

ISLAMIC REPUBLIC OF AFGHANISTAN

Afghanistan Urban Water Supply and Sewerage Corporation  
(AUWSSC)

**RESETTLEMENT FRAMEWORK  
(RF)**

Prepared for

Afghanistan Water, Sanitation, Hygiene and Institutional Support Project  
(A-WASH)

September 2020

## ABBREVIATIONS

WB	World Bank
ARAZI	Afghanistan Land Authority (A Directorate within MUDL)
AUWSSC	Afghanistan Urban Water Supply and Sewerage Corporation
AH	Affected Household
AP	Affected Person
CBO	Community Based Organization
CSC	Construction Supervision Consultant
DABS	Da Afghanistan Breshna Sherkat
DD	Detail Design
DMS	Detailed Measurement Survey
DP	Displaced People
EMA	External Monitoring Agency
EA	Executive Agency
ESIA	Environmental and Social Impact Assessment
FS	Feasibility Study
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
HSBU	Herat Strategic Business Unit
IA	Implementing Agency
Km	Kilometer
KnSBU	Kandahar Strategic Business Unit
KSBU	Kabul Strategic Business Unit
LAR	Land Acquisition and Resettlement
LARP	Land Acquisition and Resettlement Plan
LARC	Land Acquisition and Resettlement Commission
MoF	Ministry of Finance
MRRD	Ministry of Rural Rehabilitation and Development
M&E	Monitoring and Evaluation
MUDL	Ministry of Urban Development and Land
NWARA	National Water Affairs Regulation Authority
PIB	Project Information Booklet
PIU	Project Management Unit
ROW	Right of Way
SES	Socioeconomic Survey
TRTA	Transaction Technical Assistance
WTP	Water Treatment Plant

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## **Definition of Important Terms under this Framework**

**Project Affected Persons (PAPs):** means all the people directly affected by project-related land acquisition that leads to their physical relocation or loss of assets, or access to assets, with adverse impacts on livelihoods. This includes any person, household (sometimes referred to as project affected family), firms, or public or private institutions who on account of project-related land acquisition would have their:

- (i) standard of living adversely affected;
- (ii) Right, title or interest in all or any part of a house, land (including residential, commercial, artisanal mining, agricultural, plantations, forest and/or grazing land), water resources or any other moveable or fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or
- (iii) Business, occupation, place of work or residence, or habitat adversely affected, with or without displacement.

PAPs therefore include;

- i) Persons affected directly by the acquisition or clearing of the right of-way or construction work area;
- ii) Persons whose agricultural land or other productive assets such as mining, trees or crops are affected;
- iii) Persons whose businesses are affected and who might experience loss of income due to project-related land acquisition impacts;
- iv) Persons who lose work/employment as a direct result of project-related land acquisition; and
- v) People who lose access to community resources/property as a result of project-related land acquisition.

**Census means** a complete and accurate count of the population that will be affected by land acquisition and related impacts. The population census will provide the basic information necessary for determining eligibility for compensation.

**Compensation means** payment in cash or kind for an asset to be acquired or affected by a project at replacement costs.

**Cut-off-date** means the date after which people will not be considered eligible for compensation, if they are not included in the list of PAPs as defined by the census. Normally, the cut-off date for the titleholders is the date of the detailed measurement survey.

**Displacement** means either physical relocation or economic displacement directly caused by project related land acquisition.

**Detailed Measurement Survey** means the detailed inventory of losses that is completed after detailed design and marking of project boundaries on the ground.

**Entitlement** means the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to PAPs, depending on the type and degree nature of their losses, to restore their social and economic base.

**Livelihood Restoration** means the measures required to ensure that PAPs have the resources to at least restore, if not improve, their livelihoods. Restoration of livelihood of all PAPs is one of the key objectives of the World Bank's resettlement policy. It requires that people are given the means and assistance necessary for them to improve, or at least restore, their livelihood and living conditions to pre-project levels.

**Inventory of Losses** means the pre-appraisal inventory of assets as a preliminary record of affected or lost assets.

**Jerib** means the traditional unit of measurement of Afghanistan. One Jerib is equivalent to 2,000 square meters of land. One hectare is equivalent to 5 jeribs.

**Land Acquisition** means the process whereby the state can use its sovereign force to acquire land (i.e. eminent domain) for public purposes under the legally mandated procedures for eminent domain. National law establishes which public agencies have the prerogative to exercise eminent domain, whereby a person is compelled to alienate all or part of the land s/he owns, possesses, or uses, to the ownership and possession of that agency, for public purposes, in return for prompt and fair compensation. This includes direct acquisition and easement. Land acquisition may also include:

- (a) Acquisition of unoccupied or unutilized land;
- (b) Repossession of public land that is occupied or used by individuals or households;
- and
- (c) Project impacts that result in lands being submerged or otherwise rendered unusable or inaccessible. "Land" here implies anything grown on or permanently affixed to land, such as crops and building or other improvements, and appurtenant water bodies.

**Non-titled** means those who have no recognizable, formal rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant.

**Poor** Those falling below the UN poverty line of 1 dollar per person per day or equivalent to 75 Afghanis (as of November 2018).

**Relocation** means the physical shifting of PAPs from his/her pre-project place or residence, place for work or business premises.

**Rehabilitation** means the assistance provided to PAPs to supplement payment of compensation for acquired land, assets and affected livelihood to improve or at least achieve full restoration of, their pre-project living standards and quality of life to pre-project level.

**Replacement Cost** means the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms (e.g., access to public services, customers, and suppliers; or to mining, fishing, grazing, or forest areas), attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.

**Transaction Costs** are expenses that occur during the purchase or sell of a good or service.

**Resettlement** means all social and economic impacts that are permanent or temporary and are (i) caused by acquisition of land and other fixed assets, (ii) by change in the use of land, or (iii) restrictions imposed on land because of the project.

**Resettlement Plan** means the time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.  
**Sharecropper and/or Tenant cultivator** is a person who cultivates land they do not own for an agreed proportion of the crop or harvest.

**Structures** mean all structures affected, or to be acquired, by the project such as living quarters, wells, hand pumps, agricultural structures such as rice bins, animal pens, stores/warehouses, commercial enterprises including roadside shops and businesses.

**Squatters and encroachers** mean the same as non-titled person i.e. those people without legal title to land and/or structures occupied or used by them. World Bank policy explicitly states that such people cannot be denied assistance to restore livelihoods and living conditions based on the lack of title.

**Temporary displacement** means displacement where an occupier or owner of land is required to vacate land for a limited period to enable public works to be carried out on the land but can then return to the land and use it as before the displacement.

**Vulnerable** means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement i.e.;

- (i) Single household heads with dependents;
- (ii) Disabled household heads;
- (iii) Poor households;
- (iv) Elderly households with no means of support;
- (v) The landless or households without security of tenure
- (vi) Ethnic minorities; and
- (vii) Women headed households.

## **EXECUTIVE SUMMARY**

This document presents the Resettlement Framework (RF) which has been prepared and will be implemented by the Afghanistan Urban Water Supply and Sewerage Corporation (AUWSSC) for the Afghanistan Water, Sanitation, Hygiene and Institutional Support project (A-WASH). The Government of Islamic Republic of Afghanistan (GIROA) with the financial support from World Bank under ARTF and IDA is initiating a 12-year program consisting a Series of Projects (SoP). The A-WASH project have five Components: Component 1 will support implementation of COVID-19 emergency relief measures in the three largest cities of Afghanistan - Kabul, Kandahar and Herat; Component 2 will finance measures to restructure, reform and improve the urban water utility's operational and financial performance; Component 3 will fund technically robust, more sustainable infrastructure, including measures to build resilience to climate change, with a strategic focus on Kandahar, Component 4 will support project management and monitoring; and Component 5 - Contingent Emergency Response Component (CERC).

The first of the series of projects ("SoP-1", or "the project") aims to safeguard essential water services in Afghanistan's three largest cities (Kabul, Kandahar and Herat) during the ongoing COVID-19 pandemic, and to support a resilient, and sustainable recovery by expanding access to safe water and AUWSSC's operational performance. The initial Relief phase of the project will focus on the implementation of COVID-19 Emergency Response and Recovery Plans (ERRPs), complemented by capacity building for AUWSSC and in particular the Strategic Business Units (SBUs) in the selected three cities to improve the utility's operational and financial performance. In order to address the long-term structural challenges of lack of water supply and groundwater depletion, and to contribute to a resilient and sustainable recovery, the project will also undertake strategic capital investments with a focus on Kandahar city. The activities financed by the project will safeguard basic water supply in Kabul, Herat and Kandahar, contribute to the containment of COVID-19 and bolster the country's resilience to future disease outbreaks and other disasters.

Water and sanitation services in the largest three cities of Afghanistan – Kabul, Kandahar and Herat – are a particular concern due to their high share of the country's population. The existing piped network operated by the AUWSSC covers less than 20 percent of the population across the three cities and operates only intermittently. At present, all three water systems are exclusively supplied from groundwater. The remainder of the population which is not connected to the piped network also relies predominantly on groundwater, tapping into the unconfined shallow aquifers with private wells. In all three cities, this is putting increasing pressure on limited groundwater aquifers. Moreover, water quality is a considerable concern as the shallow aquifers are subject to contamination from surface drainage and untreated wastewater. Wastewater collection is non-existent. Where they exist, onsite household facilities such as septic tanks and manual collection are used to collect and dispose sewage. Across Afghanistan, urban water networks are in a bad state of repair and system water losses ("non-revenue water") are high, around 50-60 percent in AUWSSC's estimate.

### **Potential Impacts**

The World Bank financed interventions including transmission, treatment, distribution network and rehabilitation and replacement of priority water supply facilities, including water wells, pipes and pumps in target areas will have some social risks and impacts which is expected to be less severe and mostly temporary, predictable and reversible. Works associated with the construction and upgrading of the water network will cause some impact on people's assets such as crops, buildings, and structures which were built close to the water pipelines and as such restrict access to the network.

### **Objectives of the Resettlement Framework**

The objective of this RF is to outline the principles of resettlement and compensation thereof as and when the project reaches that stage. This will not only ensure consistency in resettlement

planning but also develop the capacities of the implementing and supervising agencies gradually and simultaneously. Lessons learnt during the course of implementation can easily be integrated in improving the various issues related to resettlement planning and its monitoring. The resettlement policy needs to be consistent with both of the following policies:

- Existing national laws and policies related to land acquisition and compensation and;
- World Bank's Environmental and Social Standard 5 which deals with Land Acquisition, restrictions on Land Use and Involuntary Resettlement
- The provisions of this RF would be applied for all project activities and studies.

The Resettlement Framework of Afghanistan Water, Sanitation, Hygiene and Institutional Support (A-WASH) is customized from the Resettlement Framework approved for the World Bank funded AGAS project. It is important to mention that the land acquisition and Resettlement Framework was initially developed by ADB, but in the interest of time and bearing in mind the clients technical capacities to conduct a comparative analysis of ADB Policies and World Bank ESF (ESS5), it was indispensable to develop a new Resettlement Framework (RF) in full compliance with the ESS5 including relevant information (specially consultation with the local communities and other stakeholders) from LARF are included in appendix 2 and 3.

### **Rationale for Developing Resettlement Framework**

The Resettlement Framework (RF) is a standard instrument used to clarify resettlement principles, eligibility criteria, compensation entitlement, organizational arrangements and guidelines for carrying out census surveys and Resettlement Plan (RP). The RF will be applied in cases where the impacts and physical location of a project-related activity are not known in advance. It is important to notice that the proposed Project provide direct financing support to rehabilitation and construction of Water infrastructure. The nature, type and physical locations of the Pipeline, WTP and distribution network are not known. Once individual activities are defined and the necessary information becomes available, should resettlement activities become necessary, this framework will be expanded into specific RAP(s) proportionate to potential risks and impacts.

The guiding principles of this framework are the following:

- Avoid or minimize adverse impacts on persons and families likely to be affected by the project (Project-Affected Persons [PAPs]).
- All PAPs will be consulted throughout the operation.
- All PAPs are eligible for compensation for losses, including restrictions of access and land use resulting from project intervention irrespective of possession of formal title to land.
- All compensation for land or lost assets will be at replacement value.
- Acquisition of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites and moving allowances have been provided.
- Functional multi-tier GRM will be made available to all PAPs to lodge complaints and suggestions regarding resettlement, compensations and other issues.

## **Legal & Policy Framework for Resettlement**

All the applicable acts and policies of Government of Afghanistan and relevant World Bank ESF standards in the context of this project are discussed below. The AUWSSC will ensure that project implementation is consistent with the local laws together with World Bank ESF standards.

## **Eligibility for Compensation**

General eligibility is defined as, “people who stand to lose land, houses, structures, trees, crops, businesses, income and other assets as a consequence of the project, as of the formally recognized cut-off date, will be considered as project affected persons (PAPs)”. For purposes of this RF, the concepts of ‘general eligibility’ for compensation and who is a PAP will be extended to include persons who may be temporarily displaced, but who may be entitled to some compensation through loss of land by the sub-projects.

Although it is unlikely that many PAPs will be entitled to compensation or rehabilitation, on the grounds that they are losing a substantial amount of land under the project, it is as well to set out the full picture on who PAPs could include and what they are entitled to under a project:

- (i) All PAPs losing land, with or without title, formal land-use rights, or traditional land use rights;
- (ii) Owners of buildings, crops, plants, or other objects attached to the land; and
- (iii) PAPs losing business, income and salaries.

## **Institutional Arrangement**

Overall responsibility for the Project will rest with AUWSSC/ESSU. Implementation of guidelines and principles stipulated in the RF will be the sole responsibility of AUWSSC ensuring adherence by all stakeholders to the E&S standards and guidelines of the framework. At the national level, a Project Steering Committee (PSC) will oversee the implementation of the project and subproject activities in target sites. A Project Steering Committee will be responsible for overall project coordination, project progress reporting (including results monitoring) and coordination with other stakeholders.

Preparation of Resettlement Plan: Once the land clearance and land valuation surveys are completed by the Expropriating Authority and the complete list of PAPs along with compensation detail and other information are available, the client will develop a Resettlement Plan (RP) in full compliance with the approved Resettlement Framework and ensure all the required information about PAPs, eligibility and entitlement under the RF, land acquisition, land valuation, vulnerable people, institutional arrangements, timeline with budget and GRM are included in the RP. The same reports would need to be submitted to the World Bank for review and approval.

## **1 PROJECT BACKGROUND AND DESCRIPTION**

The overall objective of the proposed Program is to improve access to safe water and sanitation in selected areas of Afghanistan as well as to strengthen sector capacity. This program development objective (PrDO) is expected to be achieved over a 12-year period through a Series of Projects (SoP), of which the operation detailed in this document is the first. The program approach will ensure continuity of the sector engagement and enhanced coordination, as well as supporting the sustainability of other World Bank interventions that include WSS components such as the Cities Investment Program (P160619), the Urban Development Support Project (P147147) and the Citizens' Charter Afghanistan Project (P160567).

The Program is expected to consist of three projects that will overlap in time and vary in geography, with a consistent component-level design to facilitate scaling-up. The three projects are expected to commence in 2020, 2025 and 2027, respectively. The anticipated duration of each project is expected to be five years. Overall SoP completion is expected by 2032.

The Government of Islamic Republic of Afghanistan (GIROA) with the financial support from World Bank under ARTF and IDA is initiating a 12-year program consisting a Series of Projects (SoP). The A-WASH project have five Components: Component 1 will support implementation of COVID-19 emergency relief measures in the three largest cities of Afghanistan - Kabul, Kandahar and Herat; Component 2 will finance measures to restructure, reform and improve the urban water utility's operational and financial performance; Component 3 will fund technically robust, more sustainable infrastructure, including measures to build resilience to climate change, with a strategic focus on Kandahar. Component 4 will support project management and monitoring; and Component 5 - Contingent Emergency Response Component (CERC).

The first of the series of projects ("SoP-1", or "the project") aims to safeguard essential water services in Afghanistan's three largest cities (Kabul, Kandahar and Herat) during the ongoing COVID-19 pandemic, and to support a resilient, and sustainable recovery by expanding access to safe water and AUWSSC's operational performance. The initial Relief phase of the project will focus on the implementation of COVID-19 Emergency Response and Recovery Plans (ERRPs), complemented by capacity building for AUWSSC and in particular the Strategic Business Units (SBUs) in the selected three cities to improve the utility's operational and financial performance. In order to address the long-term structural challenges of lack of water supply and groundwater depletion, and to contribute to a resilient and sustainable recovery, the project will also undertake strategic capital investments with a focus on Kandahar city. The activities financed by the project will safeguard basic water supply in Kabul, Herat and Kandahar, contribute to the containment of COVID-19 and bolster the country's resilience to future disease outbreaks and other disasters.

Kabul is Afghanistan's largest city and its capital. Its existing piped water supply relies exclusively on groundwater resources which are being abstracted at an unsustainable rate. At present, around 80 million cubic meters (MCM) of water are being extracted per year in Kabul city even as the sustainable recharge capacity is estimated to be only approximately 44 MCM. This has resulted in a rapidly depleting aquifer and thus the risk of future supply shortfalls. Kabul's piped network is relatively limited compared to the rapidly growing population, with less than 20 percent of households connected to the network. A number of donor countries, including Germany, France, India and the United States, are financing interventions to relieve the unsustainable pressure on Kabul's groundwater reserves by tapping into surface water sources and to extend network access. To complement these efforts, the focus of the proposed project in Kabul will be on implementation of the COVID-19 ERRP and on utility reform. The capital has

been particularly badly affected by the pandemic with the highest case count nationally. This is likely due to its high population and the high degree of trade and mobility in- and out of the city, exacerbated by poor public hygiene and limited access to safe and reliable water supply.

Herat is Afghanistan's third largest city with a comparatively well-developed water supply system. Originally built in the 1970s, and partially rehabilitated in 2008-9 with support from KfW, the system supplies over 60% of the population – the highest degree of access to piped water in any large city of the country. To cope with the growing population and to limit excessive groundwater extraction within the city, the Herat SBU is developing a proposal for a new water production site near the Harirud River. Herat's location close to the border with Iran made it an early hotspot of the COVID-19 pandemic. This was driven by Afghan migrant labor returning home in the wake of the severe outbreak in Iran. As the city's water infrastructure is comparatively developed, and the pandemic particularly severe, the focus of the proposed project in Herat will also be on the implementation of the COVID-19 ERRP relief activities and capacity building, to ensure existing services are safeguarded and extended if needed for the COVID-19 response.

