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# DRAFT RESETTLEMENT FRAMEWORK

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## WATER SUPPLY INVESTMENT PROGRAM – PHASE-1



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MINISTRY OF ENERGY AND WATER RESOURCES  
OF THE REPUBLIC OF TAJIKISTAN  
STATE UNITARY ENTERPRISE “KHOJAGII MANZILIYU KOMMUNALI” (KMK)  
PROJECT MANAGEMENT UNIT (PMU)

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## LIST OF ABBREVIATIONS AND ACRONYMS

WB	World Bank
GDP	Gross domestic product
WSS	Water supply and sanitation
WASH	Water supply, sanitation and hygiene
WSSG	Water Supply and Sanitation Group under the Ministry of Energy and Water Resources of the Republic of Tajikistan
SCLMG	State Committee for Land Management and Geodesy
KMK	State Unitary Enterprise “Khojagii Manziliyu Kommunalii”
KII	Key informant interviews
WSIP-1	Tajikistan Water Supply and Sanitation Investment Program (Phase-1)
CWFA	Committee on Women and Family Affairs
CEP	Committee for Environmental Protection
PAP	Project affected person
MEWR	Ministry of Energy and Water Resources of the Republic of Tajikistan
NGO	Non-governmental organization
CSO	Civil society organization
CBO	Community-based organization
FGD	Focus group discussion
ESIA	Environmental and social impact assessment
UTC	Urban type community
HUC	Housing and utilities company
DP	Displaced person
RP	Resettlement plan
UNDP	United Nations Development Program
RWSSP	Rural Water Supply and Sanitation Project
ESMF	Environmental and Social Management Framework
RF	Resettlement Framework
GRSC	Grievance Redress Steering Committee
RT	Republic of Tajikistan
SoPs	Series of projects
SES	State Epidemiology Services
ESS 5	World Bank Environmental and Social Standard 5
TV	Television
TOR	Terms of reference
CTCR	Current total cost of resettlement
KMK	State Unitary Enterprise “Khojagii Manziliyu Kommunalii”
PMU	Project Management Unit
O&M	Operations and maintenance

## GLOSSARY OF TERMS

**Replacement cost** means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on *Market rate (commercial rate)* according to the legislation of the Republic of Tajikistan. In terms of land, this may be categorized as follows; (a) "Replacement cost for agricultural land" means the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.

Replacement cost is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

**Involuntary resettlement** means the involuntary taking of land resulting in direct economic and social impacts caused by:

- a) the involuntary taking of land resulting in:
  - relocation or loss of shelter;
  - loss of assets or access to assets; or
  - loss of income sources or means of livelihood, whether or not the PAP has moved to another location.
- b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

**Detailed measurement** means a detailed inventory of losses, which is carried out after the detailed design of the project infrastructure and the features of sanitary zones.

**Voluntary Land Donation** - means communities or individuals may agree to voluntarily provide land for sub-projects 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 have option to agree or disagree, without adverse consequences imposed formally or informally by others.

**Jamoat** - refers to the local self-governing body at the sub-district level, administering several villages and functioning based on the Law of the Republic of Tajikistan "On Self-Government Bodies in Towns and Villages" (1994, amended 2009 and 2017).

**Borrower** - this term means the Government of the Republic of Tajikistan, which acts through the project implementing agency.

**Stakeholders** - means all individuals, groups, organizations and institutions that are interested in or potentially affected by the project or have the ability to influence the project.

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

**Land acquisition** means the process by which a government agency, usually in exchange for compensation, requires an individual or community to relinquish rights to land he/she/they occupy or otherwise use.

**Property Inventory** - lists all real estate that is due to be received.

**Compensation** - is paid for lost property, except land, at full value. Property can be acquired only after compensation is paid.

**Cut-off date** is the date by which PAPs and their affected assets, as relevant, 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 a cut-off date is the start date of the census. The cut-off date can also be the date when the project area is identified prior to the census, provided that there has been an effective public awareness campaign about the boundary definition and a systematic and continuous dissemination after the demarcation to prevent further inflow of population.

**People without ownership or use rights** - those who do not have any legal rights to the land they occupy and this includes people using private or state-owned land without any official permit, license or authorization, i.e. those people who have no legal right to the land and/or structures they occupy or use before the cut-off date (squatters, trespassers, people with informal or customary rights not recognized by the Tajik law).

**Benefits** - a range of actions including monetary or other compensation, relocation expenses, income restoration assistance, transportation assistance, income replacement/business restoration assistance to be provided to displaced persons, depending on the type, degree and nature of the loss and which improve their livelihoods and standard of living or at most restore them to pre-existing levels, whichever is higher.

**Census and socioeconomic baseline survey** - a complete count (enumeration) of project-affected persons to identify and establish the number of project-affected persons (PAPs) and the socioeconomic data needed to establish the baseline and formulate rights. The survey is often combined with a property inventory.

**Displaced person (DP)** - any person who as a result of a project loses the right to own, use or otherwise benefit from the built structures, land (residential, agricultural or pasture), annual or perennial crops and trees, or any other movable or immovable property, in whole or in part, permanently or temporarily. The term is synonymous with "affected persons" and is not limited to those who are physically displaced.

**Host community** - people living in or near the areas where people displaced by the project will be resettled, who in turn may be affected by resettlement.

**Resettlement** - all the immediate economic and social losses associated with land acquisition and restriction of access, as well as subsequent compensatory and reparative actions. Resettlement is not limited to its direct meaning - physical relocation. Resettlement can, as the case may be, include: (a) acquisition of land and physical structures on the land, including businesses; (b) physical displacement; and (c) economic recovery of displaced persons (DPs) to improve (or at least restore) income and livelihoods.

**Resettlement Plan (RP)** is a resettlement instrument (document) to be prepared when subproject locations are identified. RPs 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** means the actions to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation. The assistance may also include cash benefits that compensate affected people for the inconvenience of relocation and cover the costs of switching to a new language, such as travel expenses and lost work days.

**Project** – refers to Tajikistan Water Supply Investment Program (WSIP-1) financed by the World Bank.

**Resettlement Framework (RF)** is an instrument to be used throughout project implementation. The RF sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement, that may be necessary during project implementation. The RF guides the preparation of Resettlement Plans of individual sub projects in order to meet the needs of the people who may be affected by the project. The Resettlement Plans for the Project will therefore be prepared in conformity with the provisions of this RF.

**Resettlement (relocation) costs** means a method of valuing property that helps to identify the amount sufficient to replace lost and found and cover transaction costs. This method should not take into account the assessment of depreciation of structures and property. For losses that are difficult to assess or compensate in monetary terms, attempts are made to establish access to equivalent and culturally appropriate resources and profit opportunities. Where domestic legislation does not meet the full replacement cost standard of compensation, domestic compensation is supplemented by other actions necessary to meet the replacement cost standard. This type of supplemental assistance differs from resettlement assistance.

**ESS 5** means the World Bank Environmental and Social Standard on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement.

**Servitude** means the right of a person and (or) persons to a limited use of a land plot owned by another person, registered by the state in accordance with the established procedure.

**Physical displacement** means loss of housing and property as a result of land acquisition associated with a project requiring the relocation of affected persons to another location

**Vulnerable groups** means people who, because of their gender, ethnicity, age, physical or mental disability, economic exclusion, or social status, may be more likely than others to be adversely affected by resettlement, and who may be limited in their ability to apply for or benefit from the resettlement assistance and available development services.

**Economic impact** means loss of income flows or livelihoods as a result of a project acquiring land or restricting access to resources (land, water, or forest) as a result of construction or operation of a project, or related facilities.

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# 1 INTRODUCTION

## 1.1 Project background.

Recognizing the importance of water to its development agenda, Tajikistan has embarked on a process of water sector transformation in the last decade. Tajikistan's goals and macro strategies are laid out in the National Development Strategy 2015-2030. The National Water Sector Reform Program (WSRP) for the period 2016–2025 recognizes water as a valuable resource for economic development and calls for broad adoption of Integrated Water Resources Management (IWRM) on a river basin basis. It sets out the key national principles for water resources management including (i) separation of policy and operational functions, (ii) aligning water resources management to hydrological boundaries; and (iii) decentralization of service delivery functions. In 2019, Tajikistan developed a National Water Strategy (yet to be endorsed) with a 2030 horizon that sets ambitious targets including (i) ensuring universal coverage of population with safely managed and affordable water supply services (defined as delivered through piped centralised systems); (ii) ensuring universal access of urban population to adequate sanitation; and (iii) increasing access rate of rural population to adequate sanitation from 3 percent to 50 percent. Key reform achievements in 2019 and 2020 were new Law on Drinking Water Supply & Wastewater and the adoption of a long-awaited revision of the National Water Code.

The Government of Tajikistan also committed to development of the National Water Supply and Wastewater Program for 2021-2030. This process is supported by the ongoing World Bank-financed Rural Water Supply and Sanitation Project (P162637). The Ministry of Energy and Water Resources (MEWR) as the lead agency in coordination of the water sector reform established the Inter-Agency Working Group (IAWG) for development of the Program and engaged with the World Bank in conducting the Policy, Institutional and Regulatory Review of the sector. The IAWG agreed that the reform should consider different fit-for-purpose solutions aiming to reach the last mile and ensure a more efficient service provision focusing on incentivizing outcomes. Mutual agreement was achieved in terms of the urgent need to improve the overall governance framework for the WSS sector and on the guiding principles to be at the core of the upcoming sector's development program's design: (i) Establishing a robust governance framework for the sector, which would be based on separation of responsibilities as a fundamental rule; (ii) introducing a strong performance-based monitoring to change a paradigm and ensure evidence-based regulation in the sector; (iii) ensuring financial sustainability of the sector; (iv) bridging the WSS infrastructure gap; and (v) addressing the rural WSS access challenge.

The proposed Tajikistan Water Supply Investment Program (WSIP) is conceived as a series of projects (SoPs) to implement ambitious agenda for water and sanitation infrastructure investments and reforms, building on the World Bank's support to the sector over the past decades. The overall Program development objective (PrDO) is to improve access to safely managed water supply and sanitation services in selected areas of Tajikistan as well as to strengthen capacity of the sector for improved service delivery. The need for a national program that combines major infrastructure investments with long-term policy reform, strategic development planning and capacity building of the water sector institutions and water utilities, was a key lesson from earlier projects in Tajikistan that were more limited in their scope and ambition. The SoPs will provide strategic coherence and a long-term financial framework to support implementation of the National Water Supply and Sanitation Program until 2030 (under development with the RWSSP). It will signal commitment and continuity for the reform process, while staggered projects will incentivize performance to allow the client to access successive financing rounds. The SoPs will also provide opportunity for learning and adaptation between projects, an important characteristic for a complex program requiring implementation of sequenced reforms. The program aspires to extend the achievements of the RWSSP to promote access to safe, continuous water supply. The following SOPs will support implementation of the next generation of reforms and policy instruments, including support to preparation of the National Water Supply and Sanitation Program for the period beyond 2030.

The proposed WSIP approach will ensure continuity of the sector engagement for higher level objectives. The Program is expected to improve public health outcomes through enhanced access to safely managed water supply and sanitation services, with the focus on rural poor and vulnerable population; increased resilience to climate change impacts and natural disasters and provide a longer timeframe for developing capacity of the water sector to respond to the climate impact outcomes and shocks when they become apparent through improved policy and regulatory instruments. To manage this vital water infrastructure sustainably, reform efforts supported under the WSIP will focus on WSS sector aiming to set and improve enabling conditions for water utilities (Vodokanals, water service providers, etc) in provision of affordable, reliable, inclusive and sustainable services.

The WSIP is expected to consist of three projects that will overlap in time and vary in geography, with a consistent component-level design that will facilitate scaling-up as the SoPs is implemented. The three projects in the series are expected to commence in 2022, 2025 and 2027, respectively. The anticipated duration of the first project is six years while the duration of subsequent projects is expected to be five years each, with overlaps for project preparation and tendering stages; the SoPs completion is thus expected by 2032. The first project, (the WSIP-1, “SoP-1”, or “the project”) will focus on extending access to safely managed water supply services to the people of Khatlon, Tajikistan’s poorest and biggest region and helping to build the country’s resilience to climate shocks. The proposed WSIP-1 will support wastewater collection, treatment, disposal and/or reuse studies to inform preparation of the next SOP. The SoP-2 and SOP-3 would expand to other geographical areas in the country and include investments in sewerage collection, treatment and disposal or reuse.

The WSIP-1 project implementing agencies are the State Unitary Enterprise “Khojagii Manziliyu Kommunalii” (KMK) and the Ministry of Energy and Water Resources of the Republic of Tajikistan (MEWR).

## 1.2 Project Description

The Water Supply Investment Program (Phase-1) (WSIP-1) aims to improve access to basic water and sanitation services in selected areas; and strengthen the capacity of institutions in the water and sanitation sector to improve service planning and delivery.

The infrastructure investments will build on the results of the ongoing Rural Water Supply and Sanitation Project (RWSSP) and expand, with selection of priority water infrastructure within the Vakhsh bulk transmission system and adjacent areas based on engineering projects and assessments completed under the RWSSP. The WSIP-1 will balance targeted investments in infrastructure rehabilitation/modernization with continued support for ongoing national reform efforts, including restructuring and strengthening key water sector planning, regulatory and service delivery institutions. The project will continue to strengthen the capacity of KMK’s sub-structures and/or their successors in ensuring the sustainability of services to the people of the targeted areas. These efforts will help improve the financial performance of the water and sanitation sector in the long term and push the sector towards performance-based planning and service improvement. The project will also support water, sanitation and hygiene solutions for education and health care facilities in the Vakhsh area.

The WSIP-1 will continue to invest in the modernization of the Vakhsh bulk transmission system, one of the main infrastructures of which is the main pipeline to deliver water to six districts in the Vakhsh Valley, i.e. to transport water abstracted from the Vakhsh Main Canal and treated in the Water Treatment Facility through a large-scale bulk transmission system over the long distances from Levakand to the remote and extremely needed districts of Dusti and Jaikhun. The proposed WSIP-1 would support the integration of groundwater and surface water use through the close cooperation with the Main Department of Geology.

The WSIP-1 provides for the coverage of rural settlements across J. Balkhi, Vakhsh and Dusti districts with safe water services through connection to the main pipeline, where possible, and the introduction of decentralized water supply solutions for areas that depend on other sources. The WSIP-1 has the following components:

Component 1.	Institutional strengthening and capacity-building of water sector institutions
Component 2.	Water Supply and Sanitation Investments
Subcomponent A.	Investments within the Vakhsh bulk transmission system
Subcomponent B.	Decentralized WASH solutions for schools and healthcare institutions
Component 3	Project Management and Monitoring
Component 4	Contingent Emergency Response Component

The more detailed information about the component activities can be found in Annex 1.



### **1.3 Rationale for RF preparation**

The implementation of investment projects may be related to issues of land use restrictions and land acquisition, which can have a negative impact on communities and individuals.

The Project recognizes the importance of and adopts the World Bank's Environmental and Social Standards (ESS) for identifying and assessing and managing the environmental and social (E&S) risks and impacts associated with this investment Project.

Given the nature of the project, significant resettlement impacts are not expected. At the project design stage, the location and investment plan for the project have not yet been determined. There is only a list of districts, jamoats and some villages to be considered under the project; the exact location of project sites and details of investments will be determined at later stages of the project. It is therefore not possible to determine the exact nature and location of impacts and hence the potential need for resettlement. Given the uncertain location of sites, a framework document has been developed which covers the following potential impacts: relocation or loss of structures (housing, etc.), loss of property or access to property (land, agricultural land, and fruit trees), loss of income sources or livelihoods, loss of access to services.

This document has been prepared in accordance with the World Bank Environmental and Social Standard 5 "Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement" (ESS 5), covers the provisions of the legislation of the Republic of Tajikistan and will be used by the Implementing Agencies as a Guide as required.

### **1.4 RF Objective**

The Resettlement Framework (RF) serves the following specific purposes: (i) Reviews the existing national legal framework, compares it with the ESS 5 for gaps, if any, and indicates gap-filling actions; (ii) Describes the approach to the securing private land, assets and other common property resources; (iii) Specifies the scope of the project with a well-defined exclusion list; (iv) Defines the valuation process of impacted assets; (v) Defines the process for preparation of Social Impact Assessment and RAPs and their review; (vi) Defines the cutoff date for Title and Non-Title holders; (vii) Identifies the consultation mechanisms/approaches to be adopted while preparing and implementing RAPs including public disclosures; (viii) Defines the monitoring and evaluation arrangements including Grievance Redress Mechanisms (GRM); and (ix) Defines the institutional and implementation arrangements -- roles/responsibilities of different stakeholders

### **1.5 RF Structure**

The RF consists of seven chapters, which provide guidelines for the development of appropriate mitigation and compensation actions for adverse impacts caused by the project activities whose exact locations are not known

- Chapter One is introductory and includes project background, project development objectives, and a brief description of project components. It also describes the objectives, scope, and structure of the Resettlement Framework.
- Chapter Two describes the institutional and legal framework related to land acquisition and resettlement. It provides information on current national and international laws and regulations related to land acquisition, resettlement, citizen engagement, and other social issues. The chapter highlights the rationale for applying Environmental and Social Standard 5 on land acquisition, land use restrictions, and involuntary resettlement, and the scope of the RF, which outlines the next steps in preparing and implementing resettlement instruments.
- Chapter Three describes the RAP preparation, approval and disclosure processes. It indicates required steps towards resettlement action plan development through the implementation of census, social and economic surveys, and inventory of losses.
- Chapter Four includes the eligibility criteria and procedures for various categories of project affected people. It sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage claims of ineligible people
- Chapter Five describes the methods of valuating affected assets. It sets out the guidelines for determining the value of affected assets, including types of compensation payments, preparation of asset inventory and valuation methods.

- Chapter Six is dedicated to the RF and RAP implementation arrangements and procedures. It describes the optimal arrangements that build on responsibilities already in place in the PMU to ensure that the requirements of this RF are met for each project activity
- Chapter Seven describes the public consultations conducted during the RF preparation, RF disclosure and consultations to be conducted during the project implementation. It also describes the GRM structure which exists in the implementing agencies and PMU.

The relevant annexes are enclosed at end of this document to compliment the above-mentioned chapters.

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## 2 INSTITUTIONAL AND LEGAL FRAMEWORK

### 2.1 Project institutional structure

The State Unitary Enterprise “Khojagii Manziliyu Kommunalii” (KMK) and the Ministry of Energy and Water Resources of the Republic of Tajikistan (MEWR) are the project implementing agencies.

The Project will be implemented by the Project Management Unit (PMU). The PMU established by the Government of the Republic of Tajikistan reports to the State Committee on Investments and State Property Management, the Executive Office of the President of the Republic of Tajikistan and the Ministry of Finance of the Republic of Tajikistan. The Project Director is under the supervision of these authorities. The PMU subordination is shown in the figure below. The PMU office is located in the KMK administrative building in Dushanbe.

