Allowance equivalent to 3 months lease/rental fee. Assistance in rental/lease of alternative land/property Moving assistance during relocation
ALL LAND	Displacement or no displacement	Land users with no recognizable legal rights	Assistance as appropriate (for example in the form of cash, employment, land; moving assistance if relocated)
STRUCTURES	No displacement: Structure partially affected but the remaining structure remains viable for continued use	Owner	Cash compensation for affected building and other fixed assets. Cash assistance to cover costs of restoration of the remaining structure.
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence) Disturbance compensation equivalent to two months rental costs
	Displacement: Entire structure affected OR structure partially affected but the remaining structure is not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location that is acceptable to the PAP. Right to salvage materials without deduction from compensation Moving assistance during relocation Rehabilitation assistance if required (assistance with job placement, skills training)
Rental/lease holder		Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence) Relocation assistance (costs of moving + allowance equivalent to four months rental costs) Assistance to help find alternative rental arrangements Rehabilitation assistance if required (assistance with job placement, skills training)	

Asset acquired	Type of impact	Entitled person	Compensation guide
		Squatter/ Informal dwellers	<p>Cash compensation for affected structure without depreciation</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of moving + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project.</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Street vendor (informal without title or lease to the stall or shop)	<p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of moving)</p> <p>Assistance to obtain alternative site to re-establish the business</p>
STANDING CROPS	Crops affected by land acquisition, temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	<p>Land acquisition will only take place after harvesting is completed by the land user. PAPs will be allowed to harvest their crops before resettlement.</p> <p>Cash compensation for lost crops will use the highest current market value, the Government recommended rate, or the average market value of last 3 years, whichever is higher. Compensation also takes into account the main agro-technical measures used for cultivating the agricultural crop.</p>
TREES	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees according to international practice, or Tajik legislation, whichever is higher.
		Renter	Cash compensation based on type, age and productive value of affected trees according to international practice, or Tajik legislation, whichever is higher.
RESTRICTION OF ACCESS TO SERVICES	Restriction of access to services	Individual or community whose access to a service is restricted or denied	Provision of equivalent service at a distance which is, at most, not more than the distance of the restricted service from house/community. The new service will be fully operational prior to restriction of access to the old service.
TEMPORARY ACQUISITION	Temporary acquisition	PAP whose land, structure or other fixed assets, crops or forestry produce or income earning capacity and production levels are adversely affected during the temporary possession period.	Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed)

3.1.3 CUT-OFF DATE

A RAP will be prepared for the subproject activities following finalization of subproject details and completion of legal procedures. A census will be carried out to identify all the PAPs and the related levels of impact. The date that the census begins is the cut-off date for eligibility for resettlement and compensation.

It is essential that this date is properly communicated to all potential PAPs in the project affected area with sufficient time for these people to ensure their availability for the census. The PMU will communicate the date to PAPs in writing and verbally, through agreed consultation methods.

3.2 METHODS FOR VALUING AFFECTED ASSETS

3.2.1 TYPES OF COMPENSATION

Compensation in kind or as identified by the entitlement matrix will be required for:

- Land
- Structures
- Crops (both cash and food crops) and trees

In addition, other assistance will be given as outlined in the entitlements matrix such as disturbance, replacement of lost services. At the time of detailed RAP preparation, current market values and replacement cost values will be used to establish actual compensation. Additional allowances may be given as necessary, e.g. additional assistance for vulnerable families, disturbance allowances etc. The proposed entitlements must be reviewed during preparation of the RAP and must fully comply with relevant Tajik legislation. All entitlements in the RAP will be adjusted to reflect changes in economic conditions and legal requirements. The PMU will ensure that the compensation amounts in the RAP reflect market reality and are consistent with Republic of Tajikistan law and the requirements of WB OP 4.12. It should be noted, that the compensation recommended in this report, in accordance with international practice, is stronger than Tajikistan legislation in some cases.

3.2.2 PREPARATION OF ASSET INVENTORY

During the census, each asset will be recorded and valued. This information, along with and compensation measures will be recorded on an inventory. The valuation will be in accordance with the agreed valuation methods. The resulting information will be provided to the relevant PAP for their agreement.

3.2.3 VALUATION METHODS

The replacement cost approach will be used in the valuation of assets. The WB OP 4.12 defines the replacement cost approach as “...the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs”. The approach thus identifies the cost of replacing productive assets damaged by project activities and an amount sufficient for asset replacement to a similar level to the affected structure/land, expenses and other transaction costs. Depreciation of structures and assets should not be taken into account.

Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.

In calculating the cost of the replacement of structures, when rate infrastructure schedules do not exist or are out of date, rates quoted by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable. [7]

3.2.4 COMPENSATION FOR ASSETS

Compensation for Land

If titled land is acquired as part of the project, an equivalent piece or more advantageous land should be provided within a reasonable distance of the current location. If no such land is available, authorities should investigate possibilities for other compensation in line with RT legislation and experience from other similar projects in the area. There is currently no implementation mechanism for cash compensation for land under Tajik law. Transfer of any land to the PAP shall be free of taxes, registration & other costs. Compensation should include payments for improvements made to the land, e.g. irrigation.

In case of minor losses (the size of land contributed on a voluntary basis should not exceed 5% of that individual's total land holding) the PAP has the right to make an informed decision about donating land. (For more details, see the text in the later part of this section).

Standing Crops and Trees

Land acquisition will only take place after harvesting of crops is completed by the land user. PAPs will be allowed to harvest their crops before resettlement. The time for harvest of current crops will be included in the schedule of project activities. Sufficient consultation is therefore required in order that harvesting can be properly planned.

The compensation for lost crops will use the highest current market value, the Government recommended rate, or the average market value of last three years, whichever is higher. PAPs, whether tenants/squatters or owners should receive compensation. Compensation also takes into account the fulfilment by the time of the withdrawal the main agro-technical measures for cultivating the agricultural crop.

Cash compensation will be provided for trees based on the type, age and productive value of affected trees in accordance with international practice and Tajik law on valuation (whichever is higher). The Involuntary Resettlement Sourcebook recommends [7]:

Where markets exist, the value of a tree of a specified age and use can be used to determine compensation rates. Where markets do not exist, surrogate values must be determined. For timber trees, the value of a tree equals that of the lumber. For fruit or fodder trees, the value is equal to the cumulative value of the fruit crop for its productive life (and any timber value). If replacement trees are provided, good practice indicates that compensation be based on the value of the harvests lost until the replacement trees come into full production (typically, 7–10 years). In the case of immature trees, a less costly alternative may be to directly supply seedlings as a replacement and provide compensation for the resulting delay in reaching fruit-bearing capacity.

Compensation for Houses and Other Structures

The first option will be to provide replacement structures, of better quality where possible. Where structures are dwellings, the replaced structure should provide improved living conditions. The second option is cash compensation, using replacement costs. The replacement cost will take into account

- the details and measurements of existing structures,

- market cost of materials to build a replacement structure,
- cost of transporting such materials,
- cost of labor and contractors fees
- any registration fees and taxes

Compensation for Community Services and Assets

Equivalent community services and assets will be provided. The new services will be fully operational prior to restriction of access to the old service.

Compensation for Cultural Resources

The use of land that is defined to be cultural resources by the World Banks OP 4.11, land of “archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance” [8] is not permitted for this project in order to avoid conflicts between individuals and communities. This includes for example, war memorial sites, museums, cemeteries, sites of local cultural importance according to local customs and laws.