Kandahar is Afghanistan's second largest metropolitan area with an estimated population of approximately one million people, although unofficial estimates range as high as 1.5 million. Kandahar is in a highly drought-prone part of the country. The city's current domestic water supply is limited and entirely dependent on groundwater which is declining due to excess extraction. The city's historic water infrastructure has deteriorated while demand has increased rapidly. The existing water network covers fewer than 8,000 households, while most of the population obtains water from private wells drawing from a shallow, unconfined aquifer which is depleting and contaminated due to the absence of a sewerage system, as several studies have shown.<sup>1 2</sup> The existing piped network was constructed in the early 1970s and has seen only limited rehabilitation and extension in recent years. The network supply is not being treated as chlorination systems are no longer in working order. The quality of water is reportedly poor, and supply is intermittent. The network is exclusively supplied through wells drawing from a deep aquifer below Kandahar. The wells that remain functional supply approximately 5,000 cubic meters per day, less than 10 percent of the water needed to ensure that the population's most basic needs are met.<sup>3</sup>

Contingent Emergency Response Component (CERC) (USD 0.0 million): This component will improve the GoIRA's ability to respond effectively in the event of an emergency in line with World Bank procedures on disaster prevention and preparedness. Following an eligible crisis or emergency, the Recipient may request the Bank to re-allocate project funds to support emergency response and reconstruction. This component would draw from other project components to cover emergency response.

## 1.1 Project Components

The A-WASH project have four Components: Component 1 will support implementation of COVID-19 emergency relief measures in the three largest cities of Afghanistan - Kabul, Kandahar and Herat; Component 2 will finance measures to restructure, reform and improve the urban water utility's operational and financial performance; Component 3 will fund technically robust, more sustainable infrastructure, including measures to build resilience to climate change, with a

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<sup>1</sup> JICA, KfW and Feasibility Study financed by ADB and completed in February 2019

<sup>2</sup> Haziq, M. A., & Panezai, S. (2017). An Empirical Analysis of Domestic Water Sources, Consumption and Associated Factors in Kandahar City, Afghanistan. *Resources and Environment*, 7(2), 49-61.

<sup>3</sup> The WHO recommends at least 50 to 100 liters per day per person. [Doesn't this then logically mean "at least 50 lpcpd"?

strategic focus on Kandahar. Component 4 will support project management and monitoring; and Component 5 - Contingent Emergency Response Component (CERC).

## 1.2 Anticipated Land Acquisitions and Resettlement Impacts

The World Bank financed interventions including transmission, treatment and distribution network will have some social risks and impacts which is expected to be less severe and mostly temporary, predictable and reversible. Works associated with the construction and upgrading of the water network will cause some impact on people’s assets such as crops, buildings, and structures which were built close to the water pipelines and as such restrict access to the network. The project was screened for land acquisition and resettlement impacts and the following are anticipated temporary impacts related to the construction phase of the project: (i) Loss of sources of income and/or livelihoods, particularly agricultural livelihoods and disruption to businesses; (ii) Damage/temporary disruptions to certain agricultural infrastructure (e.g. irrigation); (iii) Loss/damage of annual/perennial crops and trees due to construction activities; (iv) Temporary loss of and/or more difficult access to land for farming or other livelihood related land uses and disturbance to agricultural vehicles/livestock etc.; (v) Loss/damage of the existing electrical poles within the pathways; and (vi) Other unanticipated private or community/public asset losses or impacts on livelihoods.

Expansion of the water supply network planned for Kandahar City will trigger impacts on private properties and assets. The LAR team identified locations where impacts will occur. The locations include the start node and end node of the main, sub-main and secondary pipes in Kandahar City. The surveyors assessed the path and noted the locations of key impacts which are summarized in the following tables. There are 50 locations throughout the city with trees and 31 location where private buildings and structures will be affected. Other affected public assets include 23 electric poles, 6 traffic lights, 33 access roads and one flyover. A full land acquisition and resettlement plan (LARP), based on the detailed measurement survey (DMS), complemented with the census and socioeconomic survey (SES) will be prepared for these Project components. (detailed information has been provided in Appendix 1).

Type of Impact and Number of Locations with LAR Impact

Trees	Structures	Electric poles	Traffic lights	Access roads	Other
50	31	23	6	33	1

## 1.3 Objectives of the Resettlement Framework

The objective of this RF is to outline the principles of resettlement and compensation thereof as and when the project reaches that stage. This will not only ensure consistency in resettlement planning but also develop the capacities of the implementing and supervising agencies gradually and simultaneously. Lessons learnt during the course of implementation can easily be integrated in improving the various issues related to resettlement planning and its monitoring. The resettlement policy needs to be consistent with both of the following policies:

- Existing national laws and policies related to land acquisition and compensation and;
- World Bank’s Environmental and Social Standard 5 which deals with Land Acquisition, restrictions on Land Use and Involuntary Resettlement

- The provisions of this RF would be applied for all project activities and studies.

The Resettlement Framework of Afghanistan Water, Sanitation, Hygiene and Institutional Support Project (A-WASH) is customized from the Resettlement Framework approved for the World Bank funded AGAS project. It is important to mention that the land acquisition and Resettlement Framework was initially developed by ADB, but in the interest of time and bearing in mind the clients technical capacities to conduct a comparative analysis of ADB Policies and World Bank ESF (ESS5), it was indispensable to develop a new Resettlement Framework (RF) in full compliance with the ESS5 including relevant information (specially consultation with the local communities and other stakeholders) from LARF are included in appendix 2 and 3.

#### **1.4 Rationale for Developing Resettlement Framework**

The Resettlement Framework (RF) is a standard instrument used to clarify resettlement principles, eligibility criteria, compensation entitlement, organizational arrangements and guidelines for carrying out census surveys and Resettlement Plan (RP). The RF will be applied in cases where the impacts and physical location of a project-related activity are not known in advance. It is important to notice that the proposed Project provide direct financing support to rehabilitation and construction of Water infrastructure. The nature, type and physical locations of the Pipeline, WTP and distribution network are not known. Once individual activities are defined and the necessary information becomes available, should resettlement activities become necessary, this framework will be expanded into specific RAP(s) proportionate to potential risks and impacts.

The guiding principles of this framework are the following:

- Avoid or minimize adverse impacts on persons and families likely to be affected by the project (Project-Affected Persons [PAPs]).
- All PAPs will be consulted throughout the operation.
- All PAPs are eligible for compensation for losses, including restrictions of access and land use resulting from project intervention irrespective of possession of formal title to land.
- All compensation for land or lost assets will be at replacement value.
- Acquisition of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites and moving allowances have been provided.
- Functional multi-tier GRM will be made available to all PAPs to lodge complaints and suggestions regarding resettlement, compensations and other issues (including GBV) related to the project.

## 1.5 Guidelines for carrying out census surveys and RAPs

- The requiring Agency (AUWSSC) will conduct the census of all Displaced Persons (DP) and inventory of assets, in close coordination with the acquiring agency (Ministry of Urban Development and Land (MUDL) and provincial valuation team/local government officials). To prepare for the census, the requiring ministry will verify that the census instruments are reliable; personnel are well trained, and enough personnel and resources are available to conduct the census quickly.
- The census will include a complete inventory of all losses to be incurred by each PAF. This information will include at a minimum: (a) number of persons, main occupation and level of income; (b) number, type, and dimension of the houses; (c) number, quality, and area of all the residential plots; (d) number, category, type, and area of agricultural land held and to be lost by each PAF; (e) tenure status of agricultural land and, amount of rent paid by tenant/lessee, where applicable; (f) quantity, category, and dimension of all rent other fixed assets adversely affected; (g) productive assets lost as a percentage of total productive assets; (h) temporary damage to productive assets; (i) quantity, category, and quality of non-agricultural livelihood adversely affected; (j) quantity, type, and quality of community resources to be acquired.
- The census needs to be undertaken as soon as possible to ensure accurate determination of eligibility for entitlement. The census, socio-economic surveys and RAPs will be prepared for sub-project/component prior to invitation of bid for the corresponding civil works.
- The date of completion of the baseline survey will be considered the cut-off date for eligibility; those in the areas before the census begin are eligible for compensation and assistance, as relevant, and those who arrive after the cut-off date are not. The cut-off date should be widely communicated at the area ahead of census survey through local media channels.

## **2 LEGAL AND POLICY FRAMEWORK FOR RESETTLEMENTS**

### **General Background on Afghan Law/Policy on Land Acquisition**

The legal framework governing land rights in Afghanistan includes formal (constitutional and civil law), religious, and customary law. Land rights are perceived to be highly insecure and are the source of the majority of disputes brought before the formal court system as well as non-statutory (informal) dispute resolution bodies such as Shura/CDCs and jirgas. The legal and policy framework for land rights and the property registration system are still being developed. An estimated 80% of households in Afghanistan have no formal documentation that can be used to acquire or prove their rights to land and as such they have limited recourse to the formal court system. The Ministry of Justice estimates that 90% of Afghans rely solely on customary law due to a lack of trust in the integrity of formal institutions. The situation is compounded by the lack of a comprehensive cadastral and titling system based on electronic records and the fact that only one third of the land in Afghanistan has ever been surveyed. All the applicable acts and policies of Government of Afghanistan and relevant World Bank ESF standards in the context of this project are discussed below. The AUWSSC will ensure that project implementation is consistent with the local laws together with World Bank ESF standards.

There is no country specific resettlement policy in Afghanistan, however Law on Land Acquisition approved in 2018 which provides the legal basis for land acquisition and compensation. The Law entitle the Government of Afghanistan to acquire private property for public purposes upon payment of fair market value. According to these laws, compensation is based on rates determined by the legally constituted resettlement committee. If a land and property are acquired by the government for public purposes, the owner is entitled to receive (i) the value of land; (ii) the value of residential houses and buildings; and (iii) the value of trees and orchards and other assets on the land.

The Constitution of Afghanistan (ratified in 2004) has three articles that closely relate to compensation and resettlement. In accordance with the Constitution of Afghanistan, 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 provisions of law (Article 19 of the Constitution).

#### **2.1 The Land Acquisition Law (2018)**

The Law on Land Acquisition (2018) replaces the Law on Land Expropriation (2009) and provides the legal basis for land acquisition and compensation. Its objectives are to:

- (i) Allow fair acquisition of individuals' properties;
- (ii) Regulate the methods of determination of properties to be acquired;
- (iii) Allow implementation of urban master plans and all other plans for projects of public interest;
- (iv) Determine the standards for appraisal of fair compensation for properties subject to acquisition;
- (v) Allow the transfer of government-owned properties for the implementation of projects of public interest;

- (vi) Provide for resettlement of the owners of properties acquired as part of major national projects;
- (vii) Ensure that property owners and all other people affected by the process of expropriation are compensated; and
- (viii) Increase the positive impact of expropriation on people.

1. The law states that municipal authorities are responsible for enforcement of the law in areas covered by urban master plans areas while a directorate within the Ministry of Urban Development and Land (MUDL) named the Afghan Land Authority (ARAZI) is responsible for rural areas. Article 5 defines 'public interest' projects for which property and assets may be expropriated. Articles 9-12 define the responsibilities of the expropriating authority, affected persons and evaluation committee. The law requires the establishment of a panel tasked with developing a bill of valuation for expropriated properties, and a resettlement committee, which are both headed by the provincial governor. It defines how different types of assets are to be valued and compensated, the timing of compensation payments and the procedures and responsibilities of the resettlement committee.

2. The Land Management Law (2018) is intended to replace the Law on Managing Land Affairs (2008), although it is still under discussion by the National Assembly. The law aims to create a legislated unified, reliable land management system with a standardized system for land titling, subdivision, and registration. Its goals include the prevention of illegal land acquisition and distribution, ensuring access to land for the people, and defining the conditions for the appropriation of lands. The law confirms that government lands are regulated by MUDL and that public welfare projects on government lands must be approved by MUDL.

3. The National Land Policy (2018) deals with land tenure and land acquisition. It indicates that compensation for expropriated land or revocation of rights over land must be enforced by the law and conducted in accordance with the Constitution of Afghanistan. The law provides that property may only be expropriated through defined legal procedures for specific purposes and that no law may permit arbitrary deprivation of property rights. Monetary compensation for expropriated land is based on the value of the land prior to the announcement of the development project being pursued in the public interest.

4. All land in Afghanistan can be classified as privately owned, community owned, government owned, or publicly owned. These classifications are recognized by the 2007 National Land Policy. Properties owned by individuals, families or businesses are considered private land. Community land is property owned by communities which is equitably available for use by all its members. Government land includes registered government land which is used for the provision of public services, unregistered land which is "deemed public land" as well as land without proven individual ownership. Public land is land that belongs to the people of Afghanistan as a whole and is entrusted to the government for the benefit of all people.

5. Ownership is the most common type of tenure in Afghanistan. Ownership may be grounded in formal or customary law, and ownership rights can extend to all land classifications. Ownership confers the right of exclusive possession of land, and owners are entitled to use and dispose of land freely. The Law on Managing Land Affairs (2008) indicates that all land that has not been proven to be private is deemed government-owned land. However, many disputes have arisen over government land because the definition of 'government land' remains unclear despite the various laws that have attempted to define it. A number of presidential decrees have expanded the type of land that the government can own and the distinction between government and publicly-owned land has become less clear.

6. Leaseholds can be established between private parties, subject to requirements for written leases that detail the land and agreement of the parties regarding the length of the lease and payment terms. Private land leases are mostly governed by customary law. Landowners often contract with sharecroppers to cultivate land and the parties agree on terms regarding shares of the outputs and payment.

7. Rights of Access. The Law on Managing Land Affairs (2008) provides that lands such as pastures are public land which neither the state nor individuals can possess (except as otherwise provided by Shari'a) and which must be kept unoccupied to allow activities such as grazing. Customary law allows individuals and communities to obtain exclusive or non-exclusive access to such lands; however, such lands do not belong to them. Pasture lands are the most controversial type of land in Afghanistan and up to 70% of lands in the country are used for this purpose.

8. Occupancy Rights. In general, landholders in formal settlements have formal rights to the land they occupy. Occupants of informal settlements, including squatters, usually have some type of informal rights that are based on principles of customary law, the nature of the land, and the means by which the occupants took possession of the land, although these are limited. The 2007 Land Policy permits the regularization of rights to informal settlement holdings.

9. Mortgage. Formal and customary law recognize two types of land mortgage: (i) debt secured by the land, and (ii) a mortgage in which the lender remains the landowner until the borrower repays the debt. The latter is the most common type of mortgage in Afghanistan.

## **2.2 Land Registration**

Land is registered by deeds which are formal legal documents that certify a person's ownership of a piece of land. Article 5 of the 2008 Law on Managing Land Affairs details the types of documents that can be considered a deed. A deed can be a court-registered proof of land ownership document, a government decree proving purchase of the land from the government, tax payment documents, water rights documents, registered customary deeds and formal titles. Court judges draft and archive deeds. Immovable property is also registered in land registration and taxation books. People can use land as collateral if they have a legal title or use it to prove ownership when claims or disputes arise. Ministry of Urban Development and Land (MUDL) is responsible for carrying out cadastral survey, land clearance (including Land Acquisition, Resettlement and Rehabilitation management). This involves cadastral survey/land clearance (Tasfiya) to be followed with Land acquisition and resettlement and rehabilitation. The role of MUDL (Land clearance and Cadastral team), Ministry of Agriculture, Irrigation and Livestock (MAIL), National Water Affairs Regulation Authority (NWARA), Ministry of Finance (MoF), Provincial agencies (local municipality DEW, DAIL), Presidential Office and Requiring agency is clearly defined. The relevant commission will review all the eligibility documents including formal, customary and tax payment related documents to ensure land ownership and that no PAPs have been discriminated or excluded. Appendix 4 provides process with steps for land clearance and land valuation.

10. While authorities have made a number of efforts to introduce a formal registration system in Afghanistan, only a third of the country's land has been surveyed. Only 10% of rural properties are covered by deeds, and archives are often outdated and inaccurate. As earlier systems were based on self-report rather than a Cadastre, land is often underestimated or overestimated for tax reasons. The switch to a cadastral system with the 2008 Law on Managing Land Affairs did not resolve these problems as cadastral records and court-based records sometimes do not match.

11. Authorities have had difficulty with registering community-owned lands and distinguishing between people who own and lease a particular land plot. As the land registration system has evolved over time, other ways have emerged apart from deeds to prove ownership. Ownership may also be proved through community certification, cadastral records, records from previous governments and customary documents such as bills of sale and purchase, wills, pawn agreements, plot subdivisions and witness accounts. Even if no documentary evidence of ownership exists, a person may claim land if they are putting it to productive use.

### **2.3 Land Acquisition and Resettlement**

12. The Constitution of Afghanistan (2004), the Law on Managing Land Affairs (2008) and the Law on Land Acquisition (2018) entitle the Government of Afghanistan to acquire private or government-owned land for public purposes upon payment of fair market value. According to these laws, compensation is based on rates determined by the legally constituted resettlement committee. If a land and property are acquired by the government for public purposes, the owner is entitled to receive (i) the value of land; (ii) the value of residential houses and buildings; and (iii) the value of trees and orchards and other assets on the land.

13. A person, who loses his /her residential land plot, is entitled to receive a new plot of land of the same value. If they wish, they can receive a residential plot on government property in exchange under proper procedures. Under current law, when private landholdings are acquired for public purposes, compensation is paid to the owner based on the category and location of the land and the value of land for compensation is determined by a valuation committee consisting of the following members:

- (i) The Provincial Governor, head of the Committee;
- (ii) The Mayor, deputy head of the Committee;
- (iii) Director of ARAZI (Withing MUDL);
- (iv) Representative of cadaster survey of ARAZI (Withing MUDL);
- (v) Representative of Directorate of Agriculture, Irrigation and Livestock;
- (vi) Representative of Directorate of Urban Development and Housing;
- (vii) Representative of Directorate of Justice;
- (viii) Representative of Directorate of Public Works;
- (ix) Representative of Mastofiat;
- (x) Representative of Expropriating Authority; and
- (xi) Representative of Afghanistan Chamber of Commerce and Industries.