The PMU was established in 2004 to implement the Municipal Infrastructure Project. According to the Decree of the Head of the Executive Office of the President of the Republic of Tajikistan, Decree No. 22 / 10-238 of August 16, 2018, the PMU was entrusted with the implementation of the Rural Water Supply and Sanitation Project for the development of municipal infrastructure. As part of the subsidiary agreement, the implementation of the WSIP-1 Component 2 will also be entrusted with the PMU.

The Water Supply and Sanitation Group (WSSG) will be established under MEWR, which will be responsible for the implementation of Component 1 of the WSIP-1.

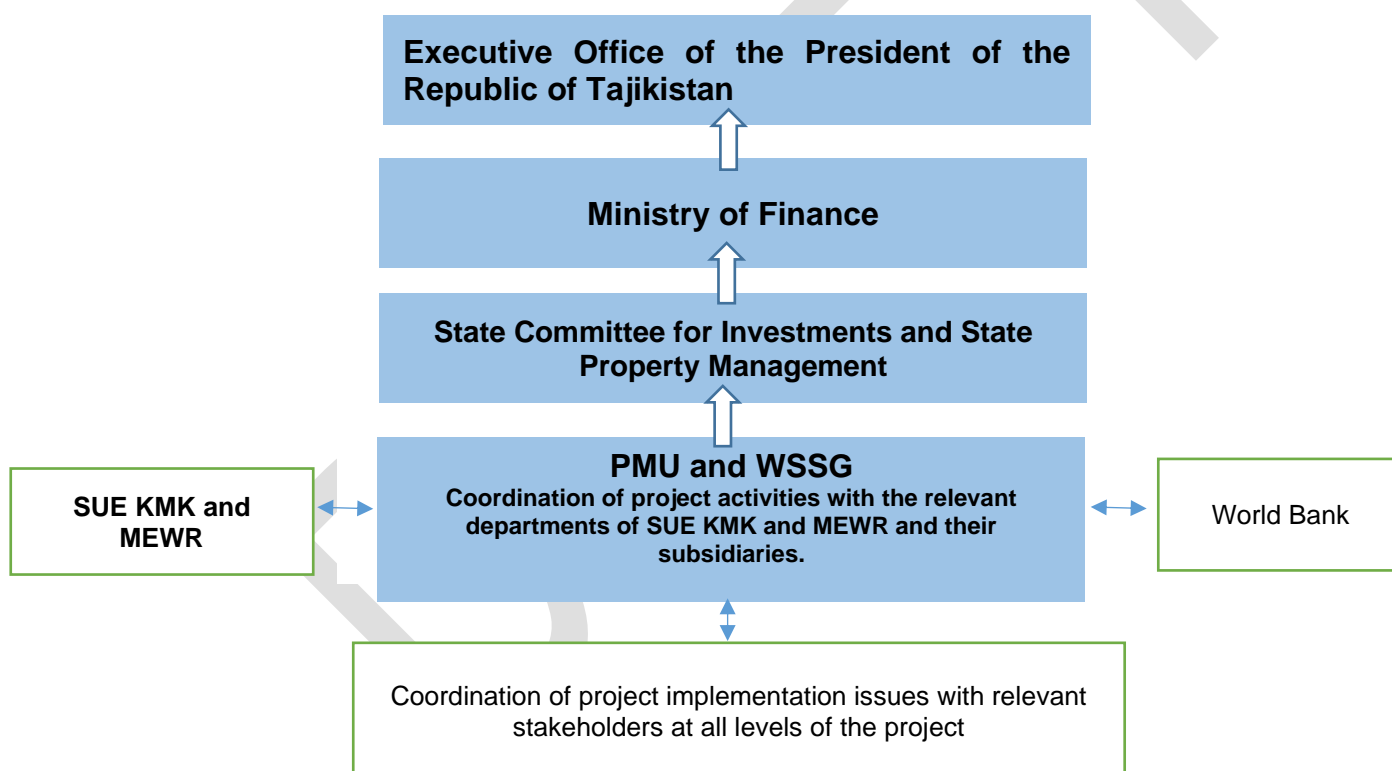


Figure 1: Hierarchy and coordination of the PMU and WSSG with other stakeholders (indicated in squares in green)

The PMU and WSSG will coordinate the activities for the relevant project components, including future bidding procedures and contract management aspects, and will be responsible for the day-to-day project management. The PMU/WSSG will also be responsible for: coordinating activities at all levels of the project with the implementing agencies, municipal authorities, the World Bank and other stakeholders involved in project implementation; preparing quarterly and annual reports for the World Bank, implementing agencies and other relevant authorities; overseeing development of the project implementation plan and budgeting in consultation with the SUE KMK and MEWR and obtaining approval from the SUE KMK/MEWR and other relevant authorities. The PMU/WSSG will be responsible for liaising with the KMK, MEWR, the Government of Tajikistan, the World Bank, and other stakeholders involved in Project implementation.

The PMU will employ a number of staff/consultants including: PMU Director, Financial Manager, Procurement Specialist, Chief Engineer, Office Manager, Field Engineers/Consultants, Monitoring and Evaluation Specialist, Environmental Engineer, Social Development Specialist, Technical Support Staff, Interpreter/Consultant. Field staff and consultants will be based at project sites in the rented office(s), and they will work closely with local authorities, KMK and Tojikobdehot. Social (community) mobilization tasks in the field will be implemented by a consulting firm/NGO contracted by the PMU.

The PMU will ensure close coordination and partnership with local authorities regarding the technical and general contractual and coordination aspects. The PMU is responsible for implementing the Resettlement Framework and developing the required reports with the support of consultants (hired by the PMU) in collaboration with various stakeholders. The PMU social development specialist will be responsible for the resettlement planning and coordination with the support of Grievance Redress Steering Committees (GRSCs). The GRSCs will be established to manage grievances and monitor resettlement.

The composition of the GRSCs has not yet been identified at this stage.

## 2.2 National legal framework for implementation of RF

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

- The Constitution of the Republic of Tajikistan adopted on November 6, 1994 and amended through referendum on September 26, 1999 and June 22, 2003
- The Civil Code of the Republic of Tajikistan Part I: Adopted in June 1999. Last amendment in 2016.
- The Land Code of the Republic of Tajikistan: adopted in December 1996. Last amendment in 2016.
- Resolution of the Government of Tajikistan “On Approval of the Procedure for Compensation of Losses to Land Users or Users of Other Registered Rights Related to Land and Losses Related to Acquisition of Funds from Circulation”, December 30, 2011, No.641
- Law of the Republic of Tajikistan “On valuation activities” dated July 28, 2006, No.196
- Law of the Republic of Tajikistan “On Appeals of Individuals and Legal Entities” dated July 23, 2016, No.1339
- Civil Procedure Code of the Republic of Tajikistan, January 5, 2008, No.341
- Law of the Republic of Tajikistan “On the Right of Access to Information”, July 18, 2008, № 411

According to the *Constitution of the Republic of Tajikistan*, land is the exclusive property of the state. However, in 2012 the Land Code was amended, according to which individuals and legal entities in the Republic of Tajikistan are allowed to alienate (sell-buy, exchange, donate, etc.) the right to use a land plot on the grounds, conditions and within the limits established by the Land Code and the civil legislation. The right to use a land plot with the right to alienate it may be the subject of sale, donation, barter, lease, mortgage and other transactions and may be transferred to another person as an inheritance or universal succession. Upon termination of the right to use the land with the right of alienation, the land user receives compensation based on the market value of the right to use his/her land plot. However, this is not currently practiced - see details in the Land Code section.

*The Civil Code of the Republic of Tajikistan* regulates the basic principles of the property rights, including the grounds for acquiring property, its protection, procedures for exercising property rights and other ownership rights. According to Articles 259b, 263, 265 of the Civil Code:

- Involuntary acquisition of property from an owner shall not be permitted, except in cases established by this Code, including the alienation of immovable property in connection with the acquisition of a land plot;
- Acquisition of immovable property in connection with a decision of a state body not directly aimed at expropriation of property from the owner, including by making a decision on acquisition of the land plot on which other structures, constructions or trees belonging to owners are located shall be allowed only in cases and in the order established by legislative acts. The owner shall be provided with the property of equal value and compensation in full for the losses caused by the termination of ownership rights.
- If the owner does not agree with the decision that led to the termination of the right of ownership, it cannot be implemented before the settlement of the dispute in court.
- When the dispute is adjudicated, all issues related to compensation to the owner for the losses caused are also resolved.
- In the case of termination of ownership rights, the property is valued according to its actual market value.

In 2013, Article 246 of the Code was amended, according to which the following provisions were removed: *“Ownership of an illegally-constructed building may be claimed by the court for a person whose ownership, lifetime inheritance, permanent (or without time limit) possession of the land plot on which the building was constructed. In this case the person to whom the ownership of the building is claimed must reimburse the person who constructed it for the construction costs in the amount determined by the court”*.

Since that time, the legislation of the Republic of Tajikistan does not allow compensation for illegal structures or users of disputed lands, which **does not comply with the World Bank’s ESS5**.

According to the *Land Code of the Republic of Tajikistan*, land users are legal entities and individuals with different rights:

- Limited in time (individuals and legal entities), including the use of land plots under a lease agreement or public-private partnership agreement
- Unlimited in time (individuals and legal entities)
- Use of a land plot for lifetime inheritance use (only for dekhkan farms). This right is granted to individuals or groups of citizens for establishing dekhkan farms, as well as to citizens for private land plots.

Chapter 5 and 6 of the Code regulate the aspects related to the land acquisition and compensation. The main provisions of the Land Code relating to resettlement policy are:

- The right to use land or a part of land shall be terminated in cases established by this Code, including the acquisition of land for the state or public needs.
- Acquisition of lands for the state or public needs shall be carried out in exceptional cases in the absence of other options for location of facilities associated with:
  - implementation of international obligations of the Republic of Tajikistan ratified in the prescribed manner;
  - establishment of new settlements, expansion of cities and settlements;
  - installation of:
    - transport infrastructure facilities: roads, streets, bridges, tunnels, overpasses and other transport engineering networks, means of communication;
    - electricity, gas, heat and water supply, as well as sewage treatment facilities;
- The basis for the adoption of decisions on the acquisition of a land plot for state or public needs is the city planning documentation approved in an established order, other projects justifying the necessity and technical and economic calculations for the acquisition of the land plot.
- The implementation of the decision to terminate the right to use a land plot shall be carried out after the end of an agricultural cycle.
- The land user or user of other registered land-related rights must be notified in writing no later than one year prior to the forthcoming acquisition of the land plot by the local executive body of state authority.
- The process of acquisition of a land plot for state or public needs is transparent. All decisions on acquisition of a land plot shall be *published in national newspapers in the state and Russian languages within five working days from the date of the decision of the executive authorities*.
- In case of a disagreement by a land user or user with other registered rights related to a land plot with the decision on the acquisition of a land plot, he/she shall have the right to apply to court with a lawsuit.

However, the Land Code does not provide for the public consultation in the case of land loss and compensation, unlike the requirements of the **World Bank’s ESS5**.

*Compensation of Losses to Land Users or Users of Other Registered Rights:* Article 37 of the Land Code states: *“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 shall be compensated for the market value of the right to use his/her land plot”*.

Article 41 of the Land Code states: *“Acquisition of land for state or public needs from land users or users of other registered land-related rights may be made after:*

- allocation of an equivalent land plot at their request;
- construction of residential, industrial and other buildings similar in purpose and of equal value, or compensation in cash at the new location in accordance with the established procedure by individuals and legal entities, for which the land plot was provided;
- full compensation for all other losses, including lost profits, in accordance with the legislation of the Republic of Tajikistan.

All losses shall be assessed at the market value, which is determined taking into account the location of the land plot and shall be paid by the persons to whom the land plot will be allocated.

Cancellation of the right to use the land plot with the right of alienation for state or public needs may be carried out after the land user has allocated an equivalent land plot with the right of alienation and compensation for other losses provided for in the first part of this article.

In case of disagreement of the land user with the size of the land and the terms of compensation for losses, he has the right to appeal to court."

*Despite the fact that the last paragraph of Article 37 provides for monetary compensation for the right to use a land plot, Article 41 of this Code provides only for allocation of equivalent land plots. This different interpretation of the rules of these two articles is exacerbated by the lack of legal regulations that could provide a mechanism for calculating the value of the right to use land. Under these circumstances, it is impossible to apply the provision under Article 37 for monetary compensation of users' rights.*

In 2012, the provisions governing public and private restriction of the right to use (easement) were amended to the Land Code. A limited right to use a land plot (easement) may be established with the consent of the parties (private easement) or, if necessary, based on a decision of local executive authorities (public easement).

The public servitudes may be established in particular for temporary use of a part of land for repair and maintenance of utility, engineering and electrical networks, as well as transport infrastructure facilities.

A user of a land plot encumbered with a private (voluntary) or public (involuntary) easement is entitled to demand a proportional payment from the persons (legal or natural persons) in whose interests the easement was established.

According to Article 10(1) of the Land Code, if the establishment of an easement makes it impossible to use a land plot, the land user is entitled to demand the acquisition of the land plot, including the redemption of rights to that land plot with compensation for losses, or the provision of an equivalent land plot with compensation for damages. If the establishment of a public (mandatory) easement leads to difficulties in using the land plot, the land user is entitled to demand commensurate payment.

According to Article 104 of this Code, illegally occupied land must be returned to its owners without compensation for the expenses incurred in its illegal use. Bringing land to a usable condition, including demolition of buildings, is carried out by those who illegally occupied the land. **Consequently, the Land Code also does not allow for compensation for illegal structures, which is not consistent with the World Bank's ESS 5.**

*Government Resolution No. 641 of December 30, 2011* regulates detailed procedures for compensating land users or users of other registered rights.

According to these procedures, when land is acquired for state and public needs, all costs are estimated in the order established by the normative 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 acquisition of land from circulation shall be compensated by individuals and legal entities to which agricultural land is provided for non-agricultural purposes.

The following losses shall be compensated to land users:

- The cost of registration of rights to use a land plot;
- The cost of residential buildings, cultural and household facilities, industrial and other immovable property located on the acquired or temporarily occupied land plot, and immovable property located outside the acquired land plot, if further use of these facilities for their intended purpose is impossible;
- The cost of trees, fruit bushes, protective and other perennial plantings, as well as work performed by the land user for the care and maintenance of plantings in accordance with the submitted approved documents;
- The cost of work in progress (plowing, mineral fertilizer, crop planting and other work);
- The costs of soil preparation, as well as other types of work;
- The cost of unharvested crops; cost of purchase of seedlings, costs of production, purchase and use of agrichemicals, and the cost of crops, agrichemicals and other substances used on the land;
- The losses incurred by the land user due to early termination of his obligations under contracts.
- Funds spent by land users in connection with repair and restoration work on reclamation facilities built at the expense of the state budget and donated by it.

- The losses caused by stopping the use of water sources (wells, ponds, etc.).

*Compensation for losses of agricultural products*

In order to develop new lands instead of withdrawn agricultural lands, as well as to ensure the necessary level of agricultural production, legal entities and private individuals to whom land plots have been allocated for construction and other activities, shall compensate for losses from the production of agricultural land. The land user shall be entitled to compensation for the improvement of new land to the level of productivity of that land which was withdrawn.

Compensation of losses of agricultural production shall be compensated if legal entities are granted land from the category of agricultural land and this land is subsequently used for non-agricultural purposes. Losses are compensated in full if the acquisition of agricultural land is to be made for permanent use. The restoration and reclamation of disturbed agricultural land must be compensated for the urgent use of land. In the event of application of the fertile layer of soil to non-productive lands at the expense of the legal entity or individual to whom the land plot was provided, the losses shall be compensated by the amount spent on the restoration of land.

The amount of losses of agricultural products shall be communicated to the persons interested in the provision of the land plot and with their consent shall be registered in the act.

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

*Compensation methods:* Land plots occupied by crops are provided to new land users, as a rule, after harvesting. In cases where acquisition takes place before the harvest, its value is compensated taking into account the implementation at the time of acquisition of the main agro-technical actions for cultivation of the relevant agricultural crop and is compensation at market value and taking into account the average yield of these crops.

Legal entities and individuals will be compensated for the cost of structures, or equivalent structures will be built on the new site.

Cancellation of the right to use a land plot with the right to alienate it may be carried out after the provision of an equivalent land plot to the user.

In case of acquisition or temporary occupation of land plots, as a result of which the operation of hydraulic structures, road network, operation of erosion control and mudflow prevention structures (systems) will be partially or completely disrupted, the damage caused to the land user will be determined or new structures will be built when replacing these facilities.

In Annex 2 to the Government Resolution of December 30, 2011 # 641, it is indicated that the prices for land for calculating compensation for damage within the cadastral zones and cities in the regions of the Republic of Tajikistan.

Restricted access to services, assistance and allowance during relocation, loss of employment, social subsidies, and rehabilitation actions under WB ESS 5 are not mentioned in Legislative Decree No. 641 of the Republic of Tajikistan.

*The Law of the Republic of Tajikistan No. 196 of July 28, 2006 "On valuation activities" of the Republic of Tajikistan* establishes the legal basis for the relations arising in the implementation of appraisal activities in order to establish the market or other value of the objects of appraisal. The law establishes an obligatory property appraisal in case of acquisition of property for public use, establishes general requirements for property appraisal, appraisal procedure, and establishes the rights and obligations of appraisers and clients.

*The Law of the Republic of Tajikistan "On Appeals of Individuals and Legal Entities" dated July 23, 2016 No. 1339* regulates the procedure for filing and consideration of appeals (complaints) of physical and legal persons to state bodies, public associations and other organizations and consideration of these appeals, including:

- Terms of applications from individuals and legal entities and their review
- Registration and recording of applications from individuals and legal entities
- Rights of individuals and legal entities during the examination of applications
- The obligations of the relevant authority and organization, reviewing the applications of individuals and legal entities

- Requirements to the results of applications review.

According to the Land Code of the Republic of Tajikistan, if a land user does not agree with the amount and terms of compensation for losses or other damages, he has the right to appeal to court. The *Civil Procedure Code of the Republic of Tajikistan* regulates the review procedures for claims in court.

The purpose of the Law of the Republic of Tajikistan “*On the Right of Access to Information*” is to create legal conditions for each citizen to exercise the right to freely seek and receive information, as well as to ensure information transparency of the activities of state bodies and rural self-government bodies. The law regulates:

- Information access to which cannot be restricted
- Cases of rejection to disclose the information
- Ways of exercising the right of access to information
- Rights and obligations of a person requesting information
- Obligations of authorities and organizations, their officials on access to information
- Request for information and procedure of consideration and responding to it
- Procedure of reimbursement of expenses for provision of information
- Appealing against the rejection to provide information.

## 2.3 WB Environmental and Social Standard 5

The WB’s ESS 5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term “involuntary resettlement” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

### ESS 5 Objectives

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

This ESS 5 applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation:

- (a) Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- (b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- (c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- (d) Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;
- (e) Displacement of people as a result of project impacts that render their land unusable or inaccessible;



- (f) Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- (g) Land rights or claims to lands or resources relinquished by individuals or communities without full payment of compensation; and
- (h) Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

This ESS does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land use restrictions imposed by the project. Such impacts will be addressed in accordance with ESS 1.