Voluntary land donation

In case of small sections of land required for micro level subproject activities, the project may seek support from the community to donate lands. However, the community members have the right to make a contribution of their land or other assets without seeking or being given compensation at full replacement value. Voluntary contribution is an act of informed consent. Local authorities must assure that voluntary contributions are made with the affected person’s full and prior knowledge of the availability of other options (including compensation at replacement cost) and are obtained without coercion or duress. Also, voluntary donations are allowed only if the affected people are direct beneficiaries of the investments that cause such impact. Proposals including voluntary contributions will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users (the size of land contributed on a voluntary basis should not exceed 5% of that individual’s total land holding).

Specifically, the following protocol will govern voluntary contributions under the project

- a. Voluntary contributions are an act of informed consent and affected people are not forced to donate land or other assets with coercion or under duress, or misled to believe that they are obliged to do so, without regard to the legal status of their land occupancy.
- b. Voluntary donations are allowed only for very minor impacts that meet the following two criteria: the households contributing land or other assets are direct beneficiaries of the subproject; the impact is less than 5% of the total productive assets owned by said household. (See Annex 4 – Voluntary Land Donation Form)

The affected people are fully informed that they have the right to refuse to donate land or other private assets, and instead receive compensation at replacement cost, and that a grievance handling mechanism is available to them through which they can express their unwillingness to donate. Furthermore, people are encouraged to use the grievance handling mechanism if they have questions or inquiries, either in writing or verbally.

Other

Owners of business structures will be provided with new structures in an appropriate location. Compensation will also be paid for lost income.

Equivalent services will be provided where access to services is restricted. The new service will be fully operational prior to restriction of access to the old service.

4 IMPLEMENTATION ARRANGEMENTS

4.1 IMPLEMENTATION ARRANGEMENTS AND PROCEDURES

The Project Management Unit (PMU), will co-ordinate all project activities. The PMU will ensure close co-ordination and co-operation with the local authorities for technical, contractual, and other issues under their administration.

The PMU will be responsible for planning and coordinating resettlement. The Social Safeguards team (Consultancy firm/NGO in the field, managed by the PMU Social Safeguards Specialist) will be responsible for coordination of communication with PAPs. The Social Safeguards Specialist will be responsible for coordinating resettlement, supported by the local GRMCs. In addition, the GRMCs established for the project will oversee the resettlement process and manage grievances. Committees will be established at the district level and the national level. The committees should include representatives from the PMU, KMK, local self-government, local communities, and other relevant stakeholders and authorities (such as state committee on land management and geodesy, architecture and town planning bodies, sanitary bodies, fire control authorities, energy and water supply authorities), and should be in line with procedures for resettlement and grievances under Tajik law and World Bank policies.

Once subprojects are identified, the PMU will be responsible for organizing the development and implementation of RAPs, the work is expected to be carried by an external party (to be confirmed). The preparation will be overseen by the Grievance Redress Management Committees (GRMCs).

The following main stages will be part of the resettlement process:

- **Screening of project activities**
Once subproject locations are known, screening will be undertaken in order to assesses if resettlement impacts are likely. This will be undertaken during the design stage, before designs are finalized. Resettlement impacts will be avoided and minimized wherever possible. During the screening stage, the location and types of resettlement impacts will be identified. The PMU Social Safeguards Team and Field Engineer, supported by the Design Consultant will be responsible for screening.
- **Census**
If screening shows resettlement impacts will take place, a census, including a socio-economic survey, as required, and an inventory of assets will be conducted. The PMU will engage with PAPs and local authorities in the identification and assessment of assets, in line with the consultation mechanism. After identification of PAPs and inventory of assets, a Resettlement Action Plan will be produced, if resettlement issues are identified.
- **Preparation of the RAP**
The PMU will be responsible for organizing the development and implementation of RAPs, the work is expected to be carried out by an external Consultant (to be confirmed). The preparation will be overseen by the GRMCs. Annex 2 provides an outline content of the RAP, taken from Annex A of the WB OP 4.12. The World Bank OP 4.12 paragraph 25 states that *“where impacts on the entire displaced population are minor [if the affected people are not physically displaced and less than 10 percent of their productive assets are lost], or fewer than 200 people are displaced, an abbreviated resettlement plan may be agreed”* [8]. Due to the nature of the project activities, it is therefore possible that only abbreviated RAPs (ARAPs) will be required for subprojects. Consultation will be an important part of the preparation of the RAP/ARAP, including provision of information

regarding cut off dates, compensation, grievances will be provided to PAPs. The PMU will be responsible for coordinating consultation with PAPs.

- **Disclosure and Approval of RAP**

1. Draft RAP submitted to PMU Director
2. PMU review the document to check for consistencies with RPF and between projects.
3. PMU submit document for approval by KMK, MEWR, World Bank and relevant Tajik authorities. Approval of Draft RAP.
4. Draft RAP will be publically disclosed by the PMU – websites, main stakeholders, local authorities, PAPs. Timescales provided for provision of comments.
5. Revised RAP produced incorporating comments.
6. Submit RAP to KMK, MEWR, World Bank and relevant Tajik authorities for approval.
7. If RAP is acceptable, disclosure of the approved RAP by the World Bank and the PMU.

- **Implementation schedule and civil works**

The basic principle of the RAP process is that project implementation can start only after the approval of the RAP and acquisition of the land needed for the construction. Land and assets can only be taken after the provision of resettlement entitlements. However, compensation should usually only be paid just before the land is acquired and needed for construction, in order to avoid displacement before necessary and changes in circumstances [7]. Careful planning of resettlement compensation payments is essential in order to avoid delays in the construction. The schedule for implementation of the RPF and RAPs, including schedule of payments, entitlements, completed civil works, and dates of resettlement, must be agreed by the PMU with relevant authorities, stakeholders and PAPs in advance.

The final detailed design and tender documents for the project investments under the current stage of the Rural Water Supply and Sanitation project, are expected to be delivered and approved by July 2019. Screening will take place during various stages of the project before this, from initial screening following feasibility studies, through to final selection of sites, prior to finalization of detailed design.

If additional land is required during the project construction, the PMU should be sufficiently trained and prepared to carry out additional screening and resettlement action plan procedures. The principle of PAPs not being displaced by civil works before compensation must be maintained.

Table 8: Summary of RPF implementation responsibilities

Action	Responsibility
Screening for need for resettlement action plans	The PMU Social Safeguards Team and Field Engineer, supported by the Design Consultant will be responsible for screening. This will be carried out in cooperation with relevant stakeholders, authorities and the World Bank. Final approval of screening results by the PMU Director, KMK, MEWR and the World Bank.
Census, socio-economic survey, inventory of assets and valuation	The PMU Social Safeguards Team, the Field Engineer, and other relevant staff, supported by consultants and other relevant stakeholders, will engage with PAPs and local authorities in the identification and assessment of assets, in line with the consultation mechanism. The census, socio-economic survey and inventory of assets should be carried out by the PMU Social Safeguards Specialist and Field Engineer, supported by consultants

