



Islamic Republic of Afghanistan

Mining for Sustainable Development of Afghanistan

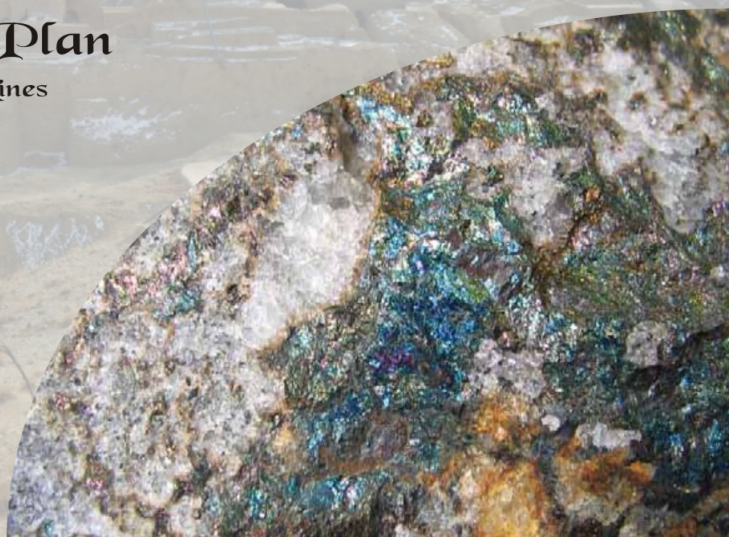


Ministry of Mines



Resettlement Action Plan for 5 Villages at Aynak Copper Mines January 2012

Prepared by
Harjot Kaur
Senior Social Development Advisor
Ministry of Mines
World Bank project on
Sustainable Development
of Natural Resources



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ABBREVIATIONS

AA	Acquiring Authority
AMD	Acid Mine Drainage
AFS	Afghani (currency) (1Afs = 0.02 US\$)
ALA	Afghanistan Land Authority
AP	Affected Person (including all persons in an affected household)
Arat:	Big Well
Biswa:	Measure of land equivalent to 100 square meters
BP	Bank Procedures (of the World Bank)
DAART:	Danish Assistance to Afghan Rehabilitation and Technical Training
EI	Extractive Industries
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
GRC	Grievance Redressal Committee
ha	hectare (an area of land)
HH	Household
HSE	Health, Safety and Environment
IMC	Inter Ministerial Committee
Jerib	Traditional unit of measurement of Afghanistan with 1 Jerib equivalent to 2,000 square meters of land and 5 jeribs equivalent to 1 hectare
JCC	Jiangxi Copper Company Ltd
Karez	Water Catchment Tunnels
Lalmi	Rain Fed land
MAIL	Ministry of Agriculture, Irrigation and Livestock
MoUD	Ministry of Urban Development Affairs
LAR	Land Acquisition and Resettlement
LARP	Land Acquisition and Resettlement Plan
LARPF	Land Acquisition and Resettlement Policy Framework
LLE	Law on Land Expropriation
LMLA	Law on Managing Land Affairs
MCC	Metallurgical Corporation of China
MJAM	MCC-JCC Aynak Minerals Ltd
MoLSAMD	Ministry of Labour, Social Affairs, Martyrs and Disabled
MAIL	Ministry of Agriculture, Irrigation and Livestock

MoM	Ministry of Mines
MRRD	Ministry of Rural Reconstruction & Development
NEPA	National Environmental Protection Agency
NGO	Non-Governmental Organization
NRVA	National Rural Vulnerability Assessment
OP	Operational Policy (of the World Bank)
PAPs	Project Affected Persons
PAFs	Project Affected Families
RAP	Resettlement Action Plan
RP	Resettlement Plan
RPF	Resettlement Policy Framework
SIA	Social Impact Assessment
Taskara	National Identity Proof
WB	World Bank

1 EXECUTIVE SUMMARY

Afghanistan is a landlocked and mountainous country located in south-central Asia. It has border with Pakistan in the south and east, Iran in the west, Turkmenistan, Uzbekistan and Tajikistan in the north, and China in the far northeast. The coordinates of Afghanistan are between latitudes 29° and 39° N, and longitudes 60° and 75° E. The climate varies by region and tends to change quite rapidly. Afghanistan is administratively divided into 34 provinces (*wilayats*), with each province having a capital and a governor in office. The provinces are further divided into about 398 smaller provincial districts, each of which normally covers a city or a number of villages. Each provincial district is represented by a sub-governor, usually called a district governor.

The medium and long term economic development potential of the mineral and hydrocarbon sectors is greater than any other sector in Afghanistan's economy. Geological survey work covering only approximately 10% of the country has indicated a rich store of mineral resources. Most notably, Afghanistan possesses massive reserves of copper and iron ore. There are abundant deposits of decorative and precious stone as well as coal, gold, and other minerals; and construction materials such as sand and gravel. Afghanistan's proven gas reserves amount at 82.5 billion cubic meters of gas and over 70 million barrels of oil; these figures however are more than 20 years old and considered conservative.

The Aynak copper project is the first major mining project in the country. The success of this project will be the harbinger of other important foreign investments in the country particularly in the mining and infrastructure sector. It is located in Logar province which has one of the highest poverty and unemployment rates in the country. This project will lead to major social and economic development in the area besides bringing in revenue to the government. It will also be a source of employment generation and skill development for the local communities. For the purpose of starting the mining operations, there are 5 villages in the vicinity of mine area which need to be relocated. People are living in only 2 out of these five villages. Rest of the villages were abandoned long ago and people have migrated to Pakistan or other parts of the country.

The World Bank is not funding any part of the Aynak mining projects but provides Technical Assistance only to the Ministry of Mines. The Ministry has however, committed to follow the WB Operational Policies for involuntary resettlement in its mining contract with MCC for the Aynak site. The MoM is striving hard to do so, and Aynak RAP is a pilot for MoM (and the Afghan Government) in how to follow and document a legally guided land acquisition process and develop good practices in connection with resettlement. This pilot provides important lessons for future projects in the mining sector.

In accordance with World Bank Operational Policy (OP) 4.12, a Resettlement Action Plan (RAP) has been prepared for the Aynak to address issues related to involuntary resettlement and/or the loss of assets or income as a result of the land acquisition in five villages in Aynak mine area. This RAP describes the broad scope of the project and

outlines the land laws, policy and procedures for acquisition of land, assesses the different kind and level of impact, compensation to project affected people as well as required institutional arrangements. It is also pertinent to note that the Government has initiated the process of consultation with communities about two and a half years ago. But documentation for the period from 2009 to late 2010 is not available. Effort has been made to put together all the information as was made available by the relevant departments of the Ministry and other stakeholders.

1.1 Legal Framework

This RAP is prepared in accordance with the government's resettlement policies, relevant Afghan laws and World Bank's operational policies and guidelines on involuntary resettlement (OP 4.12). The RAP analyses relevant provisions of Afghan laws and policies and World Bank guidelines on land compensation, assistance and relocation. Important Afghan legislation relating to these issues is Constitution of Afghanistan, Law on Managing Land Affairs in Afghanistan, Land Expropriation Law and Land Policy.

In case of inconsistency between the two, RAP provides suggestions for reconciliation. This includes reconciliation of Afghan Laws and World Bank OP 4.12 are followed with respect to census of eligible PAPs to be undertaken at the immediate pre-project stage and adopting a more participative approach to acquisition as is called for in OP 4.12. Further, though LLE is silent about resettlement action plan, a RAP has been developed to ensure that the process is participative, transparent and fair. Also care has been taken to include more protective provisions for absentee acquisition.

Though LLE does not mention much about entitlement to compensation, this RAP seeks to reconcile this difference between law and OP 4.12 entitlements to compensation by interpreting that those living and or working on land at the census date will receive compensation and resettlement assistance. Also RAP provides for a grievance redressal mechanism and monitoring process for the resettlement not specified in the law.

Further, the legal and regulatory framework in Afghanistan is not well developed, and there is very limited experience with legal land acquisition. Hence, the process followed in Aynak has lacked clear legal and regulatory guidance for all the problems comprising lack of deeds, customary claims, community ownership, displacement, and lack of security. While legal framework sets out a number of sound principles for land management and acquisition, the regulatory framework defining how to carry out the land acquisition is lacking and hence has proven to be a great challenge.

In view of these challenges, in particular the lack of available data with reference to absentees, the lack of detailed regulations and mechanisms to calculate compensation and validate extent of customary claims, the Afghan government has chosen to stress equity in compensation to the affected communities above precision in assessment. Principles of equity have thus been applied both in terms of compensation for houses, allocation of new residential plots, acknowledgement of customary claims to agricultural lands, as well as to compensation to absentees. This is a valid choice, particularly as it is expected to be beneficial to the majority of PAFs. Furthermore, the equity principle is also in the local context seen to make sense to the communities, and thus minimizes potential disputes.

1.2 RAP Census and Survey

Ministry with the assistance of its Social Advisor conducted a household HH survey in January 2011 to assess the living conditions of the local communities, their income and expenditure levels, size of agricultural land, assets owned and their feedback on the resettlement process. With the help of Aynak Authority officials, this survey was carried out in three villages, Wali Killai, Bar Chinarai and Kooz Chinarai covering about 62 families. To cover the gender aspect, female enumerators from the local area were also employed to collect data from women in these communities.

For the due diligence in this process of socio economic survey, the survey data was properly checked and many major discrepancies were found. Consequently social team from the Ministry visited these villages in end January to check the veracity of the HH survey report. Many villagers reported that they have not been interviewed in the survey. Therefore Ministry decided to go in for resurvey as a faulty survey could cause serious complaints from PAPs. After consultations and discussions with village heads and local communities, HH census was again carried out in February 2011.

1.3 Public Consultation

Ministry has been involved for over two years in consultation with the local communities for the land acquisition and resettlement package. ALA carried out a detailed survey of the area and in consultation with the communities to determine ownership of land in the area. Very few PAPs have legal title deeds for the agricultural land and most of them have customary rights over the land they have been cultivating for a long time. Recognizing the customary claims, Government has decided to allot free of cost a plot of land for residential purpose and 10 jeribs of land to each family claiming customary right over agricultural land. Based on the principle of justice and equity, each PAF will be allocated 10 jeribs of agricultural land of grade 7 in the area. In addition, each family having a legal title will be compensated for their land based on the rates negotiated with the local communities. A joint proposal in this regard was prepared by MoM, MAIL and Governor Logar and Presidential decree in this regard has been obtained.

1.4 Categories of PAFs

There are five villages in the area around Aynak mine which will be directly affected due to the mining and associated activities. The names of these villages are given below:

Sr. No	Name of Village	Resident PAFs	Absentee PAFs	Total
1	Wali Killai	42	13	55
2	Kooz Chinarai	20	18	38
3	Adam Killai	0	10	10
4	Bar Chinarai	0	7	7
5	Siso Tangai	0	7	7
	Total	62	55	117

Table1: Number of PAFs in 5 villages

There are overall 117 PAFs, out of which 62 families are living in two villages, Wali Killai and Kooz Chinarai. While in Adam Qillai, Bar Chinarai and Siso Tangai, there are only abandoned houses as the people living here have migrated out long ago. However, they are still entitled for a compensation for piece of land where they had a house. These villages were abandoned during the past decades of conflict, mainly during the Soviet control (1979-1989). However, any private ownership of the lands within these villages is recognized and each original family leaving the village have been recognized as having a claim on a plot of residential land even where no formal legal deed is available.

The township, named Ashab Baba, about 7-8 km away from the Aynak Mine site is being developed for the relocation of villagers who are required to move due to the development of the mine as well as to facilitate housing for the influx of persons expected as a result of mining operations. The township includes public infrastructure facilities like electricity, potable water supply, sewerage system, roads, schools, clinic, mosques, markets, cemetery, and other amenities found in a modern residential setting.

1.5 Entitlement matrix, impacts and overall estimate of resettlement impact

1.5.1 Eligibility

General eligibility is defined as people who stand to lose land, houses, structures, trees, livelihood, income and other assets as a consequence of the mining project as of the formally recognized cut-off date for the APs of the Project. APs entitled to compensation or at least rehabilitation under the Project are:

- All PAPs with formal title, formal or customary deed, or traditional land right as vouched by local Jirga, elders or community development council.
- Tenants and sharecroppers whether registered or not;
- Owners of buildings, trees, plants, or other structures like wells, boundary walls, masonry work at their houses, veranda etc; and
- PAPs losing income and wages.

1.5.2 Methodology for fixing the rates of land and other assets:

In line with WB's Policy on Involuntary Resettlement, compensation for affected land and assets are based on replacement cost at current market value. The values determined as compensation have been calculated based on the information gathered through rapid appraisal and consultation with the project affected people and their community, and relevant local authorities.

For calculating the value of agricultural land, Ministry of Mines had protracted consultation with the communities, among related Government agencies, like Governor Logar, Ministry of Agriculture, Afghanistan Land Authority, district authorities, development councils, local shuras etc. Since there is lack of availability of any government established rates for assets as well as the mechanism for establishing market

rates in Afghanistan, there is an urgent need to find alternate ways of valuating these assets for payment of compensation for their loss. The market price of land in Mohammad Agha district around Aynak area is about 250,000 Afs per Jerib. It was decided to give a higher price of Afghani 300,000 as a compensation for 1 Jerib of agricultural land in these villages for those PAPs who have legal title to the land. Accordingly a joint proposal by Ministry of Mines, Ministry of Agriculture and Governor Logar for land acquisition along with compensation rates was submitted to President of Afghanistan for approval. The same has been approved by the President.

For other structures like boundary walls, masonry, veranda, a local market price has been used to determine the compensation value. It is 130 Afs per sq meters for the mud boundary wall, 220 sq meters for the masonry and veranda. For the compensation for a private well, a market price of 300 Afs of labor rates for digging 1 metre of well has been taken. Since water is available at about 40 meters, the average compensation value of the well has been taken as 12000 Afs. Further, the rates for structure in the houses as mud walls, veranda, masonry work and small well, the rates have been obtained from the local market close to Aynak area in Mohammad Agha district.

For the compensation for loss of fruit trees, the rates proposed by Ministry of Agriculture and the local market rates have been used. All trees have been taken as nut trees which have higher values as compared to other fruits. The compensation rate for a fruit bearing tree is 700 Afs for one year old tree plus the cost of the wood. Since the trees in the area are not of very big size, a fruit tree would have a gross weight of 10 Ser i.e. 70 kg of wood. At the rate of 10 Afs per kg for wood, a fruit tree of one year would cost 1400 Afs, for two years as 2100 Afs, and so on. The compensation for the non fruit tree is also based on the rates of the Ministry of Agriculture and market rate. A non fruit tree of the age 1-3 years would cost 300 Afs, 3-5 years as 1000 Afs and 5 years and above as 1500 Afs.

Further Ministry also had many rounds of consultations with the PAPs for the compensation for their houses. The houses are mainly made of mud and are in dilapidated condition. The rates as quoted by the PAPs for their houses were largely agreed to by the Government. It is also related to the size of rooms and family size. As the sizes of the families have expanded over the period of time, so those with larger families need more compensation to build their houses in the resettlement site. This compensation is being paid to support these families to build their houses in the resettlement site where each displaced family will be given a 450 square meters of land free by the government. Table below presents the Project Entitlement Matrix summarizing the entitlements. In the process of establishing compensation rates for the impacts, the following procedures have been followed:

1.5.3 Entitlement Matrix:

Type of Losses	Eligibility	Compensation recommended	Responsibility
Loss of residential land	117 PAFs who have right over the residential land irrespective of title deed to the land. This also includes vulnerable sections of society like those living below poverty line, women headed households etc. As 55 PAFs have migrated and their houses were damaged long ago, they are entitled only to compensation for residential land and not the structures on them.	Free of cost plot of land to each PAF in the resettlement site. Each married son of the family actually living in these 5 villages will also get a separate plot of land for the reason that they are dependent on this piece of land for their house and overtime size of the families have expanded manifold. So they need more space to build their houses. Special efforts will be made for the resettlement of the vulnerable sections. For those who have migrated long ago and their houses are damaged, the original head of the household will also be given a plot of land in resettlement site.	MoM/ Office of Governor Logar/ MJAM
Loss of house	62 PAPs losing houses irrespective of ownership of title to land	Cash Compensation on the basis of rate quoted by the villages for their houses, number of rooms in the house and family size.	MoM/ Office of Governor Logar/ MJAM
Lost assets (boundary wall, masonry work in houses, veranda, private wells etc)	25 PAPs losing assets irrespective of ownership of title to land	Cash compensation equivalent to their replacement cost (without depreciation). There are no government established rates for these assets and markets are also not very well developed so it is difficult to get reliable prices. However, rates were obtained locally for the replacement values of	MoM/ Office of Governor Logar/ MJAM

		<p>these structures like boundary walls, masonry and veranda. It is 130 Afs per sq meters for the mud boundary wall, 220 sq meters for the masonry and veranda. For the compensation for a private well, a market price of 300 Afs of labor rates for digging 1 metre of well has been taken. Since water is available at about 40 meters, the average compensation value of the well has been taken as 12000 Afs.</p>	
<p>Loss of income and livelihoods due to lost assets</p>	<p>All PAPs losing livelihood due to project implementation</p>	<p>The project will ensure alternate means of livelihood at the same or higher level of income. All eligible PAPs will be ensured job at the Aynak mine. Those engaged in agriculture are being provided livelihood through a piece of agricultural land being allocated by Government to each PAF (see below). Livelihood restoration will also be ensured by providing skills training to PAPs to work at mine site, in better agricultural practices/ animal husbandry, small businesses, handicraft making etc.</p>	<p>MoM/ Office of Governor Logar/ MJAM</p>

<p>Loss of community and privately owned irrigated and un-irrigated Land and Crops</p>	<p>PAPs with title, official deed, unofficial written deed, or declaration by Shura, Jirgas or village elders.</p>	<p>Cash Compensation at replacement rates as worked out by the Land Acquisition Commission after consultation with the communities. The rate of agricultural land in the area is about 2.50,000 Afs and a higher price for compensation has been fixed for the PAPs getting displaced from Aynak.</p> <p>Those who do not possess land title documents but have been cultivating land for over 35 years will be compensated with 10 Jeribs of cultivable agricultural land in the same district. The exact location of the land to be distributed to PAFs is being identified by Governor Logar</p>	<p>MoM/ Office of Governor Logar/ MJAM/ ALA, MAIL</p> <p>MoM/ Office of Governor Logar/ ALA, MAIL</p>
<p>Loss of livestock</p>	<p>All owners of livestock</p>	<p>The PAPs will be able to take their livestock to the resettlement site and public grazing land is available around the resettlement site even better than available now to the PAPs. The resettlement site has essentially a rural setting. .</p>	<p>MoM/ Office of Governor Logar/ MJAM</p>
<p>Value of crops and fruit trees</p>	<p>All owners of crops and fruit trees irrespective of owner of title to land</p>	<p>Since it is an arid area, there are hardly any crops in the field and whatever is there, people will be harvesting it before shifting out.</p> <p>Fruit trees lost will be valued on the basis of the rates approved by MAIL and number of years of the tree. The fruit tree of one</p>	<p>MoM/ Office of Governor Logar/ MJAM</p> <p>MoM/ Office of Governor Logar/ MJAM</p>

		year will be compensated at 1400 Afs, 2 years at 2100 Afs, 3 years at 2800 and so on. The non fruit tree will be compensated on the basis of quantity of wood and number of years of the tree. The average price of non fruit tree of the age between 1-3 years will be 300 Afs, 3-5 years 100 Afs and those of 5 and more years 1500 Afs.	
Loss of Access to shops/communities/ shared hand pumps etc	All PAPs losing access	Access to be rebuilt in the resettlement area	MoM/ Office of Governor Logar/ MJAM
Loss of culturally significant structures like mosque, graveyard, antiquities etc	All PAPs	Mosque and graveyard will be provided in the resettlement area. Based on the request from the communities, graves will be shifted to the resettlement area. Government has allocated land for cemetery in the resettlement site and will oversee the shifting of the graves with utmost care as per Islamic traditions.	MoM/ Office of Governor Logar/ MJAM/ MoI&C
Shifting/ relocation of plots at resettlement site	All PAPs	Proper consultations will be made with PAPs during allocation of plots at the resettlement site	Office of Governor Logar/ MoM/ MJAM
Expenses on relocation and transportation of belongings	All resident PAPs	10,000 Afs per resident PAF	Office of Governor Logar/ MoM/ MJAM
Any other loss not identified	Title holders and non title holders	Unanticipated involuntary impacts will be documented and covered in the grievance redressal mechanism provided under this RAP.	MoM/ Office of Governor Logar/ MJAM

1.5.4 Categories of impact

The categories of impact to the PAFs and PAPs identified under the RAP can broadly be identified under two distinct groups. They are Title Holders and Non-title Holders (Tenants). The impact of the RAP to the title holders of agricultural land shall include:

1. Compensation for loss of agricultural land at the rate of 3, 00,000 Afghanis per 1 Jerib of land.
2. Compensation for loss of structures (Boundary walls, masonry, veranda, well etc) at replacement cost. This has been calculated based on the market rates since there are no government fixed rates available for these assets.
3. Compensation for loss of fruit trees as discussed above and non fruit trees on the market value of wood and the approximate quantity of wood in a non fruit tree in project area;
4. Free of cost plot of land for houses at resettlement site
5. 10 Jeribs of Grade 7 land in Mohammad Aga district in lieu of loss of large pieces of government land being cultivated for more than 35 years in the area;
6. Lump sum rental and shifting allowance of 10,000 Afghanis (This has been arrived at considering the current transportation charges of a truck to resettlement site and cost of hiring a room in the nearby area.
7. Right to salvage materials;
8. Special efforts for the rehabilitation and employment and livelihood restoration to more vulnerable families with poor elderly household heads, female headed households or physically challenged members. It will be the obligation of implementing company MJAM to offer skills training and to provide 240 days of man-days of work annually.

Similarly, the impact of the RAP to the non title holders of agricultural land shall include:

1. Compensation for loss of structures (Boundary walls, masonry, veranda, well etc) at replacement cost. This has been calculated based on the market rates since there are no government fixed rates available for these assets.
2. Compensation for loss of fruit trees as discussed above and non fruit trees on the market value of wood and the approximate quantity of wood in a non fruit tree in project area;
3. Free of cost plot of land for houses at resettlement site
4. 10 Jeribs of Grade 7 land in Mohammad Aga district in lieu of loss of large pieces of government land being cultivated for more than 35 years in the area;
5. Lump sum rental and shifting allowance of 10,000 Afghanis (This has been arrived at considering the current transportation charges of a truck to resettlement site and cost of hiring a room in the nearby area.
6. Right to salvage materials;
7. Special efforts for the rehabilitation and employment and livelihood restoration to more vulnerable families with poor elderly household heads, female headed households or physically challenged members

1.5.5 Overall estimate for the resettlement compensation

The compensation values for different types of losses are described below

1. Compensation for loss of houses, residential land, agricultural land and other immovable assets amounting to 34,761,996 Afs
2. Compensation for loss of fruit and non fruit trees amounting to 5,011,600
3. Total compensation to PAFs amounts to 39,773,596 (811,706 USD)

Contribution by Government of Afghanistan

In addition to the cash compensation to be made by MJAM, Government of Afghanistan is making a substantial contribution for the effective rehabilitation of the displaced families and social development in the resettlement site. Government will provide free of cost plot of land of the size 450 square meters to each displaced family in resettlement site, Ashab Baba to build their house. Government is also providing in the resettlement site, important facilities like schools, clinic, mosque, cemetery, community centre, drinking water facilities, and sewage & canal systems to help in flow of water in times of floods etc. These facilities were not available to the PAPs earlier. In addition, in recognition of the customary rights of these villagers over the land they have been cultivating, as provided for under the Afghan Land Law, Government will also support the displaced families by giving them each 10 Jeribs of Grade 7 agricultural land in Mohammad Agha district as a livelihood restoration measure. Grade 7 is a rainfed land which is cultivated every alternate year.

1.5.6 Some Important Issues

- There is an elaborate discussion on the issue of recognition of customary rights of the PAFs in the absence of formal title deeds and the existing Afghan legal and policy framework in this regard drawing references to law of Managing Land Affairs.
- As for the justification for allocating 10 Jeribs of agricultural land to the PAFs in lieu of the loss of land for which they did not have title deeds, it may be mentioned that many affected families are actually cultivating much smaller pieces of land than 10 jeribs but in order to provide more than sufficient subsistence to each affected family, 10 Jeribs is being given to them as a livelihood restoration measure. Also Government has followed a principle of equity in allocation of land for the customary rights of PAPs.
- It is also pertinent to mention that village heads have played a significant role in community consultations, as this is a customary way for authorities to engage with local communities. While most of communities now have elected Community Development Councils, which can represent them, the five villages of the RAP were not yet covered. During the resettlement process, a local NGO will

be engaged in developing CDC structures for the PAP community. The affected communities have therefore been largely dependent on the traditional village heads or their representatives to negotiate for compensation. Village heads were also instrumental in drawing up the lists of the migrant families in these five villages.

- Compensation for each resident family will in addition to the head of household also be given to each married son of the family. This is based on the fact that the size of these families has multiplied overtime and land at Aynak is a source of livelihood for these families. Therefore in order to adequately compensate these families for income restoration and for sufficient space to live, each married son will be given a piece of land equivalent to 10 Jeribs for cultivation and a plot for land of size 450 square meters to build a house.
- In case of families which have moved out long ago to other parts of the country and some have migrated to Pakistan, only head of the family will be eligible for compensation. This is based on the premise that compensation is given for displacement. In this case, since these families are not living here and not dependent on the land for the livelihood, compensation for residential land will be given at a uniform rate for all those who do not have ownership documents. Head of the family will be given a piece of agricultural land of size 10 Jeribs in the district and a residential plot at resettlement site. The head of the family for the absentee families will be the head of household at time of migration, i.e. typically the grandfather.
- The absentee families will be given compensation only after they prove their identity through an identity card, taskara etc. The compensation amount for these families will be kept in a separate account in the bank. These families will be given a time period of one year to claim the compensation and if they do not claim in this period, this money will be credited to government account. Efforts will be made to reach out to these families through village heads, local mosques and information brochures, pamphlets at MCC office, office of Logar Governor, Sub Governor, etc.
- Recognizing the customary claims of the local communities over agricultural land as well as land on which they have built houses, it was decided by the relevant authorities to compensate them in cash for residential land at the rate of 37,500 Afs for each PAF irrespective of the actual land they were using. This is the price of 2.5 beswa of land at the price 15000 per beswa. It will be paid by MCC. This is in addition to a plot of land for building houses at resettlement site.
- Based on the decree of President of Afghanistan, all the legal owners of agricultural land in these villages will be paid at the rate of 300,000 Afs per Jerib of land. It will be paid by MCC. In addition, they will also get 10 Jeribs of land elsewhere in the district like other PAFs in lieu of the additional land they have been cultivating for long time without documents. Further, the compensation rate

of the fruit and non fruit trees is based on the rates established by Ministry of Agriculture for fruit and non fruit trees and market value of wood.