This ESS does not apply to voluntary, legally recorded market transactions in which the seller is given a genuine opportunity to retain the land and to refuse to sell it and is fully informed about available choices and their implications. However, where such voluntary land transactions may result in the displacement of persons, other than the seller, who occupy, use or claim rights to the land in question, this ESS will apply.

Where a project supports land titling or other activities intended to confirm, regularize or determine land rights, a social, legal and institutional assessment will be required under ESS 1. The assessment aims to identify potential risks and impacts, as well as appropriate design actions to minimize and mitigate adverse economic and social impacts, especially those that affect poor and vulnerable groups. This ESS does not apply to disputes between private parties in land titling or related contexts. However, where persons are required to vacate land as a direct result of a project-supported determination that the land in question is state land, this ESS will apply (in addition to the relevant provisions of ESS 1).

This ESS does not apply to land use planning or the regulation of natural resources to promote their sustainability on a regional, national or subnational level (including watershed management, groundwater management, fisheries management, and coastal zone management). Where a project supports such activities, the Borrower will be required to conduct a social, legal and institutional assessment under ESS 1, in order to identify potential economic and social risks and impacts of the planning or regulation, and appropriate actions to minimize and mitigate them, in particular those that affect poor and vulnerable groups.

This ESS does not apply to management of refugees from, or persons internally displaced by, natural disasters, conflict, crime or violence.

## **ESS 5 Requirements**

### *Project design*

The Borrower will demonstrate that involuntary land acquisition or restrictions on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period of time. The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social, and financial costs and benefits, and paying particular attention to gender impacts and impacts on the poor and vulnerable.

### *Compensation and benefits for affected persons*

When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Compensation rates may be subject to upward adjustment where negotiation strategies are employed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.

### *Local community engagement*

The Implementing Agency will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS 10 on Stakeholder Engagement and Information Disclosure. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.

### *Grievance redress mechanism*

The Implementing Agency will ensure that a grievance redress mechanism for the project is in place, in accordance with ESS 10 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration actions raised by displaced persons (or others) in a timely fashion. Where possible, such grievance redress mechanisms will utilize existing formal or informal grievance redress mechanisms suitable for the project purposes, supplemented as needed with the project-specific arrangements designed to resolve disputes in an impartial manner.

### *Planning and implementation*

Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The social assessment will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In conjunction with the census, the Borrower will establish a cutoff date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to eviction.

To address the resettlement impact, this ESS requires preparation of a RAP for the land acquisition process, once the extent of the direct impact is known. Where an impact is minor (less than 200 people, no person is physically displaced, and less than 10 percent of their productive assets are lost), an Abbreviated RAP can be prepared. For projects with significant impacts, a full RAP is required. The ESS 5 requires that special attention is to be paid to the needs of vulnerable groups of the impacted population, especially to the residents living below the poverty line, the residents without land rights, the elderly, women, children, and ethnic minorities.

In principle, the Land Code of the Republic of Tajikistan and the World Bank ESS 5 both adhere to the objective of compensation at replacement cost, but Tajikistan legislation does not provide for rehabilitation and in practice this has been left to ad hoc arrangements made by the Government of the Republic of Tajikistan.

To clarify these issues and reconcile eventual gaps between Tajikistan legislation and World Bank Policy, this RF has been drafted for the Project, ensuring compensation at replacement cost of all items, the rehabilitation of non-titled people and informal settlers, and the provision of subsidies or allowances for PAPs who may be relocated, suffer business losses, or may be severely affected.

The main provisions affording reconciliation of the differences between Land Code of Tajikistan and World Bank's ESS 5 include:

- Any PAPs, regardless of title or not, will be entitled to compensation (for structures, crops and trees) and rehabilitation actions under the project. This includes land-less people using land and squatters.
- PAPs and affected communities will be consulted on options and any impacts of land acquisition and resettlement.
- A social screening will be conducted to identify the level of potential impacts and appropriate mitigation actions.
- If land for land compensation is not technically feasible or socially viable, compensation will be in cash at full replacement cost at current market value.
- Compensation for any other assets affected (structures, crops and trees, as well as business/income loss) will be in cash or kind at full replacement cost at current market value. Vulnerable and poor PAPs will be entitled to additional actions as relevant, and gender issues will be addressed.
- Maintenance works will avoid or minimize, as far as possible, the need for land acquisition and resettlement.
- Compensation for temporary loss of land or assets, or for temporary disruption of income will be provided.

It should be emphasized that under the WB ESS 5, the status of those who do not have ownership rights is clearly defined. According to this policy, those persons who do not have a formal legal right or judicial rights to use land, but still use state-owned land, are entitled to compensation taking into account the investment they made in state land, their labor and lost assets. In consultation with such PAPs without a recognized right, the Borrower shall, in lieu of compensation for land use, provide them with relocation assistance, which shall be sufficient to restore their former standard of living on an adequate alternative site.

## 2.4 Comparison of national legislation and the WB ESS 5

Analysis of previous resettlement documentation including resettlement plans, frameworks shows that there are some divergences between World Bank Policy and Tajikistan's legislation in the sphere of compensation for involuntary resettlement took place in the investment projects. The main discrepancies are in public consultation before resettlement activities, detail explanation of entitlements to project affected households, and provision of just compensation instead of full replacement cost, carry out socioeconomic surveys among PAPs. The Tajik Laws only provide compensation for land to the PAPs with land titles and no compensation to encroachers for the same. The World Bank ESS 5 provides for compensation for land to both legal owners and encroachers. ESS 5 states that where there is a conflict between the Bank and government frameworks, those of the Bank shall take precedence. World Bank ESS 5 provides for compensation for land to persons with formal legal title to land use or property; as well as to persons who do not have an official legal title to land or property, but making claims/claiming land or property, which is recognized or can be recognized in accordance with national legislation. ESS 5 also states that persons who do not have a legally recognized right or recognized claim to land or property that they occupy or use are entitled to compensation for the loss of non-land property, such as residential buildings and other elements of land improvement, according to replacement cost. As a result of consultations with PAPs without a recognized right, the Borrower, instead of compensation for land use, provides them with relocation assistance, which should be sufficient to restore the previous standard of living on an adequate alternative plot. In the event of a conflict between the Bank and government agencies, the Bank's framework documents have priority.

It is important to note that because of State ownership of lands in Tajikistan, land use is only possible with the permission of local authorities on the basis of a lease or on other terms. Accordingly, land use issues are fully covered by land legislation and are not governed by provisions of customary law, traditional practices, or neighborhood relationships, etc. According to the Tajik laws, those who use or occupy land without a lease or other type of official permission will not be entitled to legal compensation. The State will have the right to seize the land from those "illegal land users". Persons who take up their residence on the area after the cut-off date are not entitled to compensation or any other form of assistance with resettlement.

ESS 5 highlights that particular attention should be paid to the needs of the most vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, people with disabilities, women and children, indigenous peoples, ethnic minorities, and also other categories of displaced persons whose interests may not be protected by the national legislation with regard to the compensations for the land plots subject to acquisition.

In case of disparity of the laws of the Tajikistan with the requirements of the WB ESS 5 provisions on involuntary resettlement, the principles and procedures of ESS 5 should be applied. This priority of WB norms over the national legislation is required for World Bank financed projects and provided by the national legislation.

Table 1. Comparison between the Tajik legislation and the World Bank ESS 5

Legal Provision	Tajik Law	WB ESS 5	Note
<b>Resettlement plans</b>	No specific provisions for the process of resettlement planning, but commissions are established to determine the type and value of compensation	Resettlement instruments (RP, RF, etc.) need to be prepared and implemented before any displacement can take place	ESS 5 takes precedence for this project. An appropriate Resettlement Instrument (RP) will be developed.
Provision of assistance to vulnerable and seriously affected PAPs	There are no special laws or provisions for restoring livelihoods due to land alienation and the impact of involuntary resettlement.	These PAPs are to be identified and given special assistance to restore/improve their pre-project living standards.	ESS 5 takes precedence for this project. Vulnerable groups will receive special attention in the resettlement process.
Census and inventory	Losses of agricultural production are determined by local land committees with the participation of land users, legal entities and individuals interested in land acquisition and evaluated in accordance with the regulatory act.	A census and property inventory are conducted to identify those who will be affected by the project and to determine who will be eligible for assistance.  The deadline is set as the date the census and	ESS 5 takes precedence for this project. A census will be conducted, including an inventory. Activities will be carried out in cooperation with the relevant authorities.

	<p>According to the results, indicating the full amount of compensation for loss of agricultural production, the act is drawn up and approved by the signature and seal of the parties. Government Resolution of December 30, 2011 No. 641.</p>	<p>property inventory are completed. Persons occupying the project area after the deadline cannot receive compensation and/or relocation assistance, and fixed assets created after the deadline will not be reimbursed.</p>	
	<p>Partial regulation – monitoring of agricultural production losses compensation is carried out by the State Committee on Land Management and Geodesy.</p> <p>Other resettlement compensation actions are not regulated by the national legislation.</p>	<p>Monitoring and evaluation of resettlement activities is required. Upon completion, an assessment of whether the resettlement objectives have been achieved is required. Evaluation should take into account baseline conditions and results of resettlement monitoring. Follow-up actions should be proposed if the objectives are not met. The client is responsible for implementing the mechanism and should keep the World Bank informed about the progress.</p>	<p>ESS 5 takes precedence for this project. Monitoring will be conducted as specified in the RP.</p>
Monitoring and evaluation:	<p>Cancellation of the right to use the land plot may be made after the land user has been provided with an equivalent land plot and has been compensated for other losses incurred.</p>	<p>The standard specifies that removal of land and related property can only occur after resettlement arrangements and compensation have been made, and, where appropriate, resettlement sites and resettlement benefits are provided to resettled persons.</p>	<p>Compensation must be paid prior to resettlement.</p>
Timing of resettlement.	<p>National legislation does not fully regulate public consultation with resettled individuals and communities on resettlement options and opportunities to participate fully in the planning, implementation, and monitoring of resettlement. However, it does require that agricultural losses be determined by local land committees with the participation of land users.</p> <p>The land user or user of other registered land-related rights must be notified in writing by the local executive body of state power not later than one year prior to the impending acquisition of the land plot.</p> <p>Decisions on the acquisition of a land plot for state or public purposes shall be published in the national newspapers within five working days from the date</p>	<p>Resettled persons and communities should be appropriately informed and consulted on resettlement options; they should be given the opportunity to participate in planning, implementation, and monitoring of resettlement. They should be informed of the resettlement aspects of the project at an early stage, and their views should be taken into account in the design.</p> <p>The procedure for determining criteria for compensation and other resettlement assistance will include provisions for meaningful consultation with affected individuals and communities, local authorities and, where appropriate, community-based organizations (CBOs).</p>	<p>ESS 5 and ESS 10 take precedence for this project. Regular public consultations are conducted.</p>

	<p>of adoption of the decision by the executive body of state authority.</p> <p>Decisions to approve town planning documentation shall be published in the manner specified in this article. At the same time, architectural and urban planning projects, including major development plans, shall be open to the public in the form of detailed layouts in public places identified by local executive bodies throughout their implementation. These layouts are demonstrated until the last day of their implementation within 10 days of their approval.</p>	<p>The relevant draft resettlement instrument will be posted in a place accessible to resettled persons and local NGOs in a form, manner and language that they understand. When the WB adopts the instrument as an adequate basis for project appraisal, the Bank makes it available to the public through its website. Once the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.</p>	
Grievance management	<p>There is no need to create a grievance mechanism for the project, but the legislation of the Republic of Tajikistan has provisions for grievance handling.</p>	<p>An appropriate and accessible grievance mechanism should be established.</p>	<p>ESS 10 takes precedence for this project. A grievance redress mechanism will be established for the project.</p>
Addressed impact	<p>Partially addressed. Covers loss of land, housing, buildings, crops, and other property (see Section on Rights). Not regulated by the national legislation:</p> <ul style="list-style-type: none"> <li>• Loss of <u>all</u> assets</li> <li>• Loss of sources of income or livelihoods, whether or not the affected persons must move to another location. (Loss of crops, trees, and losses due to early termination are compensable)</li> </ul> <p>Forced restriction of access to legally protected parks and protected areas, resulting in adverse impacts on the livelihoods of displaced persons</p>	<p>The standard covers the direct economic and social consequences caused by the involuntary taking of land ("Land" includes everything that grows on it or is located on land, such as buildings, crops) as a result of:</p> <ul style="list-style-type: none"> <li>• Relocation or loss of housing;</li> <li>• Loss of property or access to property; or</li> <li>• Loss of income or livelihoods, whether or not the affected persons are forced to move to another location;</li> </ul> <p>It also encompasses the forced restriction of access to legally protected parks and protected areas, resulting in adverse impacts on the livelihoods of displaced persons.</p>	<p>ESS 5 takes precedence for this project</p>
<p><b>Entitlements:</b> a) Individuals/legal entities who have formal legal rights to the land</p>	<p>Eligible for compensation</p>	<p>Eligible for compensation</p>	
<p>b) Individuals/legal entities who do not have formal legal rights to land at the time the census begins, but who claim such land or property (provided that their claims are</p>	<p>Eligible for compensation</p>	<p>Eligible for compensation</p>	

substantiated and can be officially recognized under the legislation of the Republic of Tajikistan)			
c) Individuals/legal entities who have no legally recognized rights or claims to the land they occupy	Ineligible for compensation	In the case of physical relocation, are entitled to compensation for the loss of non-land assets, such as residential structures and other land improvements, at replacement cost, as well as relocation assistance, which must be sufficient to restore the former standard of living in an adequate alternative site.	ESS 5 takes precedence if informal settlers are to be compensated
<b>Physical relocation – relocation allowance and provision of shelter</b>	Not regulated by the national legislation	In the case of physical resettlement, displaced persons should be entitled to; <ul style="list-style-type: none"> <li>• receive assistance (e.g., benefits) during the resettlement;</li> <li>• provision with housing or residential facilities or, if necessary, agricultural plots for which the combination of productive capacity, location advantages, and other factors are at least equivalent to the previous site.</li> </ul>	ESS 5 takes precedence for this project
<b>Restoration of livelihoods</b>	The provision on restoration of livelihood is not stipulated by the legislation. Relocation assistance and allowance, loss of jobs, social subsidies, and rehabilitation actions are not mentioned in Legislative Decree #641 of the Republic of Tajikistan.  Provision of development assistance, such as land training, loans, training, or employment opportunities, is not regulated by the national legislation.	If necessary to achieve the policy objectives, displaced persons also: <ul style="list-style-type: none"> <li>• Receive support after resettlement for a transitional period to restore livelihoods and standards of living;</li> <li>• Receive development assistance, such as land preparation, loan, training, or employment opportunities.</li> </ul>	ESS 5 takes precedence for this project: restoration of livelihoods and living standards "to pre-resettlement or better pre-project levels, whichever is the best alternative

### **3 RP PREPARATION, APPROVAL AND DISCLOSURE PROCESS**

The first step in the process of preparing a RP is the assessment to identify land plots and assets that may be affected by the Project. This assessment of land plots affected will be carried out by the PMU Social Development Specialist in conjunction with the representatives of local governments, and will be used to identify the types and nature of potential impacts associated with the activities proposed for implementation under the Project, to adopt respective impact mitigation actions. This assessment also shows that the prevention or minimization of resettlement is a key criterion in preparation of the RP prior to implementation of the Project.

The assessment will be carried out according to the established criteria detailed in Annex 6 and will be documented in the form of a report on screening (see Annex 3) of the expected social impacts, following the adoption of main technical solutions or detailed sub-projects.

The design will not be finalized until it is clearly established that all attempts have been made to minimize the impacts of resettlement. If the assessment indicates the need for physical displacement, land acquisition, impact on assets or negative impact on economic resources, whether or not there is physical displacement, the next step will be a social and economic census and inventory of the land resources and assets in order to determine the extent of the need for resettlement. This will be followed by the development of the RAP for the Project, following the steps outlined below.

#### **3.1 Census, Socio-Economic Surveys, Inventory of Losses**

The census and socio economic survey shall be carried out using a structured questionnaire to record the details of the present occupants of land being acquired, their tenure status (primary land user or secondary land user), the extent of land required for the proposed improvements, in order to: (i) assess the magnitude of impact to private assets; and (ii) to assess the extent of physical and/or economic displacement, as well as standard of living, inventory of assets, sources of income, level of indebtedness, profile of household members, health and sanitation, perceived benefits and impacts of the sub-project and resettlement preferences of those who require to relocate. This information would facilitate the preparation of a resettlement action plan to mitigate adverse impact.

The purpose of the baseline socio-economic survey of affected persons is to capture the socio-economic characteristics of the affected persons and to establish monitoring and evaluation parameters. The key socio-economic indicators will be used as a benchmark for monitoring the socio-economic status of project affected persons. The survey shall cover all PAPs and the survey shall also collect gender-disaggregated data to address gender issues in resettlement. As part of socio-economic survey, a wide range of consultations with different impacted groups as well as other stakeholders will be conducted to ascertain their views and preferences. Based on the outcome of these consultations the design changes, if required, and mitigation actions will be incorporated. Consultations will include women and their concerns and reactions, in particular to land tenure, livelihood impacts, delivery of compensation, and resettlement planning, will be addressed through appropriate mitigation.

A cut-off date will be established during the census and will be the date of the population census and enumeration of impacted assets. Following the census, a RP will be developed based on the collected data of impacts and impacted persons.

#### **3.2 Preparation of Resettlement Plans**

RP will be prepared after the social and economic census and the identification of project affected parties. The RP will be drafted in consultation with the project affected parties. In particular, consultations will be held on compensation entitlement, as well as on emerging obstacles to economic and livelihood activities, on assessment methods, compensation, possible assistance, PAPs' inspirations, grievance redress mechanisms, as well as on the timeline for implementation. The final version of the RP will incorporate PAP's remarks/comments. The key RP elements indicated in ESS 5 are listed below. The RP contents are also outlined in Annex 5. However, given the sub-projects under the project, no interventions will result in physical or economic displacement.

RP should include the following at minimum: (i) baseline census and socioeconomic survey information; (ii) specific compensation rates and standards; (iii) policy entitlements related to any additional impacts which are

not identified in this RF but which are identified through the census or survey during implementation; (iv) programs for the improvement or restoration of livelihoods and standards of living; (v) implementation schedule for the resettlement activities; (vi) and detailed cost estimate.

### **3.3 Disclosure and approval**

The following steps should be followed after RP preparation:

- The draft RP shall be subject to discussion with PAPs who will receive a copy of the RP a week before the discussion. Public consultations shall be attended by PAPs, jamaot representatives, PMU representatives, and CSO representatives.
- After the discussion, comments and proposals shall be reflected in the RP.
- The RP shall include a section of the consultation process with the matrix of comments and proposals for the inclusion and implementation thereof.
- The Social Development Consultant shall submit the RP to the Project Coordinator for approval.
- After inclusion of the comments received as a result of disclosure of the RP and after approval thereof by the Project Coordinator, the RP shall be officially sent to the WB for review and confirmation on the compliance with ESS 5 and other applicable policies/procedures.
- Once the World Bank confirms the acceptability of the quality of each RP, it shall be disclosed on the WB website, published as a final RP on the PMU website and re-shared with all stakeholders. Private information about PAPs shall not be made publicly available.