Action	Responsibility
	<p>and other relevant authorities (such as the district land committee for agricultural production losses).</p> <p>Appropriate parties for the valuation of different losses, and their responsibilities, will be identified by the PMU after the decision if a RAP/ARAP is required and agreed by project executive agencies. Such parties could for example include representatives from: the Ministry of Finance; Ministry of Labor; Ministry of Health and Social Protection; the State Committee on Investment and State Property Management; the Grievance Redress Management Committees (GRMC); local district and Jamoat authorities; and the State Committee for Land Management and Geodesy. For those assets which need to be valued by a licensed valuation company an appropriate company will be engaged by the PMU. The PMU will oversee the process of valuation.</p>
Preparation of RAPs/ARAPs	The PMU Social Safeguards Specialist will be responsible for organizing the development of RAPs/ARAPs, the work is expected to be carried out by an external Consultant (to be identified and confirmed). The preparation will be overseen by the GRMCs.
Disclosure and Approval of RAPs/ARAPs	<p>PMU Social Safeguards Specialist, PMU Project Director, KMK, MEWR, the World Bank and relevant Tajik Authorities.</p> <p>The PMU Social Safeguards Specialist will be responsible for overseeing disclosure and approval, including disclosure with PAPs, relevant stakeholders and authorities. They will be supported by relevant authorities and other stakeholders in the disclosure, including District and/or Jamoat and/or the water utility offices.</p>
Implementation schedule and civil works	The PMU Social Safeguards Specialist is responsible for overseeing and agreeing (with relevant authorities, stakeholders and PAPs in advance) timing and payment of compensation and ensuring compensation is paid prior to the commencement of civil works.
Institutional capacity building	Consultant to be hired by the PMU, in cooperation with relevant stakeholders and authorities.
Additional screening and RAP preparation during construction	If additional land is required during the project construction, the PMU Social Safeguards Team should carry out additional screening and RAP procedures in cooperation with the relevant parties as described above.
Organizing and coordinating stakeholder consultation	PMU Social Safeguards Team supported by Vodokanal/Tojikobdehot Utility/ HCSE, local self-government, community representatives, relevant authorities and any external consultants working on the ARAP/RAP development.
Grievance redress management	PMU (Social Safeguards Team; Monitoring and Evaluation Specialist), GRMCs, relevant authorities and construction contractor.
RPF, RAP, ARAP Implementation Monitoring	PMU (Social Safeguards Team; Monitoring and Evaluation Specialist) relevant authorities, GRMCs. Independent external monitor to carry out additional monitoring of entitlements.
Development of final RAP monitoring and reporting administration system	PMU (Social Safeguards Specialist; Monitoring and Evaluation Specialist), in agreement with the relevant authorities and the World Bank.

4.2 GRIEVANCE REDRESS MECHANISM

A grievance redress mechanism will be in place before the commencement of any resettlement process. The grievance redress mechanism will be established to enable project affected persons to make complaints and for those complaints to be addressed during the project. The mechanism will be clearly explained to affected persons in the initial stages of the project. The detailed procedures for redress of grievances and the appeals process will be widely publicized among the affected people.

The mechanism will establish responsibilities of the construction contractor for complaint management during construction. The grievance mechanism should be accessible to local project affected persons.

In general, the mechanism is expected to include the following main steps:

1. **First Step – Local (District) Grievance Redress Management Committee (Commission)**

Any PAP with a complaint can submit an oral, written or electronic complaint to the District Level Grievance Management Committee (Commission). Comments received verbally, in writing, or electronically should be recorded on a register/ log and an identification number given to the grievance so it can be tracked to ensure actions are carried out. The urgency of the complaint will be assessed at this stage. Complaints are considered within 30 days, complaints that do not require additional study and research are considered within 15 days from the date of registration. However, Tajik legislation also provides the PAP the right to complain to a higher organization or court of law at any stage.

If the person making the complaint is not satisfied with the resolution proposed by the local committee, or he/she receives no resolution within 15 days (if no additional research is required) or 30 days (if additional study is required) of registering the grievance, according to Tajik law, the person making the grievance has the right to take the grievance to the **National Grievance Redress Management Committee (GRMC), other relevant higher authorities, or the court of law.**

If the local committee is unable to make a decision on the complaint, the PAP will be informed that the grievance will be passed to the National GRMC. In this case, the PAP should wait for the decision of the National GRMC.

2. **Second Step – National Grievance Redress Management Committee (Commission)**

If the complaint is not resolved by the Local GRMC, the complaint will be taken to the National grievance management committee. Complaints should be considered within 30 days of the original date of registration of the complaint, or 15 days where no additional study and research are necessary.

3. **Third step - Court of Law**

In case the decision of the National GRMC is not found satisfactory, the person making the complaint can appeal to the relevant Court of Law (as aforementioned, they can also take the complaint to a court of law at an earlier stage).

Grievance register

All grievances will be recorded on a register/ log and an identification number given to the grievance so it can be tracked to ensure actions are carried out. The register will include details of the date of complaint, method of complaint, date grievance entered into register, stages of and outcomes of complaint and summary of responses. The register will highlight if the PAP is classed as vulnerable in order that additional assistance can be provided.

The system for grievances must be appropriately managed to ensure an appropriate level of confidentiality.

Monitoring

The PMU Social Safeguards Specialist and the Monitoring and Evaluation Specialist will be responsible for monitoring grievances and providing regular reports during the project, including the number and types of complaints, and measures to address complaints. For resettlement issues, these reports should be weekly. The construction contractor and relevant authorities should also provide support for relevant tasks.

Grievance redress management committees

Committees will be established at the district level and the national level. The committees should include representatives from the PMU, KMK, local self-government, representatives of PAPs, and other relevant stakeholders and authorities (such as the State Committee on Land Management and Geodesy, architecture and town planning bodies, sanitary bodies, fire control authorities, energy and water supply authorities), and should be in line with procedures for resettlement and grievances under Tajik law and World Bank policies.

The PMU will be responsible for coordinating establishment of all GRMCs. The national committee will be established at the central level, and its work will be facilitated by the PMU (Social Safeguards Specialist and other relevant staff). The local committee will be established at the district level, and its work will be facilitated by the district administration with support from the PMU.

The committees will also be responsible for overseeing resettlement.

4.2.1 WORLD BANK GRIEVANCE REDRESS SERVICE

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to the project-level grievance redress mechanisms (see previous section) or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. Information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS) can be found at <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. Information on how to submit complaints to the World Bank Inspection Panel, visit www.inspectionpanel.org. Procurement related complaints are forwarded to the relevant bank staff.

Complaints can be made regarding concerns of potential harm from WB supported projects, however, they cannot accept complaints regarding [15]:

- *Awarding of damages or provision of direct compensation*
- *Issues not related to World Bank-supported projects*
- *Matters already considered by the GRS unless the complainants have new evidence previously not available to them*
- *Issues pertaining to a Bank-supported project that is closed*
- *Complaints related to the adequacy or suitability of a Bank policy or procedure*
- *Issues related to Bank personnel matters*
- *Allegations of fraud or corruption in Bank-supported projects [such complaints should be directed to the World Bank Office of Institutional Integrity]*

The complaint should be submitted in writing and addressed to the World Bank Grievance Redress Service. The complaints can be sent by email, fax, letter or hand delivered to the GRS at the World Bank Headquarters in Washington or the World Bank Office in Tajikistan. The complaints can be provided in the original language of the complainant, the official language of the WB borrower or English. There is a Grievance Redress Service form on the World Bank website if the complainant wishes to use a form. [16]

Complaints sent to the **World Bank Headquarters** should be sent to:

Email: grievances@worldbank.org

Fax: +1-202-614-7313

By letter: The World Bank, Grievance Redress Service (GRS), MSN MC 10-1018, 1818 H St NW, Washington, DC 20433, USA

Complaints to the **World Bank office in Tajikistan** should be sent to:

The World Bank, 48 Ayni Street, Business Center "Sozidanie", 3rd floor, Dushanbe, Tajikistan

4.3 RPF IMPLEMENTATION BUDGET

It is not currently possible to estimate the area of land and the number of people to be affected by resettlement under the project, as the project sites are not yet defined and designs have not yet been completed. Therefore, it is not possible to provide an estimated cost of resettlement or implementation under the RPF.

When project sites and impacts are known, and the census and valuation exercises are complete, costs of resettlement implementation will be outlined in a RAP for each subproject. The PMU is responsible for implementing the Resettlement Policy Framework and RAP, including payment of compensation, provision of other types of assistance, implementation of the grievance redress mechanism to be covered through the resettlement budget to be allocated by the Government.