- The consultation process for first year and half till mid 2010 was far from perfect and not well documented. Lack of established procedures and sound legal provisions guiding the land acquisition process further made it difficult to get logical and objective explanation for every decision of the government. At times decisions appear to be deficit in sound logical base which could be due to lack of precedents and awareness. Therefore justification of each and every past action has not been possible.
- RAP provides the list of absent/migrated PAPs based on the discussions with the local communities. These are indicative numbers and any further amendments can be taken care of in the grievance redressal process. For this purpose, Ministry of Mines will be requesting MCC to allocate 10% of the total cost of compensation as additional funds to cover the cost of compensation for absent families which have been left out at this stage due to limited information available, in case they approach the GRC and their claims are found to be valid.
- Lastly, since Aynak is the first major mining project in the country, the resettlement and compensation process in Aynak will be the guiding principle for future projects. And in that context, the importance of this RAP to be objective and detailed cannot be overemphasized.

2 INTRODUCTION

2.1 Aynak Copper Mines

Aynak is a world-class copper deposit located in the southern Logar Province close to the Logar-Kabul provincial boundary. The mines area is south-southeast of the center of Kabul city, about 30 km away. By road, the distance is about 45 km. The geographic coordinates of the mines are 34°15'58" N and 69°18'18" E. Aynak has been the focus of copper mining since ancient times. Numerous old excavations and pits, as well as remains of smelting furnaces, have been discovered at Aynak and also nearby Darband and Jawkhar.

According to the Afghanistan Geological Survey, the Aynak copper deposits in Logar province has in-ground reserves of 240 million tons of material of 2.3% copper in the central portion of the deposit with an estimated value of US \$ 43 billion at current copper price. Resources are also present in the western portion of the deposit, but are less well defined. The copper mineral deposit outcrops at the surface, where portions of the deposit are amenable to open-pit mining methods.

In 2008, Government of Afghanistan through an international bid allotted the contract for copper mining at Aynak to MCC, China's leading mining company. While the number of people and magnitude of adverse impacts are expected to be low, the Project will work to further minimize the likely adverse impacts. There will be some land acquisition and displacements of settlements in the areas close to mine pit and also in the areas required for constructing access road, tailings and other facilities in the project. This Resettlement Action Plan has been prepared to deal exclusively with any land acquisition and displacement impacts caused by the proposed mine development. It outlines the modalities of paying compensation to all people whose land and property are likely to be affected by mining. More RAPs may follow when final alignment of roads and tailing dams has been determined. Subsequent RAPs will follow the compensation framework outlined in the following.

2.2 Objectives of the RAP

This Resettlement Action Plan is to achieve the following objectives:

- To identify and assess potential social impacts of the proposed project.
- To identify all potential significant adverse social impacts of the proposed project and recommend mitigation measures as per the Afghan legal framework and compliant with OP 4.12.
- To generate baseline data for monitoring and evaluation of the implementation of mitigation measures.

- To recommend cost effective measures to be implemented to mitigate the expected impacts.
- To identify and quantify Project Affected People (PAPs) who would require some form of assistance, compensation, rehabilitation or relocation.
- To provide guidelines to stakeholders participating in the mitigation of adverse social impacts of the project.
- To verify the adherence and compliance of the World Bank's Safeguard Policies.

2.3 Project Background

The Aynak copper mining project will enable Government of Afghanistan to maximize the value of the Aynak copper deposits to boost the national economy while promoting sustainable development and protecting social and environmental aspects of Afghanistan and the Afghan society. China Metallurgical Group Corporation (MCC), China's leading metallurgical development entity and as co-owner of MJAM, expressed its initial interest in developing the project in 2002. This project, being the largest resource development activity in Afghanistan, was executed by calling international bids for the necessary resource development and extraction activities. Expressions of interest were requested in August 2006, and prequalified parties were announced in November 2006. Nine companies from around the world were consequently invited to bid for the development of the copper mining project. The results of bid evaluation were announced on November 20, 2007, according to which the consortium of MCC and Jiangxi Copper Company Limited (JCC) was awarded the contract for the development of the Aynak Copper Mines in May 27, 2008.

2.4 Project Proponents:

4. MCC is an enterprise conglomerate mainly engaged in engineering, procurement and construction (EPC) of projects, natural resource exploitation and works under the direct auspices of the central government of the Peoples Republic of China. It claims total assets of US\$ 4.7 billion and a work force of over 56,000 technical and managerial employees and has a global presence. JCC, founded in July of 1979, is a large integrated state-supported key enterprise in China's non-ferrous metals industry, covering copper mining, milling, smelting and processing. It is the largest copper producing company and an important sulfur, gold and silver producer in China. At present, the total asset base of the company stands at over US\$ 3.8 billion with more than 34,000 employees.

License Area and Planned Facilities

According to the Aynak contract, the Aynak copper deposit license area consists of an exploitation license over an area of 28.357 km², that includes the Central Deposit and the West Deposit of the Aynak copper mine and an exploration license over an area of 106.332 km², that includes Darband and Jawkhar copper ore spots where preliminary geological work has been performed. The exploration license is valid for three years and

can be extended to a maximum of nine years. The exploitation license is valid for thirty years and can be renewed in five year increments until the exhaustion of ore deposit.

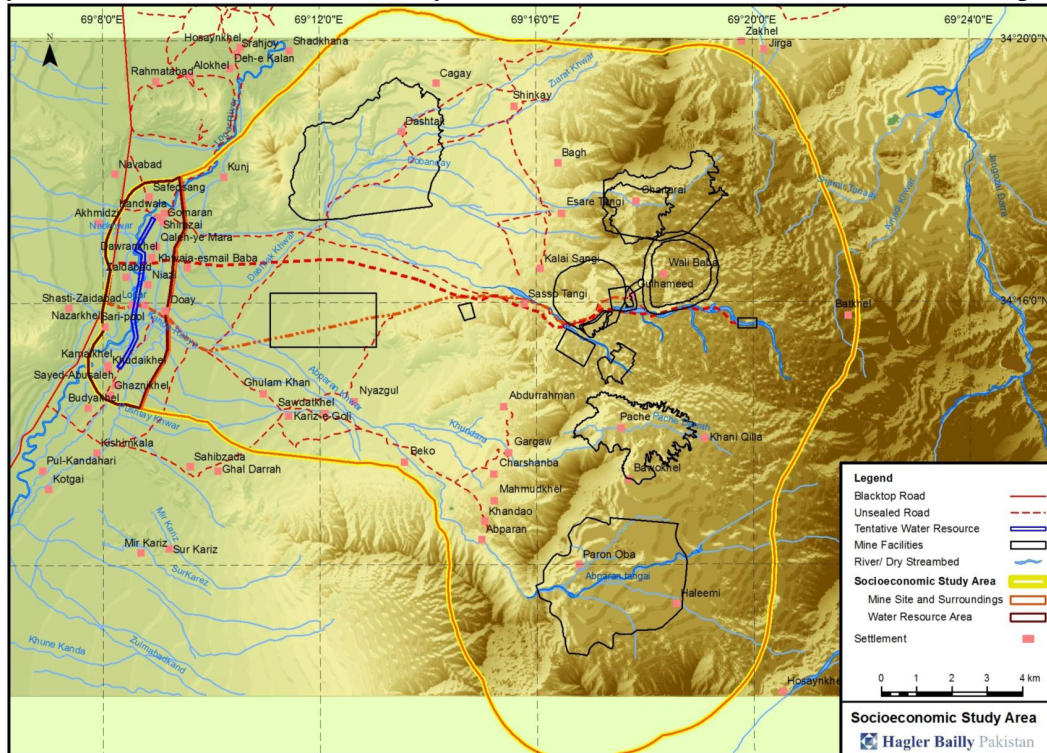


Figure 1: Location of villages in Aynak covered in RAP

2.5 Social & Infrastructure Development Obligations of MCC at Aynak

While contracting mining rights at Aynak to MCC, Government had imposed certain social obligations on MCC for protecting the local communities from impacts of mining and to ensure that those affected by mining operations receive direct benefit from the project. MCC's commitments on social and infrastructure development in the project area include:

Resettlement and Compensation Plan: MCC is required to compensate local residents adversely affected by mine development activities at or in the vicinity of Aynak. Compensation will be determined based on the applicable Afghan laws and internationally accepted principles. The residents will be properly resettled in a location and in a condition that does not result in diminishment of the resettled resident's standard of living or adversely impact the resident's livelihood. Such resettlement shall be conducted in accordance with World Bank Resettlement Guidelines. Further, to address the impact of mine development and operations on surrounding villages and residents, MCC in consultation with government, will develop and finance an aid program established for the benefit of the surrounding villages and residents.

Local and Regional Benefits: In order to adequately address the social impacts of the project and to maximize and sustain the regional economic and social benefits which the project will generate, MCC is required to coordinate all of its studies of the project's

infrastructure requirements impacts with infrastructure studies undertaken by the Government with a view toward integration of the infrastructure of MCC's operations with that of the province, region, and country. MCC will also assist and advise the Government in its planning of the infrastructure and regional development which will be useful to the project and for economic development in the region.

Housing and Medical Facilities: MCC shall provide housing facilities for its employees and their immediate families at a reasonable rental rate. The precise number, type and location of such housing facilities shall be determined through social impact assessment prepared by MCC and in consultation with government. MCC is also required to provide free medical care and attention to all its employees and their families and to all Government officials working in the area covered by this Mining Contract and it will also establish, staff, and maintain adequate dispensary, clinic, and hospital facilities.

Schools: MCC will provide, free of charge, adequate primary and secondary school education for the children of all employees and residents of the area surrounding Aynak as specified in the social impact assessment. MCC will construct adequate schools to provide primary and secondary education. In addition, MCC will provide adequate nursery and kindergarten facilities for its employees' use.

Entertainment and Shopping: MCC in consultation with concerned government officials will construct and fund the operation of adequate recreational activity centres such as gymnasiums and sports fields for the use of employees and local residents. MCC is also required to construct a market/shopping area for the use and convenience of employees and local residents. MCC shall provide employees and their families with special places to conduct their religious activities.

Employment of Afghan Nationals: For Aynak project operations, MCC is required to employ Afghan personnel, to the maximum extent possible. This includes employment of 100% Afghanistan nationals as unskilled labor. The fixed percentages of all positions in each employment classification viz. Skilled, clerical and technical and managerial will be held by Afghanistan nationals.

Training: MCC shall make arrangements for the training of local manpower in order to improve their skills and enable them to be qualified as skilled, supervisory, and technical & managerial positions in the project. For this purpose, MCC will establish an adequate facility for vocational training. MCC will also help to establish and cooperate in a program of foreign scholarships for Afghan nationals and grants to educational institutions of Afghanistan.

Employee Accident Compensation: MCC will provide for the medical and rehabilitation costs for any employee, working for MCC, if he is injured while performing duties in the project. Injured employees will be entitled to return to the same or similar positions following recovery from injury. In the event that an employee is killed performing duties in the Project, MCC shall be responsible for the payment of an adequate death benefit to the immediate family of the deceased employee.

Railway: MCC is committed to construct, at its expense, a railway line associated with the project. This railway line will help in better communication and economic development in the Aynak area thereby benefitting the residents of that area.

Power Supply: MCC will construct a 400 megawatt capacity coal fired power plant to supply electrical power to the Project and to Kabul. This power supply will also help in electrification of the areas around Aynak.

Water Supply: MCC will construct water supply wells and pipeline system in the vicinity of the Project to supply the Project’s fresh water requirements. This will help to develop local water sources. MCC will also provide other water supply facilities, including water dams, pumping stations, purification systems, and distribution lines. This will help to improve overall water availability situation to the villages in Aynak.

Access Road: MCC will also construct an access road from Main Kabul- Logar road to Aynak mine area. This will help the local communities in their transportation to Logar and other areas.

Project Affected Families (PAFs): There are five villages around Aynak mine, which at this point of time will be directly affected due to mining and associated activities. The names of these villages are given below:

Table 1.1: Villages covered in this RAP

Sr. No	Name of Village	Resident PAFs	Absentee PAFs	Total
1	Wali Killai	42	13	55
2	Kooz Chinarai	20	18	38
3	Adam Killai	0	10	10
4	Bar Chinarai	0	7	9
5	Siso Tangai	0	7	7
	Total	62	55	117

Table2: Number of PAFs in 5 villages

There are overall 117 PAFs out of which 62 families are living in two villages, Wali Killai and Kooz Chinarai, while in Adam Qillai, Bar Chinarai and Siso Tangai, there are only abandoned houses as the families have migrated out of these villages long ago. However, they are still entitled for a compensation for piece of land where they had a house. . These villages were abandoned during the past years of conflict mainly during the Soviet invasion period (1979-1989), However, any private ownership of the lands within these villages is recognized and each original family leaving the village have been recognized as having a claim on a plot of residential land even where no formal legal deed is available.

The township, named Ashab Baba, about 7-8 km away from the Aynak Mine site is being developed for the relocation of villagers who are required to move due to the development of the mine as well as to facilitate housing for the influx of persons expected as a result of mining operations. The township includes public infrastructure

facilities like electricity, potable water supply, sewerage system, roads, schools, clinic, mosques, markets, cemetery, and other amenities found in a modern residential setting.

2.6 Need for a Resettlement Action Plan

This RAP has been prepared consistent with the applicable laws and policy provisions of Government of Afghanistan and the provisions of the World Bank's Safeguard Policy on Involuntary Resettlement (OP 4.12). OP 4.12 requires that a RAP be prepared for all projects that anticipate land acquisition and displacement affecting shelter, livelihood and associated impacts. It is a time-bound action plan with appropriate budget provisions and details the compensation and rehabilitation support to be provided to the project affected persons. Basically, this RAP presents an inventory of people likely at this stage to be affected by the Aynak mining project, a register of the assets that are likely to be affected by the project and the proposed compensation package.

2.7 Scope of this RAP

This Resettlement plan covers the initial five villages which will get affected by the mining at Aynak region wherein there is need for relocation of PAPs and land acquisition. Table 1.1 above provides details of the villages covered in this RAP.

This RAP also includes summary of effective public consultation, disclosure with affected communities, and a plan to monitor implementation of the resettlement program during relocation and thereafter for a reasonable time after economic and livelihood restoration activities commence. The compensation and resettlement process was initiated in late 2008 and has been developed and updated to incorporate ongoing project development activities and changing local and national circumstances.

Basic elements of RAP are following:

- Identification of project affected persons
- Extent of impact of the project-losses in land income, assets etc. and the benefits in infrastructural development.
- Legal policy framework and entitlements.
- Consultation and participation.
- Socio-economic conditions and impacts.
- Resettlement action plan with budget including complaints settling, monitoring & evaluation and implementation schedule.
- Economic and Livelihood Restoration Measures.

2.8 Methodology of the RAP Study

The methodology adopted to obtain details of likely project affected persons, their social economic background to allow computation of realistic compensation packages is in line

with GoA and World Bank safeguard requirements in land acquisition. The methodology thus entailed activities as follows:-

Discussions with MCC: Discussions were held with relevant staff of MCC responsible for safety, health and community consultation with a view to better understand project scope and activities. From such discussions, the consultant obtained maps and project design data which proved useful in identifying the likely social impacts and zoning of the affected villages.

Consultation with Communities: For preparing the RAP, communities were consulted by the consultant to get their feedback on the land acquisition and resettlement issues.

Design of questionnaires: For purposes of getting information of the existing socio economic conditions of the affected communities, their income levels and land and assets ownership data, a comprehensive HH questionnaire was designed and adapted for the study at hand. Appendix 1.1 provides the questionnaire for the Inventory of PAPs. To facilitate the surveyors, they were given training at World Bank and Ministry on the methodology for conducting the socio economic survey.

Focus group meetings: Focus group meetings have been held at Aynak separately for the women and men villagers to make them aware of the impacts and benefits of the Aynak project. They were also informed of the resettlement process including the infrastructural facilities at the new site being developed by the government for relocating the PAPs. The need for this survey was also discussed with them and they were urged to provide correct information.

Socio Economic Survey of PAPs at Aynak: Ministry with the assistance of its Social Advisor conducted HH survey in Jan 2011 to assess the living conditions of the local communities, their income and expenditure levels, size of agricultural land, assets owned and their feedback on the resettlement process. With the help of Aynak Authority officials, this survey was carried out in three villages, Wali Killai, Bar Chinarai and Kooz Chinarai covering about 80 families. To cover the gender aspect, female enumerators from the local area were also employed to collect data from women in these communities.

Resurvey: For the due diligence in this process of socio economic survey, the survey data was properly checked and many major discrepancies were found. Consequently social team from the Ministry visited these villages in end January to check the veracity of the HH survey report. Many villagers reported that they have not been interviewed in the survey. After discussion with senior management, it was decided to go in for resurvey as a faulty survey could lead to serious problems in future with complaints coming from the villagers that the information is incorrect. After lot of consultations and discussions with village heads, HH census has again been carried out in February 2011.

Consultations with secondary stakeholders: Alongside the socio-economic survey, consultations were held with stakeholders for purposes of better understanding of the socio-economic baseline of target groups. Appendix 1.4 provides a list of secondary stakeholders consulted as part of this study.

Asset valuation and computation of compensation packages: Two land acquisition committees were formed by the Ministry of Agriculture in December 2010 to settle the agricultural land claims at Aynak and to settle disputes and complaints on land ownership issues at Aynak. They submitted a report detailing land ownership by the communities and the rates of different grades of land in the affected villages. Based on this report, asset valuation and compensation packages were worked out for the PAPs for their agricultural land, trees and crops, and buildings.

Finalization of the RAP report: The entire process as outlined above was documented so as to prepare a Draft RAP report for discussion with the various stakeholders. Upon receipt of comments from all concerned, a final version of the RAP has been developed.

2.9 Presentation of the RAP

- This RAP is presented in the following seven chapters: Socio-economic Baselines and Impacts
- Legal Policy Framework and Entitlement
- Stakeholder Consultation
- Resettlement Action Plan, Impact Mitigation and Budget
- Institutional Arrangements and Implementation Mechanism
- Grievance Redressal Mechanism
- Monitoring and Evaluation
- Annexes with supporting documentation in English and Dari

3 SOCIO ECONOMIC BASELINES AND IMPACTS

3.1 Socio Economic Profile of Logar Province

Logar is one of the least economically developed provinces in Afghanistan, with highest levels of poverty and unemployment rates as per NRVA 2008. Agriculture provides employment to 65% of the population. It has 8.5 % unemployment and 64% underemployment rate. The labor participation rate is 66% which is almost the same as national average. The poverty rate is 75% which is double that of national average. The per capita total consumption is only 1082 Afghani with 52% of population consuming less than 2100 calories a day. This indicates that there is an urgent need for generating more employment opportunities, income generation and better livelihood. Aynak project can greatly help in this process of development of Logar province.

3.2 Survey in Aynak

A detailed socio economic survey was initiated by the Ministry of Mines in Aynak area in January 2011 to collect the baseline information on the socioeconomic conditions prevailing in the five villages, Wali Killai, Bar Chinarai, Kooz Chinarai, Siso Tangai and Adam Killai or Gul Hameed covering over 100 families who would be directly impacted by the mine operations. Primary data was collected at settlement and household levels by administering questionnaires to the Heads of households of all project affected families and village leaders (Annexure 28). To cover the gender aspect, a member of local female shura of the area was engaged by the Ministry to collect data from women in these communities. She further employed two women belonging to the area to help her collect this information.

The survey was carried out by a team of 10 surveyors in two weeks in January 2011. The social survey team which comprised of ministry officials, Aynak Authority officials, Social Team of ministry, Females from the local area etc was properly trained in the Ministry of Mines before carrying out this survey. A survey questionnaire prepared in consultation with the World Bank was used for collecting the information. The purpose of the survey was to assess the existing socio economic living conditions of the local communities in these areas and the social impacts of mine related activities in these areas. Data collected covered issues such as demographic characteristics of the local communities, size of the families, sources of livelihood, income levels, expenditure patterns, ownership of assets, cropping patterns, availability of basic infrastructure, number of trees, livestock owned by the families etc. The information has been collected mainly from the heads of families or in their absence other members of the families in every household of the village. In many cases, both males and females were present when information was provided to surveyor to take into account of views of female member of the families in these villages.

Re-survey: For the due diligence in this process of socio economic survey, the survey data was properly checked in the Ministry and many major discrepancies were found. Consequently, the social team from the Ministry visited these villages in end January to

check the veracity of the survey report. Many villagers reported that they have not been interviewed in the survey. Probably in many cases the forms had been filled up by the village heads. The senior management of the Ministry decided to go in for the re-survey as this kind of survey could lead to serious problems with regard to complaints from the villagers that the information collected was incorrect. For the second round of survey, Ministry allocated a much larger team of officials to work with the social team to carry out this survey.

The re-survey was initiated in first week of February 2011 but it had to be stalled soon after as villagers refused to cooperate and give any information. Thereafter, many meetings were held with village heads at Aynak to make them aware of the purpose of the survey and persuade them to participate. This probably was the result of communication gap between government and the communities in the past and the communities had some apprehensions about the compensation package. After lot of persuasion of the communities to participate in the survey and consultations, the survey team again initiated the survey work at Aynak from end February and it was completed in two weeks.

Focus group meetings: Before and in between carrying out this survey, focus group meetings were held with women and men villagers separately to make them aware of the benefits of the Aynak project. They were also informed of the resettlement process, infrastructural facilities at the new site for effectively rehabilitating them. The need for this survey was also discussed with them and they were urged to give correct information. Report on focus group meetings with villagers at Aynak including the focus group meeting with women villagers may be seen at Annexure 14 and 15.

MJAM has been mandated to ensure employment of local communities in the project and for conducting training programs for skill learning of the local communities in mining related activities to enable them to earn decent livelihood.

3.3 Data Collection and Methodology

This socio economic survey involved a household census to serve as socio-economic baseline for the RAP, identifying the vulnerable families and their level of vulnerability and suggesting changes in project design to reduce risks and assess expected impacts of the project on people in these villages. A census survey was carried out in two villages, Wali Killai and Kooz Chinarai. Other three villages only have some abandoned and destroyed houses as people living there have migrated long time back to other parts of country or Pakistan. This baseline survey was carried out using a structured questionnaire as a tool for collection of quantitative data. Quantitative data was collected from a representative of each household located in the two areas. Female surveyors collected information from female family members in these areas. They were also responsible for counting the rooms, doors, windows and beams of each house for the compensation package as they had access inside the rooms of the house. The issues like work carried out by women for livelihood and the level of their income were specifically addressed in the

survey. This was supplemented by community consultations, focus group meetings and community meetings to collect additional qualitative data.



Picture 1: Villagers and the Survey Team during Socio economic survey

3.4 Household Roster

Project affected families (PAFs) by title of land:

There are total of 117 project affected families who are directly affected by the project either in terms of relocation or loss of agricultural land only or both. In Wali Killai and Kooz Chinarai villages, the residents are most directly affected as they are actually living there and will have to be relocated due to the project. In Wali Killai, there are 42 families living and in Kooz Chinarai, 20 families making the total of actual families residing in these villages as 62. In addition, in these villages, 55 families have been identified as absentees based on the reports prepared by the village heads and endorsed by a provincial government official. Compensation to those residing in these villages in Aynak will be due in terms of residential land and agricultural land as part of their customary rights. The information of the 62 families residing in the five villages has been collected through the detailed census socio economic survey carried out by the Social Team of the Ministry from December 2010 to February 2011.

Sr. No	Name of Village	Resident PAFs	Absentee PAFs	Total
1	Wali Killai	42	13	55
2	Kooz Chinarai	20	18	38
3	Adam Killai	0	10	10
4	Bar Chinarai	0	7	7
5	Siso Tangai	0	7	7

	Total	62	55	117
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Table3: Number of PAFs in each of the 5 villages with type of PAFs- absentee or present

Out of 117 PAFs, 8 have legal title holders to the agricultural land and rest are non title holders with customary rights over the land.

Title category	PAFs	% of total PAFs
Title holders	8	7
Non-title holders	109	93
Total	117	100

Table 4: Number and percentage of Project affected households by title

Demography of Project affected families (PAFs)

The 62 directly affected households together have a total population of 690 persons of which 49% are male and 51% female. The average household size is therefore 11 persons. Large percentage of population is in the age group of less than 15 years which indicates high population growth in the area and a high dependency ratio on the economically active age group. This percentage of dependent population would further increase with the addition of population above 65 years in this category. Though it goes beyond the focus of RAP, it may be worthwhile to consider that since the majority of population is in young age group, if there is social investment particularly in the area of education and skill training, it will greatly boost economic wellbeing of these families and overall development in the area in the next 1-2 decade. Only one household is female headed as her husband has expired and she has young children.

Age category	Male	Female	Total	%
0-7 years	68	68	136	20
7-15 years	66	79	145	21
Above 15 years	206	203	409	59
Total	340	350	690	100
Overall male-female ratio	49	51	100	

Table 5: Age-wise number and percentage of project affected people segregated by gender in Wali Killai and Kooz Chinarai villages

The demographic data indicates that most of the families are nuclear families and have large number of children particularly in very young age group. There are a few

households comprising extended families including grandparents and nieces and nephews.