No changes shall be made to the compensation entitlement matrix, eligibility criteria, compensation rates, or provisions for assistance without the prior World Bank's approval.



## 4 ELIGIBILITY CRITERIA AND CATEGORIES OF PROJECT AFFECTED PEOPLE

This section sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage claims of ineligible people.

### 4.1 Principles

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. 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.

*ESS 5 Eligibility Classification.* Affected persons may be classified as persons:

- (a) Who have formal legal rights to land or assets;
- (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- (c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

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

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 RF, 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 ESS 5 also applies for project affected persons even if it is deemed that Tajikistan legal provisions provide for temporary or permanent acquisition of private land immediately adjacent to existing public roads without compensation.

### 4.2 Eligibility Criteria and Entitlements

The RF stipulates eligibility and provisions for compensating all types of losses (land, crops/trees, structures, business/employment, and workdays/wages). All PAPs including non-titled or informal dwellers will be compensated for lost assets (crops, structures, trees and/or business losses) and will receive (i) compensation (as required, to match replacement value), and/or (ii) replacement land, structures, seedlings, other resettlement assistance such as shifting allowance, assistance with rebuilding structures, compensation for loss of workdays/income.

The criteria for eligibility is based on PAPs belonging to one of three groups:

- (a) those who have title or formal legal rights to land;
- (b) those who do not have formal legal rights to land at the time of the Inventory of Losses (IOL)/Detailed Measurement Survey (DMS) or census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the RP;<sup>1</sup> and
- (b) people who have no recognizable legal right or claim to the land they are occupying (i.e. users with no title or informal settlers).

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<sup>1</sup> This includes people who have not yet completed registration and who are considered as “legalizable” users (this will be identified as a form of land tenure in the IOL), they will be entitled to compensation as if they are legal/titled owners of land. The RAPs prepared will establish that continued facilitation of the registration process will be undertaken as part of livelihoods/wellbeing restoration under the Project’s resettlement process.

Persons referred to in (a) and (b) above should receive compensation for loss of land, and other assistance as required under this RP. Persons referred to in (c) above should receive resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RP if they occupy the project area before the deadline set by the project managers in close consultation with potential PAPs, local community leaders and relevant local authorities and acceptable to the World Bank.

Persons claiming territory after the deadline are not entitled to compensation or any other form of resettlement assistance. Persons included in (a), (b) or (c) above must be compensated for loss of assets other than land. Consequently, it is clear that all affected persons, regardless of their status or possession, legal right, squatters or trespassers, are entitled to some form of assistance if they occupy or use the land before the cut-off date

The PAPs who are entitled to compensation under the Project include:

- Persons whose structures are in part, or in total, affected temporarily or permanently by the Project;
- Persons whose residential or commercial premises and/or agricultural land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project;
- Persons whose businesses are affected in part, or in total, (temporarily or permanently) by the Project;
- Persons whose employment or hired labour or share-cropping agreement is affected, temporarily or permanently, by the Project;
- Persons whose crops (annual and perennial) and/or trees are affected in part, or in total, by the Project;
- Persons whose access to community resources or property is affected in part, or in total, by the Project.

Where land is to be acquired, titled or legal PAPs will receive compensation for land acquired by the Project at replacement cost. This will be in cash at replacement value or land-for-land with a combination of productive potential, location advantages, and other factors of which is at least equivalent to the advantages of the land taken to the satisfaction of the PAP (of equal size and/or productive value and be satisfactory to the PAP). Non-titled PAPs are not eligible for compensation for land but will receive compensation for assets attached to land and other assistance as required, in lieu of land compensation.

A specific concern will be given to identifying vulnerable PAPs, especially those below the poverty line, elderly people, women and children, female headed households, households with orphans, single elderly people, families with a sick head of household, disabled or other PAPs who cannot be protected under the national land compensation legislation, to ensure that their needs are identified and that they receive adequate support. Households headed by single women with dependents and other vulnerable households will be eligible for further assistance to fully mitigate project impacts. The table below presents the Project Eligibility Matrix based on potential losses

The socio-economic review in each RP will clearly identify households that are considered vulnerable to project impacts and will provide a detailed rationale reflecting project impacts and justification of vulnerability. The RP will clearly describe the nature of impact, vulnerability, and detailed provisions offered to the household by the project that are specific to particular needs and take into account constraints. All vulnerable households will be included in monitoring samples, and follow-up visits will be conducted for at least 1 year after the completion of resettlement. Similarly, any grievances of vulnerable households will be given preference and assistance in filing such grievances.

Eligibility for compensation will be limited to a set time limit for each project, and PAPs who settle in affected areas after the deadline will not be eligible for compensation. They will, however, receive sufficient advance notice and will be asked to vacate the premises and remove the affected structures prior to the start of the project. Their demolished structures will not be confiscated and they will not pay a fine or penalties. The forced relocation will be considered only after all other efforts have been exhausted.

### **4.3 Compensation payment matrix**

The eligibility for assistance under World Bank ESS 5 also applies for project-affected persons, even if Tajikistan's legal provisions are considered to provide for temporary or permanent acquisition of private land immediately adjacent to existing public roads without compensation.

The table below presents a matrix of rights based on international practice, which in some cases is stronger than the requirements for compensation in Tajikistan law. The proposed rights should be considered during the preparation of the RP and should be fully compliant with the Tajik legislation.

Table 1: Entitlement Matrix Based on International Best Practices

Project Impact	PAP Category	Asset Affected	Compensation Guide
Permanent acquisition of land for works such as construction of small infrastructure facilities (schools, water pipelines, energy sub-stations etc.)	Primary land user	Land	Replacement land of equivalent market value as priority option within 3 km radius. Failing availability of land, cash compensation at replacement cost. If over 10% of land is acquired, an additional 5% of replacement value will be paid (increasing to 10% if over 20%) as a severe impact subsidy. If the remainder of the plot is not economically viable the entire plot will be compensated
Temporary acquisition of land for works, or construction.	Primary land user	Land	Rental estimated value of land based on market rates and restoration of land and all assets thereon to former status. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis.
Temporary acquisition of land for works, or construction	User/occupier without certificate	Land	Restoration, replacement or compensation of all assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis.
Permanent acquisition of land for works such as construction of small infrastructure facilities.	Land renter or share-cropper	Land	In addition to land user compensation. Reimbursement of rent for remainder of contract period, plus 3 months of rent or 3 months of market price of share-cropping produce as disturbance allowance.
Permanent acquisition of land for works associated with the construction of small scale infrastructure.	User/occupier without certificate	Land	Compensation equal to 3 months of rent/share-cropping benefit as disturbance allowance.
Permanent acquisition of land for works associated with the construction of small-scale infrastructure.	Primary land user	Crops	In addition to land compensation, will be allowed to take standing crop and cash compensation for 2 seasons or annual crop yield depending on the crop.
Permanent acquisition of land for works associated with the construction of small scale infrastructure facilities.	Tenant farmer, share-cropper or informal user/occupier	Crops	In addition to land compensation, allowed to take standing crop and cash compensation for 2 seasons or annual crop yield depending on the crop.
Permanent acquisition of land for works associated with the construction of small-scale infrastructure facilities.	Owner	Business	In addition to land compensation, owner will be paid for the lost income during the transition period, calculated on the basis of average daily /monthly income. Further, an additional payment equivalent to three month's income will be paid to restart the business in the new location

Permanent acquisition of land for works associated with the construction of small-scale infrastructure.	Renter	Business	The renter will be reimbursed the rent for the remainder of the contract. Further, an additional payment equivalent to three month's income will be paid to restart the business in the new location.
Temporary acquisition of land for works, or construction.	Owner	Business	Rental value of land based on market rates and restoration of land and all assets thereon to former status. In addition, owner will be paid for the lost income during the transition period, calculated on the basis of average daily/monthly income.
Temporary acquisition of land for works, or construction.	Renter	Business	In addition to the reimbursement of rent during the transition period, the renter will be paid for the lost income during the transition period, calculated on the basis of average daily/monthly income.
Common Property uses such as Grazing	User	Grazing land	Grazing can continue. No expected impacts on grazing land.
Destruction of fruit tree (mature)	Owner	Fruit tree	Allowed to take standing crop. Price of a sapling and associated cost (fertilizer, water, labor) and cash compensation for the value of a mature tree harvest multiplied by number of years it will take for the sapling to reach maturity
Commercial tree owner	Owner	Commercial trees	Price of a sapling and cash compensation for the market value of the commercial tree. Any costs associated with planting of saplings in the new plot.
Permanent acquisition of legal structure.	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Replacement structure or cash compensation at replacement value of a new structure plus full compensation for all fees needed to make replacement structure legal. Affected buildings/ structures should be compensated in their entirety.
Permanent acquisition of illegal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Replacement structure or cash compensation at replacement cost. Affected buildings/ structures should be compensated in their entirety.
Temporary acquisition of legal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Structure restored to original condition. If inconvenienced, then build a temporary replacement structure to service the affected person.
Temporary acquisition of illegal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Structure restored to original condition with alternatives for legalization. If inconvenienced, then build a temporary replacement structure to service the affected person.
Vulnerable people	Identified on the basis of the socio-economic survey and criteria developed such as income level, disability, household size, etc. Vulnerable people may include the disabled, pensioners, widows, female-headed households, and impoverished		In addition to compensation for assets lost, a lump-sum equivalent to 3 month of average salary payments could be paid depending on the impacts. Any additional impacts to be identified and compensated, for example logistical support may be required for moving, and assistance in the restoration of livelihoods may be required.

	households) and only if the project causes their vulnerabilities.		
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In none of these cases, the PAPs will be liable for any taxes and eventual transaction fees; these will be paid by the implementing agency from the resettlement budget to be committed and contributed by the Ministry of Finance as the Government contribution. Besides, the amount to cover the bank charges will be added on top of the amount of cash compensation to be received by PAPs at the banks. Land certificate reissuing costs should be covered by the Government contribution.

#### 4.4 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:

- 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.
- Land alienation should not result in physical or economic displacement.
- The impacts must be minor. The households contributing land or other assets are direct beneficiaries of the sub-project; the impact is less than 5% of the total productive assets owned by said household.
- The facilities requiring land should not be site-specific.
- The land in question must be free of squatters, encroachers, or other claims or encumbrances.
- The land must be identified by the khukumat land management authorities and not by PMU or other linier institutions or the Project authorities. However, the project technical authorities should ensure that the land is appropriate for sub-project purposes and that the sub-project will not have any adverse health or environmental safeguards.
- Voluntariness will be ascertained by the PMU with due signing by a higher-level official. A process to this effect will be formulated by the PMU shared with the Bank for approval.
- Verification of the voluntary nature of land donations must be obtained from each of the persons/ household donating land. This should be in the form of signed statements (See Annex 4 - Voluntary land donation form).
- The PMU will also create awareness among the community to devise mechanisms to express a sense of gratitude to those households donating lands. These will be reflected in applications.
- Other things being equal, land donations will not be accepted from the female-headed households and elderly people.

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.

#### 4.5 Methods to Determine Cut-Off Dates

Once the design of an activity has been finalized and legal procedures completed, a RP will be prepared for the activity. As part of the RP, a census will be undertaken to identify all the PAPs and the related levels of impact. The date when the census begins is the cut-off date for eligibility for resettlement and compensation. Hence, it is important that this date is fully communicated to all potential PAPs, including through local and national mass-media in the project affected area with sufficient time for these people to ensure their availability for the census.

This communication process will be done through the PMU in line with the consultation procedures outlined in this document. The potential PAPs will be informed through both formal notifications including through local and national mass-media, in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

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## 5 METHODS OF VALUATING AFFECTED ASSETS

### 5.1 Types of Compensation

The compensation in kind specified in the entitlement matrix will be required for:

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

In addition, other assistance will be provided as outlined in the entitlement matrix, such as disruption, replacement of lost services. During the detailed preparation of the RP, current market values and replacement costs will be used to establish actual compensation. Additional rebates may be offered as required, e.g. additional assistance for vulnerable families, payments for disturbance of peace, etc. All entitlements in the RF will be adjusted to reflect changes in economic conditions and legal requirements starting from the preparation of the RF. The PMU will ensure that the amount of compensation in the RP reflects the market reality and complies with the legislation of the Republic of Tajikistan and the requirements of the ESS 5 WB. It should be noted that the compensation recommended in this report in accordance with international practice, in some cases stronger than the legislation of Tajikistan.

### 5.2 Preparation of asset inventory

During the census every asset will be recorded and assessed. This information along with compensation actions will be recorded in the inventory. The valuation will be carried out in accordance with the agreed valuation methods. The resulting information will be provided to the appropriate PAP for their approval.

### 5.3 Valuation methods

A replacement cost approach will be used in the valuation of the property. ESS5 defines the replacement cost approach as *"a method of valuing property that helps determine an amount sufficient to replace lost property and cover transaction costs."* Thus, the approach determines the cost of replacing productive property damaged by project activities and the amount sufficient to replace the property to a level similar to the affected structure/land, costs and other transaction costs. Depreciation of structures and property shall not be taken into account

The Gross Current Replacement Cost (GCRC) is determined according to the estimated cost of constructing a new building with the same exterior footprint as the existing one, with the same activities and services on a similar piece of land.

When calculating replacement costs for structures where infrastructure rate schedules do not exist or are outdated, rates quoted by contractors for similar types of construction near the project may be used to calculate replacement costs. For projects that offer cash compensation or alternative housing options, alternative housing construction cost estimates may be used to calculate the cash compensation to be paid.

### 5.4 Property Compensation

#### Compensation for Land

If land is taken as part of a project, an equivalent piece of land should be provided at a reasonable distance from the current location. If such land is not available, the authorities should explore the possibility of obtaining other compensation in accordance with the legislation of Tajikistan and the experience of other similar projects in the area. At the moment there is no executive mechanism for payment of cash compensation in accordance with the legislation of the Republic of Tajikistan. The transfer of any PAP land should be exempt from taxes, registration and other costs. Compensation should include payments for improvements made to the land, such as irrigation.

In the case of minor losses (the amount of land voluntarily contributed should not exceed 5% of the total land holdings), a PAP has the right to make an informed decision to donate land.

### **Unharvested crops and trees**

Land acquisition will not occur until the land user has fully harvested the crop. PAPs will have the opportunity to harvest the crop prior to resettlement. The timing of the unharvested crop will be included in the schedule of project activities. Therefore, sufficient consultation is required for proper harvest planning.

Compensation for the lost crop will use the highest current market value, the government recommended rate, or the average market value of the last three years, whichever is greater. PAP, whether tenants/landlords or owners will receive compensation. Compensation also takes into account the completion of basic agronomic actions to grow an agricultural crop by the time of acquisition.

Monetary compensation will be provided for trees depending on the type, age and productive value of the affected trees in accordance with international practice and Tajik legislation on valuation (whichever is the best alternative). The Compendium on Involuntary Resettlement recommends:

*Where markets exist, the value of a tree of a particular age and use can be used to determine compensation ratios. Where markets do not exist, surrogate values should be determined. For forest trees, the tree value is equal to the timber value. For fruit or forage trees, the value is equal to the cumulative value of the fruit crop for its productive life (and any timber value). If tree replacement is contemplated, practice shows that compensation should be based on the value of the lost yields until the regenerated trees reach full productivity (usually 7-10 years). In the case of immature trees, a less costly alternative may be to directly supply seedlings as replacements and to compensate for the delay in reaching fruit tree productivity.*

### **Compensation for houses and other structures**

The first option would be to provide better quality replacement structures wherever possible. Where the structures are dwellings, the replacement structure should provide improved living conditions. The second option would be monetary compensation using the replacement cost of the property. Replacement costs include:

- details and dimensions of existing structures,
- the market value of materials for construction of the replacement structure,
- the cost of transporting such materials,
- the cost of labour and contracting
- any registration fees and taxes

### **Compensation for loss of businesses**

Any structures will be replaced in an appropriate location as outlined above. In addition, compensation will be paid for the lost income and production during the transition period (time lag between losing the business and re-establishment). This will be estimated based on the daily or monthly income of the affected parties.

### **Compensation for communal services and property**

Equivalent public services and property will be provided. Once access to old services is restricted, new services will be fully available.

### **Compensation for cultural resources**

The use of land that is defined in the World Bank's Environmental and Social Principles ESS 8 Cultural Heritage as a cultural resource, land of "archaeological, paleontological, historical, architectural, religious, aesthetic or other cultural significance" is not permitted for use by this project to avoid conflicts between people and the community. This includes, for example, war memorials, museums, cemeteries, places of local cultural significance in accordance with local customs and laws. To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any project activity, is not permitted under this project. Relevant clauses will also be inserted in the civil works contracts.

### **Other**

The owners of commercial structures will be provided with new structures in an appropriate location. The compensation will also be paid for lost income.

Where access to services is limited, equivalent services will be provided. New services will be provided in full until access to the old services is restricted.



## 6 RF IMPLEMENTATION

### 6.1 Arrangements and procedures

The Project Management Unit (PMU) will coordinate all activities for Component 2 of the project, under which construction work is planned. The PMU will ensure close coordination and cooperation with local authorities on technical, contractual and other issues under their responsibility.

The PMU will be responsible for planning and coordinating resettlement. The PMU Social Development Specialist (Field Consultation Firm/NGO managed by the PMU Social Development Specialist) will be responsible for coordinating interaction with the PAP. The Social Development Specialist will be responsible for coordinating resettlement with the support of the local GRSC. In addition, the GRSCs established for the Project will oversee the resettlement process and grievance management. Committees will be established at the district level and at the state level. These committees should include representatives of PMU, KMK, local self-government, local communities and other relevant stakeholders and authorities (such as State Committee on Land Management and Geodesy, Architecture and Urban Planning, sanitary authorities, fire safety authorities, energy and water supply authorities) and must comply with the resettlement and grievance management procedures in accordance with the Tajikistan law and World Bank policies

Once sub-projects are identified, the PMU will be responsible for organizing the design and implementation of the AP; work is expected to be externally led (to be confirmed). Oversight will be conducted by the Grievance Redress Steering Committee (GRSC).