5 STAKEHOLDER ENGAGEMENT

5.1 KEY STAKEHOLDERS

Identified key stakeholders whose cooperation may be necessary or important in resettlement planning, implementation, and monitoring, are outlined in the Stakeholder Matrix in Table 9 below. They are divided into categories based on

- *Whom they represent:* The Government administration and related community structures; the executing agency; government institutions; the private sector; donors and related projects; local media; beneficiaries.
- *At what administrative level(s) are the stakeholders represented:* National, Oblast, District (Raion), Jamoat, community.

This list will be reviewed and updated during the preparation of the RAPs/ARAPs and during their implementation to ensure that all relevant stakeholders are included.

Table 9: Stakeholder Matrix

Stakeholder Category	National level	Oblast (region)	Rayon (district)	Jamoat	Village/ Kishlak/ Mahalla
The World Bank - Project funding Grievance Redress Service (GRS)	World Bank Office in Tajikistan				
Project execution and implementation	The State Unitary Enterprise for Housing and Communal Services (SUE KMK) <i>(executing agency)</i> Head Office of the State Institution Tojikobdehot under the KMK	SUE KMK regional branch Tojikobdehot regional branch	Water supply and sewerage utilities of Tojikobdehot Housing and Communal Services Enterprises under the KMK Vodokanal (water supply and sewerage utilities) of the KMK (Vodokanal)	Water supply and sewerage utilities of Tojikobdehot (Tojikobdehot) Housing and Communal Services Enterprises under the KMK (HCSE)	
	Ministry of Energy and Water Resources of the Republic of Tajikistan <i>(MEWR) (executing agency)</i>				
	Development of Municipal Infrastructure Project Management Unit (PMU) <i>(implementer)</i>			PMU Field engineers and Social Mobilization Consultancy Firm/ NGO	PMU Field Engineers/Consultants, Social Mobilization Consultancy Firm/ NGO
Grievance Management	National GRMC Comprises: PMU, KMK and other		District level GRMC Comprises: Water utilities in the project		

Stakeholder Category	National level	Oblast (region)	Rayon (district)	Jamoat	Village/ Kishlak/ Mahalla
Committee (GRMC)	relevant stakeholders and authorities (such as State CLMG, SCAC, SES, Barqi Tojik)		area (Vodokanal, Tojikobdehot, HCSE); local self-government, representatives from PAPs and local communities, District CLMG, Chief District Architect, SES, fire control authorities, Electricity Companies)		
Government Administration and local self-government			Rayon and town administration and relevant departments	Jamoat administration Drinking Water Organizations	Mahalla Committees Drinking Water Organizations
Government institutions	Ministry of Finance	Department of Finance	Department of Finance	.	
	State Committee on Investment and State Property	State Committee on Investment and State Property	State Committee on Investment and State Property		
	Ministry of Health and Social Protection (MOHSP)	Regional Department of the MOHSP	Department of Health (Rayon Clinic)	Clinics, rural health posts	
		Regional SES Department	District SES Department		
	State Agency for Social Protection of Population (SASSP) Department	State Agency for Social Protection of Population (SASSP) Department	State Agency for Social Protection of Population (SASSP) Department	SASSP Department	
			Department of Education	Elementary & secondary schools, kindergartens	
	The State Committee for Architecture and Construction (SCAC)		Chief District Architect		
			District Committee for Nature Protection (CNP)		
	Ministry of Agriculture		District office of Ministry of Agriculture		
Agency for Land Reclamation and Irrigation under the Government of the Republic of Tajikistan (ALRI)	Regional branch of the Agency	District branch of the Agency	Water Users' Associations (WUA) (Regulated and supported by the ALRI)	Water Users' Associations (Regulated and supported by the ALRI)	

Stakeholder Category	National level	Oblast (region)	Rayon (district)	Jamoat	Village/ Kishlak/ Mahalla
	State Committee on Land Management and Geodesy (CLMG)	Regional branch of the State Committee on Land Management and Geodesy	District branch of the State Committee on Land Management and Geodesy Land registry Office	Land registry office	
		Regional unit of Women and Family Affairs Committee (W&FA)	District office of Women and Family Affairs		
Private sector	Open Joint Stock Holding Company Barqi Tojik		Electricity Companies and hydroelectric power stations		
			NGOs	NGOs, CBOs, CSOs	NGOs, CBOs, CSOs
			Association of Dekhans and Farmers	Branches of the Association	Dekhans and Farmers
			Society for the Protection of Consumers' Rights (SPCR)		
Related projects and programs	<ul style="list-style-type: none"> • "Rukhafzo" Aarhus Environmental Information Centers in Vakhsh, Kushoniyon (Bokhtar), Levakant Districts • Municipal Infrastructure Development Project, Danghara, Vosse • Communal Services Development Fund Project Danghara, Vosse, Levakant /Sarband • Building climate resilience in Pyanj river basin, Asian Development Bank, Vosse • Danghara Valley Irrigation Project, Islamic Development Bank 				
Other stakeholders involved in the rural water supply and sanitation sector, at the District and Jamoat levels	<ul style="list-style-type: none"> • International Water Secretariat's "Rural Water Supply and Sanitation" • Oxfam GB • Consumer Union of Tajikistan • World Bank Group • WHO • Swiss Agency for Development and Cooperation • Save the Children • Japan International Cooperation Agency • UNDP • Aga Khan Foundation • Caritas Switzerland • CESVI Tajikistan • Finland • Municipalities, local government • (Additional may be identified) 				
Media	National Newspaper, Internet	TV, newspapers, radio	TV, newspapers, radio	TV, newspapers, radio, public speakers	Public speakers
Project affected persons (PAPs) and host communities					Households and their members, commercial enterprises, Dekhans farms, farmers, budget organizations, affected communities
					Host communities

5.2 CONSULTATION MECHANISM AND INFORMATION DISCLOSURE

Effective and sustainable resettlement requires inclusive participation and regular, meaningful consultation with the affected PAPs, their communities and potential host communities for information exchange and decision making. Stakeholder participation helps to avoid misinterpretations, informs project planners and helps to avoid development of options that people do not want. It also helps to identify people affected or the amounts of assets to be acquired, improves transparency of compensations and strengthens involvement. Such consultation involves a wide range of stakeholders. Particular attention will be paid to women and vulnerable groups.

Outlined below is how the stakeholder will be informed, engaged and consulted in each phase of the project. While the steps remain the same, the method and means of communication for information sharing and consultation as well as the composition of stakeholders and their role may vary. These will be refined for each project location where RAP or ARAP will be required.

The following main stages are identified:

- Participation and consultation during the preparatory phase
 - Screening for need for RAPS/ARAPs
 - Preliminary dissemination of Information, consultation
 - Census, socio-economic survey, inventory of assets
 - Information from surveys: dissemination and consultation
- Pre-Appraisal
 - Preparation of the RAPS/ARAP
- Appraisal
 - Finalization of RAPS/ARAPs, Disclosure
- Implementation
 - Participation in committee and monitoring
 - Participation in delivery of assistance
- Completion
 - Participation In Evaluation

5.2.1 PARTICIPATION AND CONSULTATION DURING THE PREPARATORY PHASE

5.2.1.1 SCREENING FOR NEED FOR RAPS/ARAPS

Stakeholders and types of information: The PMU Social Safeguards Team and Field Engineer, supported by the Design Consultant, will gather information from the social screening checklist to identify anticipated social impacts and to establish whether the sub-project requires a resettlement action plan (RAP), or an abbreviated resettlement action plan (ARAP).

Stakeholders involved in the screening process could include as necessary: State Committee on Land Management and Geodesy, District branch of the Committee, land registry office, Design Consultant, relevant water utility (Vodokanal, Tojikobdehot), providers of public services (educational and health facilities, Electricity company, District Roads Department, District and Jamoat administration, Mahalla Committees, respected members of the community (including women), Agriculture Department, Social Welfare Department, State Agency for Social Protection of Population, Chief District Architect, Agency for Land Reclamation and Irrigation, local Experts.