14. The land acquisition process is initiated with the constitution of the committee". If affected persons and their legal representatives are not satisfied with the compensation for an expropriated property, they can present their objection to the Expropriating Authority within 60 days of being notified about their compensation, and the Expropriating Authority shall assess the appeal within 30 days. If the affected person is still dissatisfied, the matter is referred to a jury consisting of (i) a representative of the relevant union of engineers; (ii) a representative of the Afghanistan Chamber of Commerce and Industries; and (iii) a representative of the people of the area subject to expropriation. The decision of the jury is final if the parties agree; otherwise the matter is referred to a competent court.

15. The whole process is based on a negotiated approach and the affected person is included as a member of this legally constituted committee. The committee thus also performs the tasks of a grievance redress committee.

16. Overall, the above laws/regulations provide that the principle of compensation at full replacement cost is reasonable and legally supported. The laws also identify the types of damages eligible for compensation and indicate that compensation is to be given both for loss of physical assets and for the loss of income.

## **2.4 World Bank ESS5**

The proposed project is expected to involve land acquisition and resettlement at the vicinity of project site. Therefore, ESS5 addressing project-related land acquisition and restrictions on land use applies. The objectives of the World Bank's Environmental and Social policy can be clearly achieved by following the principles described within ESS5. However, this RPF provides for a more detailed framework which not only complies with the WB policy's objectives where in all cases, a clear basis for calculation of compensation will be documented by following transparent and inclusive procedures during resettlement. In accordance with the fundamental principles of policy, entitlements for compensation in responses to the adverse impacts due to project implementation are:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs;
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs;
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher;
- Compensation for losses will be delivered at replacement costs and compensation payments must be received prior to taking possession of the required land or other assets.
- In order to understand the extent of similarities and differences between the national law and WB ESS5 on land acquisition and resettlement a comparison between both is provided in Table 1 below. The table compares the two systems suggesting ways of reconciling them. Notwithstanding the differences between the national laws and World Bank's Environmental and Social Standard, in all cases of discrepancies between the two in compensation to PAPs, the World Bank's ESS will apply, unless the local requirement sets a higher standard or benefits for the PAPs.

**Table 1: Comparison between the Law on Land Expropriation and ESS5 with Proposals for Reconciliation**

Law Acquisition Law (LAL)	WB Environmental and Social Standards ESS5	Gaps between LAL and ESS5 with comments	Measures to bridge the gaps
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 ESS5 is followed in practice in Kabul but the law is silent on the matter.	Potential APs must be able to discuss need for acquisition and alternatives with officials from the Ministry
Officials visit area before any official action to assess land and structures values; values so assessed are the basis of compensation. This is practice as the LAL is completely silent on pre-acquisition procedures and processes.	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.	A date set prior to the commencement of acquisition should be fixed for land values. This should be the cut-off date.
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.	The RF prescribes that a census of eligible APs to be undertaken at the immediate pre-project stage.
By article 6 of LAL, 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	Prepare resettlement plan on how project to be implemented and resettlement etc provided	LAL does not provide for what ESS5 requires. Some pre-planning of projects will exist and informal	There is nothing in LAL to prevent a more participative approach to acquisition as is called for in ESS5. The three-

<p>is sent to APs three months before acquisition. Informal discussions and negotiations occur both on land to be acquired and on compensation. It is at this point that donations of land may be ‘invited’.</p>	<p>for. Emphasis on participation by APs in preparation of process and in project implementation Emphasis on early information to be given to potential APs of possible resettlement</p>	<p>discussions with APs involve participation. 3 months’ notice may be too little where relocation is likely but not rigidly adhered to.</p>	<p>month rule could be interpreted to mean “not less than three months” which would allow for discussions on acquisition and its consequences. The RF should prescribe a participatory approach to acquisition and resettlement planning and implementation would not contradict the LAL and is the best way forward.</p>
<p>5. No special provision in LAL 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 (i) compensation (ii) relocation assistance (iii) development assistance in new location. Distinction drawn between short and full plans, depending on numbers to be resettled.</p>	<p>Major gap of substance</p>	<p>1. The LAL 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. 2. Provide for resettlement plan administratively but 3. Backed up by some regulations</p>
<p>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. However, under article 5 LAL, a commission is to be formed “by the</p>	<p>No specific procedures required by ESS5, but content of resettlement plan implies APs will be involved in all stages of acquisition</p>	<p>The spirit of ESS5 conflicts with LAL’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</p>	<p>Involvement of owners present on the land to be acquired and greater protection for absentee owners should be required by the RF which could also serve as a prototype for regulations made under article 22(5) of the new law.</p>

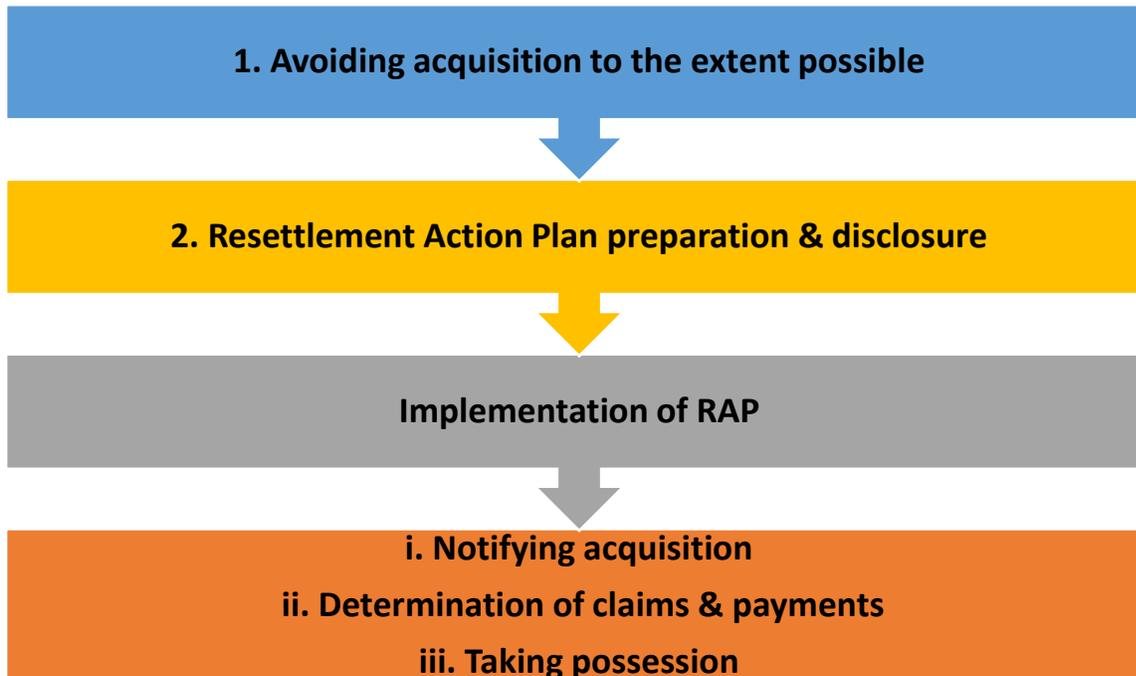
<p>Municipality” on which the owner is represented to “determine damage incurred due to land expropriation” which is differentiated from compensation. Damage is explained in article 18 LAL.</p> <p>Under article 22, the owner etc is obliged to hand over all documentary evidence relating to land to the acquiring authority</p>		<p>unavoidable to allow absentee acquisition.</p>	
<p>7. Under article 6 LAL after transfer of ownership, owner may enter acquired land and harvest crops except where urgent use of land prevents this</p>	<p>Not mentioned</p>	<p>LAL ahead of ESS5 on this:</p>	<p>A good provision. It does however make plain that the LAL is about taking agricultural land and does not deal with the issues of pastoralism.</p>
<p>8. The bulk of LAL 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 or no title with respect to the payment of compensation. Practice in rural areas was quite accommodating to those with customary titles. Practice in Kabul is to acquire documentary evidence for a claim for compensation.</p>	<p>Fundamental principle of ESS5 is that all those on land are to be entitled to fair compensation and assistance with resettlement irrespective of their title to land.</p>	<p>Major gap of substance in the law but given practice in rural areas, it is not unbridgeable.</p>	<p>Given huge numbers of people not having and not going to get formal legal titles to their land in the foreseeable future, LAL 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 provisions for compensating all those on the land and this can be a model for future regulations to be made under the LAL. This is the one major area where there is considerable divergence between LAL and</p>

			ESS5. It will be necessary to comply with ESS5.
<p>The Constitution provides for payment of prior and just compensation. (English translation). The LAL at article 2 provides for the payment of prior and adequate 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 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 that compensation may be paid into a bank, LAL is silent on the mechanics of paying compensation. No assistance for APs to access bank for their compensation.</p>	<p>ESS5 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 lost livelihoods required</p> <p>Disturbance compensation required</p> <p>Land for land compensation encouraged.</p> <p>Resettlement costs and ‘start up’ expenses required. All these provisions can be used to provide for compensation to pastoralists</p>	<p>There does appear to be a gap between the LAL and ESS5. The LAL 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 their best practice does 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>ESS5 must be accommodated. The lack of any detail in LAL 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 and retraining costs which can be a part of the RPF without doing violence to the existing law. 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>

Practice on the ground is careful and painstaking.			
No provision in the law on resettlement support. Practice seems a little haphazard and tends to turn on legality of occupation of PAPs who are to be relocated	ESS5 requires implementation of resettlement plan the contents of which are noted at 4 above	Major gap of substance as noted in 4 above.	The RPF should provide for the making of a resettlement plan (5 above) which should be based on a guided participative approach to implementation.
LAL provides for administrative agencies to manage acquisition processes and deal with compensation. APs are part of some committees dealing with compensation. No provision for courts to be involved or for appeals. In practice, committees may act to solve grievances No provisions for e.g. legal aid to assist APs to make claims. Practice at least in Kabul does appear to try and help PAPs.	ESS5 is silent on judicial and administrative arrangements. It requires appropriate and accessible grievance mechanisms to be established for those being resettled. Logic of ESS5'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.	A major gap on grievance mechanisms and current administrative arrangements in LAL difficult to reconcile with the participative approach of ESS5. Earlier laws involved payment of compensation in the presence of a judge and allowed an appeal albeit from the judge to a Minister.	Develop grievance handling practices but keep them administrative rather than legal. Make legal provision for appeals from administrative decisions and decisions on compensation to an independent body. The GRM to provide for co-operation with Shuras and community councils in areas where PAPs are. RF to provide for these
LAL does not provide for any external monitoring body or process	ESS5 states that the borrower is responsible for adequate monitoring and evaluation of the activities set forth in the resettlement instrument.	Major gap on procedures but arguably, monitoring is not part of land acquisition so no legal impediment to providing for same.	Provide monitoring for WB projects as required by ESS5. Establish specialist monitoring agency for all projects involving acquisition and resettlement Empower provincial and local institutions to monitor projects.

### 2.4.1 Resettlement Approach

Following national legislations and the ESS5, the framework for resettlement and rehabilitation of the Project Affected Persons by the A-WASH project will be adopted in the following approach:



### 2.4.2 Step 1: Avoiding Acquisition wherever possible

- The first step addressed by ESS5 is avoidance of land acquisition and resettlement if possible. Land acquisition should be seen as a last resort and resettlement should not be seen as the easy and first option in terms of what governmental action might be necessary;
- To meet requirements of the above step, a comprehensive Social Impact Assessment (SIA) and financial analysis of each proposed investment needs to be carried out which will include assessment of alternatives to avoid or minimize acquisition and the financial implications to it;
- A preliminary investigation and assessment of the land that may be acquired for the different options must be undertaken. Following the above steps, analysis of alternative options and consultations with potential PAPs and other stakeholders conducted, then a decision on available options are made;
- Persons likely to be affected by the project (PAPs) and other interested parties should be given an opportunity to contribute to or comment on the location of the proposed project and the necessity of acquiring the proposed land for the project. This involvement is prior to and separate and distinct

from affected people (APs) participating in the planning of any resettlement that has to take place; The affected persons shall have access to GRM, in case where he or she has any concern to raise concerning the site selection for relocation site.

### **2.4.3 Step 2: Prepare a detailed Resettlement Action Plan through consultation and information disclosure**

The legal land acquisition process is defined by the Law on Land Acquisition of 2017. The key steps are summarized below and include additional requirements to align the regulatory process with World Bank requirements.

- 1. Application by the Expropriating Authority:** The Expropriating Authority will identify the land requirements and provide a sound rationale for the compulsory acquisition of the land. This will be included into an application or notice made by the Expropriating Authority to the Government of Afghanistan.
- 2. Formation of Evaluation Committee and Technical Valuation Panel:** The Government of Afghanistan will establish an Evaluation Committee (Article 12 of the Law on Land Acquisition) as well as the Technical Valuation Panel (Article 22 of the Law on Land Acquisition).
- 3. Community Sensitization and Engagement:** The Expropriating Authority, in coordination with the Technical Panel, will be required to consult with the communities of the area that is targeted for acquisition. To align with World Bank requirements meaningful consultation with PAPs and transparent disclosure of information about land acquisition, compensation and resettlement process is required in a culturally appropriate manner and in the relevant local languages.
- 4. Land Clearance and Cadaster Survey:** Where there is a question on land ownership rights, the Expropriating Authority, through MUDL, will undertake a systemic land registration/verification process prior to the commencement of land acquisition. This should include the cadastral mapping on claimed land, vetting ownership claims to the land and issuing for formal documentation where applicable consistent with the provisions for land clearances in Chapter 4 the Land Management Law of 2017.
- 5. Cut-off Date:** Date of beginning of the census of persons and inventory of assets affected by the Project. If (a) person(s) should occupy the project area after the cutoff date, they will not be eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the cut-off date will not be compensated. Before the census, IA will publish the information about the cut-off date in local newspapers, informing all owners and users of the initiation of the expropriation process. The cut-off date will also be publicly disclosed on notice boards in local communities and relevant municipalities and at consultation meetings, with an accompanying explanation. The public announcement will also be posted, as necessary, on frequently visited locations throughout the affected areas; In the case of this particular RPF, this step will have to be taken several times over with respect to each specific project. There will be a risk that there may be some speculative encroaching as word gets out unofficially about likely projects in the future. This will need careful handling.

- 6. Asset Inventory:** The Expropriating Authority in coordination with Acquiring Agency (Ministry of Urban Development- MUDL (cadaster and land clearance departments, directorate for LAR&R) and provincial valuation team/local government officials)), through the Technical Panel or any person authorized by the Expropriating Authority, may lawfully enter the target land and survey the land and any other fixed assets. This will be linked to formal notification of a Development moratorium.
- 7. Determine Valuations:** The Expropriating Authority, through the Technical Valuation Panel, will establish a compensation schedule or bill of valuations for affected land and assets, consistent with the provisions of the Law on Land Acquisition, 2017. To align with World Bank requirements, the schedule would need to make provision for *full replacement value*, in addition to legal requirements. The deliberation of the provision of replacement assets to be offered to Affected Persons will also be considered as part of the valuation. The Expropriating Authority, through the Valuation Technical Panel, would need to determine the specifications for all replacement assets (i.e. building designs, infrastructure replacement, business structures) as well as assess the option of providing replacement land. The values will be determined as compensations by a committee of various stakeholders having representation of various ministries, Governor's office, Arazi, community and representatives of affected families. The replacement cost for land will be estimated considering factors such as recent sales, agricultural productivity yield for 20 years and market rates as reported by the community members. In addition to the land, PAPs will also be eligible for compensation for loss of buildings and structures, trees, crops and other land and non-land assets.
- 8. Prepare List of Affected Persons and Valuation Schedule:** The Expropriating Authority, through the Technical Valuation Panel and MUDL, will establish a definitive list of Affected Persons and the final valuation schedule/report. The list and report will be submitted with the Expropriation Plan / RAP to the Government of Afghanistan and the Evaluation Committee for approval.
- 9. Preparation of Resettlement Plan:** once the land clearance and land valuation surveys are completed by the Expropriating Authority and the complete list of PAPs along with compensation detail and other information are available, the client will develop a Resettlement Plan (RP) in full compliance with the approved Resettlement Framework and ensure all the required information about PAPs, eligibility and entitlement under the RF, land acquisition, land valuation, vulnerable people, institutional arrangements, timeline with budget and GRM are included in the RP. The same reports would need to be submitted to the World Bank for review and approval.
- 10. Article 9 Notifications:** The Expropriating Authority, after approval of the RAP and the Asset Inventory and Valuation reports, will inform PAPs of the intent to acquire the land. This must occur six months prior to implementation, through mass media and the local administration, as per Article 9 of the Law on Land Acquisition.
- 11. Article 34 Objections:** Under Article 34 of the Law on Land Acquisition, Affected Persons may object to the land acquisition process or their compensation offer within 60 days after the date of receiving information about compensation, to the Expropriating Authority. The authority will be required to assess the objection and decide with respect to the objection within 30 days of receiving the objection.

Where the Affected Person is not satisfied with the decision of the Expropriating Authority, the objection shall be referred to a Jury established under Article 34 of the Law on Land Acquisition, and thereafter to the Courts.

- 12. Final Award and Taking Possession of Acquired Property:** At the conclusion of the notification and hearing of objections under Article 9 and Article 34, the Expropriating Authority shall pay compensation (including the provision of resettlement assistance where applicable) to the Affected Persons, prior to the implementation of the project.
- 13.** In case of absentee owners (e.g. conflict displaced persons), the compensation amount would be deposited in an escrow account and issued to the rightful PAP upon verification of identity and claim. The government will take all appropriate means (through electronic and written media, words of mouth through community relations) to identify/locate absentee landowners and provide documentation of these efforts. The compensation amount will be transferred into an escrow account in one of the Bank. Once the absentees are appeared then their compensation from an escrow account will be transferred to their individual accounts.
- 14. Disclosure-** The translated version of draft and final RP will be disclosed in accessible places to local people and the English and translated virions should also be disclosed on ministry website and Bank website. The eligibility criteria and entitlement matrix will also be disseminated among the PAPs.

During RAP preparation, the following process should be taken into account, which must include measures to ensure that PAPs are:

- informed about their options and rights in relation with resettlement and compensation;
- consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and
- Provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project-related land acquisition.