The following key steps will be part of the resettlement process:

- **Screening of project activities**

Once the subproject locations have been identified, screening will be carried out to assess the likelihood of resettlement impacts. This will be done during the design phase before the projects are completed. Where possible, resettlement impacts will be avoided and minimized. Locations and types of resettlement impacts will be identified during the screening phase. Screening will be the responsibility of the **PMU Social Team** and the Field Engineer with the support of the Design Consultant
- **Census**

If screening indicates the likelihood of resettlement impacts, a census will be conducted, including a socioeconomic survey and a property inventory if necessary. The PMU will work with the PAP and local governments on property identification and valuation in accordance with a consultation mechanism. If resettlement issues are identified, a Resettlement Plan will be prepared after the identification of the PAP and the property inventory.
- **RAP preparation**

The PMU will be responsible for facilitating the development and implementation of a RAP; it is expected that the work will be carried out by an external Consultant (to be confirmed). The organization will be supervised by the GRC. Appendix 2 provides a summary of the RP as per World Bank ESS5 Annex 1. Consultation will be an important part of the preparation of the RP, including providing information on the deadline, compensation, PAP grievances. The PMU will be responsible for coordinating consultations for PAPs.
- **RAP disclosure and approval**
  1. Draft RP submitted to the Director of the PMU
  2. PMU will review the document to verify that the RP is consistent with the draft.
  3. PMU will submit the document to KMK, MEWR, WB and relevant authorities of Tajikistan for approval. Approval of the draft RAP.
  4. Draft RP will be publicly disclosed by PMU on web sites, among key stakeholders, local authorities, PAPs. Deadlines for providing comments are foreseen.
  5. Revised RP is prepared taking into account the comments.
  6. Submission of RP for endorsement by the KMK, MEWR, World Bank and relevant authorities of Tajikistan.
  7. If acceptable, disclosure of the approved RP to the World Bank and PMU.
- **Implementation schedule and civil works**

The basic principle of the RP process is that project implementation can start only after approval of the RP and acquisition of land required for construction. Land and assets can only be seized after

resettlement permits have been granted. However, compensation should normally be paid only before land is acquired and needed for construction, to avoid displacement before necessary and changing circumstances. Careful planning of resettlement compensation is essential to avoid delays in construction. The schedule of RP and RF implementation, including schedule of payments, disbursements, completed construction works and resettlement dates should be agreed in advance by the PMU with relevant authorities and PAPs.

Final working designs and bidding documents for project investments in the current phase of the Water and Sanitation Investment Project are expected to be submitted for approval by July 2022. Prior to that, initial screening will take place at various stages of the project, beginning with initial screening after feasibility studies, through to final site selection prior to completion of detailed design.

If additional land is needed during project construction, the PMU should be sufficiently trained and prepared to perform additional screening and resettlement procedures. The principle of not resettling PAP until compensation is received as a result of construction works must be respected.

## 6.2 Roles and responsibilities

The table below describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RF are met for each project activity. These are based on the institutional structure at the time of writing the RF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

Table 2: Brief summary of RP implementation responsibilities

Action	Responsibility
Screening of needs as part of resettlement action plans	Screening will be the responsibility of the Social Development Team and the PMU Field Engineer, supported by the Design Consultant. Action will be taken in collaboration with relevant stakeholders, authorities and the World Bank. Final approval of the screening will be given by the PMU Director, KMK, MEWR and the World Bank.
Census, socio-economic surveys, property inventory and valuation	<p><b>The PMU Social Development Team</b>, field engineer and other relevant staff, supported by consultants and other relevant stakeholders, will interact with the PAPs and local authorities in identifying and assessing assets in accordance with the consultation mechanism.</p> <p>The census, socio-economic survey, and property inventory should be conducted by the social management specialist and field engineer of the PMU, supported by consultants and other relevant authorities (such as the district agricultural loss land committee).</p> <p>Appropriate parties to assess the various losses and their responsibilities will be identified by the PMU after deciding whether or not an AP is necessary and agreed upon by the project executing agencies. Such parties may include, for example, representatives of: Ministry of Finance; Ministry of Labor; Ministry of Health and Social Protection; State Committee on Investment and State Property Management; Grievance Redress Steering Committee (GRSC); local district and jamoat authorities; State Committee on Land Surveying and Geodesy. For property to be appraised by a licensed appraisal company, the PMU will engage an appropriate company. The PMU will oversee the valuation process.</p>
RAP preparation	The PMU social development specialist will be responsible for organizing the development of the RAP; the work will be carried out by an external consultant (who will be identified and confirmed). The preparatory activities will be supervised by the GRSC.
RAP disclosure and approval	<p>The PMU Social Development Specialist, PMU Project Director, KMK, MEWR, World Bank and the relevant authorities of the Republic of Tajikistan.</p> <p>The PMU Social Development Specialist will oversee disclosure and approval, including disclosure to PAPs, relevant stakeholders, and authorities. They will be supported by the relevant authorities and other stakeholders in the disclosure, including districts and/or jamoats and/or branches of the municipal water supply.</p>
Implementation schedule and civil works	The PMU social safeguards specialist is responsible for supervising and coordinating (with the relevant authorities, stakeholders and PAPs) the timing and payment of compensation and ensuring that compensation is paid before civil works begin.
Institutional capacity building	A consultant to be hired by the PMU in consultation with relevant stakeholders and authorities.

Action	Responsibility
Additional screening and preparation of RAP during civil works	If additional land is required during the civil works under the project, the <b>PMU Social Development Team</b> should conduct additional checks and procedures as part of the RAP in consultation with the relevant stakeholders as described above.
Organization and coordination of stakeholder consultations	The PMU Social Development Team supported by Vodokanal/Tojikobdehot, local authorities, community representatives, relevant authorities and any external consultants working on the development of the RP.
Grievance management	The PMU (Social Development Specialist, Monitoring and Evaluation Specialist), GRSC, the relevant authorities and the civil works contractor.
Monitoring the implementation of RF, RP	The PMU (Social Development Specialist, Monitoring and Evaluation Specialist), relevant authorities, GRSC. Independent external monitoring for additional monitoring of rights
Development of the final management system for monitoring and reporting on RAP	The PMU Social Development Specialist, Monitoring and Evaluation Specialist) in consultation with the relevant authorities and the World Bank.

### 6.3 Monitoring and reporting

Component 3 will support Monitoring and Evaluation (M&E) activities to track, document, and communicate the progress and results of the project. The PMU M&E Specialist will be responsible for overall compilation of progress and results. This Component will finance the PMU/KMK and WSSG/MEWR to prepare project reporting—semi-annual reports and quarterly unaudited IFRs—that will be submitted to the World Bank. This Component will also finance an MIS, which the PMU will establish and utilize for project monitoring, automatic generation of project reports, project transparency (sub-project information will be publicized on websites), and citizen feedback.

Monitoring and evaluation of the resettlement process should be conducted to ensure the effectiveness of the process and restoration of income and living standards. Procedures for monitoring should be clearly defined in the RP.

The system of administrative monitoring and reporting should be defined in the RP and subsequently prepared for application. The PMU Social Development Specialist; Monitoring and Evaluation Specialist), with the support of the GRSC and relevant authorities, should monitor the overall implementation of the RP, the development of the RP (and preliminary steps), and the overall implementation of the RP. Monitoring of RP implementation should be conducted on a monthly basis or more frequently as needed

In addition, to avoid conflicts of interest, an independent external monitor (to be identified) should also monitor on a regular basis, the regularity of which will depend on the scale of resettlement.

The monitoring and evaluation plan will be a key part of RP development. Indicators for monitoring based on rights and PAP should be specified in the RP, including:

- Details of all land plots, structures and other affected assets included in the resettlement
- Number of PAPs displaced;
- Financial and other benefits; to whom and when disbursed;
- Effectiveness of rights and ability to maintain pre-project living standards
- Advisory activities
- Grievances

The PMU and GRSC should review and analyze all monitoring data collected to determine the effectiveness of resettlement mechanisms and compliance with all actions outlined in the RF and RPs. The PMU will maintain databases of records, including complete records on the items listed above. Information will be provided periodically to the GRSC and other relevant parties.

As part of its environmental and social monitoring activities, the PMU will conduct random inspections of project sites to determine the effectiveness of actions taken and the impacts of sub project activities on the surrounding

environment. The PMU are also responsible for processing, addressing and monitoring complaints and other feedback, including that on environmental and social issues.

The PMU will be responsible for RF/Resettlement Plans reporting and will:

- Record and maintain the results of project supervision and monitoring throughout the life of the project. It will present summary progress reports on RF/Resettlement Plans implementation and the social and environmental risks of subprojects on a semi-annual basis to the World Bank,
- Prepare semiannual reports on the progress of implementation of actions proposed by the RF/Resettlement Plans for selected sub-projects, and as part of this reporting, provide updates on any Project related as grievances/feedback that was received, that has been addressed and that may be pending;
- Prepare semiannual reports on the social impacts originated during implementation of sub-projects and analyze the efficiency of mitigation actions applied to minimize negative consequences;
- Prepare outlines and requirements for Contractors' reports on resettlement mitigation actions, and review Contractor's monitoring plan and reports
- Present the impact of mitigation and environmental and social protection actions for general public via specific publications or/and by annual public workshops.

RP implementation reports and databases of records and monitoring results should be submitted quarterly in a format agreed upon with the World Bank and other relevant authorities.

An evaluation should be conducted to complete the RP. All vulnerable households will be included in the assessment samples and follow-up visits will be conducted for at least one year after completion of resettlement.

#### **6.4 RF Implementation Budget**

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of this project. However, when these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for each RP will be prepared. Each RP will include a detailed budget, which will provide costs for the following:

- Compensation may include, for example: costs for land, structures, crops; restoring structures; community structures and services.
- Relocation costs may include, for example: costs of resettling PAPs, administrative costs of resettling PAPs.
- Income restoration costs may include, for example: temporary income support for PAPs.
- Administrative costs may include, for example: staff costs, training and capacity building costs, monitoring and evaluation.

The PMU is responsible for implementing the Resettlement Framework and RP, 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 contributed by the Government of Tajikistan.

## 7 PUBLIC CONSULTATIONS AND DISCLOSURE

### 7.1 Public consultations for RF

Initial stakeholder consultations were conducted as described in the table below.

Table 3: Summary of Initial RF Public Consultations

Date of public consultations	Participating districts	Organizations attended	Number of participants
April 28, 2022	Balhi	Representatives of the Hukumat, KMK, SES, Department for Water and Land Management, Committee of Environmental Protection; also representatives of local communities	37 participants
April 28, 2022	Dusti	Representatives of the Hukumat, SES, KMK, Vodokanal, Committee of Environmental Protection, Land Management Committee, Committee of Architecture, Committee of Rural Development, community members, mahalla leaders and other organizations (see SEP for a copy of consultation minutes).	37 participants

Consultation meetings were organized with the support of the Central KMK office. The Dushanbe KMK office sent an official letter to the local hukumats of the districts with information about the meeting and a list of proposed organizations to be invited. The last group of participants was selected by the local hukumats. All participating districts were invited and attended except Kushoniyon (Bokhtar), which did not have representatives at any consultation meetings. Nevertheless, separate meetings were organized in each of the districts prior to the consultation meetings.

During the meetings, the project, which included technical, environmental, and social aspects of the project, was presented. Participants learned about the goals of the project and potential environmental and social impacts, especially those related to resettlement.

After the presentation, the speakers answered individual questions and there was an opportunity for feedback. Questionnaires were distributed and filled out as part of the session, and participants had the opportunity to reflect on the project as a whole.

According to the feedback received, participants were interested in rural water supply and generally felt that it would have a positive impact on their neighborhoods and witnessed that a positive change mattered more than any other impact the project might bring. However, some respondents who answered the questionnaire about whether there were areas/places that should be protected (natural, cultural, historic, etc.) during the project responded that such places existed and more information about the project was demanded.

During the meetings, it was explained that if resettlement is required, a resettlement action plan should be developed. The issue of resettlement was not of particular concern among participants. Participants did not seem particularly concerned about the idea of relocation or the loss of any property if the project were to make a positive difference in the lives of many people in this district.

Some participants inquired about site selection and prioritization procedures, and wanted to emphasize the challenges they face with water supply in their districts.

In addition to the consultations listed above, a number of additional meetings were held with individuals in different neighborhoods. A summary of the meetings is summarized in the table below.

### 7.2 RF Disclosure

The draft RF was posted on the PMU/KMK website on 1 May 2022 ([www.obirusto.tj](http://www.obirusto.tj)). The final version of the RF will be officially submitted to the World Bank for disclosure in English on the WB external webpage. The final English and Russian versions will be also posted on the web page of the KMK and MEWR. The final version of this document will be used by respective government agencies and other Project stakeholders during the project implementation.

## 7.3 Public consultations during project implementation

Effective and sustainable resettlement requires full participation and regular, meaningful consultation with PAPs, their communities, and potential host communities to share information and make decisions. Stakeholder participation helps avoid misinterpretations, informs project developers, and helps avoid developing options that people may not like. It also helps identify affected people or the amount of property acquired, improves transparency of compensation, and increases engagement. A wide range of stakeholders are involved in such a consultation. Particular attention will be given to women and vulnerable groups of population.

The following describes how stakeholders will be informed, engaged, and consulted at each phase of the project. While the steps remain the same, the method and means of communication for information exchange and consultation, as well as the composition of stakeholders and their roles, may vary and will be refined for each project location where the RP will be required.

The following milestones are identified:

- Participation and consultation during the preparation phase
  - Screening the need for a RP
  - Preliminary dissemination of information, public consultation
  - Census, socio-economic surveys, property inventory
  - Information from surveys: dissemination and consultation
- Preliminary assessment
  - RP preparation
- Assessment
  - Finalization of RP, information disclosure
- Implementation
  - Participation in committee and monitoring
  - Facilitation
- Completion
  - Participation in evaluation

### 7.3.1 PARTICIPATION AND CONSULTATION DURING THE PREPARATION PHASE OF RP

#### 7.3.1.1 SCREENING THE NEED FOR THE RP

**Stakeholders and Types of Information:** The PMU social safeguards team and field engineer with the support of the design consultant will collate information from the social screening checklist to determine the expected social impacts and determine whether a subproject should be included in the resettlement plan (RP).

**The stakeholders involved in the screening** process may include, as appropriate: State Committee on Land Management and Geodesy, district office of the committee, land cadastre, design consultant, relevant water companies (Vodokanal, Tojikobdehot), public service providers (educational and health facilities), Electricity companies, district department of roads, district and jamoat administrations, mahalla committees, respected community members (including women), department.

**Communication tools:** interviews, secondary data review, observations, fieldwork, group meetings

**Information gathering:** results of resettlement screening, including evidence-based conclusions prepared by the PMU team, approved by PMU Director, KMK, MEWR and World Bank.

**Information use:** Need for resettlement and need for RP.

*If no resettlement impacts are identified, the following steps will not be performed.*

### 7.3.1.2 INITIAL DISSEMINATION OF INFORMATION, PUBLIC CONSULTATIONS

**Stakeholders and types of information:** PMU Social Development Unit (Consultancy firm/NGO in the field, managed by PMU Social Development Specialist) with the support of Vodokanal/Tojikobdehot/CHP inform potentially resettled people, their community representatives (respected mahalla women), local authorities (heads, relevant departments), relevant local authorities (health and education facilities, department of architecture, SES, CEP, SCLMG, CWF), private sector representatives (NGOs, CSOs, related projects). Media may be invited to events.

**Communication tools may include:** meetings at a district office or jamoat or schools. Group discussions with women, family groups, vulnerable groups. Distribution of printed materials in the local language(s). **The PMU Social Development Team** will take the necessary actions.

**Information gathering: PMU Social Development Team** will organize collection of documentation and records of meetings and group discussions

**Use of Information:** Stakeholder views will be taken into account in project design, and to minimize resettlement and adverse social impacts.

### 7.3.1.3 CENSUS, SOCIO-ECONOMIC SURVEYS, PROPERTY INVENTORY

**Stakeholders and types of Information:** The census, inventories, and socio-economic study together define the scope of impacts and establish baseline data that provide the necessary basis for resettlement planning. Their preparation and implementation provides an opportunity to involve key stakeholders in the project design process: the **Social Development Team** and the field engineer, supported by consultants, local government representatives, technical experts from government agencies and the private sector or from relevant organizations. In projects and programs, community representatives (respected mahalla people) have their own experience and can help define the survey approach and methodology. Affected people can provide information about potential project impacts or land-use conditions. Preparing and conducting the surveys is also a gathering for constructive consultation on issues that may arise in the future design and implementation of the project.

#### **Communication tools**

- **During preparation may include:** interviews with key informants, with specialists, and group or individual discussion about the data collection tools. The **Social Development Team** is responsible for this activity.
- **During implementation:** mixed approaches. Quantitative for census and property inventory, quantitative and qualitative for socioeconomic research. Qualitative methods may include: Focus group discussions (FGDs) with PAPs (group design based on variables such as gender, age, occupation, and other variables). Interviews with PAPs, key informant interviews (KIIs) with experts and community leaders, field observations, discussions with local government officials, local institutions, the private sector, related projects and programs, and other stakeholders involved in the WASH sector in the area.

**Information gathering:** the PMU, with the support of consultants, will prepare the PAP census, socio-economic survey and property inventory reports in consultation with the relevant authorities.

**Use of information:** identification of preliminary options for resettlement and entitlement. Assessment of the most adverse impacts.

### 7.3.1.4 INFORMATION FROM SURVEY: DISSEMINATION AND PUBLIC CONSULTATION

**Stakeholders and types of information:** the **PMU Social Development Team**, with the support of consultants, will prepare PowerPoint presentations and/or distribute printouts on key issues related to: survey results, preliminary RP, options and entitlements. Information will be disseminated and feedback will be sought from PAPs and their representatives (respected male and female mahalla members, representatives of PAPs with special needs, representatives of female PAPs), jamoats and district representatives and administration, relevant public institutions (including education and health facilities), private sector and other stakeholders involved in related activities in project settlements.

**Communication tools** may include visual, printed or verbal tools of dissemination at meetings and group discussions (with special attention to stakeholders who may be underrepresented at meetings, such as vulnerable groups, women). Event management: PMU/Social Development Team

**Information gathering: the PMU Social Development Team** will take minutes of meetings and discussions.

**Use of information:** verification of survey results; possible changes in preliminary RP. The **PMU Social Development Specialist** will be responsible for facilitating the preparation of a preliminary RP. Backstopping by external consultant.

## 7.3.2 PRELIMINARY ASSESSMENT

### 7.3.2.1 RAP PREPARATION AND DISCLOSURE

**Stakeholders and types of information:** informing and advising stakeholders on the draft RP<sup>2</sup> prepared based on the information gathered in the above manner (census, plan, budget, schedule, organizational structure, places for consultation in planning and implementation, grievance mechanism, and other relevant information). Also sharing information and collecting feedback on: the strategy and methods of PAP participation during implementation, time, location and staff for consultation, decision making and procedures for changing the provisions of the RAP during implementation, if corrective actions are required. Establishment of a grievance redress mechanism.

Information will be disclosed and response will be received from GRSC, PAPs and their representatives (mahallas, respected male and female community members, representatives of PAPs with special needs, female PAP representatives), jamoats and district representatives and administration, relevant government institutions (including educational and health facilities), private sector and other stakeholders involved in relevant activities in project locations. The draft RP will be made available to the KMK and MEWR for their review and comments

**Communication tools: the PMU Social Development Team** will keep a draft RP and summary sheet of key aspects, maps, assets and rights (translated into Tajik and possibly other local language(s)) in districts and/or jamoats and/or vodokanals for demonstration and use by PAP and other stakeholders. The PAPs, communities (hosts) and stakeholders will be informed and there will be an opportunity to submit comments or complaints through established channels via public notices and their representatives (district, jamoat and mahalla). These representatives will be informed in person (by the PMU/NGO local social mobilization consulting firm) in writing and/or by phone.