Means of communication: Interviews, review of secondary data, observations, transect walk, group meetings.

Gathering information: Resettlement screening results including evidence-based conclusions, prepared by the PMU team, approved by the PMU Director, the KMK, MEWR and the World Bank.

Using information: Need for resettlement and whether RAP or ARAP is required.

If no resettlement impacts are identified, the following stages will not take place.

5.2.1.2 PRELIMINARY DISSEMINATION OF INFORMATION, CONSULTATION

Stakeholders and types of information: The PMU/ Social Safeguards Team (Consultancy firm/NGO in the field, managed by the PMU Social Safeguards Specialist) supported by the Vodokanal/ Tojikobdehot/ HCSE informs potentially displaced persons, representatives of their communities (Mahallas respected women), local self-government (Heads, relevant departments), relevant local government institutions (health and educational facilities, architecture, SES, CNP, ALRI, WUAs, CLMG, W&FA), representatives from the private sector (NGOs, CBOs, CSOs, Dekhan and Farmers' Associations, SPCR, related projects and programs (such as Rukhafzo) and other stakeholders involved in the water supply and sanitation in the project area on preliminary design and about the resettlement aspects of the project. Media may be invited to the events.

Means of communication can include: Meetings in District or Jamoat office or schools. Group discussions with women, groups of families, vulnerable groups. Distribution of printed materials in local language(s). The PMU Social Safeguards Team will make the necessary arrangements.

Gathering information: PMU/Social Safeguards team will arrange for collecting records and recordings from meetings and group discussions.

Using information: Stakeholders views will be taken in to account in project design, as well as to minimize resettlement and adverse social impacts.

5.2.1.3 CENSUS, SOCIO-ECONOMIC SURVEY, INVENTORY OF ASSETS

Stakeholders and types of information: The census, inventory and socioeconomic survey together identify the extent of impacts and establish baseline data, providing the necessary foundation for resettlement planning. Their preparation and implementation provide an opportunity to involve key stakeholders in the project design process: The PMU/ Social Safeguards Team and Field Engineer, supported by consultants, representatives from local self-government, technical experts from governmental institutions and the private sector or from related projects and programs, Community representatives (Mahallas, respected persons) all have their own expertise and can help define the approach and methodology for the surveys. The affected people can provide information on potential impacts of the project or on land tenure arrangements. The preparation and implementation of the surveys also provides a forum for meaningful consultation on issues that may arise during later project design and implementation.

Means of communication

- **during the preparation** can include: Key informant interviews with subject matter specialists, group or individual discussions on data collection instruments. The PMU/Social Safeguards Team is responsible.
- **during implementation:** mixed methods. Quantitative for census and inventory of assets, quantitative and qualitative for socio-economic survey. The qualitative methods can include: Focus Group Discussions (FGDs) with PAPs (group blueprint based on

variables such as gender, age, occupation, and other variables). Interviews with PAPs, Key Informant Interviews (KII) with experts and community leaders, field observations, discussions with officials from local self-government, local institutions, private sector, related projects and programs and with other stakeholders involved in the WASH sector in the locality.

Gathering Information: PMU, supported by consultants will prepare Census of PAPs, socio-economic survey and inventory of assets reports in coordination with relevant authorities.

Use of information: Defining preliminary resettlement and entitlements options. Assessment of most negative impacts.

5.2.1.4 INFORMATION FROM SURVEYS: DISSEMINATION AND CONSULTATION

Stakeholders and types of information: The PMU/ Social Safeguards Team supported by consultants will prepare PowerPoint presentations and/or distribute printouts on key issues concerning: findings from surveys, preliminary RAP/ARAP, options and entitlements. Information will be shared and feedback sought from PAPs and their representatives (Mahallas, respected male and female community members, representatives of PAPs with special needs, representatives of women PAPs), Jamoat and District Deputies and administration, relevant government institutions (including educational and health facilities), the private sector, and other stakeholders involved in related activities in the project localities.

Means of communication can include visual, printed or oral means of dissemination in meetings and group discussions (with focus on stakeholders that may be underrepresented in meetings such as vulnerable groups, women). Organization of events: The PMU/ Social Safeguards Team. **Gathering information:** The PMU/ Social Safeguards Team will arrange for records and recordings from meetings and discussions.

Using information: Validation of findings from the surveys; possible revisions of preliminary RAPs/ARAPs. The PMU Social Safeguards Specialist will be responsible for organizing the preparation of the preliminary RAPs/ARAPs. Formulation by an external Consultant.

5.2.2 PRE-APPRAISAL

5.2.2.1 PREPARATION OF THE RAP OR ARAP, DISCLOSURE

Stakeholders and types of information: Informing and consulting stakeholders on the draft RAPs/ARAPs¹ prepared on the basis of information collected in steps above (census, plan, budget, timetable, institutional arrangement, venues for consultation during planning and implementation, grievance mechanism and other relevant information). Sharing information and gathering feedback also on: strategy and methods for PAPs participation during implementation, timing, location and personnel for consultation, decision making responsibilities and procedures for modifying the RAP/ARAP provisions during implementation if corrective measures are required. Establishing mechanism for redressing grievances.

Information will be shared and feedback sought from the GRMC, PAPs and their representatives (Mahallas, respected male and female community members, representatives of PAPs with special needs, representatives of women PAPs), Jamoat and District Deputies and administration, relevant government institutions (including educational and health facilities), the private sector, and other stakeholders involved in related activities in the project localities.

¹ Making the draft RAP or ARAP public is a pre-condition for appraisal.

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The draft RAP will be provided to the KMK and MEWR for their review and comments.

Means of communication: The PMU/ Social Safeguards Team will keep the draft RAPs/ARAPs and a summary sheet outlining the key aspects, maps, assets and entitlements (translated into Tajik and possibly other local language(s)) with the District and/or Jamoat and/or the water utility offices for display and reference by the PAPs and other stakeholders. The PAPs, the (host) communities and stakeholders will be informed of this, as well as of the possibility to provide comments or grievances through the established channels by public notices and their representatives (District, Jamoat and Mahallas). These representatives will be informed personally (by PMU Social Mobilization Consultancy Firm/ NGO in the field), in writing and/or by telephone.

The PMU will arrange for comments from Central and Regional Government institutions as/if required. The draft RAP will also be provided to the World Bank, who will disclose it on their InfoShop.

Gathering information: The PMU/ Social Safeguards Team, in cooperation with the local authorities, will assign a person responsible for gathering feedback to each office where the RAPs/ARAPs are displayed. Comments provided in writing will be kept at a secure place. Comments provided orally will be recorded by the responsible persons. The process will be supervised in all project locations by the Consultancy firm/NGO responsible for the social mobilization in the field. They will collect and collate the comments and inform the PMU.

Using information: The RAP/ARAP including sets of options, risks and choices will be revised to reflect PAPs and stakeholders' comments and suggestions. The PMU Social Safeguards Specialist, supported by GRMCs will be responsible for organizing the preparation of the preliminary RAPs/ARAPs. Formulation is expected to be by an external Consultant, overseen by the GRMC.

5.2.3 APPRAISAL

5.2.3.1 FINALIZATION OF RAPS/ARAPS, DISCLOSURE

Stakeholders and types of information: Disclosure and Dissemination of the approved RAPs/ARAPs to inform and to obtain additional feedback from the GRMC, PAPs and their representatives (Mahallas, respected male and female community members, representatives of PAPs with special needs, representatives of women PAPs) as well as from Jamoat and District Deputies and administration, relevant government institutions (including educational and health facilities), the private sector, and other stakeholders involved in related activities in the project localities. The disclosure and dissemination will be organized by the PMU Social Safeguards Team.