Picture 2: Women Focus Group meeting at Aynak

3.5 Employment Status

An examination of the data reveals that majority of the PAPs are engaged in either farming/ livestock herding or casual or daily labor outside mine. Women in the area are mainly engaged in rearing of smaller livestock like chickens. Not many PAPs are involved in sale of handicrafts etc. Very few PAPs are engaged in trading, government service and business. As Aynak is essentially a dry area with very little scope for large scale agriculture, and dependence of large percentage of PAPs on agrarian activities like agriculture and livestock rearing indicates lack of other employment opportunities for the people of the area. Those engaged in daily labor also suffer from high degree of uncertainty of income as they get work only a few days in a month. This means that when these communities are relocated, a substantial number of both men as well as women will lose their source of livelihood and will have to be compensated in terms of alternate means of livelihood like alternate land for agriculture.

Employment Status	No. of Male PAPs	Number of Female PAPs	Number of PAPs	Percentage of PAPs
Farming/ livestock Herding	38	0	38	29
Casual Labor outside mine	37	0	37	28

Informal Trading	6	0	6	4
Raising smaller livestock	2	39	41	31
Government Service	2	0	2	1
Business (shopkeepers)	1	0	1	1
Sale of home based produce/handicrafts	2	1	3	2
Others	5	0	5	4
Total	93	40	133	100

Table 6: Number and percentage of PAPs employment level by sex

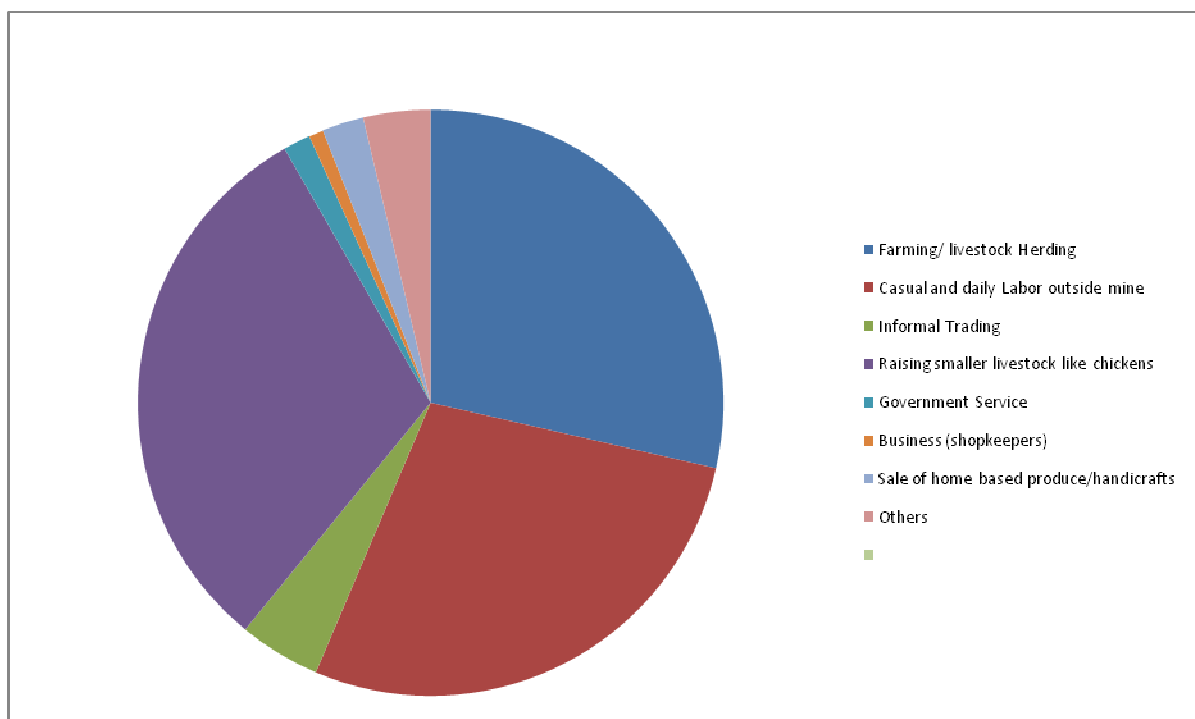


Figure 2: Ratio of PAPs engaged in different occupations in Wali Killai and Kooz Chinarai

3.6 Income Levels of Households

The data on income earned by the PAPs by source shows that earnings from agriculture activities as well as from casual and daily labor are low i.e. less than 10,000 Afghanis per month. It also implies that those engaged in agriculture are mainly subsistence cultivators.

Village Name	Source of Income	Number of PAPs	Average annual income (AFN) per job
Wali Baba	Business / Shopkeeper	1	30,000
	Casual/ Daily Labor outside mine	31	132,064
	Informal Trading	5	127,000
	Farming/ Livestock herding	23	117,608
	Overseas	1	150,000
	Rearing smaller livestock	23	1,665
	Sale of home based handicrafts	3	3,833
Average income per working PAP			80,310

Table 7: No. of respondents' average income earned yearly by source in Wali Killai

Village Name	Source of Income	Number of PAPs	Average annual income (AFN) per job
Kooz Chinarai	Farming/ Livestock Herding	17	107,000
	Casual/ Daily Labor outside mine	6	85,166
	Informal Trading	1	100,000
	Government Service	2	144,000
	On antiquities, mining related	3	140,000
	Rearing smaller livestock	18	3,566
	Sale of home based handicrafts	1	1,500
Average income per working PAP			83,033

Table 8: Number of respondents' average annual income earned by source in Kooz Chinarai

The average income per job in Wali Killai is about 80310 Afs per year and it is slightly higher at 83033 Afs for Kooz Chinarai village. Since some PAPs are working in more than one occupation the total number of working people is more. The average level of income from agriculture is less than 10,000 Afs per month in both the villages. Women are mainly engaged in raising smaller livestock and the earnings are less than 4000 Afghanis yearly which is only a supplemental family income. This also includes occasional sale of milk eggs etc in the villages.

Income Distribution Table

Average annual Income Levels	No. of PAPs in Wali Killai Village	No. of PAPs in Kooz Chinarai Village
More than 1,50,000	Nil	Nil
Between 100,000 to 150,000	60	23
Between 50,000 to 100,000	Nil	6
Between 10,000 to 50,000	1	
Less than 10,000	26	19

Table 9: Income distribution among working PAPs

Most of the villagers are in the category of 100,000 to 150,000 Afs annual income which indicates a low income per family. Larger number of people in this category in Wali Killai as compared to Kooz Chinarai is merely because there are more than double the numbers of families living in Wali Killai as compared to Kooz Chinarai and not due to high income levels in Wali Killai. There is no family in either village with an income level of more than Afs 150,000. Also there are at least 46 PAPs which may be categorized as vulnerable as their income levels are less than 50,000 Afs annually. But most of these are women engaged in livestock rearing and they are supplementing the family income and none of them are sole bread earners for the family.

Logar has a very high poverty rate of around 75% of population living below poverty line which is almost double that of national average of 36% as per NRVA 2007-08.

3.7 Expenditure

Data gathered on approximate expenditure per month for all respondents show that average spending is high on food followed by expenses on clothing and medical needs. Expenses on medical needs are comparatively high as there is no government medical centre in vicinity and people go to Logar for medical care.

In Afghanistan

Items of expenditure	Total monthly expenditure per PAF in Wali Killai	Total monthly expenditure per PAF in Kooz Chinarai
Food	4,678	6,263
Clothes	1,224	1,402
Housing	750	11,377
Medical	484	1,402

Electric Bill/ fuel etc	365	1,372
Miscellaneous	769	1,266
Total expenditure	8,270	23,082

Table10: Monthly expenditure levels in villages

In case of Kooz Chinarai, a few families spent money last year in the repair of their houses and since there are only 20 families living there, it has made a marked increase in the average spending level on housing for Kooz Chinarai as compared to Wali Killai. And therefore the average savings levels are also lower in Kooz Chinarai due to this spending on housing.

Items of expenditure	% of expenditure per PAF monthly in Wali Killai	% of expenditure per PAF monthly in Kooz Chinarai
Food	32	21
Clothes	8	5
Housing	6	38
Medical	3	5
Electric Bill, fuel etc	3	5
Miscellaneous	5	4
Total	100	100

Table 11: Percentage of expenditure on various items

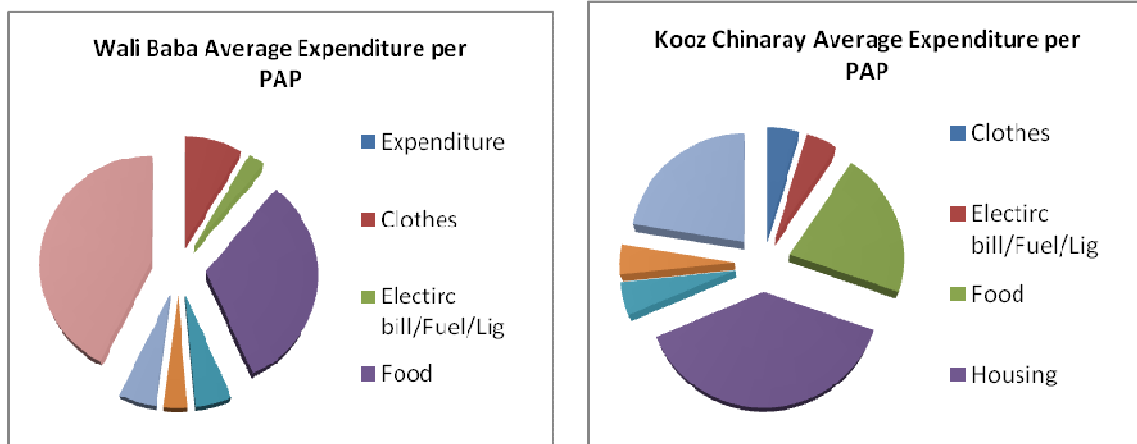


Figure 3: Average monthly expenditure and savings per family in Wali Killai and Kooz Chinarai villages

3.8 Ownership of Household Assets

Item of expenditure	Wali Killai No. of Items	Number of families	% of families	K. Chinarai No. of Items	Number of families	% of families
Car	-	-		1	1	
Motor Cycle/ cycle	10	10		4	4	
Generator				4	3	
Mobile Phone	36	37		34	14	
Refrigerator	-	-				
Tractor				1	1	
Open Well				6	6	
Tube Well						
TV	34	31		14	13	
Radio/tape recorder	2	2		2	2	

Table 12: Ownership of household assets in Wali Killai and Kooz Chinarai

The information on ownership of household assets indicates the living standard typically of a lower middle class to low income families. Each family owns cheap low cost assets like thermos and tape recorders. Almost each family has an access to TV and in Kooz Chinarai with comparatively better income levels than Wali Killai. Since there is no public supply of electricity in the area, provision of electricity to TVs is mainly from the generators owned by these families and at times shared among themselves. Some families in Kooz Chinarai own more than TV as the family members are working abroad and sending money to their families. Very few have access to motor cycles and cars though many have bicycles as a means of transport to the city. It is also notable that every family has access to mobile phone as a means of communication. A number of families have access to open well in Kooz Chinarai as compared to none in Wali Killai. This indicates much better water availability in Kooz Chinarai as compared to Wali Killai as also mentioned by respondents in other questions. Three families in Kooz Chinarai also possess generators as compared to none in Wali Killai.

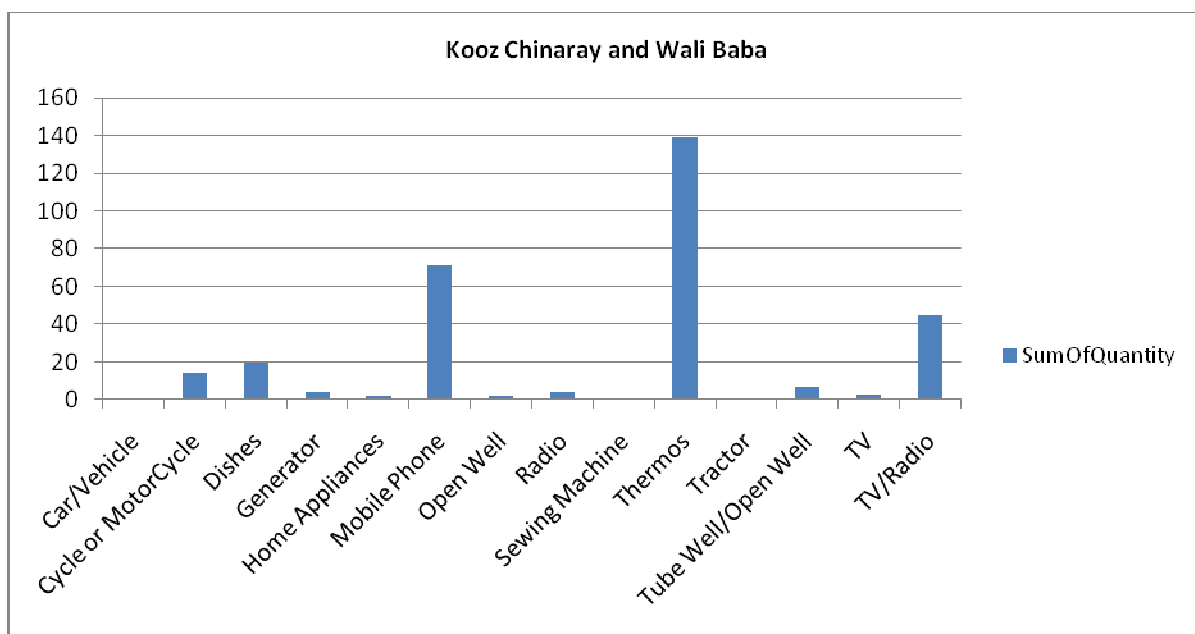


Figure 4: Showing ownership of assets in the 2 villages

Land ownership

Information on land ownership as provided by the villagers' in the survey indicates that though they do not have ownership deeds, they are claiming large pieces of land for compensation. However, due to absence of proper land records and lack of clarity in the legislation on land acquisition and compensation issues, these were the issues which took most of the time in community consultation and delay in project implementation. The claims as made by the villagers for land ownership have been verified by Afghanistan Land Authority and Cadastre and they have stated in their report that only 8 families have formal legal right to agricultural land in these 5 villages under consideration in this RAP. Rest of the PAFs have customary rights over the land they have been cultivating and will be compensated by the government by an alternate piece of agricultural land in the Mohammad Agha district.

3.9 Livestock ownership

Livestock is mainly reared for milk, meat, and eggs. These animals graze on the skirts of the mountains wherever some green patch is available. The grazing land is mostly shared and without formal deed. Leaves from the fruit and non fruit trees are also used as fodder for the animals in the absence of proper grazing facilities.

Type of Animals	Number of animals owned	Number of families owning the animals
Chickens	300	34
Cows	5	3
Donkeys	29	12
Goats	334	26

Sheep	676	35
Camels	1	1

Table 13: Number of livestock owned in Wali Killai and Kooz Chinarai

Nearly 50 % of the livestock owned by the villagers is sheep followed by 25 % goats and 22 % chickens. Sheep are mainly reared for wool and goat for milk and meat. Chickens are reared mainly by females in the house for eggs and meat which are sold in the market nearby or consumed in the household.

3.10 Food Items Consumed

As per the information provided mainly by women in this item, the families mostly consume bread, rice by most families is consumed sometimes and vegetables are consumed rarely. Most of these families consume milk, eggs and meat often as these products are available within the villages. The villagers also reported that since vegetables are not available locally and have to be bought from market in the city, they are mostly consuming the livestock they are rearing within their households.

3.11 Source of irrigation:

Area Name	Source	Number of families	No. of families using more than one source
Wali Killai	Karez	35	24
	Rain Water	25	
	Well	0	
Kooz Chinarai	Karez	13	11
	Rain Water Runoff	11	
	Well	6	

Table 14: Number and percentage of families dependent on source of irrigation

Most of the villagers in Wali Killai and Kooz Chinarai use Karez (58%) as the main source of irrigation followed by rain run-off water (42%). Well is being used, much lesser for the purpose of irrigation in the area. There are no canals in this area indicating scarcity of water in the area.

3.12 Water Supply and Cropping Pattern

Village	Wali Killai		Kooz Chinarai	
	Insufficient	Sufficient	Insufficient	Sufficient
Spring	42		4	13
Summer	40	2	4	14
Autumn	41		4	14

Winter	42		4	14
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Table 15: Availability of water in Wali Killai and Kooz Chinarai villages

In Wali Killai village the water supply for irrigation purposes is insufficient in all the seasons. However in Kooz Chinarai, villagers were by and large satisfied with the water supply. The source of drinking water in both the areas is open well. At times these are privately owned by the families but mostly shared among the families. Most sources of water for drinking, agriculture or household use are jointly owned by the community. The source of water for agricultural use is karez and arat. The cropping pattern indicates that the crops are mainly grown in the summer season. These are wheat, maize, barley, beans, onion and potato. On the non-irrigated land which is mainly rain-fed (lalmi), wheat is grown. Crops are grown for self consumption and sometimes for selling purposes.

3.13 Housing

Most of the houses in the study area are adobe construction made of mud or unbaked clay, bricks and straw. Only very few houses have masonry work and none are made of baked bricks. The condition of the houses indicates poor standard of living of the people as they lack even the basic living amenities in these houses.



Picture 3: A House in Wali Killai village

3.14 Infrastructural facilities

Village	Service	Number of families saying 'no	Number of families saying 'yes
Wali Killai	Bank	42	0
	Cemetery	1	41
	Hospital/Clinic	40	2

	Market	41	1
	Mosque	1	41
	Police Station	13	29
	Post Office	41	1
	School	39	3
	Tel. Booth	42	0
	Vet. clinic	42	0
Kooz Chinarai	Bank	20	0
	Cemetery	0	20
	Hospital/Clinic	20	0
	Market	20	0
	Mosque	0	20
	Police Station	16	4
	Post Office	20	0
	School	20	0
	Tel. Booth	20	0
	Vet. clinic	20	0

Table 16: Availability of infrastructural facilities

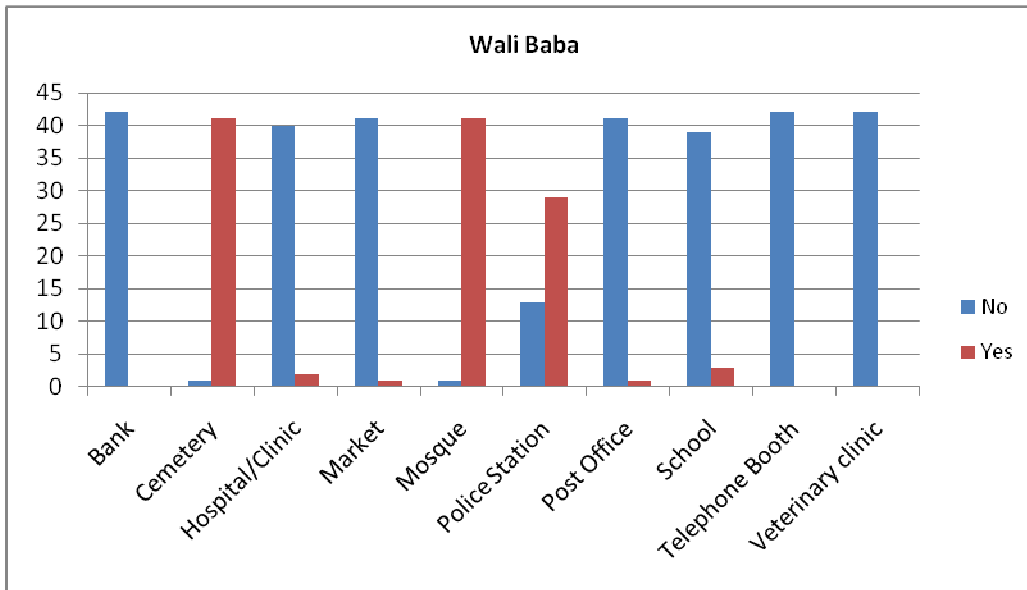


Figure 5: Showing Infrastructure Facilities available at Wali Killai

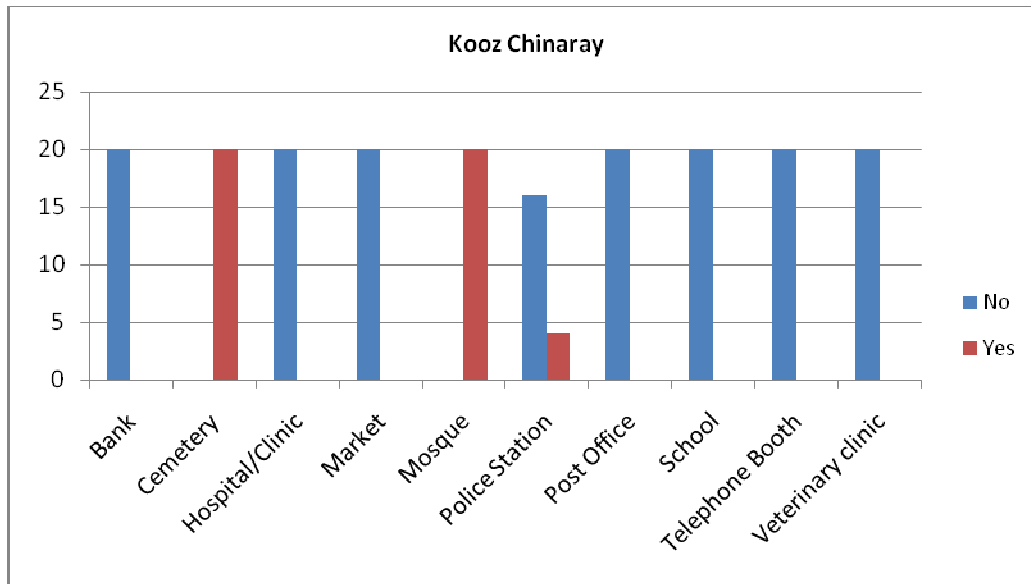


Figure 6: Showing Infrastructure Facilities available at Kooz Chinarai

It may be seen that there is lack of infrastructural facilities at both the villages. There is no school, clinic, post office, bank in the area. In this regard, condition of both the villages is as bad.

3.15 Health and Education

There are no health care facilities available in either village. They have to go to district head quarters or Logar for medical check-ups and to Kabul for major medical treatment. The major ailments in these areas is joint pains, hepatitis, cancer, TB, cholera, malaria etc for men, reproductive health and maternity issues, asthma, TB, etc for women and flue, hepatitis, cholera, polio, diarrhoea among children. Polio vaccination centres also do not exist in these areas leading to high incidence of polio among children.

About 45% of the population is of less than 15 years of age in these villages which calls for an immediate need for schools for them which Government will provide to these communities in the resettlement township.

Resettlement related feedback from PAPs

Questions	Consulted by Government	Agree to relocate	Awareness of infrastructure at resettlement site	Will Project benefit communities at Aynak	Any complaints
Number of PAFs saying Yes	47	50	45	32	56
Number of	8	8	7	7	1

PAFs saying No					
Do Not Know	8	5	11	24	6

Table 17: Resettlement related feedback from PAFs in Wali Killai and Kooz Chinarai

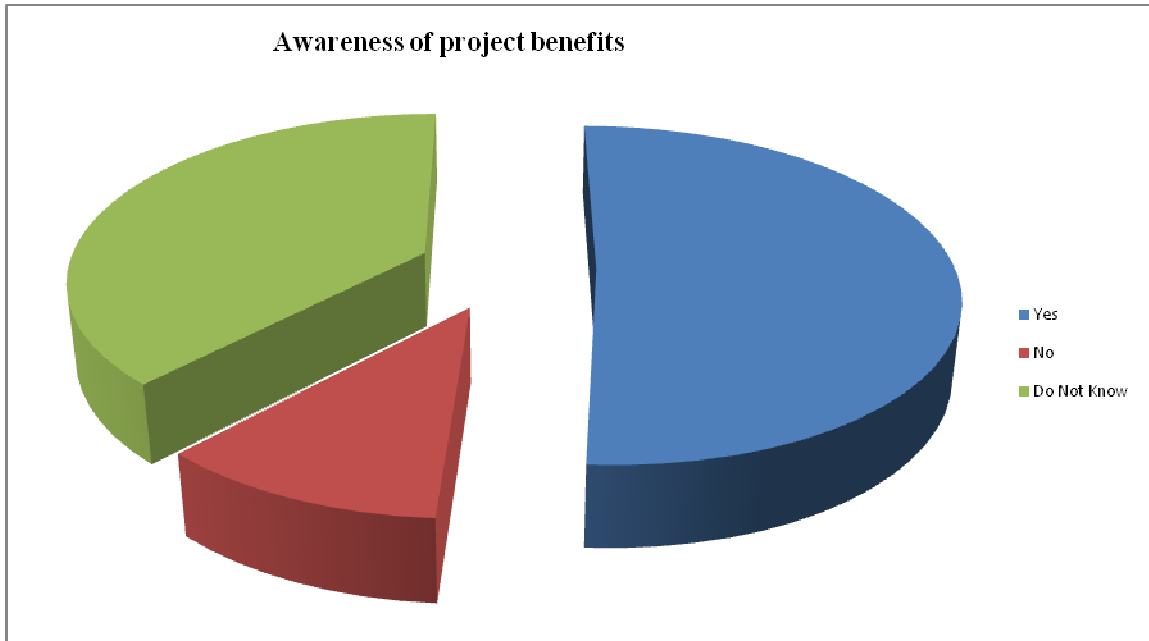


Figure 7: Peoples' perception about benefits from the project

Most of the families had some form of complaint about the resettlement process. Much fewer women respondents showed awareness of the project than men and the willingness for relocation. Most of women had not been consulted by the Government in this regard and felt that the project may not benefit them and their families.

The overall PAF overview has been enclosed with RAP which covers the existing source of livelihood of all 62 resident PAFs, their annual income levels and ownership details of the livestock by these families.

4 LEGAL POLICY FRAMEWORK AND ENTITLEMENT

The World Bank is not funding any part of the Aynak mining projects but provides Technical Assistance only to the Ministry of Mines. The Ministry has however, committed to follow the WB Operational Policies for involuntary resettlement in its mining contract with MCC for the Aynak site. The MoM is striving hard to do so, and Aynak RAP is a pilot for MoM (and the Afghan Government) in how to follow and document a legally guided land acquisition process and develop good practices in connection with resettlement. This pilot provides important lessons for future projects in the mining sector.