The PMU will collect comments from central and regional government agencies as appropriate. The draft RAP will also be shared with the World Bank, which will disclose it on its website.

**Information gathering: the PMU Social Development Team**, in consultation with local government agencies, will assign a person responsible for collecting feedback at each office where the RP is posted. Comments submitted in writing will be kept in a secure place. Comments submitted verbally will be recorded by the person in charge. This process will be monitored in all project sites by the consulting firm/NGO responsible for social mobilization in those sites. They will collect and collate comments and inform the PMU.

**Use of Information:** The RAP, including the set of risks and options, will be reviewed in the light of comments and suggestions of PAP and stakeholders. The PMU social development specialist, with the support of the GRSC, will be responsible for organizing the preparation of the preliminary RP. It is expected that the preparation will be carried out by an external consultant under the supervision of the GRSC.

## 7.3.3 EVALUATION

### 7.3.3.1 RAP FINALIZATION AND DISCLOSURE

**Stakeholders and types of information:** Disclosure and dissemination of the approved RP to inform and obtain additional feedback from the GRSC, PAPs and their representatives (mahallas, respected male and female members, representatives of PAPs with special needs, representatives of female PAPs), as well as jamoats and district deputies and administration, relevant public institutions (including educational and health

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<sup>2</sup> Disclosure of the draft RAP is a prerequisite for the evaluation



facilities), private sector and other stakeholders involved in related activities. Disclosure and dissemination will be facilitated by the PMU Social Development Team.

An approved RP will be made available to the KMK and MEWR for their review and comments. The PMU will forward the document to central and regional government agencies as appropriate.

**Communication tools:** approved RP and a summary table describing the RP in the respective project location, maps, assets and rights (translated into Tajik and possibly other local language(s)) will be kept at the District and/or Jamoat and/or water utility office for review and reference by the PAP and host communities. PAP and (host) communities will be informed of this, as well as the opportunity to provide comments or complaints through established channels. In particular, PAPs must be duly informed of the range of options available, aware that formal acceptance of options may be irreversible, and aware of the responsibilities they accept in accepting options. The PMU Social Development Team, in consultation with local authorities, will be responsible for collecting feedback from each office where the RP is made available for review

The PMU will arrange for the RP to be sent to the World Bank for final approval, after which the final versions will be disclosed on the WB website.

**Information gathering: the PMU Social Development Team**, in consultation with local authorities, will be responsible for collecting and collating feedback from each office where RP are made available for review. Comments submitted in writing will be kept in a secure location. Comments provided verbally will be recorded by the responsible individuals.

**Use of Information:** Review of PAP's records, assets, and losses. If consultations result in significant changes, the RP will be resubmitted to the Bank for approval

The land user or user of other registered rights related to land shall be notified in writing by a local executive body of state authority not later than one year prior to the forthcoming acquisition of a land plot. Decisions on the acquisition of a land plot for state or public needs shall be published in the republican newspapers within five working days from the date of adoption of the decision by an executive body of state authority.

#### 7.3.4 RP IMPLEMENTATION

##### 7.3.4.1 PARTICIPATION IN COMMITTEE AND MONITORING

**Stakeholders and types of information:** Grievance Redress Committees (GRCs) established for the project will oversee the preparation of the RP, support the PMU Social Safeguards Unit in advising stakeholders, monitor the resettlement process, and manage grievances in collaboration with the PMU. The committees will be established at the district and state levels. The GRSC at the district level will be composed of representatives of PAPs, including representatives of female PAPs and vulnerable PAPs. Systematic counseling of PAPs and participation of PAPs in participatory decision-making will increase support and responsiveness of PAPs and facilitate implementation of RP.

**Communication tools** may include: GRSC meetings, stakeholder consultations, meetings with PAPs to gather complaints, make recommendations, and participate in decision-making on issues related to the preparation and implementation of the RP, and on the handling and resolution of complaints filed by PAPs.

The PMU Social Development Specialist will conduct training for PAPs with the participation of GRSC and other related activities.

**Information gathering** includes: recording, management and disclosure of PAP information from the grievance register. Recording, managing, and disclosing information from the PAP monitoring system

**Use of information:** suggestion of corrective actions, including modifying the RAP and sending it to the World Bank, KMK, MEWR and relevant authorities

##### 7.3.4.2 PARTICIPATION IN PROVIDING ASSISTANCE

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

**Communication tools:** Where appropriate, training in new skills will be provided as a livelihood restoration action.

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

Use of information: PAPs have the opportunity to complain to the GRSC if such options are not available.

### 7.3.5 RAP FINALIZATION

#### 7.3.5.1 PARTICIPATION IN ASSESSMENT

**Stakeholders and types of information:** Post-implementation evaluation of resettlement projects requires consultation with stakeholders, including PAP. As part of this project, PAP representatives are involved in the work of the GRSC, and thus are involved in supervising the preparation and monitoring of the RAP, as well as in managing grievances. In particular, these and other PAPs could be involved as members of the evaluation team. They could provide valuable input in assessing the relevance of income and livelihood restoration activities or the effectiveness of the grievance mechanism. They are also familiar with all local stakeholders and can support evaluation planning.

**Communication tools:** methods for gathering information on relevance, effectiveness, impact, sustainability, and related issues (such as gender, good governance, environment)

**Information gathering:** monitoring and evaluation report

**Use of information:** recommendations on the relevance, effectiveness, efficiency, impact, and sustainability of actions used to mitigate resettlement.

## 7.4 Grievance redress mechanism

A grievance redress mechanism will be in place prior to the commencement of any resettlement process. A grievance redress mechanism will be established to ensure that project-affected persons can lodge grievances and that these grievances will be addressed during the course of the project. The mechanism will be clearly explained to affected persons during the initial stages of the project. A detailed grievance redress procedures and the appeals process will be widely publicized among the affected people.

The mechanism will establish the responsibility of the construction contractor to handle complaints during construction. The grievance redress mechanism should be available to those affected by the project.

In general, the mechanism should include the following key steps:

### 1. First Step – Local (District-level) Grievance Redress Committee (Commission)

Any PAP with a complaint may submit an oral, written, or electronic complaint to the District Grievance Redress Committee. Comments received verbally, in writing, or electronically must be recorded in a register/journal and an identification number must be provided for each complaint so that it can be tracked and appropriate action can be taken. The urgency of the complaint will be considered at this point. Complaints are considered within 30 days, complaints not requiring further analysis and investigation are considered within 15 days from the date of registration. However, Tajik law also gives PAP the right to file a complaint to a higher-level organization or court at any stage.

Unless a grievance is properly redressed with the decision proposed by the local committee, or he/she does not receive a response within 15 days (if no additional review is required) or 30 days (if a review is required) from the date of filing the complaint, according to Tajik law, the complainant has the right to file a complaint with the appropriate National Grievance Review Committee (GRC) or other appropriate higher authority or court

If a local committee is unable to redress a grievance, a PAP will be informed that the grievance will be forwarded to the National Grievance Redress Committee. In this case, the PAP must await the decision of the National GRSC.

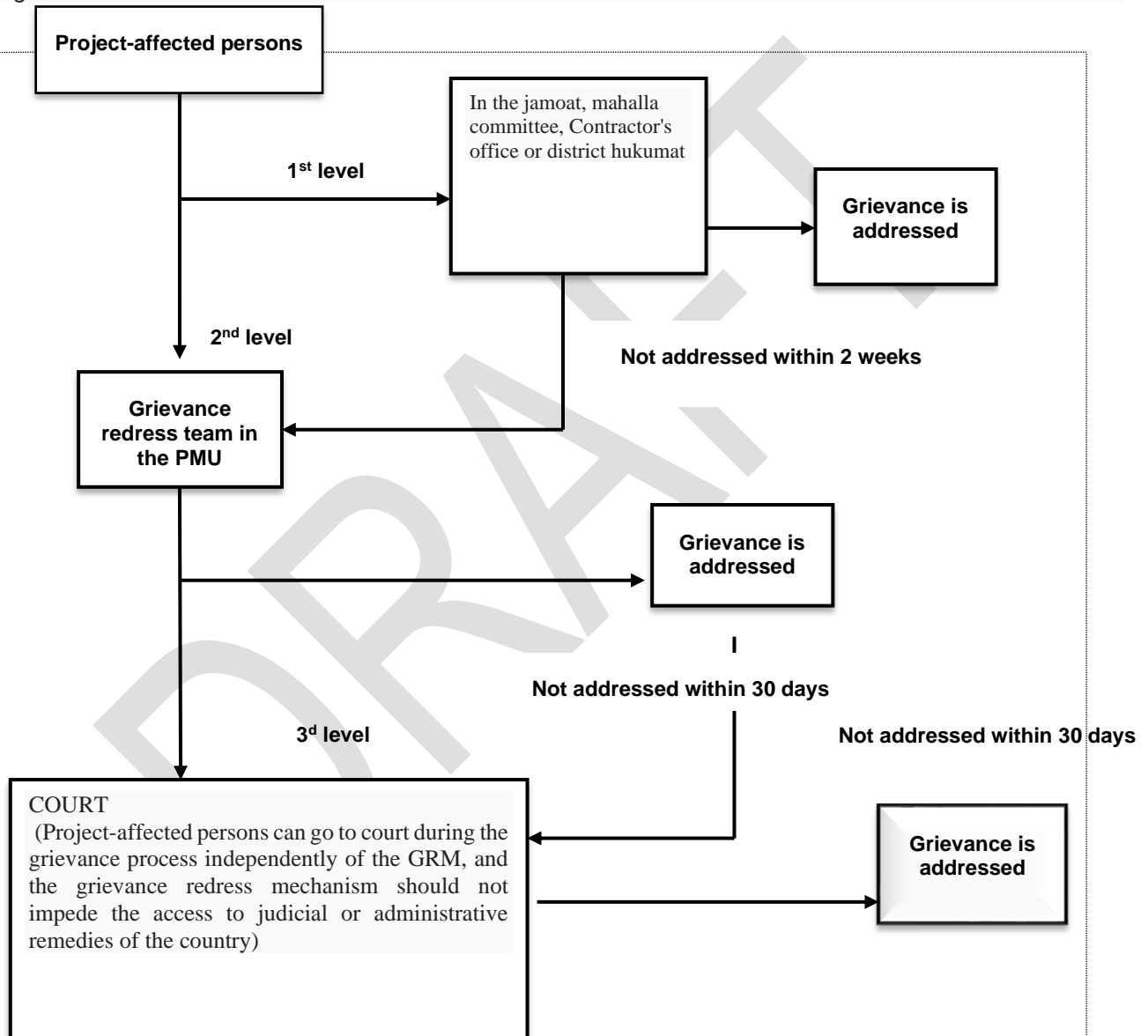
## 2. Second Step – National Grievance Redress Committee (Commission)

Unless a grievance is addressed by a local GRSC, the grievance will be forwarded to the National Grievance Redress Committee. The grievances should be reviewed within 30 days of the date a grievance is initially registered, or 15 days if no further review is required

## 3. Third Step – Court

Unless a decision made by the National Grievance Redress Committee is satisfactory, a person filing a grievance may appeal to the appropriate Court (as mentioned above, they may also file a complaint with the Court at an earlier stage)

Figure 6.1: Grievance redress mechanism



### Grievance registry:

All complaints will be recorded in a registry/journal and each complaint will be assigned an identification number to track it and ensure action is taken. The registry will include the date the complaint was filed, how the complaint was filed, the date the complaint was registered in the registry, the stages and outcome of the complaint and a summary of responses. The registry will note if the PAP is in a vulnerable situation in order to provide additional assistance.

The grievance redress system should be managed appropriately to secure a sufficient level of confidentiality.

The Grievance Focal Points will maintain local grievance logs to ensure that each complaint has an individual reference number and is appropriately tracked, and recorded actions are completed. When receiving feedback, including grievances, the following is defined:

- Type of appeal
- Category of appeal
- Persons responsible for reviewing and taking action on the appeal
- Deadline for addressing an appeal; and
- Agreed action plan

The Grievance Focal Points (GFC) (PMU Social Development Specialist, officers in local administration) will make sure that each grievance has an individual reference number and is appropriately tracked, and recorded actions are completed. The log should contain the following information:

- Name of the PAP, his/her location and details of his / her complaint.
- Date of reporting by the complainant.
- Date when the Grievance Log was uploaded onto the project database.
- Details of corrective action proposed, name of the approval authority.
- Date when the proposed corrective action was sent to the complainant (if appropriate).
- Details of the Grievance Redress Committee meeting (if appropriate).
- Date when the complaint was closed out.
- Date when the response was sent to the complainant.

### **Monitoring**

The PMU Social Development Specialist and the M&E Specialist will be responsible for monitoring and evaluation of grievances and providing regular reports during the project, including the number and types of grievances as well as grievance redress. For resettlement issues, these reports should be prepared on a weekly basis. The construction contractor and relevant authorities should also provide support for related tasks

The PMU social development specialist will be responsible for:

- Collecting and analysing the qualitative data from GFP on the number, substance and status of complaints and uploading them into the single project database;
- Monitoring outstanding issues and proposing actions to resolve them;
- Submitting quarterly reports on GRM mechanisms to the PMU M&E Specialist.

Quarterly reports to be submitted by the PMU shall include Section related to GRM which provides updated information on the following:

- Status of GRM implementation (procedures, training, public awareness campaigns, budgeting etc.);
- Qualitative data on number of received grievances/(applications, suggestions, complaints, requests, positive feedback), highlighting those grievances related to the WB ESS 5 and number of resolved grievances;
- Quantitative data on the type of grievances and responses, issues provided and grievances that remain unresolved;
- Level of satisfaction by the actions (response) taken;
- Any corrective actions taken.

### **Grievance redress committees**

Committees will be established at the district and state level. The committees should include representatives of PMU, KMK, local authorities, PAP representatives and other stakeholders and authorities (such as State Committee on Land Management and Geodesy, architecture and urban planning authorities, sanitary authorities, fire safety authorities, energy and water supply authorities) and should comply with the resettlement and grievance procedures in accordance with Tajikistan legislation and World Bank standards.

The PMU will be responsible for coordinating the establishment of all GRSCs. The National Committee will be established at the central level and its activities will be facilitated by the PMU (Social Development Specialist and other relevant staff). The local committee will be established at the district level and will be facilitated by the district administration with the PMU support

The committees will also oversee the resettlement process.

## 7.5 WB Grievance Redress System

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanism (see previous section) or the World Bank 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. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit: <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org). Procurement-related grievances are forwarded to the relevant Bank staff.

Complaints may be filed regarding concerns about potential adverse impact from the World Bank-supported projects, but complaints cannot be accepted regarding [15]:

- *Compensation or direct compensation*
- *Issues not related to World Bank-supported projects*
- *Issues already dealt with by the GRS, unless applicants have new evidence previously unavailable to them*
- *Issues related to closed Bank-supported projects*
- *Grievances related to the appropriateness or relevance of Bank policies, or procedures*
- *Issues related to Bank staff*
- *Allegations of fraud or corruption in Bank-supported projects [such complaints should be directed to the World Bank Office of Institutional Integrity]*

A grievance should be submitted in writing and sent to the World Bank Grievance Redress Service. Grievances may be submitted by e-mail, fax, letter, or handwritten complaint to the GRS at the WB Headquarters in Washington, DC or at the WB Country Office in Tajikistan. Grievances may be submitted in the complainant's native language, in the official language of the WB borrower, or in English. A Grievance Redress Service form is available on the World Bank website if the complainant wishes to use this form.

Grievances submitted to World Bank Headquarters should be sent to: Email: [grievances@worldbank.org](mailto:grievances@worldbank.org)  
Fax: + 1-202-614-7313, by mail: World Bank, Complaint Resolution Service (CRS), MSN MC 10-1018, 1818 H St NW, Washington, DC 20433, USA

Grievances to the World Bank Country Office in Tajikistan should be sent through the following channels.

By phone: +992 48 701-5810

By mail: 48 Ayni Street, Business Center "Sozidanie", 3rd floor, Dushanbe, Tajikistan

By email: [tajikistan@worldbank.org](mailto:tajikistan@worldbank.org)

A complaint must clearly state the adverse impact(s) allegedly caused or likely to be caused by the Bank-supported project. This should be supported by available documentation and correspondence to the extent possible. The complainant may also indicate the desired outcome of the complaint. Finally, the complaint should identify the complainant(s) or assigned representative/s and provide contact details. Complaints submitted via the GRS are promptly reviewed to allow quick attention to project-related concerns.

# LIST OF ANNEXES

## Annex 1. Component description

**Component 1 - Institutional strengthening and capacity-building (ISCB) of water sector institutions.** This Component will finance activities (works, goods and consulting services) at the national and regional level (Khatlon region) designed to improve policy and regulatory frameworks and institutional capacity to advance the sector reform and promote sustainable service delivery. The ISCB component is structured along the actions outlined in the National Water Sector Reform Program (2016-2025) and supports implementation of the upcoming National Water Supply and Sanitation Program. The Project will also provide support to the targeted utilities, to execute envisaged activities and improve their ability to operate and maintain, plan, implement and sustain expansion of safe water supply in the Khatlon region.

The National Water Supply and Sanitation Program will set a baseline on the current status of the water supply and sanitation services provision in the country, lay out a roadmap for improved institutional set-up of the sector, develop investment plan in line with the agreed prioritization criteria and develop a framework for the sector-wide monitoring system. The RWSSP assessed existing institutional arrangements for service delivery in Vosse and Vakhsh zone with the district-wide water utility established in Vosse district and establishment of the Vakhsh bulk water utility (responsible for the water intake, water treatment plant and transmission pipeline ensuring water supply to Kushoniyon, Bokhtar, Vakhsh, Balkhi, Dusti and Jayhun districts) under way. The project targets improvement of operational and financial management performance of these two restructured utilities through provision of trainings, corporate support services, improvement of labor conditions, installation of financial, billing and other IT systems. The project also supports improvement of financial management at the SUE KMK for consolidation of financial statements and improved accounting financial management of water utilities subordinate to it. Complementary support is provided by the EBRD and EU in forming the regional company in Kulob as part of the regionalization efforts within the SUE KMK.