If the impacts include physical relocation or displacement of affected persons, the resettlement plan must include measures to ensure that the displaced persons are;

- Provided adequate and timely assistance (such as moving allowances) during relocation; and
- Provided with residential housing, or housing sites, or, as required, sites for which a combination of productive potential, geographical advantages, and other factors is at least equivalent to the advantages that they had at the old settlement.

Where necessary, the resettlement plan should also include measures to ensure that displaced persons are;

- Offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living;

- Provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities;
- Provided with retraining or training opportunities so that they can either take up a new form of livelihood or by virtue of being trained to a higher skill standard, obtain employment in e.g. a commercial mining operation.
- RF requires to include specific clauses in the bid document to complete the RAP implementation process three months prior to commencement of civil works and the land handover schedule and process would be included in RAP accordingly.
- Established accessible GRM system to address concerns/complaints that might be raised during resettlement process by the affected people.
- Issuance of invitations specific to the relevant groups: i) female PAFs; ii) pastoral nomads of the area; iii) displaced PAFs/IDPs, poor and other vulnerable groups.
- Considering the Conduct specific consultations with each of these groups separately in a location and venue easily accessible to them.
- Consultation with vulnerable people will be conducted throughout the RP preparation and implementation process. There will be separate FGDs arranged with vulnerable people during RP preparation and implementation stages. The key focus will be to explore problems and needs of these groups and how to reach them during the overall land acquisition, resettlement and rehabilitation process. There will also be regular meetings conducted with these group during project implementation.

The above provisions require a very judicious estimation of financial and other assistance and need to be dealt very carefully. The RAP should also establish clear and transparent processes to provide for just, fair and equitable distribution of assistance to minimize discretionary and biased approach in the decision-making processes.

In terms of what must be contained in either or both law and administrative arrangements to ensure that these requirements are met, the following would need to be in any land acquisition and resettlement plan:

- The land to be acquired;
- The persons who will be suffering any losses of assets, income, sources of livelihoods;
- Entitlement matrix and eligibility criteria; with special additional allowance for identified vulnerable households
- Details of person/s who are required to move;
- The place or places to which such persons are to be moved to;
- The circumstances of the place to which persons are to be moved to including;
  - Whether the land is occupied and by whom;
  - What the land is presently being used for;

- The condition of the land and its facilities;
- All necessary arrangements made by the project implementing agency to facilitate resettlement and disbursement of moving allowances etc. The manner and form in which compensation amounts with clear definitions of categories of land to be acquired and mechanisms to decide on land prices for compensation payable;
- An estimate of the compensation payable and of the resettlement expenses;
- Budget to implement RAP;
- The procedures to be followed in executing the plan;
- The arrangements for the involvement of PAPs in execution of the plan;
- Participation of PAPs in the design, execution and monitoring of RAP implementation. There will be informal day-to-day meetings among PAPs, MOF local staff, and other stakeholders. The more formal consultation process in the sub-project areas will be through: (a) one-on-one meetings with directly affected households; (b) village and community meetings; and (b) public consultations with government officials. Informative materials will have to be prepared and distributed within the sub-project areas before the meetings;
- The arrangements to challenge plan execution and compensation (establishment of a Grievance Redress Mechanism easily accessible for PAPs and other stakeholders), in accordance with the WB ESS10. Where possible, the GRM may use existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.
- Appropriate Institutional arrangements to implement the RAP;
- The arrangement for monitoring mechanism.

#### **2.4.4 Land Donation**

There must be very clear documentation that any person who ‘donates’ land to the project is made fully aware of his or her right to receive compensation for any land which he or she is losing to the project and specifically waived that right. It is essential to make it certain that such donations are genuinely voluntary, and that the giver of the land does not expect some special benefit or treatment from the project because of the donation. Where there is any possibility of such special treatment or the expectation of same, the donor of the land should receive compensation under the resettlement plan rather than obtain special treatment outside the plan; in other words, a donor will be treated as if he or she had their land acquired compulsorily.

Wherever land is donated there will be documented evidence that:

- The potential donor or donors have been appropriately informed and consulted about the project and the choices available to them;

- person donating the land was not subject to pressure to donate and that he/she could freely have opted not to donate;
- Potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation;
- The amount of land being donated is minor impacts (as loss of less than 10 percent of an individual's holdings) and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels;
- No household relocation is involved;
- The donor is expected to benefit directly from the project;
- That the donor has clear title over the land and such land is not being used by a third party who could be affected;
- For community or collective land, donation can only occur with the consent of individuals using or occupying the land;
- The Borrower will maintain a transparent record of all consultations and agreements reached.

The bottom line is that no livelihood or living condition of the landowner and/or user should be adversely affected without having the corresponding mitigation measures.

#### **2.4.5 Eligibility Criteria**

Project affected persons may be classified and include: 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 survey 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 first two categories of occupiers are entitled to receive compensation for loss of their land. The third category is entitled to receive resettlement assistance. The rationale for this assistance is that people in this group are usually the poorest members of a community and those most likely to be the hardest hit by having to move. While this group does not have legal rights over the land, as part of the efforts to restore their livelihoods and living conditions, it is the ESS5 requirement, to provide solutions that help ensure that those affected have security of tenure at their new relocation site, in the case of those being physically displaced or being offered land for land. However, people who encroach on the project area after the cut-off date, which will be the completion of the census, will not be entitled to any compensation or other assistance

#### **2.4.6 Step 3: Implementation of RAP**

The third and final step is the execution of the Resettlement Action Plan, further divided into three subsets provided below. These sub-steps are not set out specifically in ESS5; they are however a necessary part of land acquisition and resettlement and must be written into the RF to take place.

- 1. Notifying acquisition:** To ensure public notifications and intensive personal contact with owners and occupiers of land and oral explanations of what is happening and what owners and occupiers should do in order to ensure that they obtain recognition for their occupation of land and compensation for same. Acquisition of land will also necessitate full and clear documentation of what is happening. In the case of temporary displacement (if any), full explanation of the circumstances of such displacement including period for which and where will the occupiers be temporarily located and in what form of accommodation including their eligibility for compensation, if any will have to be recorded. In case of voluntary donation of Land, the donor should be clearly made aware of his/her right to receive compensation and the process should be clearly documented to avoid any future claims or objections;
- 2. Determination of claims and their payments:** To determine the claim amounts payable to each affected person and their speedy disbursements ESS5 distinguishes between compensation and assistance, financial or otherwise, in connection with resettlement. This distinction makes it clear that persons are entitled to compensation for lost assets etc. whether they are being relocated or not. However, if compensation is understood as money, money's worth or land and/or other assistance to restore lost livelihood, i.e. to put a person back into the position as close as may be as he/she was prior to having his/her land (including buildings and natural resources on the land) acquired and or the value of retained land diminished and or having to vacate his/her land and move elsewhere, then monetary compensation for loss of assets should be added to what may be called resettlement expenses.

In order to comply with ESS5, this sub-step includes below contents:

- Making claims for compensation
- Provision of assistance to PAPs in making claims
- Assessment of claims
- Determining claims and dealing with appeals
- The payment of compensation

Compensation will include;

- Full replacement cost of land taken at its market value plus transaction costs (e.g. registration fees, selling/buying taxes, etc.)
- alternative land of the same quantity and quality if possible
- resettlement expenses (which for these purposes includes temporary displacement)

- 3. Acquiring Possession:** In order to ensure a peaceful and sensitized approach towards taking over of the land – the entering into possession of the land by the acquiring authority – and the departure and resettlement of PAPs.

Assistance with resettlement and displacement will include;

- Assistance with packing up and moving including moving back on to the land after temporary displacement including working with and providing additional resources for the 'host' community

- Advice and assistance to those being resettled
- Preparation of land, provision of accommodation and facilities

The whole process of leaving one's land, moving to another area, relating to a new community, getting started again is likely to be extremely stressful. There is a need for constant contact with PAPs both individually and via their representatives where there are substantial numbers of PAPs involved. A consensual rather than a confrontational approach must be taken to decision-making on awards of compensation, which means that would be comprehensive consultation and negotiation with PAPs regarding compensation package in order to minimize grievances and complaints. RF requires to include specific clauses in the bid document to complete the RAP implementation process three months prior to commencement of civil works. The land handover schedule and process would be included in RAP.

### 3 ELIGIBILITY FOR COMPENSATION

#### 3.1 General Eligibility

General eligibility is defined as, “people who stand to lose land, houses, structures, trees, crops, businesses, income and other assets as a consequence of the project as of the formally recognized cut-off date will be considered as project affected persons (PAPs)”.

PAPs - entitled for compensation

- All PAPs losing land with or without title, formal land-use rights or traditional land use rights;
- Tenants and sharecroppers whether registered or not;
- PAPs losing ownership of buildings, crops, plants, access to assets, structures or other objects attached to the land; and
- PAPs losing business, income, livelihood and salaries.

#### 3.2 Land Tenure and Compensation Entitlement

In the case of A-WASH, persons who may principally be entitled to compensation will be those who may lose small or whole amounts of land as a result of investment in the extractive industry. The following categories of the PAPs will be entitled for compensation for loss of land:

1. **Legal Title Owners:** Owners having written evidences of land ownership under the formal system of property rights like different kinds of deeds or legal documents with copies in the Court Registries or any other official documentation issued by or on behalf of the government, establishing their right as an owner of the land in question.

2. **Titles with Customary documents:** Owners having documents recognized by both official and customary law as giving rise to ownership rights.
3. **Occupiers of Land for a long period:** Persons who with oral and other evidence with probative value can prove that they or their family have been in occupation of the land for at least 35 years.
4. **Other Occupants of land:** Limited to only those persons who have had open, continuous and interrupted possession of land over a very long time that effectively vests in them legal rights over the lands they occupy through acquisitive prescription.

Squatters and Encroachers will not be entitled for compensation for loss of land, but Non-land assets will be compensated at replacement cost (especially poor and vulnerable). The poor and vulnerable households will be also eligible for assistance.

### **3.3 Compensation Entitlements & Livelihood Restoration**

The PAPs in the project are entitled to various types of compensation and resettlement assistance that will assist in the restoration of their livelihoods, at least, to the pre-project standards. They are entitled to a mixture of compensation measures and resettlement assistance, depending on the nature of lost assets and scope of the impact, including social and economic vulnerability of the affected persons. All PAPs are equally eligible for cash compensation and rehabilitation 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. Where PAPs livelihood is mainly depends on land, in this case land- for- land compensation it should be the most preferred form of compensation and cash compensation should be last resort in such cases. Thus, the consultation and negotiations for should focus on land for land. In cases where land impacts are very minor, cash compensation may be the most practical option. The compensation packages shall reflect replacement costs for all losses (such as land, crops, trees, structures, businesses, mining activities incomes, etc.) as elaborated below:

- **Agricultural land Loss:** It is important to note that preference should be given to land-based resettlement strategy. Loss of agricultural land will be compensated at full replacement value at local market rates<sup>4</sup> plus an additional indemnity for 3 months as transitional livelihood allowance. ‘Replacement cost’ is the method of valuation of assets that help determine the amount sufficient to replace lost assets and cover transaction cost. AUWSSC in consultation with MoF will shoulder all fees, taxes, and other charges, as applicable under relevant laws incurred in the relocation and resource establishment and in issuing new title deeds.

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<sup>4</sup> The Valuation Committee will be represented by local authorities including member of the local municipality, who has engaged fixing prices for the local market and acquire updated information about the local market prices. The compensation amount fixed by the valuation committee members will coincide with the open market rates, otherwise the PAPs would not accept it.

- **Severe Agricultural Land Impacts:** In case PAPs are losing more than 10% of his/her total agricultural landholding, PAPs (owners and other occupiers defined as eligible herein), in addition to the compensation explained above, will be entitled to get an additional amount for severe impacts equal to the market value of a year's net income crop yield of the land lost. Meanwhile, the PAPs will be provided access to the capacity building and training program on a priority basis for development of an alternative sustainable livelihood.
- **Residential/Commercial Land Impacts:** These impacts will be compensated at replacement value in cash at current market rates free of deductions for transaction costs. Also, PAPs are provided with choices among feasible resettlement options, including residential housing or housing sites. Apart from this, the owners/renters of residential buildings will be assisted with finding alternative accommodation and provided with a monthly relocation allowance for a period not exceeding three months or till they move to an alternative accommodation, whichever is earlier. The monthly amount payable will be clarified in the RAP;
- **Houses, Buildings, Structures Damages:** These impacts will be compensated in cash at replacement cost free of depreciation, salvaged materials, and transaction costs deductions. Compensations will include the cost of lost water supply, electricity or telephone connections. Renters/leaseholders will receive an allowance of geared to the rent they are paying for 3 months to cover emergency rent costs;
- **Crops losses:** These impacts will be compensated through cash compensation at current market rates for the full harvest of 1 agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements;
- **Tree losses:** These impacts will be compensated in cash based on the principle of income replacement. Fruit trees will be valued based on age of the tree in two categories: (a) not yet productive; and (b) productive (fruit growing trees). Productive trees will be valued at gross market value of one year of income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees will be valued based on the multiple years' investment they have required. Non-fruit trees will be valued at dry wood volume basis output and its current market rates.
- **Business losses:** Compensation for business losses, including fishing and artisanal mining, will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise (small & medium) business loss allowance will be decided based on the market rate of the day and nature of business. Permanent business losses will be based on actual income loss or in cash for the period deemed necessary to reestablish the business (6 months). Compensation for temporary business losses will be cash covering the income of the interruption period up to 6 months based on a monthly allowance of similar business in the region. The details should be provided in the RAP. In the absence of any substantial and verifiable system to calculate incomes

of such small businesses in the rural areas of Afghanistan, the compensation for business losses cannot be ascertained. However, these businesses will be entitled to compensation for any loss of asset similar to as described above, such affected persons or members of their families will also be entitled to avail the capacity building and training opportunities made available to the others PAPs;

- **Community Structures and Public Utilities:** Will be fully diverted or rehabilitated so as to satisfy their pre-project functions;
- **Vulnerable Households:** Vulnerable people (PAPs below the poverty line, women headed household, mentally challenged headed households, etc.) will be provided an additional allowance equivalent to 3 month of average household income, and priority in employment in project-related jobs;
- **Impacts on Irrigation Canals:** Project will ensure that any irrigation channels are diverted and rehabilitated to previous standards;
- **Temporary impacts:** Landowners who lose use of their land temporarily because of project activities will be compensated in cash covering the period of interruption based on an agreed monthly allowance.
- **Transitional Livelihood allowance:** PAPs forced to relocate will receive a livelihood allowance (that will be mutually agreed upon) for the duration of the livelihood interruption, computed based on the prevailing wage rate of the time and region. This is also the basis for cash compensation on lost wages;
- **Land Replacement Values:** will be assessed based on a survey of land sales in project areas over the last 3 years and of government rates (if any) as per local revenue papers. Land values and compensation for other assets, will be negotiated between PAPs and competent authorities if concrete data on land market rates are unavailable;
- **Gender Inclusion:** Documentation of ownership or occupancy and compensation payments should be issued in the names of both spouses or single heads of households as relevant, and other resettlement assistance, such as skills training, access to credit, and job opportunities, should be equally available to women and adapted to their needs.

### **3.4 Unit Compensation Rates and Budget**

#### **Establishment of Rates for Land Acquisition/Resettlement**

Prompt and adequate compensation provision is guided in the ‘Land Acquisition Law’ (2018) but is silent on the details of compensation. In the absence of detailed rules; it will not be in conflict with the LAL for details to be developed in the context of this RF and applied to the project. Also, in order to comply with the World Bank’s ESS5, rates used to compensate for lost land and assets must be at

replacement cost in local market value, in order to meet the policy objective of “at least” restoring people’s livelihoods and ensuring that people affected by a project are not left worse off. According to ESS5, “replacement cost” is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs.

In applying this method of valuation, depreciation of structures and assets should not be taken into account. For losses that cannot easily be valued or compensated for in monetary terms, attempts will be made to establish access to equivalent and culturally acceptable resources and earning opportunities.

### **3.4.1 Valuation of Land**

The location of the land influences the actual price per square meter: the nearer the land to a build-up area (e.g. a village), the higher the valuation and perception of the affected households. Hence, the valuation of the land is pegged on an average, the actual value depending on the nearness to a buildup area. In the valuation of agricultural land, the availability of water is very important to determine the fair value or market rates. Residential and commercial including mining lands are largely dictated by the existing road alignment for accessibility rather than crop potential. The land prices are based on the district land prices in the district government. The prices follow the trend that the nearer the land to a population Centre, the higher the price of the land.

### **3.4.2 Valuation of Structures**

The classification of structures (temporary, semi-permanent and permanent) refers to the materials used in construction. The valuation of structures into three classes:

- Class-1: Mud/brick/wood walls, mud/tin roof;
- Class-2: Tiled roof and normal cement floor; and
- Class-3: RCC, single/double store building

These classes will be determined after various consultations with some owners who recently built their houses, local contractors and some local civil engineers.

### **3.4.3 Valuation of Crops and Trees**

Valuation of crops and trees is quite complicated due to lack of reliable data in terms of yield. The results of the socio-economic survey are not reliable because the majority of the respondents are not aware of size of their land holdings. Their measurements of farm lots are determined on the basis on the amount of seeds they use in sowing. Hence, they know that a certain parcel will require one kilogram of seeds and expected to yield a certain amount. Hence, in computing crop losses, a combination of four main crops is used to get the average yield and price. The unit price for crop losses for a square meter of land devoted to the four main crops will be estimated as per the rate of the day in the market; however, this estimate will be fine-tuned in the preparation of any RAP document.

The compensation for productive trees is based on the gross market value of 1 year's income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees will be valued based on the multiple year investment they have required. However, during interviews on trees, the fluctuation of the value of tree products was influenced largely by the supply and demand and the absence of post-harvest facilities. Farmers are forced to sell tree crops when everyone else is doing so during off-season months, the prices of tree crops quadrupled. The compensation rate for a fruit bearing tree is the average yield per tree times the age of the tree.

For the non-fruit bearing trees, the usual propagation method is grafting. Farmers buy these saplings, and these are ready to be transferred in the fields after two years. On the fourth year of the tree, the tree starts to produce fruits. Hence, it is on this basis that the valuation of non-bearing fruit trees was determined. The compensation for non-productive fruit bearing tree is the cost of the sapling plus the cost of maintaining the tree up to the time that the tree was cut as a result of the project impact.