This Resettlement Action Plan is prepared in accordance with the government's resettlement policies, relevant Afghan laws and World Bank's operational policies and guidelines on involuntary resettlement. Therefore, the resettlement action plan is required to be consistent both with the existing local laws and policies and World Bank's Operating Policies, OP 4.12 which deal with Involuntary Resettlement. In case of inconsistency between the two, RAP must provide suggestions for reconciliation. The first step here would be to analyse and compare OP 4.12 and relevant laws. Relevant provisions of Afghan laws and policies and World Bank guidelines on land compensation, assistance and relocation are discussed as follows:

4.1 The Constitution of Afghanistan

The new Constitution of Afghanistan was ratified in early 2004. It has a few articles that closely relate to compensation and resettlement issues. These include:

Article 19: No body's property shall be confiscated without the provisions of law and the order of an authorized court.

Acquisition of a person's property, in return for a prior and just compensation within the bounds of law, is permitted only for securing public interests in accordance with the provisions of law.

Land Laws- Law on Managing Land Affairs and the Land Expropriation Law.

4.2 Relevant Provisions from the Law on Managing Land Affairs in Afghanistan

The Law on Managing Land Affairs (LMLA) is aimed at creating a legislated unified, reliable land management system to resolve the problems and issues caused by the different land management and title systems being followed during different regimes. Furthermore, this Law aims to provide a standard system for land titling, land segregation and registration; prevent illegal land acquisition and distribution; access to land to people; and conditions for appropriation of lands. The LMLA provides that:

- Management of land ownership and related land management affairs is the responsibility of the Ministry of Agriculture, Irrigation and Livestock (Article 4).
- If no title deeds are possessed, a land settler may claim land ownership providing conditions are met, including that: there are signs of agricultural constructions; land owners bordering the said plot can confirm settlement of the land user for at least 35 years; the land is not under Government projects; and is up to a maximum 100 Jeribs (Article 8).
- Technical implementation and administration of land management affairs shall be conducted under the Ministry of Agriculture, Irrigation and Livestock, and also involving the Supreme Court, Ministry of Finance, Ministry of Energy and Water, General Department of Geodesy and Cartography and relevant local Departments (Article 13). Representatives of these organisations make up the Settlement Commission (Article 14).
- A Provincial Level Land Settlement Commission will be established to better manage field activities and overcoming problems relating to implementation of the land settlement activities. This Commission is made up of the Provincial Governor, representative of the Appeal Court, Head of Ministry of Agriculture, Irrigation and Livestock, Head of MEW, Land Management Department, Department of Geodesy and Cartography (Article 20).
- The State may appropriate land under a project for permanent use by state departments and institutions (Article 21), whilst land in built-up or under residential structures should be appropriated by the relevant Departments and not the Land Settlement Commission (Article 22).
- Article 90 refers to non-agricultural activities on agricultural lands are only allowed in exceptional circumstances, provided approvals are given by Ministry of Agriculture, Irrigation and Livestock and the President.
- Several Articles including Article 23, 81 and 89 provide for dispute settlement in the courts. However, Article 23 also stipulates that the legal court settlement can be resorted to only after attempts to redress grievances with the settlement commission have failed.
- Article 25 recognises the possibilities of customary ownership of land, water (Kariz) and other similar community linked endorsements like by elders, tribal leaders and tribes etc.

4.3 Relevant Provisions from the Land Expropriation Law in Afghanistan

The land expropriation law was amended in 2005 by a Presidential decree. Some of the important provisions of this law relating to land acquisition and compensation are described below:

- The acquisition of a plot or a portion of plot, for public interest is decided by the Council of Ministers and will be compensated at fair value based on the current market rates (Article 2).
- The acquisition of a plot or part of it should not prevent the owner from using the rest of the property or hamper its use. If this difficulty arises, the whole property will be acquired (Article 4).
- The council of ministers shall be empowered to expropriate a piece of land totally or partly for the purpose of mining and extraction from underground reservoirs (Article 3).
- The right of the owner or land user will be terminated three months prior to start of civil works on the project and after the proper reimbursement to the owner or person using the land has been made. The termination of the right of the landlord or the person using the land would not affect their rights on collecting their last harvest from the land, except when there is emergency evacuation (Article 6).
- In case of land acquisition, the following factors shall be considered for compensation: value of land; value of houses, buildings and the land; values of trees, orchards and other assets on land (Article 8).
- The value of land depends on the category and its geographic location (Article 11).
- In accordance with the provisions of the law residential land plots shall be distributed to individuals whose lands or houses have been expropriated against a fixed project price. It can be arranged with the owner if he wishes to exchange his property subject to acquisition with government land. The difference on the values of land will be calculated (Article 15).
- Where the State-owned lands is being used by State and mixed departments are possessed by the municipality, local chief or other departments, in that case only constructional materials shall belong to the former possessors, and they shall not be paid the land and building prices. (Article 16)

4.4 Afghan Land Policy:

A comprehensive land policy was approved by cabinet in 2007. However, it is yet to be operationalized. This policy envisions the maximization of social and economic benefits to the whole of Afghan society based upon the orderly and sustainable use of its most important natural resource-land. The underlying principle of the land policy is to ensure a flexible, equitable and transparent policy that serves the diverse interests of the Afghan society. The important relevant provisions of land policy are discussed below:

Land Tenure

- Land policy provides that compensation for the expropriation of ownership or of rights over land as enshrined in the Constitution be strictly enforced by law. Property rights may only be expropriated under defined legal procedures and for defined legal purposes.
- It also provides that no law may permit arbitrary deprivation of property rights. In the event that the government decides to implement a development project in the interest of the public, the value that the land had prior to the announcement of the expropriation will form the basis for the amount of monetary compensation to the owners of the property.

Land Acquisition:

The land policy provides that the government implements an equitable, transparent, clearly defined set of procedures for the allocation land. Those procedures must ensure transparency and accountability by the allocating authorities and must clearly define the mandates and responsibilities of the allocating authorities and the rights of land applicants. Land allocations must be based upon need and the rural and urban landless will have priority.

Protection of Property Rights:

- It is a national policy that the national and provincial governments take measures to protect citizens including residents of informal settlements from arbitrary and forcible eviction. Eviction and relocation of unplanned settlement residents shall be undertaken with community involvement only for necessary spatial rearrangement which should take effect in accordance with the public's interest.
- Compensation for expropriation of rights over land must be provided equitably in accordance with the law.

Regulation of Pasture Land

- Access to land resources be clarified and secured as part of an integrated natural resource management which springs from local community based resource management. Such community based resource management must be conducted under the strict supervision and guidance of the Ministry of Agriculture.
- Community-based natural resource management will strive to ensure environmental protection and usage for all public owned pasture users.
- The resolution of complex issues of ownership and access rights to pasture lands be examined at the provincial level and traditional use rights of settled farmers and pastoralists established and respected.
- The Ministry of Agriculture should reactivate land surveying in order to clarify rights to land.

Proof of Rights to Land:

- Land policy provides that land ownership be documented through a process of property clarification and certification process conducted at the community level.

- Further it stipulates that recognition be given, in accordance with a law to be issued to govern the regularization of property rights, to customary documentation and legitimate traditional property rights affirmed by local knowledge.

4.5 The Minerals Law

Article 4: Ownership of Minerals

In cases where minerals are discovered on or under private land, the State may acquire the land in accordance with the law of eminent domain; unless the owner of the private land gets a Mineral Operation License in accordance with this Law.

Article 65: Expropriation for Public use

The Ministry of Mines may expropriate private land needed for the conduct of mineral activities, in accordance with law.

Article 66: Obligations of the Mineral Rights Holder regarding the Landowner

A holder of a mineral right is liable to pay compensation for the damages caused by its mineral activities. The type and method of calculating such compensation shall be established in the mining regulations.

Relevant Mining Regulations: (February 14, 2010)

Article 91: Compensation for Damages from Mineral Activities

The holder of a mineral right is liable to pay compensation for damages caused by its mineral activities. Compensable damages include, but are not limited to, damages caused by mineral activities to human life and health; lands, agricultural crops and forest products; cultural and human resources; and infrastructure.

The following are qualified to apply for compensation for damages:

1. Any individual, in the event of loss or damage to his or her life, personal safety or property;
2. Any owners of damaged private lands, structures or infrastructures;
3. Any agricultural lesser, lessees and share tenants for damage to crops or livestock.

Article 92 Evaluation of Claims for Damages:

The following guidelines shall apply in the evaluation of claims for damages under these Regulations:

1. Damages to human health and life shall be compensated at an amount as provided for in related legislative documents;
2. Damages caused to agricultural lands, which render such lands useless for the traditional purpose for which they were intended for, may be compensated at an amount equivalent to either the fair market value of the lands as per tax declaration or the cost of rehabilitation of the land; whichever is lower:

3. Damages to agricultural lands resulting in partial loss of productivity may be compensated at an amount equivalent to the costs of rehabilitation;
4. Damages to industrial and residential lands may be compensated at an amount equivalent to the costs of rehabilitation;
5. Damages resulting in total or partial loss of agricultural crops, forest products and/or livestock resources may be compensated at an amount equivalent to the loss of projected net income there from;
6. Damages to infrastructure may be compensated at an amount equivalent to the costs of rehabilitation or reconstruction;

4.6 World Bank Social Safeguards relating to Aynak Project

The resettlement related regulations and guidelines of the World Bank have been spelled out in the World Bank Operational Manual comprising documents relating to Operational Policies (OP) and Bank Procedures (BP). For the purpose of this report references have been made to Operational Policies. Since there are substantial issues related acquisition of land in case of Aynak project, the applicable safeguard policies of the Bank in this case are:

Operational Policy-4.12 Involuntary Resettlement: The World Bank's Safeguards Policies are described in the section below with indication on Operational Policies (OPs) that are triggered in the Project, based on the field investigations/consultations/surveys undertaken.

Operational Policy-4.12 -Involuntary Resettlement

This policy deals with the issues and concerns related to land acquisition, their compensation for all categories of affectees and affected assets, relocation, resettlement, loss of livelihood, access and related issues.

If involuntary resettlement is not properly mitigated, it creates severe economic, social and environmental problems in the project area. People face impoverishment when their productive sources are lost, and they are relocated to such environment where their productive skills are not properly utilized, the competition for resources is increased, the community institutions and local networks are weakened.

Where it is not feasible to avoid resettlement, these activities should be conceived and executed as a sustainable development program. Displaced persons should be properly consulted and should have opportunities to participate in planning and implementing resettlement programs.

The following are the main objectives of Bank's OP 4.12:

- Involuntary resettlement should be avoided up to the possible limit or minimized by exploring other viable alternatives;

- Where it is not feasible to avoid, resettlement, resettlement activities should be conceived and executed as sustainable development program, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits;
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least restore to the extent of pre-displacement levels.

Displaced persons may be classified into: (i) those with formal legal rights to land, including customary and traditional rights recognized under the law of the country; (ii) those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets—provided that such claims are recognized under the law or become recognized through a process identified in the resettlement plan; and (iii) those who have no recognizable legal right or claim to the land they are occupying.

The Aynak project involves displacement of villagers close to the mining area. Therefore, **OP 4.12 has been triggered to deal with the relocation and resettlement of the villagers displaced due to mining at Aynak.** The prescribed responses to adverse impacts are presented in the form of an Entitlement Matrix which is a part of the Resettlement Plan.

In accordance with the Disclosure Policy of the World Bank, this Resettlement Plan (RAP) will be disclosed in the project sites and in other appropriate locations such as office of Governor, sub governor in the Logar area. The executive summary will be translated into the local languages and disseminated in a similar manner. In addition the web site of the Ministry will be used for wider dissemination of the RAP.

4.7 Major differences between Afghan laws and World Bank OP 4.12

A comparison between the World Bank Operational Policy (OP 4.12) on Involuntary Resettlement and existing national legislation in Afghanistan is contained in the Table below. This has been taken from the ‘Resettlement Policy Framework’ prepared by Ministry of Energy and Water, Islamic Republic of Afghanistan for the World Bank – funded project, ‘Irrigation Restoration and Development.’ The table below examines as to what extent does law and practice in Afghanistan conforms to the model of land acquisition and resettlement provided for by OP. 4.12 and what needs to be done for reconciling them.

A table of comparison between the Law on Land Expropriation and OP 4.12 with proposals for reconciliation

Law on Land Expropriation (LLE)	WB Operating Procedure 4.12 (OP 4.12)	Gaps between LLE and OP 4.12 with comments	Possible solutions to gaps	What RPF should provide
PART	ONE:	PRE	ACQUISITION	PROCEDURES
1. No legal opportunities provided to potential APs and others to challenge or discuss proposed acquisition and resettlement or for any public debate and approval on proposals. In practice early discussions do take place.	Principle that involuntary resettlement to be avoided where possible implies discussion of necessity for and alternatives to acquisition and resettlement	The principle behind OP 4.12 is followed in practice in Kabul but the law is silent on the matter.	No reason why practice in Kabul could not be applied in the project areas	Potential APs must be able to discuss need for acquisition with officials from the PIU and the Ministry
2. Officials visit area <i>before</i> any official action to assess land values; values so assessed	Land values assessed as at pre-project or pre-displacement value whichever is higher	No real gaps; just different approaches to the same need to limit claims and compensation.	No gaps	A date set prior to commencement of acquisition should be fixed for land values. This should be the cut-off date

are the basis of compensation. This is a practice as the LLE is completely silent on pre-acquisition procedures and processes.				
3. As a matter of practice in Kabul efforts are made to determine those entitled to compensation and resettlement	Census conducted of persons in the area to determine eligibility for assistance, and to limit inflow of people ineligible for assistance; encroachers	No real gap here.	Given the practice in Kabul, there would be no problem in adopting OP 4.12 as the practice to be followed in the project.	A legal framework will require a census of eligible APs to be undertaken at the immediate pre-project stage.
4. By article 6 of LLE, the right to own or use land is terminated three months prior to the actual start of the project. So information on land to be acquired is	Prepare resettlement plan on how project to be implemented and resettlement etc provided for. Emphasis on participation by APs in preparation	LLE does not provide for what OP 4.12 requires. Some pre-planning of project will exist and informal discussions with APs involve participation. 3 months notice may be too little where relocation is likely but	There is nothing in LLE to prevent a more participative approach to acquisition as is called for in OP 4.12. The three month rule could be interpreted to mean “not less than three months” which would allow for discussions on acquisition and its	A legal framework within the RPF allowing for a participatory approach to acquisition and resettlement planning and implementation would not contradict the LLE and is the best way forward.

<p>sent to APs three months before acquisition. Informal discussions and negotiations occur both on land to be acquired and on compensation.</p> <p>It is at this point that donations of land may be 'invited'.</p>	<p>of process and in project implementation</p> <p>Emphasis on early information to be given to potential APs of possible resettlement</p>	<p>not rigidly adhered to.</p>	<p>consequences.</p>	
<p>5. No special provision in LLE for a resettlement plan or any special arrangements for resettlement</p>	<p>Prepare resettlement plan: contents to include – Involvement of and ensure APs their rights to compensation relocation assistance development assistance in new location. Distinction drawn</p>	<p>Major gap of substance</p>	<p>1. The LLE is silent on resettlement but there is nothing in the law to suggest that a resettlement plan or action to implement a resettlement plan would be illegal.</p> <p>2. Provide for resettlement plan administratively but</p> <p>3. Backed up by some regulations</p>	<p>2 and 3 the preferred option.</p>

	between short and full plans, depending on numbers to be resettled.			
PART	TWO:	ACQUIRING	THE	LAND
6. The Council of Ministers approves expropriation of land. Unlike the former law, there is no provision for the owner/user and or agent to be present throughout all stages of acquisition. It follows that acquisition may proceed whether the owner etc. is present or not.	No specific procedures required by OP 4.12 but content of resettlement plan implies APs will be involved in all stages of acquisition	The spirit of OP 4.12 conflicts with LLE’s non-provision of involvement of the owner apart from that provided for in article 5. It is not clear why that is confined to “the Municipality”. Given many absentee owners, it may be unavoidable to allow absentee acquisition.	Spirit of OP 4.12 could be met by more protective provisions and or practice on dealing with absentee acquisition. The silence of LLE on the details of acquisition may be taken quite legitimately as providing a gap which can be filled by appropriate participatory arrangements. There is no reason why the damage provisions of article 18 shouldn’t equally apply to all acquisitions of land.	Involvement of owners present on the land to be acquired and greater protection for absentee owners should be provided by a legal framework developed as part of the RPF which could also serve as a prototype for regulations made under article 22(5) of the new law.

<p>However under article 5 LLE, a commission is to be formed “by the Municipality” on which the owner is represented to “determine damage incurred due to land expropriation” which is differentiated from compensation. Damage is explained in article 18 LLE.</p> <p>Under article 22, the owner etc obliged to hand over all documentary evidence relating to land to the acquiring authority</p>				
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7. Under article 6 LLE after transfer of ownership, owner may enter acquired land and harvest crops except where urgent use of land prevents this	Not mentioned	LLE ahead of OP 4.12 on this:	A good provision	No change
PART	THREE:	COMPENSATION	PAYMENT	PROCEDURES
8. The bulk of LLE deals with compensation but says nothing about who is entitled to compensation. The assumption is that “owners” are entitled to compensation but the law does not define “owners”. The old law drew a clear distinction between those with legal title and those with customary title	Fundamental principle of OP 4.12 is that all those on land are to be entitled to fair compensation and assistance with resettlement irrespective of their title to land.	Major gap of substance in the law but given practice in rural areas, it is not unbridgeable.	Accommodate OP 4.12 by changing practices where necessary. Advantage may be taken of absence of legal definition of “owner” to accommodate those with customary titles which are likely to be the majority in project areas.	Given huge numbers of people not having and not going to get formal legal titles to their land in the foreseeable future, LLE should be interpreted so those living and or working on land at the census date receive fair compensation and resettlement assistance. As with 6 above, the RPF can develop a legal framework for compensating all those on the land and this can be a model for future regulations to be made under LLE. This is the one major area where there is considerable divergence between LLE and OP 4.12. It will be

<p>or no title with respect to the payment of compensation.</p> <p>Practice in rural areas was quite accommodating to those with customary titles.</p> <p>Practice in Kabul is to acquire documentary evidence for a claim for compensation.</p>				<p>necessary to comply with OP 4.12.</p>
<p>9. The Constitution provides for payment of prior and just compensation. (English translation).The LLE at article 2 provides for the payment of prior and adequate</p>	<p>OP 4.12 requires prompt and effective cash compensation sufficient to replace the lost land and other assets at full replacement cost in local markets.</p> <p>Compensation for</p>	<p>There does appear to be a gap between the LLE and OP 4.12. The LLE has a lot of gaps in it. Sensible not to insist on market value in the absence of reliable functioning markets.</p> <p>Biggest gap is compensation for squatters and even for them; the best practice does</p>	<p>1. OP 4.12 must be accommodated. Other resettlement plans developed in connection with ADB projects more or less ignore the LLE and provide detailed frameworks for assessment and payment of compensation.</p> <p>3. The ADB models should be adapted for use in the project.</p>	<p>Article 40 of the Constitution suggests that option 3 should be the preferred one. It should be supplemented by guidance on how to apply the code in practice.</p>

<p>compensation. If there is a distinction between just and adequate, then the constitutional provision of just compensation prevails.</p> <p>Article 8 provides that compensation shall be “the price” of land or houses or trees etc and article 10 provides that the Council of Ministers shall determine the price. But article 15 provides that the municipality and the administration for agriculture determine the compensation for trees etc. Article 13 sets out detailed</p>	<p>lost livelihoods required</p> <p>Disturbance compensation required</p> <p>Land for land compensation encouraged.</p> <p>Resettlement costs and ‘start up’ expenses required.</p>	<p>provide some compensation to those with no legal title.</p> <p>Practice of paying compensation into a bank even when APs not absentee difficult to reconcile with prompt payment of compensation.</p>	<p>The lack of any detail in LLE on how to assess compensation and the content of compensation (apart from article 13) allows for the creation of a clear comprehensive and fair code on compensation applicable to all acquisitions including resettlement costs which can be a part of the RPF without doing violence to the existing law.</p>	
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<p>provisions for obtaining residential plots where a person has had land acquired; the more land acquired the more residential plots are paid as compensation.</p> <p>Disturbance compensation not provided for.</p> <p>Compensation can be land for land</p> <p>Unlike the former law which provided for compensation may be paid into a bank, LLE is silent on the mechanics of paying compensation. No assistance for APs to access bank for</p>				
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their compensation. Practice on the ground is careful and painstaking.				
10. No provision in the law on resettlement support. Practice seems a little haphazard and tends to turn on legality of occupation of APs who are to be relocated	OP 4.12 requires implementation of resettlement plan the contents of which are noted at 4 above	Major gap of substance as noted in 4 above.	If preferred option at 4 above accepted, resettlement plan implementation is issue: Choice is between formal top-down and participative involvement of APs which OP 4.12 requires.	The RPF should provide for the making of a resettlement plan (5 above) which should be based on a guided participative approach to implementation.
PART	FOUR:	ADMINISTRATIVE	& JUDICIAL	PROCEDURES
11. LLE provides for administrative agencies to manage acquisition processes and deal with compensation.	OP 4.12 silent on judicial and administrative arrangements. It requires appropriate and	A major gap on grievance mechanisms and current administrative arrangements in LLE difficult to reconcile with the participative approach of OP 4.12.	Develop grievance handling practices but keep them administrative rather than legal. Make legal provision for appeals from administrative	A combination of law and practice guidance would be the best way forward. Grievance mechanisms to provide for co-operation with <i>shuras</i> and community councils in areas where

<p>APs are part of some committees dealing with compensation.</p> <p>No provision for courts to be involved or for appeals.</p> <p>In practice, committees may act to solve grievances</p> <p>No provisions for e.g. legal aid to assist APs to make claims.</p> <p>Practice at least in Kabul does appear to try and help PAPs.</p>	<p>accessible grievance mechanisms to be established for those being resettled.</p> <p>Logic of OP 4.12's references to 'meaningful consultation' with APs and making use of CBOs and NGOs suggests preference for decision-making process which is not just part of the administration.</p>	<p>Earlier laws involved payment of compensation in the presence of a judge and allowed an appeal albeit from the judge to a Minister.</p>	<p>decisions and decisions on compensation to an independent body.</p>	<p>APs are. RPF to provide for these</p>
<p>12. LLE does not provide for any external monitoring <u>body</u> or process</p>	<p>OP 4.12 states that the borrower is responsible for adequate monitoring and</p>	<p>Major gap on procedures but arguably, monitoring is not part of land acquisition so no legal impediment to</p>	<p>Provide monitoring for WB projects as required by OP 4.12</p> <p>Establish specialist monitoring</p>	<p>Meaningful monitoring is required by OP 4.12. New institutions should be kept to a minimum. Consideration should be given to use provincial authorities and NGOs.</p>

	evaluation of the activities set forth in the resettlement instrument.	providing for same.	agency for all projects involving acquisition and resettlement Empower provincial and local institutions to monitor projects.	Regular reports should be made and published
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Reconciliation of Afghan laws and OP 4.12 in this RAP

Many suggestions given in the table above for the reconciliation of Afghan Laws and World Bank OP 4.12 are followed in this RAP. These include a census of eligible PAPs to be undertaken at the immediate pre-project stage and adopting a more participative approach to acquisition as is called for in OP 4.12. Further, though LLE is silent about resettlement action plan, a RAP has been developed to ensure that the process is participative, transparent and fair.

There is no provision in the law for the owner/user to be present during the process of acquisition. However under LLE, a commission is to be formed on which the owner is represented to determine damage incurred due to land expropriation. However OP 4.12 requires a highly participative process of land acquisition. Therefore, in the RAP, OP 4.12 is sought to be met by adopting more protective provisions when dealing with absentee acquisition.

The bulk of LLE does not mention as to who is entitled to compensation and there is no definition of owner. In Afghanistan, most of the people do not have legal title to the land on which they are living or cultivating and the situation is not going to drastically change in the near future. Therefore this RAP seeks to reconcile this difference between law and OP 4.12 by interpreting that those living and or working on land at the census date will receive compensation and resettlement assistance.

The RAP also intends to reconcile the gap between LLE and OP 4.12 on account of grievance redressal mechanism. LLE provides for administrative agencies to manage acquisition processes and deal with compensation. PAPs are part of some committees dealing with compensation with no specific institution for grievance handling. OP 4.12 does require appropriate and accessible grievance mechanisms to be established for those being resettled. A broad based grievance redressal committee has been included in the RAP to handle all complaints of the PAPs in a transparent and fair manner.

LLE does not provide for any external monitoring body or process. However, OP 4.12 requires that an adequate monitoring and evaluation of the activities as committed in the RAP. This RAP does provide for the internal and external monitoring.

In conclusion it is pertinent to mention that the legal and regulatory framework in Afghanistan is not well developed, and that there is very limited experience with legal land acquisition. Hence, the process followed in Aynak has lacked clear legal and regulatory guidance for all the problems comprising lack of deeds, customary claims, community ownership, displacement, and lack of security. While the legal framework sets out a number of sound principles for land management and acquisition, the regulatory framework defining how to carry out the land acquisition is lacking and hence has proven to be a great challenge.

In view of these challenges, in particular the lack of available data with reference to absentees, the lack of detailed regulations and mechanisms to calculate compensation and validate extent of customary claims, the Afghan government has chosen to stress equity in compensation to the affected communities above precision in assessment. Principles of equity have thus been applied both in terms of compensation for houses, allocation of new residential plots, acknowledgement of customary claims to agricultural lands, as well as to compensation to absentees. This is a valid choice, particularly as it is expected to be beneficial to the majority of PAFs. Furthermore, the equity principle is also in the local context seen to make sense to the communities, and thus minimizes potential disputes.