**The proposed WSIP-1 will build on and continue the efforts to improve water supply and sanitation sector management across the spectrum of functions:**

- *Policy making, sector planning and monitoring.* The WSS unit is expected to be established within the Ministry of Energy and Water in charge for policy making and sector planning functions in the sector, as prescribed in the Water Code. This will include development of sector policies, legislative proposals, establishment of the MIS and monitoring of water supply and wastewater systems across the country (demand, system availability, coverage, management models, regional and local investment plans). The Ministry will perform these functions in close coordination with the Main Department of Geology, Committee for Environmental Protection and Ministry of Health and Social Protection. Financing under this Component will provide support to establishment of the WSS unit within the Ministry, creation of the WSS MIS, development and approval of the necessary reporting protocols and support to preparation of sector assessment report to be published annually after the year 3 of the project. The MIS will need to ensure availability of WSS sector monitoring data disaggregated by sex and age in national sectoral policies (sectoral policies and monitoring reports content analysis). The Component includes support to the Department of Geology in digitalization of the registry of wells used for water supply purposes as part of the water cadaster, with particular focus on Khatlon region. The Component will also finance development of a Water Supply and Wastewater Master Plan for the Khatlon region, taking into consideration resilience of water sources, facilities and infrastructure to climate change and natural disasters.
- *Water quality regulation.* The Component will support strengthening of the water quality testing capacity in Khatlon region through provision of lab equipment, development of required water quality testing protocols and risk assessment tools, provision of mobile labs and training to the staff of the State Epidemiology Service of the MoHSP at the regional level and in target districts.
- *Economic regulation.* The Component will further support the sector regulator – Agency on Antimonopoly Services, in development of tariff models for target utilities, review of the tariffs in terms of their social acceptability, conducting assessment of potential performance incentives mechanisms and introduction of regulatory accounting framework with the relevant regulatory authorities. Activities under this Component will also provide technical assistance to the Ministry of Finance and the AAS in carrying out a comprehensive review of the tariff and subsidy policy in the sector, taking into account the issues of social affordability and economic/allocative efficiency of subsidies.
- *Service Delivery function.* Activities under the Component will provide required support in optimization of a number and structure of existing branches of the SUE KMK in Khatlon region based on the technical and territorial basis to ensure effective management structure and increase their economic viability (based on the assessment undertaken under the RWSSP and additional assessments to be conducted). The Component will

support optimization of two utilities in Khatlon region, servicing Balkhi and Dusti districts. Support to the new utilities will include (i) development of accountability mechanisms with the bulk Vakhsh utility to be established within the RWSSP, local/regional public administration authorities and two target utilities in Dusti and Balkhi districts; (ii) development of asset management plans and performance improvement plans for the optimized water utilities; (iii) setting tariff model for the target utilities in coordination with AAS and local hukumats; (iv) roll-out of the metering program; (v) installation of financial, commercial and operational IT systems; and (vi) carrying out a comprehensive training program for the optimized utilities.

Activities under this component will also include a gender assessment of the sector aimed at developing a set of actions to increase representation of women in technical and decision-making roles in the water sector through provision of training, involvement of women in public awareness and communication activities, designing internship opportunities for young female specialists as well as design and implementation of outreach activities with schools and communities to empower young generation to pursue career in the water sector.

The Component will also finance preparatory feasibility studies for the next stage of investments under the WSIP-2, as necessary. The studies will include a more in-depth assessment of different type of sanitation and wastewater collection and treatment models for different type of settlements. The studies will be initiated upon consultation with the Government on priorities included in the investment plan under the National Water Supply and Sanitation Program 2030.

**Component 2 – Water Supply and Sanitation Investments.** The Component will focus on improving access to safely managed water supply services in Khatlon region with the current population exceeding three million people. This component will finance civil works, goods and consulting services required to design and implement a set of technically robust the water supply infrastructure required to improve access to and quality of water supply in Khatlon while improving sustainability and climate resilience by improving water supply services delivery. The component will support implementation of decentralized sanitation solutions for schools and healthcare institutions. Investments under the Component will be structured along the following two parts:

**Subcomponent 2A: Investments within the Vakhsh bulk transmission system.** Investments under this Subcomponent will include replacement of the existing bulk water transmission pipeline from the RK-1 in Kushoniyon district through RK-2 in Balkhi district to pressure regulating reservoir in Dusti (with the total estimated length of 25.5 km and 16.5 km respectively), construction of the pressure-regulating reservoir and replacement/expansion of water distribution system in selected settlements/ villages in Balkhi and Dusti districts relying on the bulk transmission pipeline. The Subcomponent will include rehabilitation/replacement and expansion of the existing water network in villages based on metered house connections and public standpipes. Reducing the time, distance and impact of water-fetching as a result of these interventions has a double effect: on the practical side, it can improve the quality and quantity of water supply, and on the strategic side, it has been demonstrated to have an impact on gender/power relations both at the household and community levels.

The sub-component will also include implementation of the public awareness and communication campaign for the target population under the “Modern Family” – “Oilai Zamonavi” concept that will cover the following topics: (i) connection to water supply systems and payment for water supply services; (ii) safe storage of water; (iii) on-site treatment and chlorination; (iv) water conservation; and (v) on-site grey-water collection, treatment and disposal. The Component will finance construction supervision consulting services.

**Subcomponent 2B: Decentralized WASH solutions for schools and healthcare institutions.** The Subcomponent will support WASH improvements in selected social institutions within the project area targeted under the Subcomponent 2A. The project will include implementation of infrastructure solutions for water, sanitation and hygiene, including standposts of safe drinking water, and piloting of decentralized wastewater collection systems for target social institutions. Activities under this subcomponent will include intensive WASH promotion programs to increase communities’ awareness of improved WASH practices (including prevention of water source contamination), in particular, with school children and in close coordination with other Development Partners, e.g. UNICEF, EU, SDC and roll-out of WASH-in-School behavior change and communication package developed under the RWSSP. Target social institutions will be also provided with rapid water quality tests to ensure self-reporting on the quality of supplied water through the project citizen engagement mechanisms. This information will be made publicly available in the target schools on regular basis. The package includes a set of materials on MHM targeting puberty-age girls, mothers, and caregivers developed under the “Modern Family” – “Oilai Zamonavi” concept. The Component will track number/percentage of women and men by main age groups trained on hygiene and health aspects of WSS. Implementation of the Subcomponent will require intensive collaboration with the Ministry of Health and Social Protection and the Ministry of Education and Science in planning required interventions in schools and healthcare facilities ensuring that WASH infrastructure meet basic requirements for safety, privacy and dignity.

**Component 3 - Project Management and Monitoring.** The Component will finance costs related to the project management activities of both Implementing Agencies, which include goods, works, consulting service and incremental operating expenses. This Component will finance the costs of the following, but not limited to: (i) technical assistance to the IA's and partner organizations in coordinating and implementing the project; (ii) publication of outreach and communication materials, as well as implementation of the project communication plan; (iii) monitoring and evaluation of project activities, including implementation of baseline and end line surveys and regular beneficiary feedback surveys on project implementation and results; (iv) establishment of project Grievance Redress Mechanism (GRM) allowing for integration of target utilities complaints registration system; (v) preparation of annual project audits. The Component will finance incremental operating costs of the Implementing Agencies.

**Component 4 - Contingent Emergency Response Component (CERC).** This Component will improve the GoT's ability to respond effectively in the event of an emergency in line with World Bank procedures on disaster prevention and preparedness<sup>3</sup>. This component with provisional "zero" allocation allows the Government to request the World Bank to recategorize and reallocate uncommitted financing from other project components to cover emergency response and recovery costs, but also to channel additional funds to fully or partially replenish funds reallocated to the CERC should they become available as a result of an eligible emergency.

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<sup>3</sup> To compensate for the absence of a fast-disbursing instrument for IDA countries, the World Bank encourages the introduction of a Contingent Emergency Response Component (CERC) in all IDA operations. A CERC is a financing mechanism to strengthen a borrower's country response and recovery capacity by allowing World Bank investment project funds to be quickly reallocated to emergency recovery activities after an eligible emergency has occurred or is about to occur. This financing mechanism averts the need for time-consuming project restructuring because the budget line is already there.



## Annex 2 – Contents of Resettlement Action Plan

*According to Annex 1, Resettlement Action Plan, World Bank ESS 5. Land acquisition, land use restriction and involuntary resettlement*

### Resettlement action plan

The scope and level of detail of the resettlement plan varies depending on the scale and complexity of resettlement. The plan is based on current and reliable information about (a) the proposed relocation and its effects on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement.

The resettlement action plan addresses the relevant elements. If any element is not relevant to the project context, it should be noted in the resettlement action plan.

#### 1. *Introduction*

2. *Project description.* General description of the project and definition of the project area.

3. *Subproject description.* General description and identification of the subproject area

4. *Potential impacts.* Identification:

(a) Project components or activities that result in resettlement, with an explanation of why the selected land should be acquired for use during the project implementation;

(b) Area of impact by such components or activities;

(c) Scope and scale of land acquisition and impacts on structures and other tangible assets;

(d) Any restrictions imposed by the project on the use of or access to land or natural resources;

(e) Alternatives considered to prevent or minimize displacement and the reasons for not doing so; and

(f) Mechanisms established to minimize relocation, to the extent possible, during the project life cycle.

5. *Objectives.* Key objectives of the resettlement program.

6. *Survey* in the form of census and baseline socio-economic surveys. Census results at the household level, identifying and listing affected persons, and analyzing land, structures, and other tangible assets to be affected by the project with the involvement of affected persons. The census survey also performs other important functions, including:

(a) Identifying the characteristics of displaced families, including descriptions of production, labor, and household systems, as well as baseline information on livelihoods (including, respectively, levels of production and income derived from both formal and informal economic activities) and living standards (including health status) of displaced persons;

(b) Providing information on vulnerable groups or persons for whom special arrangements must be made;

(c) Identifying public or community infrastructure, property, or services that may be affected;

(d) Preparing the basis for developing and budgeting the resettlement program;

(e) In addition to setting a cut-off date, establishing a basis for excluding ineligible persons from the list of recipients of compensation and resettlement assistance; and

(f) Establishing baseline for monitoring and evaluation purposes. At the Bank's discretion, the following analysis may also be required in addition to the Census Survey:

(g) Land tenure and rights transfer systems, including records of common property natural resources through which people obtain their livelihoods and sustenance, non-ownership-based complimentary use systems of common property (including fishing, grazing, or forest land use) that are governed by locally recognized land distribution mechanisms, and any issues related to different land tenure systems in the project area;

(h) Social interaction patterns in affected communities, including social networks and social support systems, and how these will be affected by the project; and

(i) Social and cultural characteristics of resettled communities, including a description of formal and informal institutions (e.g., community organizations, cultic groups, non-governmental organizations (NGOs)) that may be relevant to the consultation strategy, design, and implementation of resettlement activities.

7. *Legal Frameworks.* The results of the analysis of the legal framework addressing:

(a) Level of authority over involuntary land acquisition and land use restrictions, and the nature of appropriate compensation, both in terms of methodology for valuation and timing of payment;

(b) Applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the acceptable time frame for such procedures, as well as any available grievance redress mechanisms that may be used under the project;

(c) Laws and regulations regarding agencies responsible for implementing resettlement activities; and

(d) Discrepancies, if any, between local laws and practices regarding compulsory acquisition of land, land use restrictions and resettlement actions, and ESS5, as well as mechanisms to address such discrepancies.

8. *Institutional Frameworks.* Results of the institutional framework analysis covering, among other things:

(a) identification of agencies responsible for carrying out resettlement and NGOs/CSOs that may be involved in project implementation, in particular by providing support to resettled persons;

(b) Assessment of the institutional capacity of such agencies and NGOs/CSOs; and (c) any steps proposed to strengthen the institutional capacity of agencies and NGOs/CSOs responsible for organizing resettlement.

9. *Eligibility.* Identification of resettled citizens and criteria to ascertain their eligibility for compensation and other resettlement assistance, including the appropriate duration of eligibility.

10. *Assessment of losses and their compensation.* The methodology to be used in estimating losses to determine replacement values, and a description of the types and levels of compensation offered for land, natural resources, and other assets under local laws, as well as the additional actions that are needed to reach out the replacement values.

11. *Community engagement.* Participation of resettled persons (including host communities, if applicable):

(a) Description of the strategy for consulting and ensuring the participation of resettled persons in the design and implementation of resettlement activities;

(b) Brief description of the views expressed and how they were taken into account in preparing the resettlement action plan;

(c) Consideration of resettlement alternatives and choices made by resettled persons based on the options available to them; and

(d) Institutionalized mechanisms through which resettled persons can communicate concerns to project managers during the planning and implementation phases and actions to ensure adequate representation of vulnerable groups, such as indigenous peoples, ethnic minorities, the landless, and women.

12. *Implementation schedule.* An implementation schedule showing the expected date of resettlement and the approximate commencement and completion dates for all activities in the resettlement action plan. The schedule should indicate how the resettlement activities relate to the implementation of the project as a whole.

13. *Costs and Budget.* Tables showing estimated costs by category for all resettlement activities, including adjustments for inflation, population growth, and other contingencies; cost schedule; funding sources; mechanisms to ensure timely receipt of funds and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

14. *Grievance Redress Mechanism.* The plan describes low-cost and accessible arbitration procedures for resolving disputes arising from relocation or resettlement; such mechanisms should take into account the availability of recourse, as well as community and traditional dispute resolution mechanisms.

15. *Monitoring and Evaluation.* Mechanisms for monitoring displacement and resettlement activities by the implementing agency, supplemented at the Bank's discretion by third-party monitors to ensure completeness and objectivity of information; monitoring indicators to record baseline, intermediate, and final results of resettlement activities; involvement of displaced persons in monitoring; evaluation of results within

a reasonable time after completion of all resettlement activities; use of resettlement monitoring results in subsequent phases of project implementation.

16. *Adaptive management mechanisms.* The plan should include provisions for adjusting resettlement activities in the event of unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

### **Additional planning requirements where resettlement involves physical relocation**

17. When project circumstances require physical relocation of residents (or businesses), resettlement action plans are prepared using additional information and include additional elements. Additional requirements include:

18. *Transitional Assistance.* The plan describes the assistance provided to families as they relocate with their possessions (or as they move their equipment and supplies). The plan describes any additional assistance provided to families who choose to receive cash compensation and find or build their own new homes. If the planned relocation sites (intended to house or house the business) are not ready for occupancy at the time of physical relocation, the plan provides for a transitional allowance in an amount sufficient to cover temporary rent and other expenses until adequate housing or business accommodation can be secured.

19. Selection and preparation of relocation site and relocation process. When the plan requires preparation of relocation sites, the relocation plan describes the alternatives considered and explains the choices made, indicating:

(a) Institutional and technical arrangements used to identify and prepare relocation sites, whether rural or urban, where the combination of productive capacity, geographic advantages, and other factors are comparable to those of the previous location, and the approximate time needed to alienate and transfer land and supporting resources;

(b) Opportunities identified and considered to improve living conditions at the relocation site through additional investment (or by creating opportunities to take advantage of project benefits) in infrastructure, facilities, or services;

(c) Any actions to prevent land speculation or inflow of ineligible persons to selected sites;

(d) Procedures for the physical relocation of the project, including a schedule for site preparation and transfer; and

(e) Legal mechanisms for securing title and transferring title to resettlers, including security of tenure for persons who previously had insufficient legal rights to land or structures.

20. Housing, Infrastructure and Social Services. Plans for the provision of housing, infrastructure (e.g. water, access roads), and social services (e.g. schools, health services), or plans to provide funding to local communities providing such services to resettlers; plans to maintain or provide a comparable level of services to the host population; plans for the necessary site preparation, utilities, and architectural designs for these facilities.

21. Environmental protection and sustainable environmental management. Description of the boundaries of planned relocation sites and assessment of environmental impacts of the proposed relocation, as well as actions to mitigate and manage these impacts (coordinated, if necessary, with the environmental assessment of the main investments dictating the need for relocation).

22. Consultation on resettlement arrangements. The plan describes how to consult with physically displaced persons to identify their wishes regarding their resettlement alternatives, including, as appropriate, the selection of forms of compensation and transitional assistance, resettlement by individual families or with existing communities or kinship groups to maintain existing patterns of group organization and relocation of sites of cultural value (e.g., places of worship, pilgrimage centers, cemeteries), or preservation of access.

23. Integration with host communities. Actions to mitigate adverse impacts on any host community residing in the planned resettlement sites, including: (a) consultation with host communities and local governments; (b) timely implementation of any payments due to owners of land or other assets to prepare planned resettlement sites; (c) opportunities to identify and resolve any conflicts that may arise between resettlers and host communities; and (d) any actions required to improve the quality and scope of services (e.g.,

education, water, health, and production) in host communities to meet increased Additional planning requirements when resettlement involves economic displacement.

24. If acquisition, restriction of use or access to land or natural resources could result in significant economic displacement, the resettlement action plan, or a separate livelihood improvement plan, will also include actions to provide the persons relocated with adequate opportunities to improve or at least restore their livelihoods. Such actions include:

25. Direct provision of land in lieu of acquired land. The resettlement action plan includes the possibility of providing those living off agriculture with land equivalent in productivity to the acquired land, or if such land is not available in sufficient quantity, providing evidence of it. Where provision of replacement land is possible, the plan describes the methods and timing for making it available to resettled persons.

26. Loss of access to land or resources. For those whose livelihoods are adversely affected by loss of land or restriction of use of or access to resources, including public property resources, the resettlement action plan offers livelihood replacement or alternative resources or otherwise provides support in finding alternative livelihoods.

27. Support for alternative livelihoods. For all other categories of economically displaced persons, the resettlement action plan describes feasible employment or business opportunities, including the provision of appropriate additional assistance, such as vocational training, loans, licenses, permits or specialized equipment. Where appropriate, livelihood replacement planning involves delivery of a specific assistance to women, minorities or vulnerable groups who may be excluded in the search for alternative livelihoods.

28. Consideration of economic development opportunities. The resettlement action plan identifies and assesses any viable opportunities for livelihood improvement as part of the resettlement process. This may include, for example, preferential project employment arrangements, support for the development of specialized products or markets, preferential trade agreements and trade zoning, or other actions. Where appropriate, the plan should also assess the feasibility of providing funding to communities or directly to resettled persons through project benefit-sharing arrangements

29. Transitional support. The resettlement action plan provides transitional support to those who will lose their livelihoods. This may include monetary compensation for lost crops or natural resources, monetary compensation for the lost business profits, or wages for workers affected by business displacement. The plan provides temporary support throughout the transitional period

### **Annex 3 – Social screening form**

The social screening and analysis allows us to determine the need for triggering ESS 5 for a specific subproject. In this case, the next steps and actions will be guided by this RF.

Screening will be conducted by the PMU Social Development Specialist and Field Engineer with the support of the design consultant, using the checklist template below. The information from the screening will indicate if a RAP is required. The accession, ownership, and land use status of the subproject site will be established and verified during a subsequent inventory census and survey, if not already known.

The team uses the following approaches to gather information: review of secondary data, including subproject design, land ownership inventories, drawings or maps; interviews with key informants; group meetings, field observations, fieldwork.

Potential sources of information include: Design consultant, State Committee on Land Management and Geodesy, District Department of the Committee, Land Cadastre, relevant water utility (Vodokanal, Tojikobdehot), public service providers (Departments of Education and Health, power companies, Department of Transportation and Roads Management), district administration, administration of jamoats, mahalla committees, respected community members (including women), Ministry of Agriculture, Department of Social Protection, State Social Protection Agency, Chief District Architect, Agency for Land Reclamation and Irrigation, Department of Architecture, Local Experts.