The approved RAP will be provided to KMK and MEWR for their review and comments. The PMU will share the document with Central and Regional Government institutions as/if required.

Means of communication: The approved RAPs/ARAPs and a summary sheet outlining the RAP/ARAP in the respective project site, maps, assets and entitlements (translated into Tajik and possibly other local language(s)) will be kept with the District and/or Jamoat and/or the water utility office for display and reference by the PAPs and host communities. The PAPs and the (host) communities will be informed of this, as well as of the possibility to provide comments or grievances through the established channels. The PAPs in particular should be adequately informed about the range of options available; aware that formal acceptance of options may be irreversible; and aware of the responsibilities they assume when accepting options. The PMU/

Social Safeguards Team, in cooperation with the local authorities, will be responsible for gathering feedback to each office where the RAPs/ARAPs are displayed.

The PMU will arrange for sending the RAPs/ARAPs to the World Bank for their final approval, after which the final versions will be disclosed in their InfoShop.

Gathering information: PMU Social Safeguards Team, in cooperation with the local authorities, will be responsible for gathering and collating feedback to each office where the RAPs/ARAPs are displayed. Comments provided in writing will be kept at a secure place. Comments provided orally will be recorded by the responsible persons.

Using information: Verification of record of PAPs and their assets and losses. If the consultations result in significant changes, the RAPs/ARAPs will be re-submitted for clearance to the Bank.

The land user or the user of other registered rights associated with the land must be notified in writing by the local executive body of state power no later than one year prior to the forthcoming seizure of the land plot. Decisions on the withdrawal of a land plot for state or public needs are published in republican newspapers within five working days from the date of the decision by the executive body of state power.

5.2.4 IMPLEMENTATION

5.2.4.1 PARTICIPATION IN COMMITTEE AND MONITORING

Stakeholders and types of information: The Grievance Management Committees (GRMC) established for the project will oversee the preparation of RAP/ARAP, support the PMU Social Safeguards Team in stakeholder consultation, oversee and monitor the resettlement process and manage grievances, in cooperation with the PMU. Committees will be established at the district level and the national level. The District level GRMC will include representatives of PAPs, including representatives of women PAPs and of PAPs from vulnerable groups. Systematic PAP consultation and participation of PAPs in joint decision making will increase PAPs support and responsiveness and facilitate the implementation of RAPs/ARAPs.

Means of communication can include: Meetings of the GRMC, stakeholder consultation events, meetings with PAPs to gather grievances, making recommendations and participating in decisions on issues related to the preparation and implementation of RAPs/ARAPs, and on addressing and solving complaints raised by PAPs.

The PMU Social Safeguards Team will provide training to PAPs in effective participation in GRMCs and related activities.

Gathering information includes: recording, managing and disclosing to the PAPs information from the grievances register. Recording, managing and disclosing information from RAP/ARAP monitoring system.

Using information: Proposing corrective measures including modifying the RAP/ARAP and sending to the World Bank, KMK, MEWR and relevant authorities.

5.2.4.2 PARTICIPATION IN DELIVERY OF ASSISTANCE

Stakeholders and types of information: Engaging PAPs in implementation and management of development and income restoration activities (construction of their new houses or project infrastructure, maintenance of schools, improving productivity of their new lands) at new resettlement sites (within the existing or in host communities), where appropriate and feasible.

Means of communication: Training in new skills, as if required, could be provided as a measure for restoring livelihoods.

Gathering information: Information on opportunities and options would be provided by the GRMC (where PAPs are represented), in consultation with the project and the PMU. Particular attention will be paid to specific needs and options for vulnerable PAPs.

Using information: PAPs have the opportunity to complain to the GRMC if such options are not available.

5.2.5 COMPLETION

5.2.5.1 PARTICIPATION IN EVALUATION

Stakeholders and types of information: Post-implementation evaluation of resettlement projects requires consultation with stakeholders including PAPs. Under this project, PAPs representatives are involved in GRMCs and as such participate in overseeing the preparation and monitoring of RAPs/ARAPs as well as in managing the grievances. Particularly these, but also other PAPs may be engaged as members of the evaluation team. They could provide valuable contribution to assessment of relevance of activities related to restoration of incomes and living standards or effectiveness of the grievance mechanism. They are also familiar with all stakeholders at the local level and could support the planning of evaluation.

Means of communication: Methods for gathering information on relevance, effectiveness, efficiency, impacts, sustainability and cross cutting issues (such as gender, good governance, environment)

Gathering information: Monitoring and evaluation report

Using information: Recommendations pertaining to relevance, effectiveness, efficiency, impacts and sustainability of measures implemented to mitigate impacts of resettlement.

5.3 SUMMARY OF CONSULTATIONS UNDERTAKEN

Initial stakeholder consultation meetings were carried out as described in the table below. A full list of participants is included in Annex 1.

Table 10: Summary of Consultation Meetings

Consultation Meeting	Districts attended	Organizations attending	No. participants and gender
10 th August, Danghara	Danghara	Representatives of eight Jamoats in Danghara out of nine (Danghara Shahrak, Oksu, Guliston, Sangtuta, Lolazor, Pushing, Korez, Sebiston); five Hukumat representatives, KMK Danghara, SES Danghara, Tojikobdehot, Environmental Protection Committee, 'Danghara electricity' and Danghara City Electric Networks, Women and Family Affairs and other organizations (See Annex 1 for the list of participants).	26 participants 25 men 1 woman
11 th August, Vosse	Temurmalik, Vosse	19 participants from Temurmalik district, including all seven Jamoats local Hukumat Heads (Soviet Shahrak, Bobounus, Karakashim, Karmishev, Kangurt, Rahimov, Tanobchi), SES, two KMK representatives, Construction department, Architecture department, Electric Networks and other organizations (See Annex 1). 13 participants from Vosse, such as Hukumat representatives, SES, KMK, Land management unit, Architecture and Urban development, Rural development and other organizations (See Annex 1).	32 participants 29 men 3 women
11 th August, Vakhsh	Vakhsh	Hukumat representatives, KMK, SES, Water and Land management unit, Environment Protection committee; also seven representatives of local households	22 participants 12 men 10 women
28 th August, Kurgan-Tube	Balkhi, Levakant (Sarband), Dusti, Jaihun, Vose, Vakhsh	16 Hukumat representatives, SES, KMK, Vodokanal, Environment Protection committee, Land management, Committee of Architecture, Rural development and other organizations (for the full list of participants see Annex 1).	32 participants 28 men 4 women

The Consultation meetings were organized with the support of Central KMK. KMK Dushanbe sent an official letter to the local Governments of the districts with information about the meeting and list of suggested organizations to invite. The final group of attendees was decided by the local Hukumats. All districts involved in the project were invited and attended except Kushoniyon (Bokhtar), which did not have representatives at any of the consultation meetings. However, separate meetings were arranged in each of the districts prior to the consultation meetings (details of the meetings are described in Table 11).

During the meetings, a presentation introducing project was given, including the technical, environmental and social parts of the project. Participants learnt about the aims of the project and the potential environmental and social impacts, particularly relating to resettlement.

Following the presentation, presenters responded to individual questions and there was opportunity for feedback. Feedback questionnaires were handed out and filled in as part of the session and participants had an opportunity to think and reflect on the project in general.

From the feedback received, the participants were interested in the water supply to the rural areas, and in general thought it would positively affect their areas and saw the positive change of more importance than any other consequences the project could bring. However, some questionnaire respondents to the question on whether there are sites/ areas which should be

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protected (natural, cultural, historic, etc.) during the project, did respond that there are such areas and more information on the project was needed.