5 STAKEHOLDER CONSULTATION

This Chapter discusses community participation and stakeholder consultations carried out by the Government and MCC on the issues relating to relocation and land acquisition in the Aynak project. The community participation and stakeholder consultation process was carried out to share information with the local communities and other stakeholders on the likely socio economic impacts of the project in the areas around Aynak and the proposed mitigation and developmental measures. It also helped to understand stakeholders' concerns regarding various aspects of the project and obtain their feedback on their concerns regarding the project's impacts and the proposed mitigation measures.

5.1 Objectives of Stakeholder Consultations

The consultation process helped the Project to:

- Provide real opportunities for the local communities and other stakeholders to actively contribute to Project development
- Minimize any potentially negative impacts and enhance the Project benefits; and
- Design the resettlement and restoration programs as a comprehensive development program that fits the needs and priorities of the affected people, thereby maximizing the economic and social benefits of the Project investment.
- Capture and respond to concerns of local community and PAPs



Picture 4: H.E. Minister of Mines, Wahidullah Shahrani visiting Aynak site

This RAP has been prepared in consultation with both primary and secondary stakeholders, including directly affected people, executing agency and various other local administrative agencies and departments. Affected persons and their communities have been extensively consulted to understand their attitude towards the project design and benefits, their

expectations, and to create awareness among the affected population regarding their entitlements and compensation payment procedures and grievance redressal mechanism. Their suggestions have been incorporated regarding kinds of mitigation measures that should be considered to avoid any negative impacts.

5.2 Stakeholder Analysis

The important stakeholders in the project have been identified as follows:

The important stakeholders have been identified and most of these stakeholders have been consulted for the purpose of carrying out this SIA.

- 1) Project affected people as those who stand to lose as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, resources such as forests, fishing areas or important cultural sites, commercial properties, tenancy, income-earning opportunities as well as social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation, using eminent domain or other regulatory measures, and include restricted or reduced access to legally designated fishing areas and protected areas such as gazetted forests.
- 2) Ministry of Mines: At the institutional level, the major direct stakeholder is the Ministry of Mines which is responsible for regulation of mining activities at Aynak. The concerned officers in the Ministry of Mines are the stakeholders as they are involved in consultation with the project affected persons as well as other relevant institutions.
- 3) MJAM, the company which has the extraction rights and exploration rights for Aynak is another important stakeholder as the compensation for land acquisition is to be provided by MJAM to the villagers who will get displaced due to the mining. MJAM is also responsible for the infrastructural development in the mining area to benefit the communities living in the area.
- 4) Office of Governor of Logar Province: the Office of Governor of Logar Province and Sub Governor of Logar District are also stakeholders as they are involved in the consultations with the villagers as well as in the development of resettlement area.
- 5) District Governor, Mohammad Agha District: He is an important stakeholder as he is very closely involved in their entire process of land acquisition and payment of compensation to PAPs.
- 6) Ministry of Agriculture, Irrigation and Livestock (MAIL): The Afghanistan Land Authority (ALA) in MAIL is responsible for determining titles for the agricultural land. Therefore, ALA is an important stakeholder in determining the claims of the displaced villagers and amount of compensation due to them for the acquisition of agricultural land.
- 7) Ministry of Urban Development (MoUD): MoUD is an important partner in infrastructural development of resettlement site at Ashab Baba where the displaced families will be resettled.

- 8) Residents of Logar Province are stakeholders as they will benefit due to increased employment opportunities and better infrastructure in the region created by the project.
- 9) Provincial Council Members are stakeholders as they are closely associated and consulted in the socio economic development of the project area.
- 10) Local civil society or community based organizations constitute the indirect group of stakeholders: The local civil society organizations are important stakeholders as they partner with Government in the social and economic development of the project area. They also have a capacity for out-reach to the communities and help these communities to adapt to the living conditions in the relocation sites and also equip them for better employment opportunities in the project areas.

Most of the stakeholders have been consulted before and during the process development of this RAP and their ideas and inputs have been duly incorporated. Minutes and record notes of the series of meetings and consultations held with the stakeholders with respect to deciding compensation for the PAPs at Aynak are included in the Annexures 8,14,15,18 and 24 attached.

5.3 Expected benefits from the project:

Different stakeholders have different expectations about the benefits emanating from the Project. Some of these which came up during the consultation are explained briefly below:

- The basic infrastructure in Logar province and in particular Aynak region will improve with coming up of railway line, better access roads, drinking water systems, drainage etc.
- Greater employment opportunities created due to mining in the area.
- Many new enterprises feeding the mining work will come up in the region which will further support employment generation and economic upliftment as well as peace and stability in the region.
- Greater opportunities for skill training for the local workers in mining and other activities promoting higher employability and wage earning capacity.
- Various public service delivery programs such as education, health etc will get significant boost.
- Increase in land value particularly of land contiguous to Aynak mines.
- Sustainable development and economic self reliance in the country.
- Greater trust of the international partners and donors in the capacity of the Afghan Government to implement large projects.

5.4 Issues and concerns of stakeholders

During consultations, the stakeholders expressed following concerns arising out of the project:

- The tense and worsening security conditions could stall the progress of the project.

- Lack of information sharing with the communities in Aynak creates mistrust among them about the government’s resettlement process.
- Lack of access for villagers to an institutional grievance redressal mechanism at Aynak whether set up by MCC or Ministry of Mines
- The villagers not being appropriately compensated for the loss of their agricultural land as well as other income generating assets.
- Most villagers do not have proper documents of land ownership entitlement. Therefore, compensation for agricultural land could be a very complex and difficult process.
- Local communities may get marginalised due to loss of agricultural land and also not getting employment at Aynak mines being unskilled, lacking in appropriate skills.
- The construction work of infrastructural facilities at the resettlement area need to be completed in time and should be of good quality.

Views of the stakeholders about the project

During the consultations held in the last two years, the stakeholders expressed following views about the positive and negative impacts of the project.

Stakeholder	Positive impacts	Negative impacts
General Public	Aynak is the largest infrastructural project for the country and its success would mean more foreign investment and economic development in the country.	The apprehension is that benefits of the project may not largely come to people of Afghanistan and be taken away by foreign mining company
The Project Affected Persons	This project is a national pride. We have to make it a success to show to the world that we can do big projects. This will lead to socio-economic development and poverty alleviation in the region	This will lead to local communities being relocated from the place they have been living since long and would mean loss of their residential and agricultural land. There would be environmental degradation in the area and water will get diverted for mining purpose. We will lose our land that we have been cultivating for long. Government is not sharing information with us regarding compensation for land and houses. We will be adversely affected by the project.
Farming and grazing community	Better avenues of income generation will open up due to mining as agriculture is hardly a source of livelihood in the area due to lack of water.	The traditional association with agriculture, the activity pursued by the communities will be lost as they would be moving on to working in mines and other related activities.
Ministry of Mines	This project will help the country to generate large amounts of revenue and economic growth. It will also boost further foreign investment in the mining	This is first large mining project of the country. If this project is not implemented successfully, it may affect foreign investment and donor interest

	sector in the country.	in the other major mining projects in the country.
Logar province population	Greater employment opportunities would be created along with better infrastructural facilities and economic growth in the province	Increased pressure on the office of Governor for the rehabilitation of displaced villagers leading to lesser time for other activities. Consultation with communities regarding land acquisition and compensation may be a painful process as villagers may be demanding much more than due to them and getting their agreement could be most difficult.
Children	As a result of rehabilitation of the displaced villages at the resettlement area, the children of the villagers living in vicinity of the mining area will be able to go to school within the township which they cannot do now as there is no school in the nearby area.	The health of the children may get affected by the possible environmental degradation in the area.
Women	Women will have much better access to health care facilities with a clinic in the resettlement township. Besides with provision of other amenities like drinking water, sewage, market place etc, their quality of life would be much better as they do not have these facilities where they are living now.	Relocation from their homes can create adjustment problems in the new area. Women have been involved in activities like animal husbandry and supplementing family income which may get hindered in the relocation site.
Provincial Government	With the implementation of this large project, the general economy of the province gets a surge. Apart from infrastructural development like building of roads, hospitals, schools, mosques etc., the income levels of the people go up; employment opportunities are enhanced, labour gets more skilled, thereby generating more investment opportunities in the province in future.	The human resources in the provincial governor's office are strained for time due to huge needs for coordination, especially in the initial stages of the project. Secondly, lack of success of this project can be a prohibitive factor for investment in other sectors also in the province in future.
MCC	Successful implementation of the project will lead to major economic benefits and will enhance credibility of MCC internationally.	Lack of successful implementation will not only lead to loss in economic benefits but also be reputational risk for MCC and may adversely affect their investments in other countries in mining operations.
Integrity Watch	Proper implementation of the project will lead to socio economic development in the area especially for the local communities.	Lack of proper transparency and information in the resettlement process may lead to situations of discord within the communities and with the government and MCC and hinder the process of project implementation

5.5 Public Consultation Process

5.5.1 Phase 1 – Initial Consultation

During the period from end 2008 to November 2010, for almost two years, there had been numerous rounds of consultations of the Government with the villagers at Aynak who are living in the vicinity of the mining pit area and will be relocated due to mining. The consultations included making villagers aware of the positive impacts like greater employment opportunities, income generation, infrastructural development etc as well as negative impacts of the project like likely relocation and land acquisition. Through these consultations, government also informed them of the initiatives being made by the government for their effective resettlement and involved them more closely by seeking their ideas on how best to do it. This provided with an opportunity for issues and grievances to be raised. There were both mass consultations as well as consultations with the village representatives to work out the mitigation strategies.

These consultations have been conducted by the Ministry of Mines along with the office of Governor Logar, district authorities and provincial councils. Many meetings were held even at the levels of Minister and Deputy Minister of Mines, indicating the kind of importance Government attached to these issues. Details of these meetings are given in Annexures 8, 14,15,17,18, and 24. These consultations were held mainly with respect to deciding fair level of compensation in lieu of acquisition of houses and agricultural lands of the villagers.

A preliminary household survey was also conducted by the Ministry of Mines in 2008 in these villages to find out the number of members of the family, the size of the household, number of rooms in the house and the size of land owned by them. As per the survey conducted by the Ministry of Mines to identify the affected people, there are 5 villages which will be immediately affected by the mining in Aynak area. These are Adam Qillai, Wali Killai, Kooz Chinarai, Bar Chinarai and Siso Tangai. Of these, only two are inhabited, Wali Killai and Kooz Chinarai. The remaining villages were abandoned during the past years of conflict mainly during the Soviet control period (1979-1989); however the private ownership of the lands within these villages is recognized. The people who left these villages have also been identified in the survey and will be compensated for their private lands. The absentee PAPs have been identified with the help of the village heads, local shuras and records available in the office of sub governor. The records of the tax payments of some of the villagers are available for these lands. The village heads of these villages have prepared the list of these absentee PAPs who migrated long ago. Government tried to establish contact with them through radio announcements in the area, pamphlets being distributed in the mosques etc so that the absentee residents could come forward to claim compensation. None of these families have so far contacted Government for claiming the compensation. In all, 117 families have residential lands in these five villages and out of this, 55 are in Wali Killai and 38 in Kooz Chinarai, 10 in Adam Killai, 7 in Siso Tangai and 7 in Bar Chinarai Out of these 117 families, only 62 (42 in Wali Killai and 20 Kooz Chinarai) are living in these villages now as found in the detailed socio economic surveys carried out by the ministry in 2010 and 2011. A comprehensive report prepared by the Ministry of Mines on Aynak in late 2009 is enclosed at Annexure 1.

Ministry of Mines had also set up a few important inter agency committees to facilitate consultation among various governmental and other stakeholders. These included Working

Committee, Confirmation of Local Inhabitants' Properties for Acquisition, Clearance and Acquisition Committee, Assigned Standing Committee of Ministry of Mines and Working Team with representatives from other concerned ministries like Agriculture, Finance, Governor of Logar Province, provincial councils, local authorities etc. to coordinate and monitor the work of acquisition of land from villagers and to develop a compensation package based on the agreement with the villagers in Aynak who have to be resettled. The Cabinet orders to establish an Organizing Committee under the chairmanship of the Deputy Minister of Mines, and members representing the ministries of Agriculture and Livestock, Finance, Information and Culture, the Independent Directorate of Local Governance, the Cadastral Department of Logar Province, the Geodesy and Cartography, Chief of Logar Provincial Council including the affected people's commission to determine the ownership of land identified for expropriation for construction of mine infrastructure is attached at Annexure 2.

The periodic progress reports on Aynak prepared by the Ministry from Aug 2009 to May 2010 which included action being taken by the Government for the land acquisition and resettlement issues are enclosed in Annexure 3. Based on these periodic reports and issues raised by the Minister of Mines in the meetings of the Ministerial Council, the meeting of this Council was held on 5th October 2009. The part of the minutes of the meeting pertaining to land acquisition at Aynak may be seen at Annexure 4.

The consultation process therefore included important inter-ministerial consultations and also the involvement of appropriate authorities at the provincial level including sub-national governance bodies in the resettlement process. A major issue which came up before these committees was to settle the land ownership claims. In most cases, there are no legal or other documents with the villagers to prove their land titles (ownership documents). But in most parts of the country, people are living and cultivating on the land for which they do not have formal legal ownership right but by virtue of the fact that they have been using that land for decades, their customary ownership rights are recognized by the Afghan laws, and they are thus eligible for compensation for the customary rights over this land. Keeping this in view, the committees have determined the claim for land and compensation and an agreement had been reached with the villagers on the compensation for their houses on the amounts proposed by the villagers themselves. The lists of villagers being relocated had been drawn up, the agreement obtained, and money received from MCC for payment to the villagers was distributed to residents of Wali Killai village.

5.5.2 Phase 2 – Ongoing Consultation

Compensation for Houses and Residential Land

While developing and implementing the plan for resettlement, Ministry is maintaining frequent and active liaison with the residents to ensure that the communities are up-to-date with relevant information. This includes frequent meetings with them for deciding the resettlement entitlements, and making them aware of the planning for resettlement township and the infrastructural facilities being planned for them there. These meetings will also be supplemented by informal processes to ensure that the residents remain comfortable and are more willing to communicate. This Phase of the consultations will also provide time for fresh concerns and grievances to be raised by the villagers and addressed.

Wali Killai Village

Although RAP is only ready now, relocation in this village started in Sept. 2010. There were 42 families living in the village at that time which were relocated to an alternate accommodation till they could build their houses in the resettlement site at Ashab Baba where they have been allotted a plot of land free of cost for building their houses. These 42 families were paid compensation for houses and residential plot of land before they were relocated to alternate accommodation for which rental support of 200 USD per PAF was also provided. This was based on the agreement with the residents of this village. This agreement has been signed by the village leader, representative of provincial council, provincial governor, and the Ministry of Mines. MCC has already paid the compensation amount for these families to the Ministry of Mines which in turn forwarded it to Provincial Administration. For residential land, each villager has been compensated with a plot of a land of a uniform size of 450 square meters, in addition to compensation for their house. These rates were quoted by the villagers and agreed to by the government. Further, in recognition of the customary rights of the villagers, the villagers were also given 37,500 Afs as a compensation for the land on which their house was built though they did not have title deed for this land. The villagers have been paid the compensation amount in the presence of representative of Governor, Sub Governor, MoM and MCC. Since they do not have bank accounts, the compensation for houses was paid in cash and their thumb impressions have been obtained on the receipt.

To cover the cost of rent for 2-3 months till they build their own houses at the resettlement site, MCC had paid 200 USD per PAF. Office of Governor Logar and district Governor helped the families to locate rented accommodation in the area. With the logistical support provided by the Governor Office and MCC, the PAFs in Wali Killai were moved and shifted to rented accommodation nearby. Based on the request from the residents, an agreement has also been reached with the villagers for shifting of cemetery to the resettlement area and accordingly a site has been earmarked for the purpose at the resettlement site. The graves will be shifted as per the Islamic rules.

5.5.3 Absentee families

A number of families who were originally living in this village had migrated long ago to Pakistan or other parts of Afghanistan during the years of conflict (1978-2001) and their abandoned houses are now completely destroyed. The list of these families has been provided by the local communities living in the area and is quite exhaustive because it comprised not only the original households but also the new households established during exile. These families however are not dependent on Aynak for their livelihood or for residential purposes. In view of this, and the lack of legal deeds, each original household will be compensated for the original plot of land on which they had a house before migration. In practical terms, this means that the grandfather generation is considered entitled to compensation for the residential lands. However, it should be mentioned that despite Afghan governments' attempt to locate these families through media, like local announcements on radio etc. so far no absentee family has staked any claims. Once these families come forward with their claims, they will have to prove their identity through the taskara or any other national/ provincial identity proof in order to prove their eligibility to compensation.

Kooz Chinarai:

In Kooz Chinarai, 20 families are living in the village and 18 families have migrated to other parts of the country or are living in Pakistan. On the lines of the compensation package for

residents of Wali Killai village, the residents here will be compensated for their houses, residential land and will be provided free of cost plot of land in resettlement site for building their houses. In addition they will be compensated for other assets, trees and agricultural land. For absentee families, the same process of identifying the families based on the grandfather as the head of the family has been carried and compensation package will also be worked out accordingly for these families.

Adam Killai, Bar Chinarai and Siso Tangai

In these villages, all families have migrated out long ago to Pakistan and other parts of the country and there is no one living in this village now. There are no buildings of old houses as they have all been destroyed over the years. 10, 7 and 7 migrated families have been identified in these villages respectively based on the information provided by the village heads of the nearby villages and by the office of Sub Governor. These families are eligible for compensation for the residential land, plot of land in resettlement site.



Picture 5: Payment of Compensation for their houses to residents of Wali Killai Village

5.5.4 Ashab-Baba Resettlement Area

For the villagers who are and will be displaced from Aynak, Governor Logar has earmarked a piece of land for 512 plots of the size of 450 square meters to be allocated to these displaced families. Later some plots of land will also be allocated to families other than those displaced from Aynak. The plan has the approval of the Ministry of Urban Development. This area is not very far from Aynak and close to the main Logar road facilitating easy commuting of the villagers to Aynak for work. A resettlement site has been planned to enable these villagers to live together and maintain the same sense of community as before. The material recovered after demolition of their houses in Aynak like bricks, stones, wooden doors etc can be taken away by the villagers which they can use for building their houses in the resettlement area. Work of the levelling and gravelling of land of the resettlement site has been almost completed. This work is being overseen by the office of Governor Logar on a regular basis and at times by the Ministry of Mines. A tripartite agreement has been signed by the Minister of Mines with Governor Logar for their respective role in the development of the resettlement site was signed in late 2010. A copy of the Memorandum of Understanding in Dari is enclosed in Annexed.

5.5.5 Infrastructural Facilities at Resettlement Township

In the resettlement area, Government is committed to provide important infrastructure facilities including levelled road, drinking water, schools both girls as well boys, a health centre, mosque, sewage, shopping area, and a community centre. Ministry of Finance has allotted about 3million USD for the construction of these infrastructural facilities in the resettlement township. Ministry of Mines has requested Ministry of Finance for another 2 million for the current financial year for building these important facilities and basic amenities at the resettlement site. In contrast the PAFs in these villages at Aynak presently lack access to schools for their children, medical facilities, clean drinking water and electricity. There is also no clinic in the nearby area and they the PAFs have to visit a clinic in the district headquarters. There are no proper roads in the area. Hence, in the resettlement site the PAFs will be much better off with the availability of these facilities of education, basic medical care, drinking water, better access roads etc. The affected communities have been consulted in identifying their infrastructural needs and in development of the resettlement site.

Progress of work at Resettlement Site



Picture 6: Deputy Minister inspecting quality of construction work at resettlement site

Work at the resettlement work to provide facilities to the PAFs is in full swing. There are at present seven different civil works or construction projects under progress there. These include construction of schools, one each for boys and girls, mosque, canals to channelize flood waters, bridges, drinking water supply lines and sewage systems.

Officials from Ministry of Mines and Office of Logar Governor are regularly monitoring the site work with respect to quality of construction, material used and time lines. Plots for houses for the villagers from Aynak have been earmarked and they will be in a position to start construction in about 2-3 months once the canal work has been completed. The plots will be allocated by lottery but swapping of the plots for family members to have adjacent plots will be allowed.



Picture7: Construction of Mosque at Resettlement Site

The work on all these projects is somewhat behind schedule. However, leveling of the land at the site has been completed. Construction of one bridge has also been completed and many canals have been constructed. Digging has been done for sewage system and drinking water supply lines. Once this is completed, communities will get drinking water in their houses and a proper sewage system, the facilities which were not available to them in their villages. Construction work at mosque is about to start. It will be a big mosque where about 600 people can pray at a time. All these facilities will be major value addition in the quality of life of the communities being relocated from Aynak plus they get the opportunity to work at the mine.

Further there is a need for greater involvement of civil society organizations to engage with the local communities at the resettlement site to enhance their understanding about alternate means of livelihood, income generation, and arranging vocational skills training for them. The villagers will also be provided with assistance in constructing their houses which are earth quake resistant by collaborating with non-governmental organizations like DAART who have long experience in these areas.

5.5.6 Community Consultation on Compensation for Agricultural Land

The process of community consultation for compensation for the agricultural land was the most complicated and long drawn. In late 2010, a land clearance team was set up by the Ministry of Mines consisting of representatives of Ministry of Agriculture, Ministry of Finance and Logar Governor to get the government land cleared at Aynak, but they were not able to conclude negotiations with villagers. Thereafter, many more rounds of consultations were held by the Ministry of Mines as well Governor Logar with the local communities to arrive at a decision regarding land ownership issues as well as the amount of compensation for the agriculture owned and the compensation for those with customary rights over the agricultural land. The questionnaire for interview of the villagers in this regard by Social Advisor is attached at Annexure 13.

In these five villages, very few families have legal land titles. The rest have some form of customary title which has been passed on from generation to generation and these villagers

have cultivated these lands for hundreds of years and have contributed to agrarian development. As these families are now being relocated, they need to be compensated for their loss of land. The process of consultation was very long and difficult as villagers were claiming compensation for very larger pieces of land on the premise that although they do not have title deed for the land they have been cultivating that piece of land which is a source of livelihood for them. Afghan Land Law and the Land Policy do recognize customary claims developed by cultivating the land over 35 years. If people can substantiate that they have been cultivating the land over many years, the law recognizes that they develop a traditional property right and they can thus be compensated.

Further, in Afghanistan, more than two thirds of all land cultivated is without legal title and people are cultivating land for decades without having legal titles. At Aynak, it was also the case that very few landowners had a formal title and some of them were in possession of an informal or customary title. Thus, they relied mostly on community recognition of ownership and the village heads drew up lists of resident and nonresident families in the area. Government officials are usually unwilling to accept the authenticity of a customary deed or local community recognition as evidence of ownership of land so that in the event of acquisition of land under the circumstances, there are invariably disputes about land ownership and compensation amounts. In case of Aynak project, keeping in view the customary rights of the people who have been cultivating the land for long and to avoid such disputes, Government is allocating 10 Jeribs of Grade 7 agricultural land to each displaced family to compensate them for the loss of livelihood to these families. The basis for determining 10 Jeribs is that this size of land provides more than sufficient subsistence for the family. Further, as mentioned earlier due to paucity of data, lack of detailed regulations and mechanisms to calculate compensation and validate extent of customary claims, the Afghan government has chosen to stress equity in compensation to the affected communities. Therefore, each affected family has been allocated a similar size of land as a compensation for the agricultural land of grade 7. acquired for those who did not have legal title deeds as an acknowledgement of their customary claims, thereby reducing the scope for intra community conflicts and complaints.

5.5.7 Land Acquisition Commission:

Finally, in early 2011, Government formed a joint team of Afghanistan Land Authority and Cadastre to carry out a time bound exercise of identifying the private and government agricultural land and in case of private land to finalize the compensation entitlement based on documents, customary rights etc. A high level meeting co-chaired by Minister of Mines and Minister of Agriculture attended by Governor Logar, district authorities from Logar, Afghanistan Land Authority etc was held in Ministry of Mines on 31st July 2011 wherein the joint team of Afghanistan Land Authority and cadastre informed about the progress of their work. The two teams working in Aynak on land clearance issues were asked to present their report. Four teams of cadastre had completed their survey of 5 villages over one month and submitted their documents to land acquisition team. During this very important meeting, the head of Afghanistan Land Authority reported that the land acquisition teams have simultaneously proceeded with their activities with cadastre teams and have completed the identification of private land and government land for acquisition in 5 villages. They have identified 77.38 Jeribs of land legally owned by the residents of these villages. In addition, they have identified 1822.31 Jeribs of land which was under customary cultivation by the villagers. Though the law provides that if somebody has been using up to 60 Jeribs of land over a period of 35 years, the land is considered to be their property, however, if a public

project is to be executed on the land, the land belongs to the government and nobody may claim its ownership. However, in this case this contention is not tenable as Law of Managing Land Affairs clearly mentions that:

‘Where the landowner is not in possession of a deed and the land possessed by him has not been registered in the State properties book, and other individuals did not make claim for the ownership of the land, and where the signs of agricultural construction have been observed on the land, and where the landowners holding lands having joint borders with his land confirmed the location under his possession for 35 years and where it is not located under government project, the same land up till 100 Jeribs shall be deemed his property on the basis of his possession as owner.’ Therefore ‘not under government project’ means, that it does not apply to e.g. squatters on government department owned land but here it is the case of an open, cultivated land, where formal title deed is not available.

ALA and Government does recognize customary claims as does the law the ALA and Cadastre teams they experienced lot of difficulties in the process of land clearance as the villagers claimed much larger pieces of land than they actually had and they were not ready to come forward to show their papers in spite of repeated requests. It was decided during the above mentioned inter-ministerial meeting that, cash compensation will be paid to the villagers who have legal title deed. However, people who do not have any legal title deed should be given 10 Jeribs of land in recognition of their customary rights over the land. The purpose of giving 10 Jeribs of land to each displaced family is not only to give them legal title for this land but also a source of livelihood restoration as they can cultivate this land sell part of the produce in the market . Minutes of this meeting along with progress report is enclosed in the Annexure 20.