#### **3.4.4 Livelihood Restoration Allowances**

The resettlement strategy is to provide compensation for all lost assets at replacement cost in order that PAPs' incomes and livelihoods are not adversely affected and where possible improved. All PAPs whose livelihood are affected will be supported for income losses and those whose livelihoods are affected adversely provided with livelihood restoration measures (including allowances and interventions poor and vulnerable PAPs). PAPs will also be given first preference for employment opportunities on the project related activities.

**Income Restoration Allowance for Crops Losses:** These impacts will be compensated through cash compensation at current market rates for the full harvest of one agricultural season. In case of sharecropping, crop compensation will be paid both to landowners and tenants based on their specific sharecropping agreements.

**Income Restoration Allowance for Business Losses:** Compensation for permanent business losses will be in cash for the period deemed necessary to re-establish the business (6 months). Permanent business will receive an amount equaling to average monthly salary for 6 months. Compensation for temporary business losses will be cash covering the income of the interruption period up to 3 months based on an average monthly allowance in that period in time.

**Income Restoration Allowance for Business workers and employees:** Indemnity for lost wages for the period of business interruption up to a maximum of 3 months.

**Income Restoration Allowance for Severe Agricultural Land Impacts:** When >10% of a PAP's agricultural land is affected and or in case remaining land holding become less than minimum land holding<sup>5</sup> PAP (owners, leaseholders and sharecroppers) will get an additional allowance for severe impacts equal to the market value of a year's net income crop yield of the land lost. Again, if the holding is small and the remaining area is not economically viable, the family will be compensated both for the lost asset and for the remaining unproductive asset.

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<sup>5</sup> The minimum economic land holding size is defined when the remaining area is not economically viable for agriculture use.

**Vulnerable Households:** Vulnerable people (PAPs below the poverty line, women headed household, mentally challenged headed households, as identified under ESIA) will be provided an additional allowance equivalent to 3 months of average household income, and priority in employment in project-related jobs;

**Transitional Livelihood Allowance:** PAPs losing productive land or losing a house and forced to relocation will receive a livelihood allowance of average monthly salary until livelihood restoration.

**Rental Allowance:** House Renters who are forced to relocate will receive a rental allowance equivalent to three (3) months' rent at the prevailing market rate and will be assisted in identifying alternative accommodation.

**Bank Account:** All project affected families eligible to receive cash compensation of some sort will be assisted in opening a bank account in the name of both spouses, to which all compensation will be issued.

**Employment Opportunity to PAPs (for unskilled and semi-skilled tasks during construction):** Vulnerable groups will be given priority for project-related employment opportunities as drivers, carpenters, masons, clearing and digging work, and if possible as clerks or basic administration support staff.

**Table -2: Matrix of Compensation Entitlements and Rates**

Type of Loss	Application	Definition of PAPs/PAFs	Compensation Entitlements
<b>Land</b>			
<b>Permanent Land Loss, Access or Damage to Agricultural Land</b>	PAPs losing productive land regardless of impact severity	<b><u>Titled Owner:</u></b> Owners with fully registered (land title) land ownership.	Cash compensation at full replacement cost or a replacement land plot. If the residual plot becomes unviable for cultivation, the project will acquire it if the owner so desires. Transitional allowance for livelihood losses for 3 months period. The amount will be determined when the project becomes effective.
		<b><u>Customary Owners:</u></b> PAPs with formal/ customary deeds, or traditional land rights as vouched for by local Jirgas, elders or Community Development Council.	The ownership rights of these PAPs will be recognized, and the PAPs provided with cash compensation at full replacement cost or a replacement land plot. Transitional allowance for livelihood losses for 3 months. The amount will be determined when the project becomes effective.
		<b><u>Non-legal/Informal Settlers:</u></b> PAPs that are not legitimate land users, or squatters.	Non-legalizable PAPs losing agricultural land plots will be compensated with one-time allowances in cash. The sum will be determined when the project becomes effective. Where PAPs are able to prove that they have possessed the property for at least ten years, they may be granted replacement land consistent with Article 32 of the Land Acquisition Law of 2017.

Type of Loss	Application	Definition of PAPs/PAFs	Compensation Entitlements
		<b>Agricultural Tenants:</b> PAPs that are documented or undocumented farmer tenants.	Full compensation of income of lost crops x the remaining years (up to 5 years) of lease. In case of tenancy no crop compensation will be given to the landowner.
		<b>Agricultural Landlord:</b> PAPs that have documented proof of ownership of land that supports agricultural tenants.	Compensation of lost income for the remaining term of the lease.
<b>Non-Agricultural Land</b>	PAP losing their commercial/residential land	<b><u>Titled Owner:</u></b> Owners with fully registered (land title) land ownership.	Cash compensation at full replacement cost or a replacement land plot. If the residual plot becomes unviable, the project will acquire it in its entirety if the owner so desires. Transitional allowance for livelihood losses for 3 months period. The amount will be determined when the project becomes effective.
		<b><u>Customary Owners:</u></b> PAPs with formal/customary deeds, or traditional land rights as vouched for by local Jirgas, elders or Community Development Council.	The ownership rights of these PAPs will be recognized, and the PAPs provided with cash compensation at full replacement cost, or an equivalent replacement land plot. Transitional allowance for livelihood losses for 3 months. The amount will be determined when the project becomes effective.
		<b><u>Non-legal/Informal Settler</u></b> (Without registration/valid documents using land permanently.)	Non-legalizable PAPs losing a land plot, which is the only land plot used for residence, will be offered a government land and one-time allowance in cash. The amount will be determined when the project becomes effective.
<b>Temporary Impact on Land Plot</b>	N/A	N/A	Temporary loss of land plots will be compensated for the loss of produce for the duration of the impact.
<b>Buildings and Structures</b>			
<b>Residential and Non-residential Structures/Assets</b>		<b>Owners</b> – All PAPs regardless of their legal ownership/registration status to structures.	Cash compensation for loss of building/structures at full replacement cost free of taxes, depreciation and covering all transaction costs
		<b>Tenants</b> – All PAPs that are documented or undocumented tenants occupying structures / assets.	Tenants who are forced to relocate will receive a rental allowance equivalent to three (3) months' rent at the prevailing market rate and will be assisted in identifying alternative accommodation.
<b>Loss of Community Infrastructure/Common Property Resources</b>			

Type of Loss	Application	Definition of PAPs/PAFs	Compensation Entitlements
<b>Loss of Common Property Resources</b>	Community/ Public Assets	<b>Communal Users</b> – The communities that utilise communal / public land.	Reconstruction of the loss of resource/asset in consultation with community and restoration of their functions.
<b>Loss of Income and Livelihood</b>			
<b>Crops*</b>	Affected Standing Crops on Affected Agricultural Land	All PAPs (owners or sharecroppers) regardless of legal status (including legalizable and informal settlers)	Cash compensation equal to replacement value of the lost crop, plus cost of replacement of seeds for the next season. Advance notice to harvest crops will be provided.
<b>Trees</b>	Trees located on Affected Land.	All PAPs regardless of legal status (including legalizable and Informal settlers)	(i) Wood trees: market value based on the value of wood. (ii) Fruit trees (productive): compensated according to the price of firewood plus the value of fruit borne by the tree for a period of five years. If the tree has bloomed, the price of that year's yield is paid in addition to the value of fruit born by the tree for a period of five years. (iii) Seedlings: Replacement cost The owner keeps the cut tree.
<b>Business/ Employment</b>	Permanent or temporary business/ employment loss	All PAPs regardless of legal status (including legalizable and Informal settlers)	<u>Owner:</u> (i) ( <u>permanent impact</u> ) cash indemnity of 6 months net income based on paid taxes or in the absence of income proof, one-time cash compensation based on a fixed rate which will be determined when the project becomes effective. (ii) ( <u>Temporary impact</u> ) cash indemnity of net income for months of business stoppage (up to three months). Assessment to be based on tax declaration or, in its absence, a fixed sum (the amount to be determined at project's effectiveness). <u>Permanent worker/employees:</u> Indemnity for lost wages equal to actual wage for 3 months or in case of absence of tax declaration, a fixed sum which will be determined at the project's effectiveness.
<b>Allowances</b>			
<b>Severe Impacts</b>	>10% income loss	All severely affected PAPs including informal settlers	<b>Agricultural income:</b> Additional crop compensation for 1 year's yield of the affected land or, for <b>other non-agricultural incomes:</b> an allowance covering 3 months of the national minimum subsistence or a fixed sum which will be determined at project's effectiveness.

<b>Type of Loss</b>	<b>Application</b>	<b>Definition of PAPs/PAFs</b>	<b>Compensation Entitlements</b>
<b>Relocation/ Shifting</b>	Transport/ transition costs	All PAPs to be relocated	An allowance covering transport and livelihood expenses for the transitional period. (sum to be determined for vehicle hire charge and a fixed sum as a transitional allowance).
<b>Vulnerable People Allowances</b>		PAPs below poverty line, PAPs headed by women, PAPs headed by disabled person. Internally displaced persons	Additional lump sum equivalent to 3 months of an average family income, as a vulnerability allowance and employment priority in project-related jobs where feasible.

*\* Crops that are eligible for compensation are restricted to legal crops only. No provision is made of the compensation of any cultivated poppy plants as this is an illegal activity which cannot be condoned. Provision is however made for Affected Persons to adopt alternative livelihoods consistent with national government policy under the National Alternative Livelihood Policy (Ministry of Counter Narcotics, 2012)*

#### 4 INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

Overall responsibility for the Project will rest with AUWSSC/ESSU. Implementation of guidelines and principles stipulated in the RF will be the sole responsibility of AUWSSC ensuring adherence by all stakeholders to the E&S standards and guidelines of the framework. At the national level, a Project Steering Committee (PSC) will oversee the implementation of the project and subproject activities in target sites. A Project Steering Committee will be responsible for overall project coordination, project progress reporting (including results monitoring) and coordination with other stakeholders. It is envisaged that PSC will comprise of decision-making representatives of relevant governmental agencies as per the table (1) below. This organizational structure aims to assure sufficient implementation capacity for the project.

The following table describes the proposed PSC and its responsibilities for the A-WASH project:

Table 5: Proposed PSC structure

National Level	
National Water Affairs Regulation Authority (NWARA)	Responsible for management of water resources in the country. Also responsible for implementing the project for increasing the Dahla Dam Reservoir.
The World Bank (WB)	Project implementation oversight, reporting, Grant Committee administration
Ministry of Finance (MoF)	Release of project funds and fiscal monitoring of the project
AUWSSC & Ministry of Urban Development and Land (MUDL) & ARAZI	Land acquisition and resettlement sustenance.
National Environmental Protection Agency (NEPA)	Oversee the overall ESIA of the project. Stakeholder engagement and environmental auditing of the project activities.
Provincial Level	
Governor's office	Responsible for oversight and coordination of activities implemented within the province. Support in smooth project implementation.
Kandahar Strategic Business Units	Work parallel with AUWSSC to plan, implement and sustain an expansion of safe water supply.
Arghandab Sub-Basin Agency (ASBA)	Data sharing related to water resource and technical support in water supply
Relevant Directorates of the Ministries (MUDL, NWARA)	Directorates of the substantial and national institutes have the overall influence on project implementation and monitoring.
Kandahar Municipality	The project involves extension of water distribution network and infrastructure in Kandahar city. The municipality will be responsible for overall support in implementation and quality control

**Preparation of Resettlement Plan:** Once the land clearance and land valuation surveys are completed by the Expropriating Authority and the complete list of PAPs along with compensation detail and other information are available, the client will develop a Resettlement Plan (RP) in full compliance with the approved Resettlement Framework and ensure all the required information about PAPs, eligibility and entitlement under the RF, land acquisition, land valuation, vulnerable people, institutional arrangements, timeline with budget and GRM are included in the RP. The same reports would need to be submitted to the World Bank for review and approval.

## **5 GENDER MAINSTREAMING INTO RESETTLEMENT PROCESS**

This section provides mechanism for gender mainstreaming into resettlement process, mechanisms for consultation with women on land acquisition impacts.

### **5.1 Considering Gender Issue**

The AUWSSC and the contractors must ensure that development plans for affected communities have a specific gender component and ensure that enough benefits of the project operations must flow to women living in the area while their participation in various areas of the operations is encouraged and prioritized. Similarly, the poor and marginalized sections within the communities living in the areas are at a major risk of not benefitting from the economic opportunities of the investments while bearing most of the negative socio-economic impacts in the area. The project intervention may use their land and water which is a source of livelihood and may even result in displacement and homelessness. Their ability to get productive employment the operation is also severely limited by their education and work skills. The poorer sections may get further affected by influx of labor coming from outside which may not only cause social conflict but also put pressure on existing social infrastructure like schools, hospitals, drinking water etc.

1. Using established community structures to involve women meaningfully in the projects will be a challenge and will need to be approached with renewed effort and imagination. Working with women can be done only with female staff. Women's CDCs should be explored as a possible vehicle for increasing women's participation in projects and especially in implementing RAPs.
2. In the project, special attention will be paid to female-headed households, both those with and without land, as they are generally amongst the most vulnerable in communities and risk having their rights ignored. Although women's ownership of land is not widespread it is important to ensure that their land rights receive equal recognition in the project and in any resettlement activities. Moreover, where land acquisition is at stake, it is important to ensure that both male and female members of the household leaving their lands/houses agree to the resettlement offer made as at times female members are not consulted by their male members when they agree to certain terms on voluntarily giving up their lands or getting cash in return. Thus, the ESMU within the AUWSSC will have special responsibility to:

- Ensure that A-WASH project actively promotes and uses women's CDCs to enhance outreach to women both in terms of seeking their ideas and feedback as well as facilitating their complaints registration and complaints handling to and by the GRM Committee;
- Ensure that the Affected Persons do have female members or establish separate female-only APs.
- Have multiple and regular consultations with the women of the community to seek women's feedback and ideas.
- Ensure women members of the households affected by resettlement are consulted and that they agree on the actions taken.
- Ensure women members are present when and if there is any form of cash transfer to the households.
  - If the amount is transferred to bank accounts, and for that bank accounts are created, the social unit should make sure bank accounts are joined for the spouses and also created for female heads of household for disbursement of compensation payments
  - For women who do not have *Tazkera* or national identification card, the project should encourage and facilitate the process of getting *Tazkera* so that there is ease in the creation of bank accounts or withdrawal of the cheques they are given by the project.
- In case of land-for-land compensation or replacement residential plot, the land title deed will be issued in the names of all spouses.
- Revisit incentives in order to attract women to work in RAP and in other capacities at regional level;
- Ensure implementing NGOs and the Third-Party Monitoring (TPM) have female project officers.
- Make certain that the MIS obtains gender-disaggregated data for future analysis and use.
- Documentation of ownership or occupancy and compensation payments should be issued in the names of both husband and wife/wives. Other resettlement assistance, such as skills training, access to credit, and job opportunities, should be equally available to women and adapted to their needs.

## **6 PUBLIC CONSULTATIONS, PARTICIPATION AND DOCUMENTS DISCLOSURE**

This section describes the mechanisms for public consultation process with the PAPs, disclosure of the RAP through distribution of informative material to create awareness among the PAPs regarding their entitlements and compensation payment procedures and grievances redress mechanism. The Stakeholders Engagement Plan (SEP) following the ESS 10 will be developed and followed to guide the consultation process.

### **6.1 Public Consultation**

In addition to formal and informal communication among PAPs, AUWSSC local staff, and other stakeholders, the formal consultation process in the project area will be ongoing and will be undertaken by supervising consultants and the AUWSSC through village meetings, meetings with CDCs and public consultations with government officials. All these mechanisms and approaches will also be used during the collection of baseline socio-economic data from the PAPs; and the preparation and disclosure of RAP to the PAPs, as explained below. AUWSSC will adopt a proactive approach to disseminate the RAP and entitlements framework. The awareness generation efforts should ensure flow of information up to the most vulnerable groups like women headed households, physically challenged and absentee PAPs. The government will take all appropriate means (through electronic and written media, words of mouth through community relations) to identify/locate absentee landowners and provide documentation of these efforts.

Focus group discussions and public meetings with communities will be conducted to ensure enough information flow on all aspect of the resettlement processes. The translated summary of RAP in local languages (Dari & Pashto) will be shared with all stakeholders and disclosed on AUWSSC Website. The draft resettlement Action Plan for each site will be made available at locations that are convenient to the Displaced Persons and other local stakeholders in a form and language understandable to these groups. The draft resettlement instrument will also be sent to the Bank External Website.

### **6.2 Engagement methods and tools in light of COVID-19 outbreak**

With the outbreak and spread of COVID-19, people have been mandated by national or local law to exercise social distancing, and specifically to avoid public gatherings to prevent and reduce the risk of the virus transmission. Various restrictive measures have been adopted including some imposing strict restrictions on public gatherings, meetings and people's movement, and others advising against public group events. At the same time, the general public has become increasingly aware and concerned about the risks of transmission, particularly through social interactions at large gatherings.

WHO has issued technical guidance in dealing with COVID-19, including: (i) Risk Communication and Community Engagement (RCCE) Action Plan Guidance Preparedness and Response; (ii) Risk Communication and Community engagement (RCCE) readiness and response; (iii) COVID-19 risk communication package for healthcare facilities; (iv) Getting your workplace ready for COVID-19; and (v) a guide to preventing and addressing social stigma associated with COVID-19. All these documents are available on the WHO website through the following link: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance>.

Given the COVID-19 pandemic situation, managing public consultation and stakeholder engagement in the Project needs to adhere to national requirements and any updated guidance issued by WHO. The alternative ways of managing consultations and stakeholder engagement will be in accordance with the local applicable laws and policies, especially those related to media and communication. The suggestions set out below are subject to confirmation that they are in accordance with existing laws and regulations applying to the project.

With growing concern about the risk of virus spread, there was an urgent need to adjust the approach and methodology for continuing stakeholder consultation and engagement. Taking into account the importance of complying with national law requirements, below are some suggestions for stakeholder consultation amidst COVID-19 outbreak:

- Identify and review planned activities under the project requiring stakeholder engagement and public consultations.
- Assess the level of proposed direct engagement with stakeholders, including location and size of proposed gatherings, frequency of engagement, categories of stakeholders.
- Assess the level of risks of the virus transmission for these engagements, and how restrictions that are in effect in the country / project area would affect these engagements.
- Identify project activities for which consultation/engagement is critical and cannot be postponed without having significant impact on project timelines.
- Assess the level of ICT penetration among key stakeholder groups, to identify the type of communication channels that can be effectively used in the project context.