During the meetings, it was explained that should resettlement be necessary a further Resettlement Action Plan would be developed for the locations. The question of resettlement did not cause any particular concerns among participants. Participants seemed comfortable with the idea of resettlement or loss of some asset if the project was to positively change life of many people in the area.

Some participants enquired further about how the site selection and prioritization procedures and wanted to stress the difficulties they have with water supply in their areas.

In addition to the Consultation Meetings listed above, a number of additional meetings were held with individuals in different districts. A summary of the meetings is given in the table below.

Table 11: Summary of additional meetings

Meeting	Districts attended	Organizations attending	No. participants
10 th August Temurmalik	Temurmalik	Head of Temurmalik Hukumat, First Deputy Head	2 participants
24 th August	Kushoniyon (Bokhtar), Balkhi, Levakant (Sarband), Dusti, Jaihun	Head of Dusti Hukumat; Deputy head of Kushoniyon (Bokhtar), Vakhsh, Balkhi, Levakant (Sarband), Jaihun Hukumats	5 participants
28 th August, Dusti	Dusti	Head of Dusti Hukumat	1 participant
4 th September	Vakhsh	Vakhsh district Jamoats	7 participants

6 MONITORING AND EVALUATION

Monitoring and evaluation of the resettlement process must be carried out to ensure the process is effective and that income levels and living standards are restored. Monitoring procedures should be identified clearly in a RAP.

An administrative monitoring and reporting system should be identified in the RAP and then set up. The PMU (Social Safeguards Specialist; Monitoring and Evaluation specialist), supported by the GRMCs and relevant authorities, should monitor overall implementation of the RPF, development of RAPs (and precursory stages) and overall implementation of the RAP. Monitoring of RAP implementation should be carried out on a monthly basis, or more frequently as required.

In addition, in order to avoid conflict of interest, an independent external monitor (to be identified) should also carry out monitoring on a regular basis, the regularity of which will depend on the scope of the resettlement.

A monitoring and evaluation plan will be a key part of the development of the RAP. The RAPs should set indicators to be monitored, based on the entitlements and PAPs, including:

- Details of all land, structures and other affected assets included in resettlement
- Number of PAPs displaced;
- Financial and other entitlements provided to whom and when
- Effectiveness of entitlements, and ability to maintain pre-project standards of living.
- Consultation activities
- Grievances

The PMU and GRMCs should review and analyze all collected monitoring data to determine effectiveness of the resettlement arrangements, and that all measures outlined in RPF and RAP are adhered to. The PMU will maintain databases of records including comprehensive records of the points listed above. They will share this periodically with the GRMCs and any other relevant parties.

Reports outlining the implementation of the RAP, and databases of records and results of monitoring, should be provided quarterly in a format agreed with the World Bank and other relevant authorities.

Monitoring should be carried out for the completion of the RAP. All vulnerable households will be included in the monitoring samples and follow up visits will be carried out for at least one year after completion of resettlement.

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1. ANNEX 1 – LIST OF INITIAL MEETING ATTENDEES

Date and location of meeting: 10th August 2018, Danghara

Total participants – 26 people from Danghara district

	Attendee
1.	Doctor of regional hospital
2.	Deputy head of Oksu Jamoat
3.	Deputy head of Guliston Jamoat
4.	Head of social protection and pension committee
5.	Deputy head of social protection and pension
6.	Head of environmental protection committee
7.	Accountant of Sangtuta Hukumat
8.	Head of KMK Danghara
9.	Head of labor and employment unit
10.	Mechanic of road maintenance department
11.	Deputy head of Lolazor Jamoat
12.	Deputy head of Pushing Jamoat
13.	Head of statistics agency
14.	Head of state tax department
15.	Deputy head of Korez Jamoat
16.	Deputy head of youth and sport department
17.	Head of architecture and urban development
18.	Head of land management
19.	Deputy head of Sebiston Jamoat
20.	Head of economics department of Danghara district
21.	Head Tojikobdehot
22.	Director of 'Danghara electricity'
23.	Head of Danghara City Electric Networks
24.	Head of Women and Family Affairs
25.	Head of SES
26.	Employer of pumping irrigation

Date and location of meeting: 11th August, Vosse

Total participants – 19 people from Temurmalik district

	Attendee
1.	Head of water supply system
2.	Head of district Shahrak (city)
3.	Director of SES
4.	Head of construction department
5.	Head of Tanobchi Jamoat
6.	Head of Rakhmonov Jamoat
7.	Financial analyst of statics department
8.	Chief analyst of architecture department
9.	Head of electric networks
10.	Head of financial department
11.	Head of Kungurt Jamoat
12.	Head of Karakamchi Jamoat

13.	Head of KMK Kangurt
14.	Analyst of KMK Temurmalik
15.	Head of Karmishev Jamoat
16.	Head of land management unit
17.	Head of Bobounus Jamoat
18.	M&E coordinator, Oxfam
19.	First deputy head of Hukumat

Date and location of meeting: 11th August, Vosse

Total participants: 13 people from Vosse district

	Attendee
1.	Analyst SES
2.	Land management unit employer
3.	Land management unit deputy head
4.	Head of labor and employment agency of Vosse district
5.	Employer social protection and pension committee
6.	Head of social protection and pension committee
7.	Specialist of architecture and urban development unit
8.	Specialist of general unit
9.	Head of women and family affairs
10.	Head of SES
11.	Head of Avazov Jamoat
12.	Head of rural development
13.	Head of economics and trade

Date and location of meeting: 11th August, Vakhsh

Total participants - 22 people from Vakhsh district

	Attendee
1.	Finance department head
2.	Analyst of state statistics
3.	Head of employment and population agency
4.	Teacher of secondary school
5.	Housewife
6.	Housewife
7.	Housewife
8.	Pensioner
9.	Cleaner
10.	Pensioner
11.	Pensioner
12.	Assistant of water and land management unit
13.	Head Doctor or regional hospital
14.	First deputy head of Vakhsh Hukumat
15.	Head of land management unit
16.	Director of environment protection
17.	Head of SES
18.	Architect of architecture and urban development unit
19.	Security of Vakhsh environmental protection unit
20.	Specialist of statistics agency

21.	Head of women and family affairs
22.	Head of youth and sport unit

Date and location of meeting: 28th August, Kurgan-Tube

Total participants - 32 people from 6 districts of Balkhi, Levakant (Sarband), Dusti, Jaihun, Vose, Vakhsh

	Attendee
1.	Head of Vahdat Jamoat Hukumat
2.	Head of Guliston Jamoat Hukumat
3.	Head of Vaisov Jamoat Hukumat
4.	Committee of Ecology specialist
5.	Statistics department deputy director
6.	Deputy head of Hukumat of 20 sollagi Tojikiston
7.	Nur Jamoat Agronomist
8.	Deputy Head of Dekhkonobod Jamoat Hukumat
9.	SES Director
10.	Regional hospital Head doctor
11.	Committee of economy Director
12.	Tojikobdehot Deputy Director
13.	Deputy head of Frunze Hukumat
14.	Head of Madaniyat Hukumat Jamoat
15.	Deputy head of Hamvard Jamoat
16.	Head of Tugarak Jamoat Hukumat
17.	Head of Avazov Jamoat Hukumat
18.	Deputy Head of Guliston Jamoat Hukumat
19.	Head of Mahmatali Jamoat Hukumat
20.	First Deputy Head of Mahmatali Jamoat Hukumat
21.	Deputy Head of Mahmatali Jamoat Hukumat
22.	Deputy Head of Jilikul Jamoat Hukumat
23.	Committee of architecture Specialist
24.	Center of control of sanitation and epidemiology Deputy director
25.	Committee of land management Director
26.	Vodokanal Director
27.	Committee of architecture specialist
28.	Tax inspection director of Jaihun district
29.	Tax inspection specialist of Balkhi district
30.	Tax inspection Director of Vakhsh district
31.	Specialist of statistics agency Vakhdat
32.	Head of economics and trade

2. ANNEX 2 – CONTENT OF A RESETTLEMENT ACTION PLAN

The following text is taken directly from Annex A of the World Bank OP 4.12 (Source: [6], pages 1-4) with only minor omissions. The document refers to “Resettlement Action Plan” as “Resettlement Plan”.