After a thorough survey of the area and consultation with the villagers, this team submitted its report in end September 2011. Based on this report, Ministry of Mines, Ministry of Agriculture and Governor Logar sent a joint proposal to President for land acquisition of the villages within and around Aynak mining area and compensation to be made to the villagers. This report covers agricultural land ownership details in 11 villages, including the five villages we are covering in this RAP. As per the report, there are only 8 formal owners of agricultural land in Wali Killai, Siso Tangai, Bar Chinarai, Kooz Chinarai and Adam Killai villages. The rest of the villagers are cultivating land for which they do not have any papers or proof to authenticate their claims. Almost the entire land is Grade 4 and they will receive 10 jeribs of grade 7 land as compensation. Government is proposing to compensate these PAFs by allocating them agricultural land elsewhere in Mohammad Agha district. The report in question, however does not cover compensation for trees, walls, wells, orchards, fences, and other assets owned by the PAFs.

Based on the approval of President to the joint proposal for land acquisition and compensation at Aynak as obtained recently in November 2011, this RAP is using following norms and yardsticks for working out compensation for the PAFs:

- To provide residential plot of land free of cost for resettlement of the displaced PAFs. Each married son of the families actually residing in these villages will get a plot of land. For the absentee families, the original head of the family will get a plot of land.
- MCC will compensate the villagers in cash for agricultural land with legal title
- Based on the current market value, the rate of each Jerib of agricultural land will be 300,000 Afghanis and the villagers will be compensated at this rate for the land for which they have legal title.

- 10 Jeribs of 7 grade agricultural land will be distributed free of cost to each married son of the families actually residing in these villages. For the absentee families, the original head of the family will be given a plot of agricultural land
- The villagers will be compensated for their houses and agricultural land based on the rates quoted by them and agreed by the government taking into consideration the size of house and family size. Since none of these displaced families have title over the residential land, they will all be compensated for the plot of land of size 2.5 beswa at the current market rate of 15000 Afs per beswa. So each family will get 37500 Afs for the residential plot of land in addition to the free of cost plot of land for their houses at Ashab Baba resettlement site.
- Villagers will be compensated for other assets which they will lose due to relocation like boundary walls, masonry, veranda, wells etc based on their replacement value.
- Villagers will be compensated for their trees, fruit as well as non fruit trees based on the rates of the Ministry of Agriculture, value of wood in the market and age of the tree. The owners of trees will be compensated for the loss of fruit and wood as they will not be able to take away the wood because the trees are not planned to be uprooted and the area will be developed as a green belt.
- Due to winters, the villagers will be relocated only in April 2012.



Picture 8: Government Consultations with villagers on compensation for agricultural land

5.5.8 Meetings with Village Heads, Elders and Local Shuras

Consultations were also held with the village heads to inform them about the impacts of the project and the mitigation efforts being taken to minimize these impacts. This was very useful as village heads have great influence on the local people and they in turn urged the villagers to cooperate in carrying out the socio economic survey in the area to assess their living conditions and to develop appropriate rehabilitation plans for them. The results of the socio economic survey in the project have been discussed at length in the next chapter. The Aynak Authority officials as well as Social Department of the Ministry also created greater awareness about the social impacts of the project and the related infrastructural development in the area which will benefit the local communities. The survey teams also discussed these

issues in the meetings of the local shuras including women shuras by engaging local women in talking to other women in these shuras.

Consultation with women in Aynak: All efforts have been made to consult women in these villages to get to know their perceptions about the resettlement process and their suggestions for mitigation of impacts of the project. The women were exclusively interviewed during the socio economic survey and they were also invited to attend focus group meetings conducted by women belonging to the local area.

5.5.9 Civil Society Consultation:

Civil society consultation has been at the heart of stakeholder involvement in development of the resettlement program for the Project. Ministry organized a civil society consultation on 13th July 2011 in the ministry to discuss social development programs at Aynak and the lessons learnt. During the meeting, Social Advisor of the ministry made a presentation on the issue to the wide range of national and international civil society organizations like Aga Khan Foundation, Integrity Watch etc. Useful ideas as provided by these organizations have been incorporated in the community development program of Aynak.

Extensive consultation and disclosure activities are ongoing at Aynak and there is daily interaction of project staff with PAPs, local authorities and associated public and private institutions. Land Commissions appointed by the government are carrying out the specific tasks of drawing up land acquisition details in consultation with the communities including the land and other assets ownership details and rates of land.

Further, local civil society organizations, like Integrity Watch have also been involved in consultations with the villagers at Aynak on issues of resettlement. Though Integrity Watch Afghanistan (IWA) has a capacity for reaching out to the communities, they could have organized some awareness generation campaigns to make the local communities aware of the land acquisition and compensation thereby enhancing their capacity to negotiate with Government and mining company. Unfortunately this role of the IWA or any other NGO in the area is largely absent making people devoid of necessary support of civil society. Therefore there is a greater need to involve larger number of civil society organizations at Aynak, particularly at the resettlement area as they could help in capacity building of villagers to improve their assimilation in the new settlement and enhance employment prospects. Minutes of one of the meetings with civil society organizations regarding social development issues at mining projects particularly Aynak is enclosed at Annexure 25.

5.5.10 Phase 3 – Post Resettlement Consultation

The process of community consultation for their grievances if any towards the relocation, land acquisition or compensation values, will continue to be carried out for at least one year after PAFs have been relocated. Once the residents start relocating to the resettlement area, Ministry will liaise with them to inform them of the progress on the development of infrastructural facilities at the resettlement area and obtain their feedback about their needs and to get their close involvement in the developmental activities in the area and ownership of the project. This will also ensure that there will be lesser resistance of the local communities in the relocation process as they will be involved in the social development activities in the resettlement site. Ministry will continue to consult PAPs for support in employment in Aynak mine and in conducting skill development training programs for them.

The complaints of PAPs will be addressed through the formal grievance redressal procedure as outlined in chapter 8 of the RAP. Local civil society organizations will also be involved to provide necessary support in capacity building of the PAPs. Efforts are being made to cover these communities in other developmental programs of the government like National Solidarity program etc to economically strengthen these families. These efforts will be further intensified after their relocation.

6 RESETTLEMENT ACTION PLAN, IMPACT MITIGATION AND BUDGET

Primary impacts of this project are on land, houses, structures and trees. As the mining starts, the houses of the people living in these five villages will get demolished due to the impact of blasting. Some of this land may also be needed for making the roads for the project. Similarly the trees will also get impacted by the mining operations though Government is inclined to save the trees as much as possible and develop these orchards as green belts in this otherwise very dry and barren land to improve the environment. These impacts are discussed in this chapter. The outcome is a RAP with a compensation package to be paid by the MJAM for various types of losses further in this chapter. The compensation values for different types of losses are described below

1. Compensation for loss of houses, residential land, agricultural land and other immovable assets amounting to 34,761,996 Afs
2. Compensation for loss of fruit and non fruit trees amounting to 5,011,600
3. Total compensation to PAFs amounts to 39,773,596 (811,706 USD)

Contribution by Government of Afghanistan

In addition to the cash compensation to be made by MJAM, Government of Afghanistan will make a substantial contribution for the effective rehabilitation of the displaced families and social development in the resettlement site. Government will provide free of cost plot of land of the size 450 square meters to each displaced family in resettlement site, Ashab Baba to build their house. Government is also providing in the resettlement site, important facilities like schools, clinic, mosque, cemetery, community centre, drinking water facilities, and sewage & canal systems to help in flow of water in times of floods etc. These facilities are currently not available to the PAPs. In addition, in recognition of the customary rights to these villagers over the land they have been cultivating, as provided for under the Afghan Land Law, Government will also support the displaced families by giving them each 10 Jeribs of Grade 7 agricultural land in Mohammad Agha district as a livelihood restoration measure.

Further, this chapter includes entitlement matrix and detailed impacts and the cost implications per impacted PAP are described in Tables 1, 2 and 3 at the end of this chapter. The procedures for compensation and support for livelihood restoration are also discussed in this Chapter.

6.1 Basic Principles followed in RAP

Following important elements of the WB's resettlement policy have been adopted in this project:

1. Avoid and minimize land acquisition and resettlement impacts;
2. Assistance for relocation, including provision of relocation sites with appropriate facilities and services; and
3. Assistance for rehabilitation to achieve at least the same level of well-being with the project as without it.
4. Compensate for lost assets at replacement cost; livelihood, and income restoration;

6.2 Project Policies

Based on the analysis of the related legislations and WB policy on involuntary resettlement as discussed in Chapter 3, the broad resettlement principles for this Project shall be as following:

- Since the impacts are unavoidable, the PAPs will be identified and assisted in improving/restoring their standard of living. The Project affected persons (PAPs) are defined as those who stand to lose land, houses, structures, trees, crops, businesses, income and other assets as a consequence of mining in the identified area. Efforts will be made to avoid or minimize the adverse impacts of the project on PAPs as much as possible;
- Cut-off dates was for eligibility under this RAP established as 1st July 2010 to determine the number of PAPs and compensation for which they are eligible based on the ownership of land, customary rights, houses and other immovable assets. The cut off date was informed to the villagers through the information pasted in the local office of MJAM, local offices of the government, announcements in the local area etc.
- All PAFs are equally eligible for getting 10 Jeribs of land in the district and rental and shifting assistance, irrespective of their land ownership status, to ensure that those affected by the Project shall be at least as well off, if not better off, than they would have been without the Project. Absence of a title will not be a bar to receiving alternate piece of land and livelihood assistance, (except for land here a title is required). The 10 Jeribs of land is being given based on the estimation that it will provide more than sufficient livelihood to a family and on the basis of equity of allocation of land to all the PAFs who do not possess legal title deed to the land.
- All losses will be compensated at replacement cost, at market prices without deducting depreciation and salvage value for all losses (such as land, crops, trees, structures, etc.). Alternatively community owned structures like Mosque; cemetery etc. will be rebuilt by the Government at the resettlement site. Government will also provide for drinking water facilities at this site in order to compensate the PAPs for the loss of shared sources of water like wells etc.
- PAPs will be systematically informed and consulted about the project, and the RAP will be made available in local languages-Dari & Pashto and English to the affected persons and communities. It will also include conducting information meetings and disclose compensation framework and provide a time for PAPs to submit complaints
- The continued consultative process shall include not only those affected, but also the adjacent communities, representatives of the local governments of the areas where the project is located, community leaders, local government, and community-based organizations.
- All activities related to resettlement planning, implementation, and monitoring would ensure the involvement of women and other vulnerable groups like disabled, elderly persons or female headed households. Where community owned facilities or restricting access to common property resources etc., result from project related interventions, the project will rebuild such facilities and provide alternative access.

Government will provide for drinking water facilities at this site in order to compensate the PAPs for the loss of shared sources of water like wells etc.

- An entitlement matrix for different categories of PAPs has been prepared and accordingly budget provisions have been made for the implementation of this RAP. However, claims of the people moving into the project area after the cut-off date will not be included in this RAP. Appropriate grievance redress mechanism has been established to ensure speedy resolution of disputes;
- The Project executing agency will bear the costs of implementing this Resettlement Plan and Government of Afghanistan has made available adequate land for resettlement of the displaced families, bear the cost of infrastructural development at resettlement site and also make available 10 Jeribs of alternate land for each PAF.

6.3 Eligibility

General eligibility is defined as people who stand to lose land, houses, structures, trees, livelihood, income and other assets as a consequence of the mining project as of the formally recognized cut-off date for the PAPs of the Project. PAPs entitled to compensation or at least rehabilitation under the Project are:

- All persons with formal title, formal or customary deed, or traditional land right as vouched by local Jirga, elders or community development council.
- Tenants and sharecroppers whether registered or not;
- Owners of buildings, trees, plants, or other structures like wells, boundary walls, masonry work at their houses, veranda etc; and
- Persons losing income and wages.

6.4 Methodology for fixing the rates of land and other assets:

In line with WB's Policy on Involuntary Resettlement, compensation for affected land and assets are based on replacement cost at current market value. The values determined as compensation have been calculated based on the information gathered through rapid appraisal and consultation with the project affected people and their community, and relevant local authorities.

For calculating the value of agricultural land, Ministry of Mines had protracted consultation with the communities, among related Government agencies, like Governor Logar, Ministry of Agriculture, Afghanistan Land Authority, district authorities, development councils, local shuras etc. Since there are no government established rates for assets nor any mechanism developed for establishing market rates in Afghanistan, there is an urgent need to find alternate ways of valuating these assets for payment of compensation for their loss. The market price of land in Mohammad Agha district around Aynak area is about 250,000 Af\$ per Jerib. Since, Aynak is the first major mining project of the country and there is a need to set a good practices for compensation to the PAPs and establish good precedents for future projects, a comparatively higher price of Af\$ 300,000 was fixed as a compensation for 1 Jerib of agricultural land in these villages for those PAPs who have legal title to the land. This was based on the report of the Land Acquisition team of Aynak comprising of Afghanistan land Authority and Cadastre Department. Accordingly a joint proposal by

Ministry of Mines, Ministry of Agriculture and Governor Logar for land acquisition along with compensation rates was submitted to President of Afghanistan for approval. The same has been approved by the President.

For other structures like boundary walls, masonry, veranda, a local market price has been used to determine the compensation value. It is 130 Afs per sq meters for the mud boundary wall, 220 sq meters for the masonry and veranda. For the compensation for a private well, a market price of 300 Afs of labor rates for digging 1 metre of well has been recorded. Since water is available at about 40 meters' depth in the area, the average compensation value of the well has been taken as 12000 Afs. Further, the rates for structure in the houses as mud walls, veranda, masonry work and small well, the rates have been obtained from the local market in Mohammad Agha district (Annexure 26).

For the compensation for loss of fruit trees, the rates proposed by Ministry of Agriculture and the local market rates have been used. The rate chart is enclosed in the Annexure 26. All trees have been taken as nuts trees which have higher values as compared to other fruits. The compensation rate for a fruit bearing tree is 700 Afs for one year old tree plus the cost of the wood. Since the trees in the area are of not a very big size, they would have a gross weight of 10 ser of wood. At the rate of 10 Afs per kg for wood, a fruit tree of one year would cost 1400 Afs, for two years as 2100 Afs, three years as 2800 Afs and so on. The compensation for the non fruit tree is also based on the rates of the Ministry of Agriculture and market rate. A non fruit tree of the age 1-3 years would cost 300 Afs, 3-5 years as 1000 Afs and 5 years and above as 1500 Afs. This is the cost of the wood from these trees.

Further Ministry also had many rounds of consultations with the PAPs for the compensation for their houses. The houses are mainly made of mud and are in dilapidated condition. The rates as quoted by the PAPs for their houses were largely agreed to by the Government. It is also related to the size of rooms and family size. As the sizes of the families have expanded over the period of time, so those with larger families need more compensation to build their houses in the resettlement site. This compensation is being paid to support these families to build their houses in the resettlement site where each displaced family will be given a 450 square meters of land free by the government.

Table below presents the Project Entitlement Matrix summarizing the entitlements. In the process of establishing compensation rates for the impacts, the following procedures have been followed:

6.5 The Entitlement Matrix:

The Entitlement matrix has been developed to address impacts/losses, entitlement of entitled persons. The Project does involve land acquisition, relocation and resettlement of the local communities living in the project area. Hence the entitlement matrix is reflective of this issue.

Type of Losses	Eligibility	Compensation recommended	Responsibility
Loss of residential land	117 PAFs who have right over the residential land irrespective of title deed to the land. This also includes	Free of cost plot of land to each PAF in the resettlement site. Each married son of the family actually living in these 5 villages will get a separate	MoM/ Office of Governor Logar/ MJAM

	vulnerable sections of society like those living below poverty line, women headed households etc. As 55 PAFs have migrated and their houses were damaged long ago, they are entitled only to compensation for residential land and not the structures on them.	plot of land for the reason that they are dependent on this piece of land for their house and overtime size of the families have expanded manifold. So they need more space to build their houses. Special efforts will be made for the resettlement of the vulnerable sections. For those who have migrated long ago and their houses are damaged, the head of the household will also be given a plot of land in resettlement site.	
Loss of house	62 PAPs losing houses irrespective of ownership of title to land	Cash Compensation on the basis of rate quoted by the villages for their houses, number of rooms in the house and family size.	MoM/ Office of Governor Logar/ MJAM
Lost assets (boundary wall, masonry work in houses, veranda, private wells etc)	25 PAPs losing assets irrespective of ownership of title to land	Cash compensation equivalent to their replacement cost (without depreciation). There are no government established rates for these assets and markets are also not very well developed so it is difficult to get reliable prices. However, rates were obtained locally for the replacement values of these structures like boundary walls, masonry and veranda. It is 130 Afs per sq meters for the mud boundary wall, 220 sq meters for the masonry and veranda. For the compensation for a private well, a market price of 300 Afs of labor rates for digging 1 metre of well has been taken. Since water is available at about 40 meters, the average compensation value of the well has been taken as	MoM/ Office of Governor Logar/ MJAM

		12000 Afs.	
Loss of income and livelihoods due to lost assets	All PAPs losing livelihood due to project implementation	The project will ensure alternate means of livelihood at the same or higher level of income. All eligible PAPs will be ensured job at the Aynak mine. Those engaged in agriculture are being provided livelihood through a piece of agricultural land being allocated by Government to each PAF. Livelihood restoration will also be ensured by providing skills training to PAPs to work at mine site, in better agricultural practices, animal husbandry, small businesses, handicraft making etc.	MoM/ Office of Governor Logar/ MJAM
Loss of community and privately owned irrigated and un-irrigated Land and Crops	PAPs with title, official deed, unofficial written deed, or declaration by Shura, Jirgas or village elders.	Cash Compensation at replacement rates as worked out by the Land Acquisition Commission after consultation with the communities. The rate of agricultural land in the area is about 2.50,000 Afs and a higher price for compensation has been fixed for the PAPs getting displaced from Aynak. Those who do not possess land title documents but have been cultivating land for over 35 years will be compensated with 10 Jeribs of cultivable agricultural land in the district. The exact location of the land to be distributed to PAFs is being identified by Governor Logar	MoM/ Office of Governor Logar/ MJAM/ ALA, MAIL MoM/ Office of Governor Logar/ ALA, MAIL
Loss of livestock	All owners of	The PAPs will be able to	MoM/ Office

	livestock	take their livestock to the resettlement site and grazing land is available around the resettlement site even better than available now to the PAPs. The resettlement site has essentially a rural setting. .	of Governor Logar/ MJAM
Value of crops and fruit trees	All owners of crops and fruit trees irrespective of owner of title to land	<p>Since it is an arid area, there are hardly any crops in the field and whatever is there, people will be harvesting it before shifting out.</p> <p>Fruit trees lost will be valued on the basis of the rates approved by MAIL and number of years of the tree. The fruit tree of one year will be compensated at 1400 Afs, 2 years at 2100 Afs, 3 years at 2800 and so on. The non fruit tree will be compensated on the basis of quantity of wood and number of years of the tree. The average price of non fruit tree of the age between 1-3 years will be 300 Afs, 3-5 years 100 Afs and those of 5 and more years 1500 Afs.</p>	<p>MoM/ Office of Governor Logar/ MJAM</p> <p>MoM/ Office of Governor Logar/ MJAM</p>
Loss of Access to shops/communities/ shared hand pumps etc	All PAPs losing access	Access to be rebuilt in the resettlement area	MoM/ Office of Governor Logar/ MJAM
Loss of culturally significant structures like mosque, graveyard, antiquities etc	All PAPs	Mosque and graveyard will be provided in the resettlement area. Based on the request from the communities, graves will be shifted to the resettlement area. Government has allocated land for cemetery in the resettlement site and will oversee the shifting of the graves with utmost care as per Islamic traditions.	MoM/ Office of Governor Logar/ MJAM/ MoI&C

Shifting/ relocation of plots at resettlement site	All PAPs	Proper consultations will be made with PAPs during allocation of plots at the resettlement site	Office of Governor Logar/ MoM/ MJAM
Expenses on relocation and transportation of belongings	All resident PAPs	10,000 Afs per resident PAF	Office of Governor Logar/ MoM/ MJAM
Any other loss not identified	Title holders and non title holders	Unanticipated involuntary impacts will be documented and covered in the grievance redressal mechanism provided under this RAP.	MoM/ Office of Governor Logar/ MJAM

6.6 Impacts of land Acquisition and Mitigation Measures:

An inventory of land acquisition impacts to categorize impacts, determine entitlements and prepare cost estimates and schedules was conducted by the Ministry of Mines along with Ministry of Agriculture (MAIL). This was conducted in conjunction with the Socio-Economic Baseline Survey.

6.6.1 Efforts to Minimize Land Acquisition and Resettlement

Government of Afghanistan has strived to minimize the scope of physical and economic displacement associated with the Project through a number of actions, including restricting the land acquisition boundary to only the area directly required for mine. MJAM has an investment license with a total land exploration area of 106 square km and exploitation area of 28.3 square km. However all efforts are being made to minimize land acquisition and other potentially adverse impacts. The Project will in the first instance acquire land only for the direct operational area required for the mine and facilities which covers only 5 villages out of which only 2 are inhabited. Therefore, persons who are living in these villages or have migrated but have land, other assets will be affected and the residents will have to be relocated to new areas. The number of Project affected families is 117 in five villages which includes 62 families (42 in Wali Killai village and 20 in Kooz Chinarai) which will be actually relocated to the resettlement site due to the mining project.

6.6.2 Summary of Impacts

Project Affected Communities

The families living in Wali Killai and Kooz Chinarai villages will be directly affected by the mine footprint as they are living in the mine operational area and will have to re located. They will be impacted by land acquisition and will also suffer impact on their income and source of livelihood. The 41 families who reside elsewhere but have houses and customary-based land claims in Adam Killai, Bar Chinarai and Siso Tangai villages will be partially

affected as they will lose their land but they do not have to be relocated. It is noted that the relocation site of Asa Baba is located at a distance of about 5 km from where these communities are now residing. Each family will be granted a plot of land free of cost at the resettlement township whose infrastructural services are financed from the development budget of the Ministry of Mines. Pictures in chapter 4 show the construction activities at progress for building bridges, sewage systems, schools mosque etc at the resettlement site.

Project Affected Households

The Project will cause impacts not only on physical displacement but also on economic activities and income generation, especially when acquiring productive land for the Project. Land will be acquired for the “operational area” of the mine. Affected households can therefore be classified as “resident households” including those whose residential land and structures are affected and “non-resident households” that are impacted by agricultural land only but are not physically displaced as they have migrated long ago and reside elsewhere.

Resident Households

Resident households are those owning houses in the mine operational area that were built on or before 1st July 2010 (the “Cut-Off Date”). These households will be physically and economically displaced and are eligible for compensation and resettlement assistance. Affected households typically include residential structures, their non-residential annexes, a yard and possibly a garden. These households are also generally affected by loss of associated agricultural land. The resident households that are required to move are 62 residing in 2 villages, namely Wali Killai and Kooz Chinarai.

Non-resident Households

Non-resident households are those residing outside the operational area but possess land and customary rights within these locations. These households are also eligible for compensation and resettlement assistance. There are 55 such families in these 5 villages who have migrated long time ago to other parts of the country or are living in Pakistan.

Land, Structures and People

In addition to the impacts on residences and agricultural land, some public works and infrastructure will also be affected by Project development.

6.6.3 Summary of Project Impacts due to Land Acquisition

While the entitlement matrix has been provided above, detailed tables showing impact and cost implications per impacted PAF is given in tables below. Also the procedures for working out compensation have been explained. This RAP covers 117 families in five villages of Wali Killai, Kooz Chinarai, Bar Chinarai, Siso Tangai and Adam Killai. In Wali Killai, compensation for houses has been given to 42 families which were residing there. In Kooz Chinarai, 20 families are actually living there and will need to be relocated and rest are living in other places within and outside Logar. In Bar Chinarai, there is no family residing at this time. However based on the lists of non resident families prepared by the village heads and government representative for 3 villages, Bar Chinarai, Siso Tangai and Adam Killai, 7, 7

and 10 families respectively have been identified as project affected taking grandfather as the head of the families originally living here, but who migrated long ago and are no longer dependent on this land for agriculture or residential purpose.

Sr. No	Name of Village	Resident PAFs	Absentee PAFs	Total
1	Wali Killai	42	13	55
2	Kooz Chinarai	20	18	38
3	Adam Killai	0	10	10
4	Bar Chinarai	0	7	7
5	Siso Tangai	0	7	7
	Total	62	55	117

Table 18: Villages covered in this RAP and the number of PAFs

6.6.4 Loss of assets (Structures) of title holders

There are major displacement impacts on 62 PAFs who are living in the project operational area. This includes 8 families which are title holders' for agricultural land and 25 families will lose structures which range from mud boundary walls, masonry work, veranda and private wells. The total cost of the affected structures works out to Afghani 1,170,496 as compensation to PAFs for the loss of these structures. The basis for the calculation of affected assets namely structures is based on a valuation exercise carried out using the latest market rates on replacement costs. The rates were obtained from the local market by the representative of Aynak Authority working in the area and the member of the social team from the ministry. These structures will be compensated at replacement value which is in line with the World Bank policy. The cost of structures has been estimated based on the material used in the construction. The methodology to calculate the compensation values for these structures is explained in this chapter.

Loss of assets (fruit trees) of title holders

In terms of fruit and non fruit trees in the operational area of the project, table below shows that in total 805 fruit and 80 non fruit trees are affected. The fruit trees are mainly of almonds, apples, berries and peaches the produce of which these villagers sell in the market for their income in the fruit growing season. The number of households owning fruit trees by is 26 and those owning non fruit trees are 11. Some households own more than one type of fruit tree as well as non fruit trees depending on the land they possess for orchards. Details of the fruit and non fruit trees are given in the table below:-

Name of the village	Number of Fruit Trees	Number of Non Fruit Trees
Wali Killai	154	63
Kooz Chinarai	567	17
Bar Chinarai	84	-
Total	805	80

Table 19: Distribution of trees village wise

As can be seen in the table above that most of the fruit trees are in Kooz Chinarai village which could be related to better availability of water for irrigation as reported by the residents during the survey. In total a sum of Afghani 4891,600 and 120,000 Afghani will have to be paid

by MJAM as compensation to owners of affected fruit and non fruit trees. The basis for the calculation of compensation of fruit trees is the rates determined by Ministry of Agriculture and market rate of wood as explained above.