Based on the above, specific channels of communication that will be used while conducting further stakeholder consultation and engagement activities need additional considerations. The following are some considerations while selecting channels of communication, in light of the current COVID-19 situation:

- Avoid public gatherings (taking into account national restrictions), including public hearings, workshops and community meetings;
- If smaller meetings are permitted, conduct consultations in small-group sessions, such as focus group meetings; If not permitted, make all reasonable efforts to conduct meetings through online channels, including WebEx, Zoom and Skype;
- Be sure that everyone involved in stakeholder planning articulate and express their understandings on social behavior and good hygiene practices, and that any stakeholder engagement events be preceded with the procedure of articulating such hygienic practices.
- Diversify means of communication and rely more on social media and online channels. Where possible and appropriate, create dedicated online platforms and chatgroups appropriate for the purpose, based on the type and category of stakeholders;
- Employ traditional channels of communications (dedicated phone-lines, and mail) when stakeholders do not have access to online channels or do not use them frequently. Traditional channels can also be highly effective in conveying relevant information to stakeholders, and allow them to provide their feedback and suggestions;
- Where direct engagement with project affected people or beneficiaries is necessary, identify channels for direct communication with each affected household via a context specific combination of email messages, mail, online platforms, dedicated phone lines with knowledgeable operators;

- Each of the proposed channels of engagement should clearly specify how feedback and suggestions can be provided by stakeholders;
- However, in situations where none of the above means of communication are considered adequate for required consultations with stakeholders, IA should discuss whether the project activity can be rescheduled to a later time. Where it is not possible to postpone the activity or where the postponement is likely to be for more than a few weeks, IA should consult WB Teams to obtain advice and guidance.

### **6.3 Meetings at Community Level**

A chain of community meetings will be held, where the census and socio-economic surveys will be explained and later executed. The aims and objectives of a proposed extractive investment will be explained as well as the necessity for, processes and outcomes of any temporary displacement or resettlement. The community representatives and stakeholders' meetings will be scheduled based on the availability and the participation of the maximum number of stakeholders. The ESSU of AUWSSC will be responsible for conducting community consultations. In addition to meetings with male stakeholders, separate meeting will be held with women to ensure their understanding with the sub project content and processes. Efforts should be taken to ensure that concerns of vulnerable groups and local minorities are heard and considered.

While performing the socio-economic survey, the project will list the names of the owners/users of assets likely to be acquired, temporarily used or damaged for which compensation will be payable and the AUWSSC will ensure that the relevant sponsoring ministry prepares a RAP for each extractive industry investment that will ensure that all affected assets are equitably compensated. The approved RAP will be presented and explained to all affected households and persons and other interested parties. The census survey will be conducted in the affected lands. Individual meetings will be held with each PAP (husband and wife(s)) regarding entitlements and compensation payment procedures as well as the grievance redress mechanism.

### **6.4 Consultations with Government Officials and Other Stakeholders**

During RAP preparation, the staff from regional and national focal teams will meet with provincial and local officials to ensure that they are fully appraised about the project including the formulation and details on the implementation of the RAP. The AUWSSC will coordinate with land clearance team (including land valuation committees) for RAP preparation. There will be coordination with the district governors which have jurisdiction over the sub-project areas as well as village leaders/CDC. Information about the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders and affected communities.

### **6.5 Stakeholder Consultation on Resettlement Framework (RF)**

Client has conducted multiple rounds of Focused Group Discussions (FGDs) during consultation with the communities and those who will be affected by the project. During each consultation, groups have

been briefed about positive outcomes of the proposed project, potential negative impacts and the mitigation measure, GRM system, disclosure policies, and prevailing guidelines. Majority of the concerns revolved around timely completion, having connections within the houses along with efficient customer services and prompt repairs and fair billing systems in place. They also welcomed the project which will have broader social and economic value to the people, especially the women and children who fetch water from distances. Similarly, the consultation with other stakeholders also specifies a smooth communication including engaging relevant agencies during different project implementation stages. The summary of the consultation is detailed in the following table.

**The key objectives of the consultation workshop are to;**

- Engage stakeholders by making the process more participatory, sharing project information and on anticipated impacts that might arise due to project activities;
- Disseminate project activities to key stakeholders and get their inputs on development and implementation of land acquisition and resettlement framework/plan.
- Seek cooperation from representatives of various NGOs, communities and government agencies in better implementation of the Resettlement Framework.

**Venue and Period**

The consultation workshop is organized by the consultant together with AUWSSC at a conference hall in Kandahar regional office. The workshop was conducted on January 27, 2020 from 10:00 am to 13:00 pm.

Highlights of the meeting (Q&As)	
<p>NEPA representative: NEPA is a regulatory entity and any determination regarding need for further environmental and social studies and assessments must be coordinated with NEPA. Also detailed assessment and study of the flora and fauna of the project area is required.</p>	<p>Response: The consultant responded: NEPA is already on the project steering committee any impending and future decisions on the size and nature of further Environmental and social assessment will be duly coordinated with NEPA both on central and provincial levels</p>
<p>UNICEF representative: Kandahar population shown under the social baseline will need to be revisited because recently the Kandahar city has been formally and informally expanded and a lot of people from the neighboring districts have moved to Kandahar city, and the number is not available in books.</p>	<p>Response: The consultant responded: Proper citation and reference is provided for each number and figure in the body and reference section of RF. However, the figures, numbers, percentages shown on the report will be revised and corrections will be made accordingly.</p>
<p>UN-Habitat Representative: Implementation and application of the RF will require financial and human resources. Who will be responsible for that?</p>	<p>Response: AUWSSC/ESSU and the contractor will be responsible for the RF implementations and application during various stages of the A-WASH project. Specific provision on the institutional arrangements, monitoring, reporting and procedures and mechanisms for the land acquisition and resettlement issues is included in the RF.</p>
<p>Kandahar Municipality Representatives. 1) Correction: Per capita water consumption in Kandahar is shown 50Liter/day in the report, its actually 100 liters/day.</p> <p>2) Some of the mitigation measure especially during operation stage will need to be more detailed &amp; comprehensives.</p>	<p>Consultant Responded: Necessary correction will be made as warranted regarding the per capita water rate in Kandahar city. Regarding more detailed mitigation measures for some of the environmental and social concerns, a more detailed mitigation measures will be covered under the ESIA, which will be prepared for the project. Its might be so early to identify some of the impacts during the operation stage, but World Bank E&amp;S standards specifically outline certain measures and mechanism that will be used during various stages of the project and will provide specific measures of mitigation as warranted.</p>

<p>Director of Arghandab Sub Basin Agency</p> <p>Why was Dahla identified as the main source for A-WASH? Are there any other sources and what criteria has been used to select the Dahla dam?</p>	<p>AUWSSC Representative:</p> <p>There has been series of technical and socio-economic studies assessment and feasibility studies conducted as selection process of Dahla dam for the is water supply scheme.</p>
<p>Kandahar Municipality representative: Ministry of Rural Rehabilitation and Development (MRRDs) role is very important on key aspects of rural concerns and in various stages of the A-WASH project. Why is MRRD representative's not in the meeting today?</p>	<p>AUWSSC Representative:</p> <p>An official letter of invitation has been sent to MRRD, but no one has shown up for the meeting. We will make sure to include them in discussion during our forthcoming meetings.</p>
<p>Director Arghandab Sub Basin Agency: Water quality remains a major challenge in Kandahar city. Issue related to both chemical and biological contamination is quite obvious. As part of capacity building and maintenance A-WASH project will need to purchase lab equipment to properly test the water for biological and chemical contamination.</p>	<p>AUWSSC Representative:</p> <p>Water quality control and regular screening is precisely included in the project components.</p>
<p>Ministry of Urban Development and Land representative: It's important that all activities in the Kandahar city are properly coordinated with the city master plan in order to avoid any adverse social consequences.</p>	<p>AUWSSC Representative: Each and every activity of A-WASH is/will be property coordinated/consultation and disclosed to the relevant constituencies.</p>

The detailed stakeholder consultations on RF took place during February-October 2019 at project site, with participants from NGOs, private sector and local communities in Kandahar province and proposed project site, (please refer to appendix 2 consultations with project communities).

## 7 GRIEVANCE REDRESS MECHANISM

Article 34 of Afghanistan's Law on Land Acquisition 2018 details the grievance redress mechanism as follows:

- (i) Whenever the owner or his/her legal representative is dissatisfied with the compensation of the expropriated property, he/she may present his/her reasoned objections statement to the Expropriating Authority within 60 days of the date on which they received information about their compensation.
- (ii) The Expropriating Authority shall assess the objection stated in Paragraph 1 of this article within 30 days and make an appropriate decision.
- (iii) Whenever the claimant is not satisfied with the decision of the Expropriating Authority, the issue shall be referred to a jury. The jury consists of a representative of the relevant Union of Engineers; a representative of the Afghanistan Chamber of Commerce and Industries; and a representative of the people of the expropriated area.

The decision of the jury is final if the parties agree; otherwise the issue is referred to a competent court.

A project-specific grievance redress mechanism (GRM) will be established to receive, evaluate, and facilitate the resolution of affected parties' concerns, complaints, and grievances about the issues related to the project. The GRM will function during all phases of the project implementation. It will provide a time-bound and transparent mechanism to address and resolve grievances arising from the implementation of the project.

The GRM is a formalized way for the Project Management Unit (PIU) to identify and resolve concerns and people's grievances. It offers affected persons a forum to voice their concerns, seek clarifications to queries, or register complaints related to the project's performance. The scope of the GRM addresses issues related to involuntary resettlement, social and environmental performance, and information disclosure.

The APs will have the right to file complaints and/or queries on any aspect of the project, including land acquisition and resettlement. Under the adopted grievance mechanism, the APs may appeal any decision, practice or activity related to the project. All possible avenues will be made available to APs to voice their grievances. The PIU will ensure that grievances and complaints on any aspect of the project are addressed in a timely and effective manner.

The fundamental objectives of the Grievance Redress Mechanism are to:

- (i) reach mutually agreed solutions satisfactory to both the Project and the APs, and to resolve any grievances locally, in consultation with the aggrieved party;
- (ii) facilitate the smooth implementation of the RP (if required), particularly to cut down on lengthy litigation processes and prevent delays in project implementation; and
- (iii) facilitate the development process at the local level, while maintaining transparency as well as to establish accountability to the affected people.

The APs will be fully informed of their rights and the procedures for addressing complaints, orally and in writing during the consultations and surveys, and will be informed again when the

compensation is disbursed. Care will be taken to prevent grievances rather than relying solely on the redress process. This will be achieved through careful RP design and implementation, by ensuring full participation and consultation with the APs, and by establishing extensive communication and coordination between the affected communities, the EA, and local governments in general.

The Grievance Redress Committee (GRC) will be formed by AUWSSC and local authorities as a permanent and functional structure, engaging personnel of AUWSSC, and other departments to work on LAR issues and complaint resolution. The AUWSSC will specify that representatives of local/community authorities, elders, auditors, displaced persons and any other persons or entities can be included in the Committee as members.

The GRM will be established at three levels: (i) Project/District level; (ii) Province level and (iii) HQ level. If the complaint cannot be resolved at these three levels, a complaint will have a choice to lodge his/her complaint at the related court. AUWSSC is oriented towards resolving complaints at the project level through negotiations with community leaders and representatives of affected persons. These discussions will be conducted by the PIU and will involve the affected groups and members of the relevant grievance redress committee (GRC), and the site manager and chief engineer of the construction contractor, if necessary. If a case cannot be resolved in this way it will be submitted to AUWSSC grievance redress committee, led by the PIU Director. The GRM for the project is outlined below and consists of three levels with time-bound schedules for addressing grievances.

The first level and most accessible and immediate venue for the fastest resolution of grievances is the Shura/CDC and the District Governor's representative. The District Governor's representative with help of the Shura/CDC and other GRC members, convenes a meeting of the GRC in the project area and conducts proceedings informally to reach an amicable settlement between the parties. The report of the committee is recorded in writing, and copies are provided to the parties involved. For this program, the GRC will be required to meet and reach a decision within 14 days of receiving a complaint (verbally or in writing) from an affected person or his representative.

Should the grievance remain unresolved or the AP is not satisfied with the decision, the grievance can be lodged with the Province level office to address the grievance.

If a person is dissatisfied with the ruling of the Provincial office decision, s/he or her/his representative may lodge their grievance with the HQ level Office in Kabul which will make a decision within stipulated time. If the appellant is still not satisfied, s/he has the right to take his case to the public courts.

At the project level, the PIU environmental/social officer will be responsible for processing and placing all papers before the PIU GRC, recording decisions, issuing minutes of the meetings, and taking follow-up action to see that formal orders are issued, and decisions carried out. In the event that a grievance is not addressed at the previous levels, the affected person can seek legal redress of the grievance in the appropriate courts. The following table summarizes the envisaged grievance resolution process.

Table 1. Grievance Resolution Process

Steps	Process
Level 1	The complaint is informally reviewed by the GRC at the District level office with assistance of Shura/CDC, affected persons' representative and other GRC members, which takes all necessary measures to resolve the dispute amicably.
Level 2	<ul style="list-style-type: none"> <li>• If the grievance is not solved at the previous level, the GRC at the Provincial Office will review the grievance and make a decision</li> <li>• The decisions will be issued by the conveyor and signed by other members of the GRC. The case record will be communicated to the complainant by the GRC at the provincial level.</li> </ul>
Level 3	If the aggrieved person is unsatisfied with the GRC decision at the provincial level, the next option will be to lodge grievances with the Grievance Redress Committee at the HQ Office (Kabul).
Level 4	If the decision fails to satisfy the aggrieved person/s, they can pursue further action by submitting their case to the appropriate court of law (local courts) without reprisal. The aggrieved person can take legal action over the amount of compensation or any other issues, e.g. occupation of their land by the contractor without their consent, damage or loss of their property, restrictions on the use of land/assets, environmental concerns such as dust caused by the contractor's machinery, etc.

## **8 COSTS AND FINANCING**

AUWSSC is responsible for securing the project-related funding. It's worth more specifically mentioned that the compensation to project affected person under this project should be paid by government of Afghanistan.

Land compensation value will be provided by a valuation committee. Acquired land, other affected assets and applicable allowances will be paid as per the project-specific Entitlement Matrix. The RP will contain information about the budget, including:

- (i) Unit compensation rates for all affected items and allowances by indicating methodologies.
- (ii) A cost table for all compensation expenses including external monitoring and contingencies;
- (iii) RP implementation costs;
- (iv) Resettlement assistance to severely affected households, vulnerable families and assistance for relocation/shifting;
- (v) Monitoring cost; and
- (vi) RP budget with administrative cost and contingencies.

### **8.1 IMPLEMENTATION SCHEDULE**

The AUWSSC will make sure that resettlement planning is carried out before the award of the civil works contract. Any RAP, if required, shall be implemented before the commencement of the civil works. The implementation schedule for LAR tasks will depend on the design of the sub-projects. The tentative RAP preparation and implementation schedule will be detailed in the RAPs.

This RF will be applicable to this project. If resettlement occurs, a Land Resettlement Plan (RP) will be prepared. The RP will include detailed compensation and administration budgets and implementation schedules linking acquisition and resettlement tasks to the initiation of civil works.

## **9 MONITORING AND EVALUATION**

### **General**

Project activities will undergo both internal and external monitoring. Internal monitoring will be conducted by the PIU. External monitoring will be assigned to an independent External Monitoring Agency (EMA) to be hired by AUWSSC and approved by the World Bank.

### **9.1 Internal Monitoring**

Internal monitoring will be carried out routinely by the AUWSSC/E&S Unit and results will be communicated to World Bank through the regular project implementation reports. Indicators for the internal monitoring will be those related to process, immediate outputs and results. This information will be collected directly from the field and reported monthly to the AUWSSC project director to assess the progress and results of LARP implementation, and to adjust the work program, if necessary. The monthly reports will be consolidated every quarter in standard supervision reports and submitted to the World Bank. Specific monitoring benchmarks will be:

- Information campaign and consultation with PAPs;
- Status of land acquisition and payments on land compensation;
- Compensation for affected structures and other assets;
- Relocation of PAPs;
- Payments for loss of income;
- Income restoration activities.

### **9.2 External Monitoring**

The implementation of mining projects will take several years. It is therefore crucial to deploy external monitoring consultant with the primary objective to support the project team in implementation of RAP. External monitoring consultant will perform third party monitoring on a regular basis with the results communicated to the national focal team of the AUWSSC and the WB through a bi-annual compliance report; The ToR for the Third-Party Monitoring will be part of the RAP. The EMA will also be responsible for the preparation of the compliance report confirming that all compensation and related resettlement assistance in cash or kind are being delivered to the affected households. Based on the results of the compliance report, the EMA will recommend to AUWSSC/the World Bank if the necessary civil works on irrigation rehabilitation and dam building with resettlement impacts can commence a copy of the compliance report and its recommendations will be submitted to the AUWSSC, supervising consultant and the World Bank simultaneously. AUWSSC will also engage an independent consultant (firm or individual) to conduct an audit where RAP implementation (or compensation payment) has already happened.

For example, an independent audit will be carried out for sub-project sites to verify full implementation of respective RAPs.

The EMA will also assess the status of project affected vulnerable groups such as woman headed households, disabled/elderly and poor families. The following will be considered as the basis to develop the indicators for monitoring and evaluation of the project:

- Socio-economic conditions of the PAPs in the post-resettlement period;
- Communications and reactions from PAPs on entitlements, compensation, options, alternative developments and relocation timetables etc.;
- Changes in housing and income levels;
- Rehabilitation of squatters (if any);
- Valuation of property;
- Grievance procedures and outcomes;
- Disbursement of compensation; and
- Level of satisfaction of APs in the post resettlement period.

For each subproject, the EMA will carry out a post-implementation evaluation of the RAP about 1 year after its implementation to find out whether the RAP objectives were attained or not. The socio-economic survey baseline will be used to compare pre- and post- project conditions. The EMA will recommend supplemental assistance for the PAPs in case the outcome of the study shows that the objectives of the LARP have not been attained.