## SOCIAL SCREENING FORM

<b>Subproject title and reference number</b>	
<b>Checklist prepared by:</b>	
<b>Date (day, month, year)</b>	

Types of resettlement impacts	Yes/No (only 1 answer is possible)	Temporary/permanent (both answers are possible)	Quantity	Comments
Land acquisition				
- Is it required for the subproject to acquire land?			hectare	
- Is there any right of use on this land?				
- Is the status of land tenure known?				
- Are there people who do not have specific legal right or entitlement to claim the land they occupy?				
- Is the current use of the land being acquired known?				
- Loss of agricultural land (estimated area)?			hectare	
- Loss of pasture (grazing) land (estimated area)?			hectare	
- Loss of commercial land (estimated area)?			hectare	
- Loss of housing and living quarters (estimated area)?			hectare	
- Are vulnerable <sup>4</sup> 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 agricultural crops?				
- 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)				
- Would any vulnerable PAPs be affected by the loss of agricultural production?				

<sup>4</sup> Vulnerable people, in particular those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who cannot be protected under Tajikistan's land compensation laws.

Types of resettlement impacts	Yes/No (only 1 answer is possible)	Temporary/permanent (both answers are possible)	Quantity	Comments
Loss of income sources or livelihoods				
Will the project reduce people's access to their businesses or enterprises?				
Will the project reduce people's access to other sources of income or livelihoods? (specify)				
- Will vulnerable PAPs be affected by the loss of access to production assets?				
Access to public services and public or community resources				
- Will the project affect the access to drinking water?				
- Will the project affect access to educational facilities?				#
- Will the project affect access to medical facilities?				#
- Will the project affect access to electricity supply?				
- Will the project affect access to other utilities or resources?				
- Will the project affect access to other public services or resources?				
- Will vulnerable PAPs be affected by the reduced access to public services?				
Loss of household infrastructure				
- Will the project result in a loss of housing? (estimated number)?				
- Will the project result in the loss of other household infrastructure? (specify type and estimated number)				
- Will vulnerable PAPs be affected by the loss of housing and/or household infrastructure?				
Impact parameters				
- TOTAL: Estimated number of PAPs				
- Will the number of PAPs displaced because of land				

Types of resettlement impacts	Yes/No (only 1 answer is possible)	Temporary/permanent (both answers are possible)	Quantity	Comments
acquisition increase by more than 200?				
- Number of PAPs that are not displaced, but have lost more than 10% of their production assets				

#### BRIEF SUMMARY

Using information from the checklist, the PMU **Social Development Team**, in consultation with other relevant stakeholders, will summarize whether the resettlement impacts will be consistent with the RF and the type of resettlement instrument required

Is RAP required?	Justification
RAP is not required	
RAP is required	

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## Annex 4 – Voluntary land donation form

District:				
Local Authority:				
Village/Jamoat:				
Subproject title:				
Village public meeting date:				
Land plot owner:	Land plot number:	Subproject beneficiary: Yes/No		
Sex:	Age:	Occupation		
Адрес:				
Description of the land to be acquired for the subproject:	Affected area	Total land area:	Ratio of affected land to the total area of available land:	Map, if available
Description of the annual crop harvested on the land at this time and the project impact:				
	Details	Quantity		
Trees to be affected				
Fruit trees				
Trees used for other domestic or household purposes				
Mature forest trees				
...				
Describe any other assets that will be lost or should be removed for the project needs:				
Value of donated assets:				
Will donated land/property be less than 5% of the land/property?				

By signing or affixing a thumbprint on this form, the land user or owner agrees to donate his/her property to the project. The contribution is voluntary. If the land user or owner does not want to donate his or her property to the project, he or she should refuse to sign or affix his/her thumbprint and instead request compensation.

Date: Date:

Name: Name:

Signature and name of the PMU representative: Signature and name of affected person (husband and wife).



## Annex 5. Agreement on establishing a private servitude

\_\_\_\_\_ year

“ \_\_\_\_\_ ” \_\_\_\_\_ 2022

\_\_\_\_\_ represented by \_\_\_\_\_, acting on the basis of \_\_\_\_\_, hereinafter referred to as the “Owner”, on the one hand, and \_\_\_\_\_ represented by \_\_\_\_\_, acting on the basis of \_\_\_\_\_, hereinafter referred to as the “User”, on the other hand, hereinafter collectively referred to as the “Parties”, have concluded this agreement, hereinafter referred to as the “Agreement” about the following:

### 1. SCOPE OF AGREEMENT

1.1. In accordance with the terms of this agreement, the Owner shall grant the User for the provision of \_\_\_\_\_ the right of limited use (servitude) of the land owned by the Owner, located at: \_\_\_\_\_.

1.2. Under the terms of this agreement, the servitude shall be established in the interests of the User, which is the owner/user with the right of lifetime inheritable ownership or permanent use/ of the neighboring land plot # \_\_\_\_\_, adjacent to the land plot of the Owner in \_\_\_\_\_.

1.3. The boundaries of the servitude shall be indicated on a copy of the Owner's land plot plan, which is an integral part of this agreement.

1.4. The servitude shall be established for a period of time \_\_\_\_\_ until “ \_\_\_\_\_ ” \_\_\_\_\_ 2022.

1.5. The use of the land plot owned by the Owner shall be performed by the User on a free of charge basis.

### 2. LIMITED USE PROCEDURE

2.1. Limited use (servitude) of the Owner's land plot shall be carried out by the User strictly within the boundaries defined in clause 1.3. of the agreement.

2.2. The exercise of a servitude by the User shall be the least onerous on the Owner's land in respect of which it is established.

2.3. Exercise of the servitude by the User shall be as follows \_\_\_\_\_.

### 3. RIGHTS AND OBLIGATIONS OF THE PARTIES

3.1. The Owner shall be obligated to:

3.1.1. Provide the necessary assistance to establish a servitude on the land plot belonging to him/her.

3.1.2. Perform the actions required to register the servitude in the manner prescribed by law, including the submission of the necessary documents of title and other documents.

3.1.3. Allow the User to exercise the servitude in the manner prescribed by this agreement.

3.2. The Owner shall have the right to request the termination of the servitude because the grounds on which it is established no longer exist.

3.3. The User shall be obligated to:

3.3.1. Exercise the servitude in accordance with the procedure set forth in section 2 of this agreement.

3.3.2 Perform all actions required to register the servitude in accordance with the procedure established by law.

3.3.3. In exercising the servitude, strive to comply with the provision of clause 2.2. of this agreement.

3.3.4. Upon the occurrence of the event specified in clause 1.4. of the agreement, terminate the servitude and take all necessary actions to register with the authorized agency the termination thereof.

#### 4. FINAL PROVISIONS

4.1. The servitude shall be subject to the state registration with the authorized body in accordance with the Law "On state registration of rights to immovable property and transactions therewith". The servitude shall come into effect after its registration in the Unified State Registry of Rights.

4.2. The servitude shall be maintained in the event of a transfer of rights to the land plot, which is encumbered by the servitude, to another person.

4.3. The servitude cannot be a standalone item of purchase and sale, pledge and cannot be transferred in any way to persons who are not owners of the land plot, for ensuring the use of which servitude is established.

4.4. This agreement shall enter into force upon signature by the parties. The agreement shall be prepared in three copies, one for each party and one for the registration authority.

#### 5. LEGAL ADDRESSES AND BANK DETAILS OF THE PARTIES

**Owner Legal address:** \_\_\_\_\_ Postal address: \_\_\_\_\_  
\_\_\_\_\_ TIN/TRRC: \_\_\_\_\_ Telephone/fax: \_\_\_\_\_  
\_\_\_\_\_ Settlement account: \_\_\_\_\_ Bank name: \_\_\_\_\_  
\_\_\_\_\_ Correspondent account: \_\_\_\_\_ BIC: \_\_\_\_\_

**User Legal address:** \_\_\_\_\_ Postal address: \_\_\_\_\_  
\_\_\_\_\_ TIN/ TRRC: \_\_\_\_\_ Phone/fax: \_\_\_\_\_  
\_\_\_\_\_ Settlement account: \_\_\_\_\_ Bank name: \_\_\_\_\_  
\_\_\_\_\_ Correspondent account: \_\_\_\_\_ BIC: \_\_\_\_\_

#### 6. SIGNATURES OF THE PARTIES

Owner \_\_\_\_\_

User \_\_\_\_\_

## Annex 6. Impact assessment tools

1. The impact assessment survey for the PAP will be conducted on the basis of the final project
2. Identification of affected lands:
3. Inventory of losses.
4. Census and Socio-Economic Survey (SES):

Table.1 List of affected areas and massives (permanent impact)

#	Name of province	Name of district	Name of massive or village	Total villages (territories)
1				

Table 2a: Affected land (permanent and temporary impact)

#	Name of region	District	Massive	Total area of the affected lands (ha)				
				Total area of the affected lands (ha)	Including			
					Agricultural lands		Ditches, canals, roads, construction sites and other lands	Households
					Arable/crop production	Orchard/orchards		
1								
<b>Total:</b>								

Table 2.b: Affected land (permanent and temporary impact)

#	ID	Type of impact	Width of corridor (meter)	Total area of the affected lands (ha)				
				Total lands affected	Including			
					Agricultural lands		Ditches, canals, roads, construction sites and other lands	Household
					Arable/crop production	Orchard/kitchen gardens		
<b>Massive</b>								
1	B-J-F-1	permanent						
		temporary						
2	B-J-F-2	permanent						
		temporary						
<b>Total affected lands</b>								

Table 3: Crop losses associated with permanent land acquisition

#	Name of district	Name of massive	Permanent land acquisition		Type of main cultivated crops
			Total area of affected agricultural lands, hectares	Loss of profits from the affected lands, TJS	
1					
<b>Total:</b>					

Table 4 **Insert title**

#	Name of province	Name of district	Name of massive	Number of affected houses	Owner ID	Total land holdings of residential buildings (ha)	Total area of affected lands (hectares) of households	Severity of impact associated with permanent and temporary acquisition (%)
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
<b>Total</b>								-

Table 5: Affected land and the extent of their impact on productive land assets.

#	Name of province	Name of district	Name of massive	Number of affected land users	Total land holdings of residential buildings (ha)	Total area of affected lands (hectares) of households	Severity of impact associated with permanent and temporary acquisition (%)
1							
<b>Total</b>							-

Table 6. Types and number of affected trees

#	Land user ID	Types of affected trees	Number of affected trees
<b>Massive</b>			
1	B-J-F-1		
<b>Total:</b>			<b>7203</b>

Table 7. Detailed information about affected residential buildings

#	Owner's ID card	Types of affected structures	Affected lands (ha)
<b>Shabboz Massive</b>			
1	B-Sh-H-2	Residential building, barn,	
2	B-Sh-H-3	Residential building, barn, shed	
3	B-Sh-H-4	Residential building, shed	
4	B-Sh-H-5	Residential building, barn	
5	B-Sh-H-6	Residential building	

Table 8: **Impact summary**

#	Type of impact	Permanent impact	Temporary impact	Note
1	Number of districts			
2	Number of affected villages			
3	Canal length			
5	Total area of affected lands (hectares)			
6	Protected area			
7	Affected agricultural land (cotton/wheat) (ha)			
8	Affected area of orchard/garden (ha)			
9	Ditches, canals, roads, and other lands			
10	Household plot areas			
11	Number of adverse impacts due to physical displacement			
12	Number of vulnerable			
13	Number of affected trees			
14	Number of residential buildings affected			
15	Number of non-residential buildings affected			
16	Number of businesses affected			
17	Number of total			
18	Total number of access points			

## SOCIO-ECONOMIC INFORMATION AND PAP PROFILE

Table 3.1. Gender profile of affected persons

Sex	No	%
Male		
Female		
<b>Total</b>		

Table 3.2. Age distribution of HH heads by gender

Age category	Male Heads of HH among PAPs		Female PAPs		Total	
	Number	%	Number	%	Number	%
18-25						
26-35						
36-45						
46-55						
56-65						
66 and over						
<b>Total</b>						

Table 3.3. Age distribution of HH members by gender

Age category	Male		Female		Total	
	Number	%	Number	%	Number	%
0-5						
6-15						
16-25						
26-35						
36-45						
46-55						
56-65						
66 and over						
<b>Total</b>						

Source: Impact Assessment Survey, September-October 2018.

Table 3.4: Marital status of HH heads

Marital status	Male HH Heads		Female HH Heads		Total	
	Number	%	Number	%	Number	%
Married						
Single (not married)						
Widower						

Divorced						
Total						

## Livelihoods and employment status

Table 3.6. Educational level of HH heads by gender

Educational level	Male HH heads		Female HH heads		Total	
	Number	%	Number	Number	%	Number
1. Illiterate						
2. Primary						
3. Secondary						
4. Higher						
5. College						
6. University						
7. Kindergarten						
<b>Total</b>						

Table 3.7. Educational level of HH members by gender

Educational level	Male HH members		Female HH members		Total	
	Number	%	Number	Number	%	Number
1. Illiterate						
2. Primary						
3. Secondary						
4. Higher						
5. College						
6. University						
7. Kindergarten						
<b>Total</b>						

Table 3.8. Employment status of HH heads by gender

Occupation status	Male HH heads		Female HH heads		Total	
	%	Number	Number	%	Number	Number
1. Agriculture						
2. Business						
3. Government jobs						
4. Private jobs						
5. Daily earnings						
6. Retired						
7. Student						
8. Self-employed						
9. Housekeeping						



10. Underemployed						
11. Unemployed						
12. Disabled						
13. Other						
<b>Total</b>						

Table 3.9. Status of PAP members (affected households) by gender

Occupation status	Male HH members		Female HH members		Total	
	%	Number	Number	%	Number	Number
1. Agriculture						
2. Business						
3. Government jobs						
4. Private jobs						
5. Daily earnings						
6. Retired						
7. Student						
8. Self-employed						
9. Housekeeping						
10. Employed						
11. Unemployed						
12. Disabled						
13. Other						
<b>Total</b>						

Table 3.10. Qualification profile of HHs (affected persons)

Skill type/craftsmanship/workmanship	PAPs (affected persons)	%
Qualified	13	3,31
Unskilled	380	96,69
<b>Total</b>	<b>393</b>	<b>100%</b>

Table 3.11. Source of income of HH (PAPs)

Source of income	Average % of age of income per type per family (%)	Total average monthly income per household by type (TJS)
Agriculture		
Business, self-employed		
Government jobs		
Private jobs		
Daily earnings		

Pension		
Government welfare benefits		

**Table 3.12:** Share of agricultural and non-agricultural income per year per household

Average income from non-agricultural activities per household (TJS)	Average income by type of agricultural activity per household (TJS)	Total average income per household (TJS)	% of agricultural income to non-agricultural income

### Vulnerable households

Table 3.13: Vulnerable (household)

Category	ID	Affected households	In percentage
		Number	%
Low-income households	-	-	-
Female-headed household without any support from someone of working age in the household			
Household is headed by an elderly person with no working-age support in the household			
Household headed by a person with a physical or mental disability			
<b>Total</b>			

Table 3.14: Affected households and affected persons

Type of impact	Number of (AH) affected households	Number of RAP (affected persons)
Affected residential buildings		
Affected agricultural lands		
<b>Total</b>	<b>60</b>	<b>393</b>

## SOCIO-ECONOMIC INFORMATION AND PROFILE (IN THE CASE OF PHYSICALLY DISPLACED HOUSEHOLDS)

Table 4.1: Gender Profile of Physically Displaced Persons

Sex	Number	%
Male		
Female		
<b>Total</b>		

Table 4.2. Age distribution of HH heads among physically displaced persons by gender

Age category	Male Heads of HH among PAPs		Female Heads of HH among PAPs		Total	
	Number	%	Number	%	Number	%
18-25						
26-35						
36-45						
46-55						
56-65						
66 and over						
<b>Total</b>						

Source: Impact Assessment Survey, 2018.

Table 4.3. Age distribution of physically displaced household members by gender

Age category	Male		Female		Total	
	No.	%	No.	%	No.	%
0-5						
6-15						
16-25						
26-35						
36-45						
46-55						
56-65						
66 and over						
<b>Total</b>						

Table 4.4. Marital status of heads of physically displaced households

Marital status	Male Heads of HH among PAPs		Female Heads of HH among PAPs		Total	
	No.	%	No.	%	No.	%
Married						
Single (not married)						
Widower						
Divorced						
<b>Total</b>						

Table 4.5. Marital status of physically displaced household members

Marital status	Male		Female		Total	
	No.	%	No.	%	No.	%
1. Married						
2. Unmarried						
3. Widower						
4. Others						

<b>Total</b>						
--------------	--	--	--	--	--	--

Table 4.6. Educational level of physically displaced heads of households by gender

Educational level	Male Heads of HH among PAPs		Female Heads of HH among PAPs		Total AH Heads	
	No.	%	No.	%	No.	%
1. Illiterate						
2. Primary						
3. Secondary						
4. Higher						
5. College						
6. University						
7. Kindergarden						
<b>Total</b>						

Table 4.7. Educational level of physically displaced family members by gender

Educational Level	Male		Female		Total	
	No.	%	No.	%	No.	%
1. Illiterate						
2. Primary						
3. Secondary						
4. Higher						
5. College						
6. University						
7. Kindergarden						
<b>Total</b>						

Table 4.8. Employment status of heads of physically displaced households by gender

Occupation status	Male AH Heads		Female AH Heads		Total	
	No.	%	No.	%	No.	%
1. Agriculture						
2. Business						
3. Government jobs						
4. Private jobs						
5. Daily earnings						
6. Retired						
7. Student						
8. Self-employed						
9. Housekeeping						
10. Underemployment						
11. Unemployed						
12. Disabled						
13. Others						
<b>Total</b>						

Table 4.9. Status of employable household members by gender

Occupation status	Male	Female	Total
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	No.	%	No.	%	No.	%
1. Agriculture						
2. Business						
3. Government jobs						
4. Private jobs						
5. Daily earnings						
6. Retired						
7. Student						
8. Self-employed						
9. Housekeeping						
10. Underemployed						
11. Unemployed						
12. Disabled						
13. Others						
<b>Total</b>						

Table 4.10. AP skill profile

Skill type/craftsmanship/workmanship	RAP	%
Skilled	3	6,38
Unskilled	44	93,62
<b>Total</b>	<b>47</b>	<b>100%</b>

Table 4.11. Physically displaced household source of income

Source of income	Average % age of income per type per household (%)	Total monthly average income per household per type (TJS)
Agriculture		
Business, self-employed		
Government jobs		
Private jobs		
Daily earnings		
Pension		
Social allowances by Government		
Other		

## 12.1 Brief summary of affected households (AH) and affected persons (AP)

Table 4.13. Physically displaced households and affected persons

Impact type	Number of AHs	Number of RAP
Affected residential structures	10	47
<b>Total</b>	<b>10</b>	<b>47</b>

## DISCLOSURE, PUBLIC CONSULTATION AND ENGAGEMENT

5. Table 5.1. Profile of participants in public consultations and focus group discussions

#	District	Number of participants	Including		Dates of public consultations
			Male	Female	
1					

Table 5.2. Issues raised and discussed at the meeting

District	Issues	Opinions, comments, and feedback from the participant