6.6.5 Vulnerable displaced groups

The vulnerable groups are the ‘distinct groups of people who are socially distressed or economically challenged and who might suffer disproportionately from resettlement effects. These include, but are not limited to the following: women headed households, women that are divorced or widows, people living below the poverty line, marginal land owners, landless, agricultural labourers, and the disabled and elderly’. There is one household that is headed by a woman due to the death of her husband. As per NRVA 2008, 36% of the population in Afghanistan is below poverty line where as mentioned earlier a very high percentage of 75% of population is below poverty line in Logar.

Specific efforts will be made to support and rehabilitation vulnerable groups by providing alternate means of livelihood to the females and to their children if they are above 18 years of age. Government will make specific efforts to provide employment and decent livelihood to other vulnerable families as well including those having elderly and disabled members.

6.6.6 Compensation for loss of income/livelihoods to displaced persons

There are 38 affected households out of 62 whose income stream will be affected as they are engaged in agriculture. The title holders will be compensated for their land at the rate of 300,000 Afghanis per Jerib and non title holder families will be given an alternate piece of land equivalent to 10 Jeribs of Grade 7 to compensate for their loss of income from agriculture. In addition, the project implementing company MJAM will offer employment on the mine and related activities on priority to the families whose livelihood has been affected due to the project. As with others, a lump sum of Afghanis 10,000 will be provided to each PAF as rental and shifting charges.

6.6.7 Compensation for rent and shifting materials

Further, a lump sum shifting and rental allowance of a total of Afghanis 10,000 will be paid to PAFs for taking accommodation on rent if required till they build their houses on the resettlement site and for covering the cost of transport belongings and salvaged materials. The amount has been arrived at considering that current transportation charges by truck from Aynak to resettlement site though Governor Logar is providing infrastructural support in the shifting of these families. Both title holders and non title holders that will relocate with their belongings are eligible for this allowance.

6.7 Categories of impact

The categories of impact to the PAFs and PAPs identified under the RAP can broadly be identified under two distinct groups. They are Title Holders and Non-title Holders (Tenants). The impact of the RAP to the title holders of agricultural land shall include:

9. Compensation for loss of agricultural land at the rate of 3, 00,000 Afghanis per 1 Jerib of land.
10. Compensation for loss of structures (Boundary walls, masonry, veranda, well etc) at replacement cost. This has been calculated based on the market rates since there are no government fixed rates available for these assets.

11. Compensation for loss of fruit trees as discussed above and non fruit trees on the market value of wood and the approximate quantity of wood in a non fruit tree in project area;
12. Free of cost plot of land for houses at resettlement site
13. 10 Jeribs of Grade 7 land in Mohammad Aga district in lieu of loss of large pieces of government land being cultivated for more than 35 years in the area;
14. Lump sum rental and shifting allowance of 10,000 Afghanis (This has been arrived at considering the current transportation charges of a truck to resettlement site and cost of hiring a room in the nearby area.
15. Right to salvage materials;
16. Special efforts for the rehabilitation and employment and livelihood restoration to more vulnerable families with poor elderly household heads, female headed households or physically challenged members. It will be the obligation of implementing company MJAM to offer skills training and to provide 240 days of man-days of work annually.

Similarly, the impact of the RAP to the non title holders of agricultural land shall include:

8. Compensation for loss of structures (Boundary walls, masonry, veranda, well etc) at replacement cost. This has been calculated based on the market rates since there are no government fixed rates available for these assets.
9. Compensation for loss of fruit trees as discussed above and non fruit trees on the market value of wood and the approximate quantity of wood in a non fruit tree in project area;
10. Free of cost plot of land for houses at resettlement site
11. 10 Jeribs of Grade 7 land in Mohammad Aga district in lieu of loss of large pieces of government land being cultivated for more than 35 years in the area. These plots of land will be in Qala-e-Dowlat and Abazak areas. Qala-e-Dowlatt is at a distance of 7-8 kilometers and Abazak at 12 kilomterers from resettlement site. The land is of 7 grade.
12. Lump sum rental and shifting allowance of 10,000 Afghanis (This has been arrived at considering the current transportation charges of a truck to resettlement site and cost of hiring a room in the nearby area.
13. Right to salvage materials;
14. Special efforts for the rehabilitation and employment and livelihood restoration to more vulnerable families with poor elderly household heads, female headed households or physically challenged members

6.8 Process for consultation on the results of the survey

Apart from compensating the PAFs based on their entitlements as discussed above, following measures will also be taken to disseminate information du.ing implementation:

- PAPs will be regularly consulted during RAP implementation to ensure good level of involvement and participation of PAPs in the RAP implementation, grievance procedures and monitoring;
- MJAM with the support of Government of Afghanistan will consult the people and disseminate information on RAP entitlement package for each impact category to PAPs. This will involve explaining the Entitlement Framework to the PAPs and soliciting their feedback on the RAP. The process of consultation will be ongoing until RAP implementation has been completed. MJAM will also inform the PAPs about the

grievance redressal mechanism available to them. As most PAPs are illiterate, group discussions through verbal communication will also be needed;

- An information dissemination campaign for PAPs on the above aspects will be conducted at the outset of RAP implementation. This campaign will be by MJAM in consultation with Aynak Authority;
- Feedback received from the PAPs will be well documented and put up in project monitoring reports. RAP will be translated into Dari and Pashto languages for dissemination in the project and surrounding area through community leaders, village heads, local shuras, civil society organizations public libraries and at the MJAM office.
- The objectives of the information dissemination campaign are to help counter rumours, prevent distress and misinformation. And it will also help to ensure that any questions raised by the PAFs are answered promptly and accurately. Inform of Grief Redressal Mechanism and the deadline for the same for a period of two weeks for their grievances and appeals.

6.9 Livelihood/ Income Restoration Programs:

Involuntary resettlement under development projects in most cases among other impacts give rise to loss of productive assets or income sources. This can cause long term hardship and impoverishment to the affected families unless effective economic and livelihood restoration measures are planned out well in advance and properly implemented. Aynak project will cause loss of income to the families engaged in agriculture as well as those who are engaged in trading and other small business activities in the area. Though efforts have been made to minimize land acquisition and relocation of PAPs, some of it is unavoidable. This RAP seeks to harmonize the economic and social development in the area and provide measures to assist the PAPs in restoring their lost incomes in a sustainable manner. The objective of the income restoration program under this RAP is to ensure that the affected families do not get worse off than before displacement and where ever possible to maximize benefits for the communities from the project.

Programs for Income/ livelihood restoration

As a result of ongoing consultation with the affected people, and other stakeholders and understanding of the feasibility of different programs in the area, a list of options for income generation are given below. As per the contractual obligations, MJAM will first cover the 62 PAFs in the income generation programs and thereafter local non-PAPs. The programs include

- Training to work at mine site: MJAM will provide requisite skills training to the adult members of 62 resident PAFs to work at mine and related areas. If the PAPs lack the skills but are in dire need of a means of income for the household, the project will facilitate in providing on-the-job training through MJAM for needy and interested PAPs;
- Employment preference in mine: For Aynak project operations, MJAM will employ locally available Afghan personnel, to the maximum extent possible. This includes

employment of 100% Afghanistan nationals as unskilled labor, progressively increasing Afghan employees in the categories of skilled workers as well. MJAM will first cover unemployed PAPs in these 62 families in providing employment at mine site. MJAM will also provide transport for these PAPs from resettlement site to mine to facilitate them to come to mine site.

- MJAM will also help to establish and cooperate in a program of foreign scholarships for Afghan nationals and grants to educational institutions of Afghanistan to support training of local unemployed youth.
- Small business training: MJAM will provide training in enterprise creation and expansion to encourage development of small businesses in the resettlement site for the resettled 62 PAFs.
- Preferred purchasing from local businesses: MJAM will make its purchases for the supplies for food and other things as far as possible from local market to support income generation.
- Vocational training for administrative staff/ computer skills: MJAM shall provide for the training of local manpower in order to equip them with necessary skills to take up skilled, clerical and supervisory, technical, and management and professional posts in the project operations. In all these income restoration activities, MJAM will first give preference to cover the adult members of the 62 resettled families from Aynak.
- Training in better agricultural practices like crop diversification, improving soil fertility along with animal husbandry programs will be promoted to improve income generation of the affect families at the new sites. This will be carried out with the assistance of the local civil society organizations which have experience in supporting capacity building in these areas.
- A number of off farm income generation activities have been identified as new livelihood possibilities for the PAPs. This would help to reduce overdependence on farm income particularly when land and water are scarce. MJAM will provide training in activities like driving, mechanical repairs, tailoring, cooking, handicraft making, etc.
- In the same line, income restoration/generation for the women in the area will be done by providing them with skills training in jewelry making. They could use the copper slag locally available at the mine site to make jewelry which could be an important source of livelihood for them. Further, women could also be organized through local civil society organizations to get engaged in alternate livelihood programs like carpet making, stitching. Under another program, MoM proposes to assist women in the area with the training to make replicas of statues recovered from Aynak which could be another source of income for them.
- The project will work towards these programs through by facilitating linkage of interested PAPs to get benefits under other developmental programs in the area especially National Skill Development Program and National Solidarity program. In this regard MoM is in touch with MRRD for extending the benefits of National Solidarity program to the residents of Aynak after they move to resettlement site. MoM is also in coordinating with the NGOs working on these programs like IRC to support income restoration measures for the PAPs at Aynak.

Finally, agriculture presently at Aynak is mainly subsistence as there is shortage of water. The livelihood restoration package for these families include the replacement agricultural land of grade 7, cash compensation and a job guarantee at mine site.

Monitoring of the income restoration measures adopted by MoM and MJAM would be done by conducting social impact assessments of the affected families. SIA will be carried out after 1 and thereafter 2-3 years to assess the livelihood impact of the resettlement and corrective measures will be taken if any family has suffered a setback in income.

6.10 Budget for Resettlement and Compensation

The total cost of resettlement for MJAM is 39,773,596 Afs including the compensation for houses, residential land, boundary walls, masonry, veranda, wells, trees, agricultural land and transport and rental assistance to PAFs. Further there is a substantial cost to the government in terms of developing infrastructure at resettlement site and providing plots of land to PAFs for agriculture in Mohammad Aga district and houses at resettlement site.

Table 20: Compensation amounts to project affected families

Village Name	House Hold Head Name	Father Name	Unique ID	Status of PAF Resident or Absentee	Compensation Amount (Houses, Land, Masonry and Wells)	Trees Total Amount	Compensation Grand Total Afs
Adam Killai	Abdullah Jan	Adam Khan	AK1	Absentee	37,500		37,500
Adam Killai	Akhtar Moh	Gul Mohammad	AK2	Absentee	1,573,500	-	1,573,500
Adam Killai	Amir Jan	Abdullah Jan	AK3	Absentee	37,500	-	37,500
Adam Killai	Bado Khan	Gul Hamid	AK4	Absentee	37,500	-	37,500
Adam Killai	Bahayee Jan		AK5	Absentee	37,500	-	37,500
Adam Killai	Gul Hamid	Adam Khan	AK6	Absentee	37,500	-	37,500
Adam Killai	Gul Mohd		AK7	Absentee	37,500	-	37,500

Adam Killai	Sardar	Samad Khan	AK8	Absentee	541,500	-	541,500
Adam Killai	Sher Jan	NA	AK9	Absentee	544,500	-	544,500
Adam Killai	Sher Jan	Adam Khan	AK10	Absentee	37,500	-	37,500
Bar Chinarai	Ebrahim Khan	NA	BC1	Absentee	37,500	-	37,500
Bar Chinarai	Ghulam Mohd	NA	BC2	Absentee	37,500	-	37,500
Bar Chinarai	Juma Khan	NA	BC3	Absentee	37,500	-	37,500
Bar Chinarai	Noor Ahmad Khan	NA	BC4	Absentee	37,500	-	37,500
Bar Chinarai	Samad Khan	NA	BC5	Absentee	37,500	-	37,500
Bar Chi nary	Morin Khan	Samad Khan	BC6	Absentee	-	348,600	348,600
Bar Chi nary	Rahman	Momin Khan	BC7	Absentee	-	4,200	4,200
Kooz Chinarai	Abdul Baqi	Khan Mohd	KC1	Resident	193,468	35,000	228,468
Kooz Chinarai	Abdul Matin	Mohammadullah	KC2	Resident	228,700	33,600	262,300
Kooz Chinarai	Abdul Qadim	Abdul Sattar	KC3	Resident	182,500	-	182,500
Kooz Chinarai	Abdul Rasool	NA	KC4	Absentee	37,500	-	37,500
Kooz Chinarai	Abdul Salam	Mohammadullah	KC5	Resident	207,646	114,300	321,946
Kooz Chinarai	Akhtar Mohammad	Mohd Salam	KC6	Absentee	37,500	319,200	356,700

Kooz Chinarai	Aman Malik		KC7	Absentee	66,750	-	66,750
Kooz Chinarai	Ashuqullah	Mohd Nawab	KC8	Resident	159,500	-	159,500
Kooz Chinarai	Aslam Khan	Sadat Khan	KC9	Absentee	60,900	-	60,900
Kooz Chinarai	Dad Mohd	Mir Ahmad	KC10	Absentee	7,459,500	-	7,459,500
Kooz Chinarai	Dorani	NA	KC11	Absentee	37,500	-	37,500
Kooz Chinarai	Faqir Mohd	NA	KC12	Absentee	37,500	-	37,500
Kooz Chinarai	Fazel Rabi	Shah Dawla	KC13	Absentee	22,206	-	22,206
Kooz Chinarai	Fazel Rahman	Shadawllah	KC14	Resident	169,500	35,000	204,500
Kooz Chinarai	Ghulam Sakhi	Mahboob	KC15	Resident	677,740	1,470,000	2,147,740
Kooz Chinarai	Iqbal Shah	Abdul Rashid	KC16	Resident	166,766	-	166,766
Kooz Chinarai	Jamaludin	NA	KC17	Absentee	37,500	-	37,500
Kooz Chinarai	Jann Nesar	Wazir	KC18	Resident	182,500	11,200	193,700
Kooz Chinarai	Layeq Khan	Yateem	KC19	Resident	47,500	-	47,500
Kooz Chinarai	Mir Salam	Abdul Sattar	KC20	Resident	182,500	285,600	468,100
Kooz Chinarai	Mohd Hashem	Mohd John	KC21	Resident	441,250	777,000	1,218,250
Kooz Chinarai	Mohd Salam	Abdul Sattar	KC22	Resident	310,264	-	310,264

Kooz Chinarai	Mohd Yaseen	NA	KC23	Absentee	37,500	-	37,500
Kooz Chinarai	Momin Khan	Samad Khan	KC24	Absentee	47,108	-	47,108
Kooz Chinarai	Nawab	Gullab	KC25	Resident	204,460	-	204,460
Kooz Chinarai	Nayeem	Abdul Sattar	KC26	Resident	169,500	-	169,500
Kooz Chinarai	Mohammad Nawab	Abd Ahmad	KC 27	Absentee	-	112,000	112,000
Kooz Chinarai	Noor Mohd	Yateem	KC28	Resident	37,500	-	37,500
Kooz Chinarai	Qaza Khan		KC 29	Absentee	78,648	28,000	106,648
Kooz Chinarai	Rahem Dil Khan	NA	KC30	Absentee	37,500	-	37,500
Kooz Chinarai	Ram Khan	NA	KC31	Absentee	37,500	-	37,500
Kooz Chinarai	Samad Khan		KC32	Absentee	-	248,300	248,300
Kooz Chinarai	Sartoor	Gul Zaman	KC33	Resident	217,500	-	217,500
Kooz Chinarai	Shah Zaman	Gul Zaman	KC34	Resident	248,650	28,000	276,650
Kooz Chinarai	Wazir	NA	KC35	Absentee	37,500	-	37,500
Kooz Chinarai	Zabiullah	Mohd Nawab	KC36	Resident	157,500	-	157,500
Kooz Chinarai	Zaher	Abdul Ghafar	KC37	Resident	256,730	140,000	396,730
Kooz Chinarai	Ziarat Gul	Sultan Mohammad	KC38	Absentee	37,500	67,500	105,000

Siso Tangai	Abdul Jabar	Sherin	ST1	Absentee	5,974,500	-	5,974,500
Siso Tangai	Abdullah Jan	NA	ST2	Absentee	37,500	-	37,500
Siso Tangai	Amin Jan	Painda Moham	ST3	Absentee	3,796,500	-	3,796,500
Siso Tangai	Gul Mohd	NA	ST4	Absentee	37,500	-	37,500
Siso Tangai	Najmudin	NA	ST5	Absentee	37,500	-	37,500
Siso Tangai	Saifal	NA	ST6	Absentee	37,500	-	37,500
Siso Tangai	Sayed al	Azmat	ST7	Absentee	1,642,500	-	1,642,500
Wali Baba Killai	Abdul Hanan	Gul Dad	WB1	Resident	70,000	-	70,000
Wali Baba Killai	Abdul Rahman	Hussain Khan	WB2	Resident	90,000	-	90,000
Wali Baba Killai	Abdul Salam	Mira Jan	WB3	Resident	65,000	-	65,000
Wali Baba Killai	Akbar Khan	Amir Mohd	WB4	Resident	80,000	-	80,000
Wali Baba Killai	Akhtar Moh	NA	WB5	Absentee	37,500	-	37,500
Wali Baba Killai	Alim Jan	Khudai Nazar	WB6	Absentee	37,500	-	37,500
Wali Baba Killai	Allah Dad	Gul Dad	WB7	Resident	100,000	-	100,000
Wali Baba	Amir Mohammad	Sher Khan	WB8	Absentee	-	1,500	1,500
Wali Baba Killai	Amir Mohd	Allah Noor	WB9	Resident	136,800	-	136,800

Wali Baba Killai	Arsallah	Sher Khan	WB10	Resident	170,000	10,500	180,500
Wali Baba Killai	Arsallah	Amir Mohd	WB11	Resident	65,000	-	65,000
Wali Baba Killai	Dost Mohd	Yar Mohd	WB12	Resident	150,000	-	150,000
Wali Baba Killai	Edrees	Yar Mohd	WB13	Resident	85,000	-	85,000
Wali Baba Killai	Fazel Rahman	Hussain Khan	WB14	Resident	70,000	-	70,000
Wali Baba Killai	Gul Mohd	NA	WB15	Absentee	47,500	-	47,500
Wali Baba Killai	Gul Mohd	Yar Mohd	WB16	Resident	37,500	-	37,500
Wali Baba Killai	Gulzar	Khudai Nazar	WB17	Resident	180,000	-	180,000
Wali Baba Killai	Habib Rahman	Hussain Khan	WB18	Absentee	37,500	-	37,500
Wali Baba Killai	Hamesha Gul	Gulzar	WB19	Resident	220,000	51,000	271,000
Wali Baba Killai	Hamidullah	Hamesha Gul	WB20	Resident	37,500	-	37,500
Wali Baba Killai	Hejratullah	Noor Jan	WB21	Resident	60,000	-	60,000
Wali Baba Killai	Hussain Khan	Khudai Nazar	WB22	Resident	122,760	-	122,760
Wali Baba Killai	Jahn Mohd	NA	WB23	Absentee	37,500	-	37,500
Wali Baba Killai	Janat Gul	Gulzar	WB24	Resident	160,000	-	160,000
Wali Baba Killai	Ketab Khan	Sher Gulan	WB25	Resident	80,000	-	80,000

Wali Baba	Khaliq Dad	Sher Khan	WB26	Absentee	-	1,500	1,500
Wali Baba Killai	Khaleq Dad	Gul Dad	WB27	Resident	150,950	-	150,950
Wali Baba Killai	Khan Mohd	Gulzar	WB28	Resident	260,000	-	260,000
Wali Baba Killai	Malang	Zarif Khan	WB29	Resident	80,000	-	80,000
Wali Baba Killai	Masjedi	Taj Mohd	WB30	Resident	122,760	-	122,760
Wali Baba Killai	Mira jan	Gulzar	WB31	Resident	266,160	-	266,160
Wali Baba Killai	Mohammadullah	Masjedi	WB32	Absentee	37,500	-	37,500
Wali Baba Killai	Mohd Din	Yar Mohd	WB33	Resident	90,000	-	90,000
Wali Baba Killai	Mohd Khan	NA	WB34	Absentee	37,500	-	37,500
Wali Baba Killai	Mohd Nazir	Mira Jan	WB35	Resident	150,000	-	150,000
Wali Baba Killai	Mohd Wazir	Mira Jan	WB36	Resident	85,000	-	85,000
Wali Baba Killai	Momen	Sardar	WB37	Resident	90,000	-	90,000
Wali Baba	Mullah Mira Jan	Gul Zar	WB38	Absentee	-	318,500	318,500
Wali Baba Killai	Noor Agha	Sher Khan	WB39	Resident	90,000	-	90,000
Wali Baba Killai	Noor Gul	Sher Gulan	WB40	Resident	80,000	-	80,000
Wali Baba Killai	Noor jan	Gulzar	WB41	Resident	100,000	-	100,000

Wali Baba Killai	Noor Mohd	NA	WB42	Absentee	37,500	-	37,500
Wali Baba Killai	Painda Gul	Masjedi	WB43	Resident	90,000	-	90,000
Wali Baba Killai	Reedi Gul	Masjedi	WB44	Resident	90,000	-	90,000
Wali Baba Killai	Roozi Khan	Zarif	WB45	Resident	170,000	-	170,000
Wali Baba Killai	Samar Gul	Gulzar	WB46	Resident	210,000	-	210,000
Wali Baba Killai	Sardar	Zarif	WB47	Resident	213,680	27,900	241,580
Wali Baba Killai	Shafiullah	Noor Jan	WB48	Resident	100,000	-	100,000
Wali Baba Killai	Shahi Khan	Jan Mohd	WB49	Resident	110,000	-	110,000
Wali Baba Killai	Sharab	Noor Alam	WB50	Resident	275,100	543,200	818,300
Wali Baba Killai	Torab	Zarif	WB51	Resident	170,000	-	170,000
Wali Baba Killai	Wali Mohd	NA	WB52	Absentee	37,500	-	37,500
Wali Baba Killai	Wali Mohd	Mohammad	WB53	Absentee	1,981,500	-	1,981,500
Wali Baba Killai	Zabiullah	Janat Gul	WB54	Resident	160,000	-	160,000
Wali Baba Killai	Ziarat Gul	Sher Gulan	WB55	Resident	75,000	-	75,000
Total					34,761,996	5,011,600	39,773,596

7 INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION MECHANISM

This Chapter introduces the institutional arrangements and implementation mechanisms proposed for the implementation of the RAP during the project execution. The roles and responsibilities of different agencies involved in implementation of RAP will also be discussed.

7.1 Institutional Arrangement



Figure 8: Organogram showing implementation mechanism for RAP

7.2 Social Development and Reconstruction Unit (SDRC)-

The RAP will be implemented by SDRC in active collaboration with Aynak Authority. The SDRC headed by Head Aynak Authority will have members from Aynak Authority dealing in social issues, representatives from provincial and local government. It will be mandated to facilitate land acquisition, relocation and resettlement, and the distribution of assistance. The SDRC will be put into operation as soon as the implementation for the land acquisition is initiated in these five villages at Aynak. The major responsibilities of SDRC also include:-

- (a) liaison with other line departments/divisions to facilitate access to the PAPs/PAFs;
- (b) coordinate the delivery of the compensation and assistance to entitled persons;
- (c) review and provide social development perspectives and inputs to on-going project design and implementation by working closely with project planners, contractors, etc;
- (d) link the project with government agencies, provide liaison with Ministry of Mines and impacted communities, coordinate with local community representing PAPs; and
- (e) Engage required training services, oversee a grievance redressal process, actively monitor RAP implementation, and cooperate with planned project evaluations.
- (f) Facilitate translation of Resettlement package in local language;
- (g) Prepare pamphlets of the Resettlement package;

- (h) Participate in the allotment of residential, commercial and agricultural plots;
- (i) Facilitate the opening of accounts in the names of the PAPs in local banks to transfer assistance for R&R, and organize the disbursement of cheques for assistance in the affected area in public;

Aynak Authority

Aynak Authority is comprised of officials of Ministry of Mines especially appointed by the Ministry to coordinate among different agencies and look into specific areas of Aynak project including social impact mitigation measures. Head of the Aynak Authority will have the overall responsibility for ensuring timely and proper implementation of the RAP. He will be supported by the dedicated unit called the Social Development and Reconstruction Unit (SDRC) which will be set up under the World Bank'-funded SDNRP in MoM for the implementation of the RAP. All aspects of resettlement and rehabilitation and delivery of entitlements will be managed by Social Development and Reconstruction Unit (SDRC). He will also be assisted by Social Department in the Ministry in all matters relating to social management of the proposed project. Senior Social Development Specialist of the Ministry will provide technical support and assist Head Aynak Authority in implementation of the RAP.

The roles and responsibilities of implementing agencies of the RAP are outlined below:

Social Department of the Ministry of Mines

The social department under Inspections directorate already exists in the Ministry with four staff members. This department guides the process of social development activities in the project areas, conducts and oversees conduct of socio economic baseline surveys and community consultation process in the project areas. The staff of the social department with oversight from the senior social development specialist will be responsible for the following:

- Carry out stakeholder consultation on project objectives, scope, and potential adverse/positive impacts of project intervention; and process the stakeholder feedback for consideration to the project.
- Explain the mitigation policies and measures of the project. Verify PAPs and process the entitlements stipulated in the RAP.
- Explain to the PAPs the grievance redressal mechanism and its scope, functions and the procedure to channel grievances to the Grievance Redressal Committees (GRCs).
- Support consultant firms in carrying out the socio economic surveys and social impact assessments in the project areas and monitor their actual work.
- Be assisted by SDRC in carrying out R & R activities.
- Liaison with Ministry of Agriculture for land entitlement and acquisition issues and participate in inter-ministerial meetings held for the purpose.
- Computerize and maintain the available R&R database to monitor the progress of the R&R activities against the targeted performance indicators.
- Develop formats for monitoring on the basis of indicators for all the R&R activities included in the RAP and other required indicators.
- Monitor physical and financial progress on R&R activities;

Ministry of Mines

Ministry of Mines, through the Aynak Authority will have overall responsibility for the implementation of the RAP. Within the Aynak Authority, RAP tasks will be handled mainly by SDRC unit described above. For future, Ministry will have a role of guiding and monitoring the work which will be contracted out to consultant firms. Ministry of Mines office in Logar province and local governments will be responsible to co-ordinate activities in the field including the organization of surveys, consultation meetings, and the determining of compensation rates. The provision of the RAP compensation finances will be the responsibility of Ministry of Mines and the physical delivery of compensation to the PAPs will be carried out by SDRC which will include members from the local governments but under the supervision of the Aynak Authority.