### **9.3 Management Information System**

All information concerning resettlement issues related to land acquisition, socio-economic information of the acquired land and affected structures, inventory of losses by PAPs, compensation and entitlements, payments and relocation will be collected by the implementing consultant. This data bank would form the basis of information for RAP implementation, monitoring and reporting purposes and facilitate efficient resettlement management.

### **9.4 Reporting Requirement**

The AUWSSC will be responsible for supervision and implementation of RAP and prepare monthly progress reports on resettlement activities and submit to the Project Director for review. The implementing consultant will also monitor RAP implementation and submit quarterly reports to AUWSSC and the World Bank. The external monitoring agency (EMA) will submit bi-annual reviews directly to the World Bank and determine whether or not resettlement goals have been achieved, more importantly whether livelihoods and living standards restored/enhanced and suggest suitable recommendations for improvement.

## Appendix 1. Rapid LAR Assessment for this project

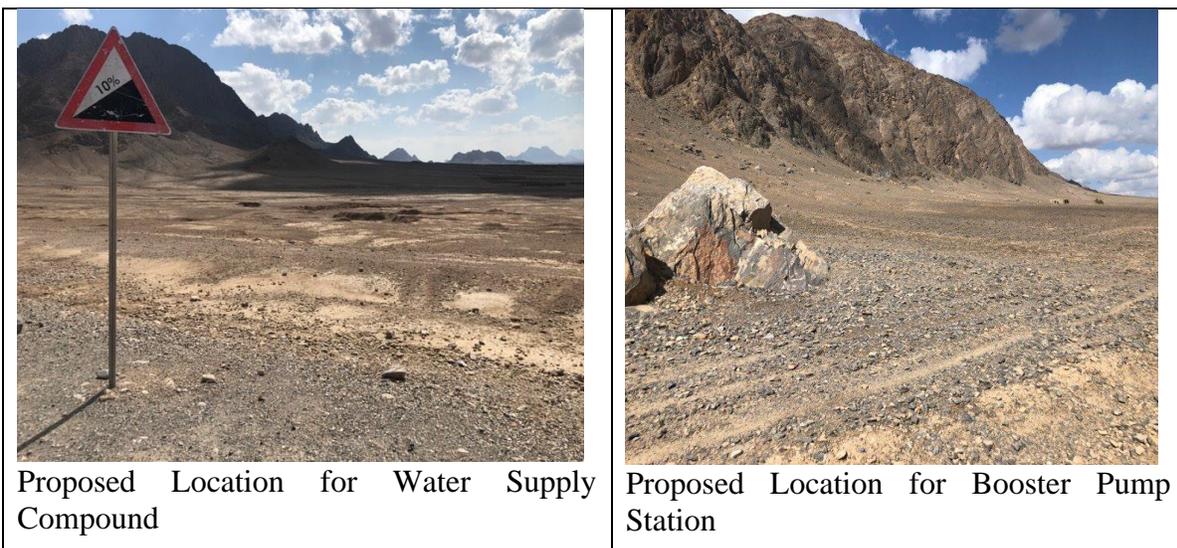
### METHODOLOGY USED FOR THE LAR IMPACT ASSESSMENT

1. The technical design team acquired satellite imagery and prepared a contour map of this project area. Three survey teams were assigned to conduct the rapid land acquisition and resettlement (LAR) impact assessment. The teams worked simultaneously in assigned project zones. The Resettlement Specialist supervised their activities at the site. The LAR teams started with a confirmation of the start node and end note of main, sub-main and secondary pipes from Sarband Bridge up to Kandahar City, while the treasury pipes were excluded in this early design stage.
2. The surveyors conducted a rapid LAR assessment and noted the key area of impacts. However, the detailed resettlement impact will be identified, measured and documented in the detailed measurement survey (DMS), census, socioeconomic survey, public consultations and physical verification of all the affected households and their affected properties during the final design stage. The land acquisition and resettlement plan (LARP) will be prepared for this project component based on the identified impact. The main impact assessment characteristics are described in the following paragraphs.

### URBAN WATER SUPPLY

3. The Kandahar Water Supply Compound consists of a water treatment plant for the villages, a water treatment plant for Kandahar City, reservoir A for pressure Zone-1, reservoir B for Zone-2, a booster pump station to pump water to the service reservoir for pressure Zone-1 of Kandahar City, two guard rooms, and an office for administration. The lands proposed for the main infrastructure are located at the west side of Kortal-e-Morchah in Arghandab district. The land is bare, and it belongs to the state. This has been confirmed by ASBA and ARAZI. The following photographs show the proposed locations on the state-owned barren land:

Figure 1. Proposed Location for Water Supply Compound and Booster Pump Station



Source: TRTA Consultants. 2019

4. Raw Water Transmission Main/ Pipeline: The raw water transmission twin pipes start from the micro hydropower station and end at Kandahar Water Treatment Plant located in the Water Supply Compound at Kortal-e-Morcha. The length of the pipes is 29.676 km and the diameter of approximately 1500 mm (1.5m). The raw water transmission twin pipes will be laid down along the Loya Weyala Canal beside the treated water transmission pipes up to Sarkari Bagh. The required corridor will be 7 m for three water transmission pipelines. One of the twin pipelines for Kandahar's water supply will convey raw water to the Kandahar water treatment plant and one will be used for treated water transmission for the adjacent villages.

5. According to the design, a 12 m corridor is the minimum required for construction activities (7 m corridor and 5 m additionally to place the excavated materials and to transfer the construction materials to the destination). The 18.8 km pipeline from Dahla Dam to Sarband Bridge will pass through state-owned barren land and will not cause LAR impacts.

6. From Sarband Bridge to Kortal-e-Morcha, Arghandab district, the pipeline will pass along the Loya Wala Canal and Arghandad-Shawali Kot Road and will be laid down on the left side of the canal (Dahla to Kandahar). As per the ASBA, the total ROW of the Loya Wala Canal is 60 m – 30 m existing canal and the 30 m wide ROW (15 m on each side). The pipes will be laid down on the left side of the canal (Dahla to Kandahar) and will require a 7 m wide trench. During the construction activities, the contractor will require a 12 m wide corridor, while the available existing ROW of the Canal is around 7 m. Encroachers occupy the left side of the Canal ROW and there are mud houses and other structures, planted trees, shops and mosques. If feasible, design changes might be the only solution to avoid acquisition of these assets. The following photographs show the types of encroaching buildings and other assets.

7. Treated Water Transmission Main from Reservoir-A to Pressure Zone-1 of Kandahar City: A 2.5 m corridor is required from the Booster Pump Station to Reservoir-A and Zone-1. The transmission line will end at the eastern side of Kortal-e-Morcha, 9<sup>th</sup> district of Kandahar City. The distribution network starts after Zone-1.

8. Treated Water Distribution Main from Reservoir-B to Pressure Zone-2 of Kandahar City: The distribution main starts from Reservoir-B (Kortal-e-Morcha) through Zone-2 and ends at Baba Sahib Kotal. The total length of the main is 7.95 km and the diameter is 1,500 mm (1.5 m). This requires a 3 m corridor. The sub-main, secondary and tertiary pipelines of the distribution system start after Baba Sahib Kotal,

9. Expansion of the distribution network by constructing a new one in Kandahar city: HDPE material is proposed for all pipes < 600 mm diameter and lined mild steel cement for pipes >600 mm in diameter, for a total length of around 388 km. The expansion distribution network will have an impact on structures, trees, electrical poles, traffic lights, flyovers, access roads and paved pathways within Kandahar City. The detailed locations are presented in **Error! Reference source not found.** The following photographs show some of the assets that might be affected during the construction of the network.

Figure 2. Assets Likely to be Damaged During Construction



Source: TRTA Consultants. 2019

10. Rehabilitation Works of Existing Water Supply System in Kandahar City: This component includes rehabilitation of existing wells, pump stations, and chlorination systems and the rehabilitation of the existing pipe network including the replacement/repair of leaking pipes, and replacement of existing asbestos-cement pipes. The old water supply system was constructed nearly 45 years ago, and it covers some portion of thirteen city zones with a total length of 312 km. The system delivers treated water to 6,600 houses. Most of the pipes are unmarked and buried underground and people constructed their houses close to the water supply system, not realizing that there were water pipes. During the replacement of these pipes, structures located on or close to the water pipes will be damaged.

11. Some old network asbestos-cement pipes were laid down along the road. The pipes were not relocated due to widening of the road, and the municipality constructed roads over the pipes. This will cause an impact on the road during the water network rehabilitation.

Figure 3. Proposed location for Village Treatment Plan near Dhala Dam



Source: TRTA Consultants. 2019

12. Treated Water Transmission Pipeline for Villages: The pipeline starts at the Water Treatment Plant at Dahla Dam and passes through the villages of Shawali Kot (Ardux Kalai, Lwar Chaman, Landi Chaman, Mardoza, Ahmad Wyala, Qla Kalai, Darbazan, Markaz Kalai, Manaan, Damana, Haji Payoo, Gare Kalai, Haji Ghulam Qader, Haji Taj Muhammad, Samad Khan, Chak Kalai, Naser Bagri Kalai, Bay Gaz Kalai, Zartalai, Toghay, Marai Karez Kalai, and Shah Agha Kalai) until it reaches Sarband Bridge, where it is split into two lines:

- (i) The first isolated pipe will be laid down along the canal from Sarband Bridge to Baba Sahib and will cause LAR impacts. The people constructed their houses, nurseries, shops, etc. within the canal ROW. The photographs below show the buildings and structures constructed in the Canal ROW.
- (ii) The second pipe will be laid from Sarband Bridge to Nagahan Village (right side of Arghandab River). It will be 17 km in length and will pass through the following villages of Arghandab District Loya Weyala Intake: Khana Gardab, Shah Tori, Jaaza, Awal Shoyene, Miya Shoyene, Babur, Jelawur, Hadira, Wakil Kala, Luy Munara, Nagahan. The pipeline will go along the village/rural road and will not cause LAR impacts.

## **ANTICIPATED LAR IMPACT DUE TO EXPANSION OF WATER SUPPLY DISTRIBUTION NETWORK IN KANDAHAR CITY**

13. Expansion of the water supply network planned for Kandahar City will trigger impacts on private properties and assets. The LAR team identified locations where impacts will occur. The locations include the start node and end node of the main, sub-main and secondary pipes in Kandahar City. The surveyors assessed the path and noted the locations of key impacts which are summarized in the following tables. There are 50 locations throughout the city with trees and 31 location where private buildings and structures will be affected. Other affected public assets include 23 electric poles, 6 traffic lights, 33 access roads and one flyover. A full land acquisition and resettlement plan (LARP), based on the detailed measurement survey (DMS), complemented with the census and socioeconomic survey (SES) will be prepared for these Project components.

Type of Impact and Number of Locations with LAR Impact

Trees	Structures	Electric poles	Traffic lights	Access roads	Other
50	31	23	6	33	1

Table 2. Anticipated LAR Impact Assessment of Water Supply Distribution Network in Kandahar City

LAR Impact Assessment of Water Supply Distribution Network in Kandahar City													
Location			Pipe Dimension (mm)	Required Corridor (m)	Existing Road ROW (m)	Type of LAR Impact							Remarks
Zone	From	To				Private Land	Trees	Structure	Electric Poles	Traffic Light	Access Road	Other	
8	Qandahar to Hirat Road	Hirat Hada Qandahar to Hirat Road	180	1		No Impact							
	Qandahar to Hirat Road	Qandahar to Hirat Road	250	1.2		No Impact							
	Dand Chowk	Kandahar Old City Mirawais Maina	250	1.2	20		√				√	Length 3,849m	
	Mirwais Meina	Mirwain Neeka Shrine	180	1	20		√				√	Length 1,321m	
	Mirwais Neeka Shrine	Baghe Pull Motor Show Room	180	1	20		√					Length 242 m	
3	Ahmad Wali Chowk	Kabul Door Square	280	1.25	20 Pathway3-4	No Impact Darul Malimeen Road							
	Kabul Door Square	Chaharsaw Square	280	1.25	10 Pathway 1-0.5		√	√			√		
	By Pass Road	Darulmalimeen Road	180	1	5	No Impact Faqeer Baba unpaved Road							
	Hirat Bazar	By Pass Square	200	1.1	8		√		√		√	3rd Zone Old City	
	Shakafar Door	Charsaw Square	280	1.25	8 Pathway						√		
	Sheen Ghazi Ashabi Shrine	By Pass Road	200	1.1	8		√	√	√			Another road	
	By Pass Road	Sheen Ghazi Ashabi Shrine	200	1.1	7	No Impact Unpaved Street							
	Bacha Khan Jada	Fataw Start	200	1.1	8		√	√	√				
	Fataw Start	Fataw End	200	1.1	8	No Impact Unpaved Street							
15	Shakafar Door	Asmat Posta	200	1.1	8	No Impact							
	Haji Arab	daSapoo Ganj	200	1.1	12			√					
	Da Spoo Ganj	Loye Zabur	200	1.1	12	No Impact							

LAR Impact Assessment of Water Supply Distribution Network in Kandahar City													
Location			Pipe Dimension (mm)	Required Corridor (m)	Existing Road ROW (m)	Type of LAR Impact							Remarks
Zone	From	To				Private Land	Trees	Structure	Electric Poles	Traffic Light	Access Road	Other	
	Kruz door	Khama Zabur	200	1.1		No Impact							
	Khama Zabur	Ahmadi Karta	200	1.1	6-10		√	√	√		√		
10	Simano Bridge Loya Weyala	Eino Maina Western Gate	225	1.15	8		√	√			√		Length 3,535 m
	Eino Maina Western Gate	Eino Mena Wall, Western Region	200	1.1	8		√		√				Length 1,468 m
	Ghach Khana	Ahmad Shahi Cornor Eastern Side	200	1.1	10	No Impact Length 154m							
	Estern Maina	Eino Kartaye Maliemeen	250	1.2	10						√		Length 858 m
	Kartaye Maliemeen	Ahmad Shahi Jada (Cornor)	180	1	10	No Impact Length 433m							
	Ahmad Shahi Jada (Cornor)	Ahmad Wali Khan Chowk	350	1.45	20	No Impact Length 695 m							
	Maina Tower	Ghach Khano	180	1	6		√				√		Length 2,585 m
	Loye Weyala	Maina Tower	180	1	6		√	√	√				Length 1,052 m
	Maina Tower	Ghach Khano Near to Ahmad Shahi Canal	180	1	6		√				√		Length 1,762
		Eino Mena Road	Eino Meena Loye Weyale Bridge	200	1.1		No Impact						
6	Nawshejan Weyala	Directorate of Disable People	280	1.25	1		√	√	√		√		
	Directorate of Disable People	Dand Chowk	280	1.25	3		√				√		
	Dand Chowk	Football Stadium	200	1.1	3-4		√		√	√	√		
5	Kabul to Kandahar Road	Eino Mena road	200	1.1	10		√				√		

LAR Impact Assessment of Water Supply Distribution Network in Kandahar City													
Location			Pipe Dimension (mm)	Required Corridor (m)	Existing Road ROW (m)	Type of LAR Impact							Remarks
Zone	From	To				Private Land	Trees	Structure	Electric Poles	Traffic Light	Access Road	Other	
14	Sardar Madad Square	Hazrat Jee Baba / Albilla Hospital	450	1.6	20		√			√			Length 727 m
	Hazrat Jee Baba / Albilla Hospital	Mazal Bagh / Hikmat Petrol Pump	400	1.55	20		√			√			Length 645 m
	Mazal Bagh / Hikmat Petrol Pump	Ahmad Wali Khan Square	350	1.45	20		√			√			Length 1,370 m
	Brishna Kot Bridge / Eastern Side	Dabaro Bridge	315	1.35	8		√	√	√			√	Length 1,478 m
	Dabaro Bridge	Seemano Bridge	225	1.15	8		√	√	√			√	Length 360 m
	Seemano Bridge	Sharkate Mewi/ PRT Road	200	1.1	15		√						Length 933 m
	Seemano Bridge	Ahmad Wali Khan Square / Shahi Saloon	200	1.1	15		√	√				√	Length 1,366m
	Manzal Bagh	Manzal Bagh	200	1.1	16		√						Length 18 m
	Manzal Bagh	Ayoubi Hospital	200	1.1	20		√						Length 168 m
	Ayoubi Hospital	Ahmad Shahi Jada	200	1.1	16		√						Length 50m
	Ahmad Shahi Jada	Ayoubi Hospital	200	1.1	16		√						Length 55 m
	Ayoubi Hospital	Sharkati Meewi Road	200	1.1	20		√	√	√	√	√		Length 1,220 m
	Kot Baba Nort Sid eof Loya Weyala	Hazrat Jee Baba/ Albilal Hospital	180	1	20	No Impact Length 1,063 m							
	Loye Weyala	Southern Region of Loye Weayala	200	1.1	8		√						
Southern Region of Loye Weayala	East Side of the Sharkate Mewe	200	1.1	8		√				√			Length 152 m

LAR Impact Assessment of Water Supply Distribution Network in Kandahar City													
Location			Pipe Dimension (mm)	Required Corridor (m)	Existing Road ROW (m)	Type of LAR Impact							Remarks
Zone	From	To				Private Land	Trees	Structure	Electric Poles	Traffic Light	Access Road	Other	
	East Side of the Sharkate Mewe	Himat Bridge	200	1.1	8		√						Length 14m
	Himat Bridge	Sharkate Mewe Road	200	1.1	8			√					Length 133 m
	Manzal Bagha	Estren Manzal Bagha	200	1.1	16	No LAR Impact Length 18							
	Estren Manzal Bagha	Mirwais Neeka High School	200	1.1	20		√				√		Length 527 m
	Mirwais Neeka High School	Haji Habash Masjid	200	1.1	16	No Impact Length 1,201m							
	Sharkate Meewe Road	Haji Habash Masjid	200	1.1	16		√						Length 283 m
	Haji Habash Masjid	Mirwais Neeka High School	200	1.1	16		√				√		Length 1,187 m
	Mirwais Neeka High School	Sharkate Meewe Road	200	1.1	16		√				√		Length 803 m
9	Mala Sahib Saraye Door	Zahir Shahi canal	250	1.2			√		√				
	Kotale Morcha	Baba Wali Pump	250	1.2			√				√		
	Bridhna Kot Road	Breshna Kot Road	315	1.35			√		√				
4	Ahmad Wali Chowk	Gunbat Jami Mosque	180	1	12		√	√	√		√		
	Gunbat Mosque	Ayoubi Trad Market	180	1	12			√	√		√		
	Ayoubi Trad Market	Dih Khawaja	180	1	12			√					
	Dih Khawaja	Popal Market	180	1	12		√	√				√	
	PopalMarket	Darulmalimeen	180	1	12		√	√					
	Maki Mosque	Charsoup	180	1	12			√		√			
	Charsoup	Shah Jami	180	1	12	No Impact							