Resettlement Plan

The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

Description of the project. General description of the project and identification of the project area.

Potential impacts. Identification of

- (a) the project component or activities that give rise to resettlement;
- (b) the zone of impact of such component or activities;
- (c) the alternatives considered to avoid or minimize resettlement; and
- (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives. The main objectives of the resettlement program.

Socioeconomic studies. The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including

- (a) the results of a census survey covering
 - (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
 - (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
 - (iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;
 - (iv) information on vulnerable groups or persons as provided for in OP 4.12, para. 8, for whom special provisions may have to be made; and
 - (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- (b) Other studies describing the following
 - (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
 - (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
 - (iii) public infrastructure and social services that will be affected; and

(iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal framework. The findings of an analysis of the legal framework, covering

- (a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;
- (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- (d) laws and regulations relating to the agencies responsible for implementing resettlement activities;
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land--including claims that derive from customary law and traditional usage (see OP 4.12, para.15 b).

Institutional Framework. The findings of an analysis of the institutional framework covering

- (a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) an assessment of the institutional capacity of such agencies and NGOs; and
- (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

Eligibility. Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Valuation of and compensation for losses. The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

Resettlement measures. A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy (see OP 4.12, para. 6). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

Site selection, site preparation, and relocation. Alternative relocation sites considered and explanation of those selected, covering

- (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;

- (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) legal arrangements for regularizing tenure and transferring titles to resettlers.

Housing, infrastructure, and social services. Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

Environmental protection and management. A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Community participation. Involvement of resettlers and host communities,

- (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;
- (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

Integration with host populations. Measures to mitigate the impact of resettlement on any host communities, including

- (a) consultations with host communities and local governments;
- (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;
- (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and
- (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

Grievance procedures. Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational responsibilities. The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility

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for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Implementation schedule. An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

Costs and budget. Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

Monitoring and evaluation. Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Abbreviated Resettlement Plan

An abbreviated plan covers the following minimum elements:

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) arrangements for monitoring and implementation; and
- (f) a timetable and budget.

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Part 3 – Environmental and Social Assessment Studies	12/2018

3. ANNEX 3 – SOCIAL SCREENING CHECKLIST

Social screening and scoping allows identification of the need to applying OP 4.12 on Involuntary Resettlement for a particular sub-project. Where that is the case, the next steps and actions will be guided by the Resettlement Policy Framework.

Screening will be carried out by the PMU Social Safeguards Team and Field Engineer, supported by the Design Consultant, using the checklist template below. Information from the screening will inform the decisions on whether a RAP or ARAP is required. The affiliation, ownership and land use status of the sub-project site will be established and verified during subsequent census, and asset inventory surveys if it is not already known.

The Team will use the following information collection techniques: Review of secondary data including sub-project design, land register, drawings or maps; key informant interviews; group meetings, field observations, transect walk.

Possible sources of information include: Design Consultant, State Committee on Land Management and Geodesy, District branch of the Committee, land registry office, relevant water utility (Vodokanal, Tojikobdehot), providers of public services (Educational and health Departments, Electricity company, Department for transport and roads supervision), District administration, Jamoat administration, Mahalla Committees, respected members of the community (including women), Agriculture Department, Social Welfare Department, State Agency for Social Protection of Population, Chief District Architect, Agency for Land Reclamation and Irrigation, Architecture Department, local Experts.

SOCIAL SCREENING CHECKLIST TEMPLATE

Subproject name and reference no.	
Checklist completed by:	
Date (day month, year)	

Types of resettlement impacts	Yes/ No (only 1 answer possible)	Temporary/ permanent (both answers possible)	Quantity	Comments
Land acquisition				
- Will the subproject require land acquisition?			ha	
- Are there any existing rights of way/ easements on this land?				
- Is the land tenure status known?				
- Are there people with no recognizable legal right or claim to the land they are occupying?				
- Is the current usage of land to be acquired known?				
- Loss of agricultural land (estimate area)?			ha	
- Loss of pastures (grazing) (estimated area)?			ha	
- Loss of commercial land (estimate area)?			ha	
- Loss of shelter and residential land (estimate area)?			ha	
- Are vulnerable ² land users affected by land acquisition known?				
Loss of crops, fruit trees and other agricultural production				
- Will the project result in temporary or permanent loss of crops?				

² Vulnerable persons in particular those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through Tajik land compensation legislation

Types of resettlement impacts	Yes/ No (only 1 answer possible)	Temporary/ permanent (both answers possible)	Quantity	Comments
- Will the project result in temporary or permanent loss of fruit trees?				
- Will the project result in temporary or permanent loss of other agricultural production? (specify)				
- Will any vulnerable PAPs be affected by loss of agricultural production?				
Loss of income sources or means of livelihood				
- Will the project reduce people's access to their businesses or enterprises?				
- Will the project reduce people's access to other income sources or means of livelihood? (Specify)				
- Will vulnerable PAPs be affected by loss of access to productive assets?				
Access to public services and state or communal resources				
- Will the project reduce access to drinking water supply?				
- Will the project reduce access to education facilities?			#	
- Will the project reduce access to health facilities?			#	
- Will the project reduce access to electricity supply?				
- Will the project reduce access to other communal services or resources?				
- Will the project reduce access to other state services or resources?				
- Will vulnerable PAPs be affected by reduced access to public services?				
Losses of household infrastructure				
- Will the project result in loss of shelter? (estimate number) ?				

Types of resettlement impacts	Yes/ No (only 1 answer possible)	Temporary/ permanent (both answers possible)	Quantity	Comments
- Will the project result in loss of other household infrastructure? (specify type and estimated number)				
- Will vulnerable PAPs be affected by loss of shelter and/or household infrastructure?				
Significance of impacts				
- TOTAL: Estimated number of PAPs				
- Does the number of PAPs displaced by land acquisition exceed 200?				
- Number of PAPs not displaced losing more than 10% of their productive assets				

SUMMARY

Using the information from the checklist, the PMU Social Safeguards Team in consultation with other relevant parties will summarize whether there will be resettlement impacts in accordance with the RPF and the type of resettlement instrument required.

Is RAP or ARAP necessary?	Justification
Not necessary	
RAP necessary	
ARAP necessary	

4. ANNEX 4 – VOLUNTARY LAND DONATION FORM

Province:				
Local Authority :				
Village/Jamoat:				
Subproject name:				
Date of Village/Public Meeting				
Name of land title owner:		Land Title Number:		Beneficiary of the sub-project: Y/N
Sex:		Age:		Occupation:
Address:				
Description of land that will be taken by the sub-project:		Area affected:	Total landholding area:	Ratio of land affected to total land held:
Map code, if available:				
Description of annual crops growing on the land now and project impact:				
		Details		Number
Trees that will be destroyed				
Fruit trees				
Trees used for other economic or household purposes				
Mature forest trees				
...				
Describe any other assets that will be lost or must be moved to implement the project:				
Value of donated assets:				
Will the donated land/asset is less than 5% of the land/property owned?				

By signing or providing thumb-print on this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumb print, and ask for compensation instead.

Date:.....

Date:.....

Name:.....

....

Names:.....

..

PMU representative's name and signature

Affected persons' names and signatures
(both husband and wife)