The SDRC will be primarily responsible for the social safeguard issues. As necessary, the SDRC will coordinate with MAIL, Cadastre Survey Department, local governments, NGOs and the community shuras, locally elected councils etc. The SDRC on behalf of Ministry of Mines will be responsible for ensuring that all stages of the processes of resettlement, determining and paying compensation, and acquiring land are fully documented and that hard and soft copies of the records are at all times kept in a safe and secure environment.

Implementing NGO

The specific tasks of the local NGO to be engaged for implementation of the RAP will be as follows:

- Work under close coordination with the SDRC, local government units and local staff of Ministry of Mines to implement the RAP.
- Assist the SDRC in dissemination of the RAP and other resettlement related information.
- Generate awareness about livelihood restoration activities and assist the PAPs to make informed choices including participating in government development programs.
- Identify training needs of PAPs for income generation activities and ensure that these are properly funded.
- Provide counselling and awareness generation to resolve RAP related grievances and assist in seeking redress to unresolved grievances from land acquisition and resettlement disputes with the Grievance Committee.
- Assist the PAPs in claims for just compensation including the collection of timely and complete payments.
- Submit periodic implementation reports on RAP.
- Conduct and/or undertake any other activities that may be required for the successful implementation of the RAP.

The RAP implementing partner NGO must be a non-profit organization; be legally registered and operated for at least for two years as an NGO in Afghanistan; maintain a proper accounting and financial system; have experience of similar work and credibility in the

district or province relevant for the project area; and must be willing to undergo training in resettlement work for project implementation.

Local Government

The cooperation and coordination of the local government is vital in RAP implementation. These are the provincial government, district provincial government, villages and local community Shuras/CDCs. Issues relating to land records and ownership and assets valuation originate from this level and will only be taken to the Council of Ministers if these issues are not resolved locally. The provincial government, in cases of disputes on valuation of land will constitute a land valuation committee to resolve disputes on rates.

7.3 Capacity Building of the Project Staff

Training programs are being organized for the Ministry including project staff on issues like social and environmental impacts of mining projects and strategies to mitigate these impacts. A two week training and field visit was organized on the subject for the staff of MoM, MAIL and NEPA by Indian School of Mines in July 2011. It included interaction with NGOs working with local communities in coal mines in Jharia, India, visit to iron mines in Goa and interactions with mining companies. Regular capacity building on these issues for the Social Department staff and other relevant departments is also being done by the Social Development Advisor in the Ministry to equip the Ministry to implement the resettlement action plan and to monitor the social development activities of the mining company in the mine site. Ministry also proposes to engage with local NGOs in the capacity building programs at the mine sites for creating better awareness of the local communities

For successful project implementation, a capacity building program will be conducted for SDRC and other staff of the project covering aspects like Resettlement Action Plan and its implementation mechanism, World Bank Policies on Involuntary Resettlement, public consultation, and grievances redresses mechanism etc.

7.4 Implementation Mechanism and Schedule

This section sets out the key actions involved in the resettlement process and provides a schedule for actions, focusing on the steps necessary to ensure that the resettlement of people from the Mining Lease area is completed in time to allow for the commencement of mining operations. For the present RAP, these activities have already been initiated:

- A. Verification and updating of PAPs/PAFs Census:** The verification process will involve a review of the data collected during the survey period against the ground reality. This stage also involves consultations explaining the entitlement framework to the PAP as well as the process of payment of compensation and assistance, grievance procedures and involvement in implementation. This is to be carried out before issuing notice to the property owners and the tenants for vacating the area and shall be the responsibility of the Aynak Authority/SDRC. The verification stage will also include identifying owners of vacant property, and determining if any, additional land that needs to be acquired due to changes in design or designation of land. Any corrections to the survey data and updates to the RAP will be made during this time. For the Aynak project, this period was between July 2010 to February 2011
- B. RAP Disclosure Focus Group Discussion, Awareness Campaign and Dissemination of Information:** In order to make the RAP implementation process transparent, a series of focus group meetings would be organized with all stakeholders for dissemination of

information regarding rehabilitation process and entitlement framework. In particular, vulnerable groups like women-headed households, the elderly, physically challenged and displaced tenants will be met separately. This stage will include information on the process for payment of compensation and other assistance, grievance redress, and a discussion of ways for the PAPs/PAFs to be involved during implementation. The RAP will be translated into the local language (Dari and Pashto) and copies will be provided to public representatives, library and the local school. In addition, the RAP will be available at Ministry of Mines and Aynak Authority offices as well as on website. This will be implemented from December 2011 to March 2012.

- C. PAPs database** will be maintained by Social department in the Ministry of Mines, used for the preparation of individual entitlements and will assist Aynak Authority in effectively monitoring the implementation of the RAP. The final output of the verification exercise will be profiles of each PAP with socio-economic indicators like demography, income, occupation, nature, extent, value of losses, details of entitlement, etc. This was carried out from April to July 2011.
- D. Preparation and Distribution of Entitlement:** All eligible project affected families will be issued compensation entitlement certificates giving details of the type of losses and type of entitlements. Each PAPs/PAFs will be given an identification code. Each PAP/PAF will sign this certificate and will be given a copy for their records. The SDRC needs to issue the certificates to all PAFs, after finalization of entitlements. The certificate will contain the following particulars:
- Name and passport size photograph of head of the household along with his/her age, sex, and occupation;
 - Type and extent of loss;
 - Compensation and Entitlements as per R&R package.

The certificate will be delivered prior to taking over of properties and as soon as final verification is completed. Along with the certificate, booklet/pamphlet carrying information related to the project and salient features of R&R policy will be distributed. Currently this process is ongoing in Aynak project.

- E. Rehabilitation of Affected Families:** Rehabilitation of all the PAFs is one of the critical tasks of the project implementation process in order to help the communities derive the maximum benefits out of the project without losing their livelihoods and the least impact on socio-cultural aspects of their lives. This process must result in improved or at least restored living standards, earning capacity or improve the quality of life of the people affected by the project. Accordingly, rehabilitation shall be implemented as a development programme with particular attention to the needs of vulnerable groups such as women particularly widows, the elderly, the physically challenged and the poor. The effort of the Aynak Authority/SDRC would be to improve the PAPs economic and productive capacity. One of the key strategies would be to facilitate community mobilization efforts within the overall framework of the project. All compensation will to be paid to PAFs before any relocation takes place or any land or structures/assets are touched. This will be carried out from January to March 2012 before people are moved to resettlement site.
- F. Issue of title documents:** Only after affected people have surrendered their old ownership documents will they be issued the new title documents along with the site plan of their plots. All compensation will have to be paid before the actual implementation.

G. Relocation of PAFs: The role of the Aynak Authority/SDRC in this respect will be very important. Community consultation will continue throughout the project. No physical relocation from agriculture land, residential units, commercial establishments or other immovable properties will begin before alternate arrangements are made. It is planned to move the rest of the families residing in these five villages in April 2012 after the winter season is over.

7.5 Implementation Schedule and Timing of Resettlement

<i>Date</i>	<i>Action</i>
Feb 2011	<i>Commenced leveling of ground at the resettlement site</i>
Aug 2011	<i>Commenced work of building schools, canals, bridges</i>
Apr 2012	<i>Commence building of dwellings by PAFs</i>
Jun 2012	<i>Complete relocation of persons and belongings</i>
Aug 2012	<i>Commence mining operations</i>

Table 21: Resettlement timelines

The work related to development of resettlement site has gone on quite well much before the RAP implementation could be initiated. This is mainly because Government allocated 3 million USD to develop this site last year itself before people were moved to this location. Therefore many sub projects could be started in the last one year at the resettlement site including building schools, clinic, drinking water pipes, constructing bridges, laying down sewage lines, levelling of ground etc.

The time taken for the implementation of the RAP will be around 1 year. It is estimated that the resettlement process including land acquisition can be completed within one year from the start of the civil work at resettlement site. Resettlement planning and updating of studies will be a continuous process throughout the project. The SDRC will coordinate these efforts to insure that RAP implementation is appropriately sequenced with relocation of PAPs and civil work at resettlement site. The PAFs will be given technical assistance in building their houses particularly to make them earthquake resistant. Local NGOs with experience in construction work will be hired by government to support these families in making their houses.

The resettlement process must be completed before the start of mining work. In case of Wali Killai village, 42 families have already been moved out to alternate accommodation last year itself. Only 20 more families residing in Kooz Chinarai need to be relocated. Requisite procedures will be developed by the SDRC to carry out resettlement of these PAPs located close to mine pit before the work starts on any section of the mine. PAPs have been given three months notice to move or give up their assets without undue hardship before their land is acquired and after receiving the compensation.

7.6 Implementation Responsibility and Completion of R&R Activity

It will be the responsibility of the Aynak Authority and SDRC to ensure that the RAP is successfully implemented in a timely manner. The implementation schedule needs to be updated periodically and monitored judiciously and the detailed implementation mechanism has been explained above and the components of the RAP shall be as explained in chapter 6.

8 GRIEVANCE REDRESSAL MECHANISM AT AYNAK

In the process of project implementation and preparation of the Resettlement Action Plan (RAP), an effort has been made to identify all potential impacts of the project, to identify all project affected persons (PAPs), to provide mitigation measures to address the potential impacts, and to chart out a mechanism to implement these mitigation measures. However during the project implementation, the stakeholders (mostly PAPs) may still have some grievances with respect to the project activities, their impacts, compensation and other mitigation measures. The key reasons of these grievances are listed below:

PAPs not enlisted,

Losses (such as fruit and non fruit trees, etc) not identified correctly,

Compensation inadequate or inappropriate,

Inter community disputes about ownership,

Delay in disbursement of compensation,

Improper distribution of compensation in case of joint ownership

Problems in distribution of 10 Jeribs of agricultural land to each household who do not have land ownership papers but will be displaced due to the Aynak

Problems in allocation of residential plots to displaced families at resettlement site.

8.1 Present Arrangement for Grievance Handling:

At Aynak the villagers can approach the office of district governor or Land Authority (for grievances related to land ownership). Further, two officials of Aynak Authority belonging to the area with whom villagers are familiar regularly visit and talk to the villagers if they have any problems due to the project. The villagers can also visit them as these officials work in the area. They try to resolve the problems at their level and if it requires high level intervention they take it up with Ministry of Mines or the office of Governor Logar. There has not been any formal recording of grievances. These officials help the communities in approaching the office of district governor and land authority. Local people are happy to maintain constant contact with these officials and they provide them with their feedback regarding resettlement and land acquisition issues and also communicate about their problems. However in this grievance redressal process, there has been a lack of involvement of MCC with the communities.

8.2 Future Aynak Grievance Redressal Mechanism; Objectives and functions

. The main objective of the Aynak complaint handling system is to ensure that the views and concerns of those affected by project activities are heard and acted upon in a timely, effective and transparent manner. Further it will be to provide a forum to mediate conflict and cut down on lengthy litigation, which often delays the projects. It will also facilitate people who might have objections or concerns regarding the project activities to raise their objections and through conflict resolution so that these can be addressed adequately. The Grievance Redress Mechanism (GRM) will be transparent, accessible to all, inclusive, participative and unbiased. Affectees will be made fully aware of their rights and the procedures for making a

grievance. All grievances need to be recorded in a database along with outcome of grievance redress – and closely monitored and analyzed in terms of category of grievances of speed of resolution

The main functions of the GRM will be as follows:

Provide a mechanism to PAPs to address the problems arising as a result of project activities, eligibility entitlements provided in RAP and compensation paid,

Record the grievance of PAPs, categorize and prioritize the grievances,

Determine and implement the mitigation actions to address the grievances,

Inform Aynak Authority of serious cases within one week; and

Report to the aggrieved parties about the developments regarding their grievances and the decision of the project authorities

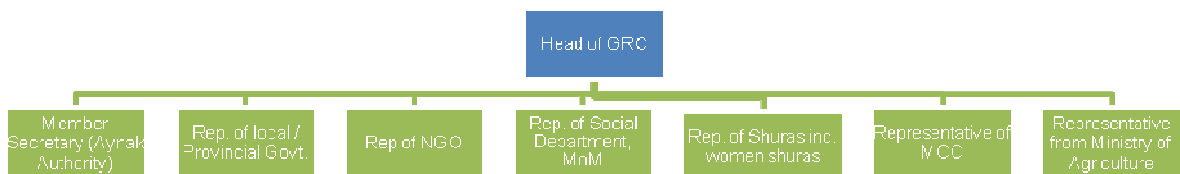
Monitoring and analysis of grievances, tracking response time

Further, through the Aynak grievance handling system, it may not be always possible to address all grievances or disputes of a person/s at Aynak as these may be due to factors before the project activities started and lie beyond their scope or the competence of project staff to resolve. For this reason, it will primarily handle issues that emerge from Aynak project activities, or are its consequences.

8.3 Grievance Redress Committee (GRC)

A broad based Grievance Redressal Committee has been formed comprising of members from Aynak Authority, Social Department of Ministry of Mines, 1-2 village elders, representative from Ministry of Agriculture, representative from Governor office, MCC and civil society organization. This committee can meet once in two weeks at a time which is informed to villagers in advance so that they can come and talk to committee members about their problems. The proposed system aims to ensure that all relevant entities – government as well as MCC respond in an effective, timely and transparent manner to grievances of the local communities. This grievance redressal mechanism is part of the Resettlement Action Plan for Aynak which the Government of Afghanistan is committed to implement.

8.4 Structure of GRC Aynak



8.5 Functions of GRC

- Elect among themselves their Chairman and Secretary to GRC who will assist in organizing meetings of GRC.

- Have meetings every two weeks to meet the villagers who have grievances so as to redress them.
- Ensure that handling of grievances is in accordance with Afghan law and World Bank procedures.
- Ensure that follow-up actions in response to grievances are taken within an agreed time-frame.
- Maintain a database of all registered grievances, along with details on the nature of the issues raised the case history, and actions taken.
- Ensure multiple intake of grievances (oral (in person), via hotline , written with complaints boxes and at Aynak authority, at website,)
- Report on outstanding/resolved grievances a weekly basis to the Aynak Authority particularly the serious cases.
- Coordinate with MCC, Government departments, at district, provincial and national level and civil society organizations for resolving the grievances of the local communities.
- Ensure the availability of grievance forms (in Dari & Pashtu) in the project area. The blank grievance forms is attached herewith
- Coordinate with community representatives on the efficacy and usefulness of grievance redressal procedures and recommend changes if any required to Ministry of Mines
- Undertake site visits to assess issues raised by those who lodge grievances.

8.6 Procedure of Grievance Handling:

This will involve following procedure:

1. Creation of Awareness of the Grievance Redressal Mechanism

It will be the responsibility of the SDRC to inform the affected persons about the GRC, to make it effective. The Aynak Authority will also make PAPs aware of procedures for registering a complaint. The Project will undertake public awareness campaigns to inform citizens about the project related activities, including the rights and entitlements of the affectees, any safety measures required to be followed by communities etc.

2. Receiving Application for Redressal and Documentation of Complaints

The applications on grievances for redressal can be submitted to Aynak Authority officials on week days during office hours. Multiple intake of grievances (oral (in person), via hotline, written with complaints boxes and at Aynak authority, at website, will be ensured. Format of the registration form is given at the end of this chapter. These applications are registered in the register with all details such as names of the person, type of grievances etc. The designated Aynak Authority officials along with staff of Social department of the Ministry will be responsible for the resolution of the grievance at the local level and if required will request a meeting of the GRC and inform the other committee members regarding the grievance registered and actions taken so far.

3. Community dialogue

The designated members of Aynak Authority will try to resolve issues of local communities through community dialogue. Details of the grievance and the manner of its resolution - or need for referral - will be included in the minutes of the meetings held with the communities. If resolved to the satisfaction of the parties concerned, a written confirmation will be issued by the Aynak Authority to the complainant, with a copy to the secretary of the GRC. In the event the issue is not satisfactorily addressed through this channel, it will be referred to GRC.

4. Grievance Redressal Committee Meetings, Proceedings and Recommendations:

If a grievance cannot be resolved through community dialogue, a copy of the registered complaint will be forwarded to Secretary of GRC who will then put it up to GRC for consideration. The GRC's meetings are held every second week to assess grievances, identify action to be taken and assign responsibility for follow-up. Cases put before the GRC will be assessed according to their urgency, and the social environmental, technical or operational issues that they may raise. Along with the details of each case, recommendations for referral or action will be entered into a database, to which Aynak Authority head and designated staff will have access. After the GRC meetings, its' minutes and recommendations will be sent to the Ministry within a week of the GRC meeting. The same information will also be sent to the relevant applicants. All efforts will be made by Aynak Authority to implement the recommendations of GRC as soon as possible. Head of Aynak Authority will report to Minister of Mines about the disposal of complaints in the project coordination meetings.

5. Aynak Appeals Board: Cases that prove impossible to resolve through community dialogue or the GRC may be referred to an Aynak Appeals Board (AAB) to be appointed by H.E. Minister of Mines. Comprising senior representatives from MoM, MAIL, Governor Logar office and an independent legal expert, this Board will meet as needed to adjudicate on cases and either send their recommendations for endorsement to H.E. Minister Mines or refer these for legal action. Where feasible, a response will be forthcoming to such appeals within one month of submission.

6. Cases referred to MoM:

The AAB will send its response to MoM in cases GRC is not able to resolve the complaints of the villager or group of villagers, Ministry will then examine the complaint and if it is still not possible to resolve, will refer it to court of law.

8.7 Principles and Time lines

Bearing in mind the range of possible grievances, following basic standards shall be applied for handling these:

- All grievances submitted in writing to staff assigned under Aynak Authority will be formally recorded, and a written acknowledgement issued.
- Grievances will be dealt with on a referral basis; those that the officials of Aynak Authority are unable to resolve will be referred to a Grievance redressal Committee, with a final provision for appeal to MoM or MAIL, if an issue cannot be resolved with the Committee.

- Every effort will be made to resolve grievances within fixed time-lines, which will be an indicator against which the performance of the handling system is evaluated.
- Acknowledgement of a written submission will be issued to the complainant within 3 working days.
- If not resolved earlier by designated staff on site, grievances will be tabled for discussion/resolution during a GRC meeting within 2 weeks of receipt of the written submission.
- If not resolved by the GRC, it will be referred for consideration to the Ministry of Mines or Ministry of Agriculture as the case may be within 1 week.

8.8 Dissemination

Once finalized, procedures to be followed through the Aynak grievance handling system will be translated into Dari and Pashto and made easily available to all stakeholders, through Aynak Authority, MCC, MoM, Governor Logar office and district authorities. Information on the steps to be followed by the GRC in handling grievances will be incorporated into the process of mobilization and creating awareness of the local *shuras*.

The Aynak Authority will ensure that copies of the standard grievance registration form (see attached to this note) are available to members of the GRC and are kept in sufficient numbers in different offices in district Mohammad Agha, MCC office, and Governor Logar's office for easy access of the forms to the local communities. The GRC will ensure that the database of all grievances submitted is updated on a regular basis, and that information on the status of individual cases is made available to the Head, Aynak Authority and Ministry of Mines as required.

8.9 Aynak Project Grievance Registration Form

LOCATION : District: _____ Village: _____ GCS/NCS Name: _____ NAME OF COMPLAINANT: _____ Taskara number: _____ ADDRESS: _____ Telephone #: _____
Classification of the grievance (Check box) <input type="checkbox"/> GCS/NCS formation <input type="checkbox"/> Inter-community dispute <input type="checkbox"/> Procurement <input type="checkbox"/> Technical/operational coordination <input type="checkbox"/> Financial <input type="checkbox"/> Process delays <input type="checkbox"/> Other (specify) _____
Brief description of the grievance:
What is the perceived cause?
Suggested action (by complainant) to address grievance:

9 MONITORING & EVALUATION

As per World Bank's Operational Policy 4.12, monitoring is an important channel for resettlers to make known their needs and their reactions to resettlement execution. Both internal and external monitoring will be taken up with following objectives:

- Ensure that the RAP is being implemented, in line with its objectives, principles and implementation procedure.
- Monitor the actual project impacts on the socioeconomic areas. This will indicate the adequacy of the RP and SIA in identifying and mitigating the project's adverse effects.
- Recommend mitigation measures (in addition to the ones proposed in the SIAs and EIAs and the RAP) for any unforeseen impact or where the impact level exceeds than anticipated.
- Ensure compliance with legal and community obligations.

9.1 Internal monitoring

The SDRC will carry out internal monitoring of RAP on a monthly basis. It will prepare quarterly progress reports. The reports will compare the progress of the project to targets set up at the commencement of the project. The list of impact performance indicators will be used to monitor RAP objectives. The baseline socio-economic survey conducted in March 2011 will provide the benchmarks for comparison and to assess the progress and success of RAP implementation. The monitoring process will also take into account communication with PAPs, assessment of their reactions on entitlements, valuation of properties; usage of the grievance redress mechanism and disbursement of compensation amounts and other assistance.

Implementation process of RAP will be regularly monitored and checked by SDRC. Internal monitoring shall include:

- a) Clarifying information desired by PAFs and evaluate damaged assets, review compensation, land acquisition and resettlement based on regulations;
- b) Monitoring whether RAP personnel implement in accordance with design and planning or not;
- c) Monitoring that allocated funds for project implementation are used timely and for intended purposes as requested and approved in the RAP;
- d) Using database of GRM, look into all complaints and settlement options and ensure that grievance redress is solved within the stipulated period.
- e) Monitor that PAPs receive full compensation as per RAP in a timely manner and without hindrance

9.2 External monitoring

An independent agency such as a local consultancy firm, an NGO or a research centre will be appointed to carry out mid-term and final evaluation of RAP implementation. The external evaluation aims to review the implementation and evaluation outputs of resettlement objectives, change in living standards and livelihoods, economic restoration and social base of PAFs, effectiveness, impact and entitlement of PAFs, demand and minimization measures and study experiences in setting up and planning for policies in the future. It will also look into the broader social impact of the project.

The external monitor will verify information collected through SDRC's internal monitoring reports and contact and interview the PAFs wherever they are relocated. Other tasks would include determining if procedures on participation and receiving compensation amount of PAFs are implemented in accordance with the RAP:

- a) Determine if procedures on participation and receiving compensation amount of PAFs are implemented in accordance with RAP or not;
- b) Evaluate if the objective of improving or at least ensure the living standards of PAFs to pre-RAP levels have been achieved;
- c) Collect quality evaluation information on socio-economic impacts during project implementation on PAFs;
- d) Suggest adjustments in RAP implementation depending on certain cases in order to achieve objectives.

9.3 Monitoring Indicators

Some indicators to measure the progress in RAP implementation are given below. The indicators have been formulated at outcome, output and activity (performance levels). The frequency of collection of data on the indicators and the agency responsible for the collection has also been suggested.

No.	Indicator	Frequency of collection	Agency Responsible
1.	Monthly income level of PAFs restored to pre-project levels	Mid-term and end of RAP	Consultant
2.	Increase in number of PAFs that are 'very satisfied' with the services of MJAM and Government of Afghanistan by 50% from Baseline	Mid-term and end of RAP	Consultant
3.	No. of vulnerable persons (poor, women-headed households and widows, elderly and physically challenged) expressing their satisfaction with RAP measures taken.	Mid-term and end of RAP	Consultant

Table 22: Outcome indicators

No.	Indicator	Frequency of collection	Agency Responsible
1.	Number of PAFs expressing satisfaction over medical facilities at resettlement site	Mid-term and end of RAP	Consultant
2.	Increase in enrollment of children in primary education	Mid-term and end of RAP	Consultant
3.	No. of PAFs experiencing restored level of incomes and livelihoods	Quarterly	SDRC
4.	No. of women from PAFs operating economic enterprises	Quarterly	SDRC

Table 23: Output indicators

No.	Indicator	Frequency of collection	Agency Responsible
1.	Number of PAFs losing structures have incomes on par with pre-project levels	Quarterly	SDRC
2.	Number of PAFs losing tenancy have incomes on par with pre-project levels	Quarterly	SDRC
3.	Number of PAFs losing incomes have incomes on par with pre-project levels	Quarterly	SDRC
4.	Number of vulnerable PAFs compensated	Quarterly	SDRC
5.	Utilization of Compensation by PAFs	Quarterly	SDRC
6.	No. of PAFs with easy access to education	Quarterly	SDRC
7.	No. of PAFs with easy access to health services	Quarterly	SDRC
8.	No. of PAFs with easy access to reliable water supply	Quarterly	SDRC
9.	No. of PAFs with easy access to safe sanitation	Quarterly	SDRC
10.	No. of male PAFs representatives in LAP Committee	Quarterly	SDRC
11.	No. of female PAFs representatives in LAP Committee	Quarterly	SDRC

Table 24: Performance indicators

9.4 Monitoring of Financial Indicators

The financial indicators for monitoring are discussed as follows;

Month	Year	No. of PAFs	Amount Disbursed for acquisition of structure	No. of PAFs	Amount Disbursed for acquisition of trees	No. of PAFs	Amount Disbursed for acquisition of residential land	No. of PAFs	Amount Disbursed for acquisition of Other assets	No. of PAFs	Amount Disbursed for transport and rental assistance	No. of PAFs	Amount disbursed acquisition of agricultural land	No of PAFs	Amount Disbursed for residential land	No of PAFs	Amount spent on Workshops and seminars

Table 25: Financial indicators monitoring form

9.5 Monitoring of Grievance Redressal Committee:

The work of the GRC will be monitored as per the table given below:

Sl no	Type of grievance	Name aggrieved person	No of meetings held (with date)	Status of case	Time taken for resolution	Reference to court or not	Status	Remarks

Table 26: Monitoring Of Grievance Redressal Committee