LAR Impact Assessment of Water Supply Distribution Network in Kandahar City													
Location			Pipe Dimension (mm)	Required Corridor (m)	Existing Road ROW (m)	Type of LAR Impact							Remarks
Zone	From	To				Private Land	Trees	Structure	Electric Poles	Traffic Light	Access Road	Other	
	Shajami	Municipality	180	1	12			√	√				
	Municipality	Eid Gagah	180	1	12	No Impact							
	Eid Gagah	Baro Dawaza Chowk	180	1	12	No Impact							
	Baro Dawaza Chowk	Karwan Kocha	180	1	12	No Impact							
	Karwan Kocha	Mamoryat	180	1	12	No Impact							
	Mamoryat	Darulmalimeen	180	1	12	No Impact							
	Darulmalimeen	Ahingerano Saryee	180	1	12			√					
	Ahingerano Saryee	Municipality new Block	180	1	10			√	√				
	Municipality new Block	Baroo Darwaza Chowk	180	1	10			√	√				
	Darulmalimeen Street	Darulmalimeen Street	180	1	10		√	√	√		√	Flyover	
	Police Square	Baroo Darwaza	180	1	14		√	√			√		
	Waroo Chowk	Zara Jamia	180	1	14		√						
	Zarra Jamia	Largo Ganaj	180	1	14			√			√		
	Madina and Zafar Market	Kabul door	180	1	14			√			√		
	Satar Jami	Dih Khawaja	180	1	6-12			√	√		√		
13	Mala Sahib Saraye Door	Sofi Boys School	200	1.1	10		√						
	Sofia Boys School	Chawni Road	200	1.1	10		√						
1	Start of the Zone	End of the Zone	200	1.1	Various		√	√	√		√		Rehabilitation
2	Football Stadium	Jami Omar	200	1.1	3-4m		√	√	√		√		Rehabilitation
7	Start of the Zone	End of the Zone	200	1.1	Various		√	√	√		√		Rehabilitation

ANTICIPATED LAR IMPACT FROM SARBAND BRIDGE TO THE LOYE WAYALE INTAKE

14. The impact was assessed by satellite imagery from Sarband Bridge to Loye Wayale Inatke (Nagahan). The LAR team conducted the rapid LAR impact assessment with confirmation of the GPS points from Sarband Bridge to Loye Wayale Inatke (Nagahan) and noted that there are no LAR impact as the pipes will be laid down along the road ROW.

Table 3. LAR Impact Assessment from Sarband Bridge to Loye Wayale Inatke (Nagahan)

Location		Existin g Road ROW	Require d Corrido r or Trench	Type of LAR Impact								
From	To			Impact on Land				On Trees		On Structures		
				Ag ri. La nd	Barr en Lan d	Resi d. Lan d	Com m. Land	Fru it Tre es	NF. Tre es	M ud	PC C	RC C
Loye Weyala Intake	Loye Weyala Intake	20m	2m	No LAR Impact Identified in this stage								
Loye Weyala Intake	Khana Gardab	20m	2m	No LAR Impact Identified in this stage								
Khana Gardab	Shah Tori	9m	2m	No LAR Impact Identified in this stage								
Shah Tori	Shah Tori	10m	2m	No LAR Impact Identified in this stage								
Shah Tori	Jaaza	10m	2m	No LAR Impact Identified in this stage								
Jaaza	Awal Shoyene	8m	2m	No LAR Impact Identified in this stage								
Awal Shoyene	Miya Shoyene	8m	2m	No LAR Impact Identified in this stage								
Miya Shoyene	Babur	15m	2m	No LAR Impact Identified in this stage								
Babur	Babur	8m	2m	No LAR Impact Identified in this stage								
Babur	Jelawur	10m	2m	No LAR Impact Identified in this stage								
Jelawur	Jelawur	14m	2m	No LAR Impact Identified in this stage								
Jelawur	Jelawur	10m	2m	No LAR Impact Identified in this stage								
Jelawur	Hadira	10m	2m	No LAR Impact Identified in this stage								

Location		Existing Road ROW	Required Corridor or Trench	Type of LAR Impact								
From	To			Impact on Land				On Trees		On Structures		
				Agri. Land	Barren Land	Resid. Land	Comm. Land	Fruit Trees	NF. Trees	Mud	PC C	RC C
Hadira	Wakil Kala	8m	2m	No LAR Impact Identified in this stage								
Wakil Kala	Wakil Kala	10m	2m	No LAR Impact Identified in this stage								
Wakil Kala	Luy Munara	10m	2m	No LAR Impact Identified in this stage								
Luy Munara	Nawroza	10m	2m	No LAR Impact Identified in this stage								
Nawroza	Nagahan	10m	2m	No LAR Impact Identified in this stage								
Nagahan	Nagahan	8m	2m	No LAR Impact Identified in this stage								

## **Appendix 2. Consultations with Project Communities**

1. Participatory consultations with the community around the project areas was carried out as part of the process of information dissemination in order to understand their perception about the project, the benefits they think the project will bring for them and the perceived positive and negative impacts of the project on the community and their livelihood. A total of 20 community consultations were carried out over the area of the proposed project. The consultations involved site inspections, personal contacts, focus group discussions, interviews, and discussions with local people and their community.

2. At the time the community consultations were conducted, all of the participants clearly supported the project being implemented in their locality. They expressed positive feelings about the project and their belief that it will be beneficial for the community. They were all willing to participate in the development of the project. In addition, almost all participants were found to be interested in participating without financial gain. This suggests that there is a clear possibility of voluntary communal participation in the future development or maintenance process of the hydropower transmission lines.

### **Introduction and Objectives of Public Consultations**

3. Information dissemination to the project communities and other stakeholders is an important part of LAR processes. Consulting people and ensuring their active participation will reduce potential conflicts and minimize the risk of project delays. In order to include local authorities and representatives of potentially affected persons in the planning and decision-making processes, AUWSSC will continue to engage in dialogue with village and district authorities during the entire project implementation process. The aim of this is to:

- (i) Raise people's awareness about the project features, potential losses, implementation arrangements, eligibility and entitlements; grievance procedures and mechanism; disclosure, and implementation schedule;
- (iii) Fully share information about the project components and LAR activities with the communities;
- (iv) Obtain information about the needs and priorities of people, as well as receive information about their reactions to proposed policies and activities;
- (v) Ensure that people are fully informed about the decisions that will directly affect their incomes and living standards, and that they will have the opportunity to participate in activities and decision-making about issues that directly affect them;
- (vi) Ensure that people are given information about the GRM which will be established in addition to the existing traditional grievance redress mechanisms; and
- (vii) Ensure transparency in all activities related to land acquisition and resettlement (if any).

### **Public Consultation during LARF Preparation and Implementation**

4. Public consultations were held with stakeholders, and every effort was made to ensure that people either directly benefiting from or affected by the Project participated. As part of the LARF preparation activities the TRTA (i) held consultations with project communities and other stakeholders and disseminated information, and (ii) prepared a rapid due diligence survey to inform people about possible impact on their land due to the installation of the transmission poles.

5. Community consultations were arranged at various locations through public meetings in February 2019. Consultations involved sharing information about the Project, possible impact on private properties and open discussions. The consultations were held in 32 villages/locations. A total of 315 people, 138

men (including the heads of villages) and 177 women, attended. The list of the consultations are presented in the following Tables.

Table 4. List of Focus Group Discussions with Men

No.	Date	District	Village	Type of consultations	No of Participants
1	06.02.2019	Arghandab	Changul	Elders and villagers	13
2	01.02.2019	Arghandab	Dilawar Khan Kalacha	Elders and villagers	11
3	07.02.2019	Arghandab	Gul Kalacha	Elders and villagers	8
4	02.02.2019	Arghandab	Jazah	Elders and villagers	6
5	30.01.2019	Arghandab	Khishki	Elders and villagers	13
6	01.02.2019	Arghandab	Khwaja Mulk	Elders and villagers	11
7	05.02.2019	Arghandab	Nawy Kalai	Elders and villagers	10
8	29.01.2019	Arghandab	Nawy Mazra	Elders and villagers	13
9	03.02.2019	Arghandab	Shoyeen Vosta	Elders and villagers	8
10	07.02.2019	Arghandab	Mira Khoraan	Elders and villagers	13
11	07.03.2019	Shah Wali Kot	Shah Agha and Shayesta Gul	Elders and villagers	7
12	07.03.2019	Shah Wali Kot	Darbazan and Muhammad Naim villages	Elders and villagers	10
13	07.03.2019	Shah Wali Kot	Markaz Kalai and Shayesta villages	Elders and villagers	15
Total					138

Table 5. List of Focus Group Discussions with Women

No.	Date	District	Village	No of Participants
1	06.03.2019	Arghandab	Mazra	10
2	06.03.2019	Shah Wali Kot	Mari Kariz	8
3	06.03.2019	Arghandab	Tabin	9
4	07.03.3019	Kandahar City District No. 5	Haji Aziz Mena	5
5	07.03.3019	Kandahar City District No. 7	Kokaran Ziarat	5
6	07.03.3019	Kandahar City District No. 9	Loya Weyala	11
7	07.03.3019	Kandahar City District No. 10	Dorahi	11
8	07.03.3019	Shah Wali Kot	Markaz Kala	11
9	07.03.3019	Kandahar City District No. 11	Aino Mena	11
10	08.03.2019	Kandahar City District No. 12	Loya Weyala	10
11	08.03.2019	Arghandab	Mazra	9

12	08.03.2019	Arghandab	Khusray	10
13	08.03.2019	Kandahar City District No. 12	Loya Weyala	9
14	09.03.2019	Arghandab	Hajiano Kalacha	8
15	09.03.2019	Arghandab	Sami Qalacha	9
16	09.03.2019	Arghandab	Tabin	11
17	09.03.2019	Shah Wali Kot	Markaz Kala	10
18	09.03.2019	Shah Wali Kot	Markaz Kala	10
19	09.03.2019	Shah Wali Kot	Markaz Kala	10
Total				177

6. During the consultations, participants were very supportive of the Project. Participants' perception regarding the potential benefits of the project was very high. They stated that community access to safe water will bring positive change to their lives. The head of village Jazah stated: "I and our villages stand for this project, we support the project. If the project provides clean drinking water, electricity and irrigation water for the residents of Arghandab and Shah Wali Kot districts, then we support the government". All consultations stated that people will have improved water that is not exposed to contaminants enroute or through surface runoff. All the farmers will have water for their farms and agriculture lands all year long. As a result, they will yield more crops and more orchards will develop. All the people agreed that this project is for the good of all the people and whoever supports the project, will be doing a good deed for the region.

7. When the effects of the project on their land were discussed, people stated that they would not object even if the project affects their homes, land and orchards. The project will improve their lives and the communities are ready to participate at all stages of the project as well as at the maintenance of the network. In addition, the poor and those in need will have employment during the project construction phase. In people's opinion, there were no adverse impacts of the Project.

8. In general, the women were unaware of the project. They indicated that some households do not want a water connection because of the associated costs, the fact they do not own the house they reside in, and the unavailability of services in their area. They believe that the project will benefit everyone, especially women and children. The women identified female-heads of household and widows as the most vulnerable groups. The participants expect an uninterrupted, clean water supply with fair billing.

9. The following are the records from the consultations conducted during the preparation of this LARF.

## FOCUS GROUP DISCUSSIONS (FGD) RECORDS

### Summary of FGDs with Women

#### Techniques used for Public Consultations/ Focus Group Discussions:

In order to gather information about the project, the social surveyors conducted a number of individual consultations based on questionnaires and focus group discussions (FGDs) using structured open-ended interviews. Prior to conducting a meeting with women, the social surveyors met with their partners to inform them about the agenda of the meeting, and after their permission was obtained, the meetings with women took place. The women were informed that the social surveyors would like to collect information about participants' experiences and concerns regarding the Project. Information about the Project was conveyed, feedback provided, and concerns recorded. The benefits of the project were explained in detail. Some participants were not willing to be in the picture and they were informed that the signing of the attendance sheet is not compulsory and that they did not have to be in the picture.

#### Information shared during Consultation:

- (i) A-WASH Project with all four components;
- (ii) Component -3 LAR Impacts;
- (iii) The Cut-off Date;
- (iv) Information about the Project, related activities, and socioeconomic and other studies required;
- (v) Process of preparation and implementation of the Land Acquisition and Resettlement Plan;
- (vi) Entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) Allowances for severely affected and vulnerable groups such as female-headed households, disabled household heads, poor households, elderly households with no means of support, households without security of tenure, cultural or ethnic minorities; and refugees or internally displaced people;
- (viii) GRM mechanism; and
- (ix) Valuation of affected land and other assets.

The main questions and suggestions during consultations were as follows:

No	Questions/Discussions	Answers
1	What do you understand about the A-WASH Project?	We have no idea about the A-WASH project; we are not aware of it.
2	Was the venue suitable for FGDs and was the information you received sufficient?	The venue was suitable, as we are not allowed to attend such meetings outside due to cultural and religious limitations. The venue allowed us enough time for discussion. The focus group was interesting, and the facilitator was effective. The information provided before arrival at the focus group was sufficient, and we are so happy to have learned about the project.
3	Do all households in your village have a water	Most of the houses in the city have piped water but some do not due to the unavailability of AUWSSC services. Some

No	Questions/Discussions	Answers
	connection and do they pay their water bill to AUWSSC?	households don't want to benefit from the services. Others have a connection but mostly do not pay their bills on time.
4	Why do you think some households do not wish to connect to the existing water supply system?	Most commonly, this is because they are unable to pay the connection and meter fee, they are not the owners of the house they live in, and their residences are in a non-serviceable area.
5	Do you have a legally installed connection, or do you share a connection from one meter?	All the connections are installed by the AWSAC legally, and each household has one connection. We also cooperate with and provide water to households that migrated to the city or are poor and do not have an installed water connection.
6	Will these positive impacts affect all people equally?	Yes, it will impact all the people, especially women and children because they are the ones that bring water from a distance when water is unavailable.
7	What is your main source of drinking water supply?	The participants in Shah Walikot and Arghandab stated that their main source of drinking water is from common wells and natural ponds but sometimes due to the drought their wells dry out and they get water from natural ponds. They were interested in having piped water in their houses. The participants in Kandahar city mentioned that they benefit from AUWSSC piped water as well as from common wells or taps.
8	Do women own land in their names, and if your land is impacted due to the project will you support the project?	Most of the land is owned by males. We also have the right to inherit, but traditionally the land is given to males. We are poor people but we ready to provide space for the project implementation. Due to cultural limitations we are unable to support the project directly by participating in construction etc. but we will convince the men to support the project.
9	In your opinion what are the groups that are most likely to be the most vulnerable in your community?	In our community women, children, girls, female-headed households and widows are the most vulnerable. Female-headed households and widows are poor because it is difficult for them to earn money. It is a big challenge, that's why they face difficulties in daily life.
10	Can males and females of every household in your village gain access to education?	Most of the participants singled out education as a priority need and stated that women have many of the same needs as men. The girls are allowed to attend school in Kandahar city, normally up to the age of 14 or 16, but many drop out after that due to family pressures. A number of participants said more than half of the girls are deprived of a high school education due to unwanted traditions in families and society, and harassment from other sectors.
11	How many hours do you want water for?	We want 24/7 services for household activities such as washing clothes and dishes; the bathroom; animals; and for drinking.
12	Who should be responsible for awareness about the conservation of treated water at the household level?	All the family members - the men, women, children and youth.

No	Questions/Discussions	Answers
13	What is the best source of awareness raising on water conservation?	AUWSSC, municipalities, community-based organizations, social activists and school teachers can assist in this regard through TV, radio, newspapers, and a water conservation campaign in communities, schools and universities.
14	What are your expectations of the project?	We expect to have safe water free of contamination and reliable (24 hours a day) supply with fair billing. We suggest having connections within the houses along with efficient customer services and prompt repairs.



Haji Aziz, Kandahar City District No. 5



Loya Weyala, City District No. 9



Loya Weyala, City District No. 12



Markaz Kala, Shah Wali Kot

TA-9273 AFG: Preparing the Arghandab Integrated Water Resources Development Investment Project							
Component -3 Improving of water supply for Kandahar city and villages.							
Subject - LAR and Environmental Impact Assessment.							
Date - Mar 09, 2019.							
Female consultation meeting. Attendance Sheet							
SN	Name	NIC # (Tazkra)	District	Village	Job	Phone Number	Signature or Thumb
1	Shah		Shahwali Kot	Markzkal Village	Agriculture		
2	Mashama		Shahwali Kot	Markzkal Village	Homewife		
3	Nasima		Shahwali Kot	Markzkal Village	Homewife		
4	Bibi		Shahwali Kot	Markzkal Village	Tailor		
5	Guldasht		Shahwali Kot	Markzkal Village	Homewife		
6	Nadia		Shahwali Kot	Markzkal Village	Homewife		
7	Nazdana		Shahwali Kot	Markzkal Village	Home wife		
8	ZarPana		Shahwali Kot	U	Home wife		
9	Raziya		Shahwali Kot	U	Homewife		
10	Zarmina		4	Gazishaban	Social surveyor	0704158363	

### Markaz Kala, Shah Wali Kot 3

TA-9273 AFG: Preparing the Arghandab Integrated Water Resources Development Investment Project							
Component 3 - Improving of Water Supply for City and villages.							
Subject: Land Acquisition & Resettlement Impact Assessment.							
Consultation meeting. (March 06, 2019.)							
Female consultation meeting. Attendance Sheet							
SN	Name	NIC # (Tazkra)	District	Village	Job	Phone Number	Signature or Thumb
1	Famila		Arghandab	Mazra village	Agriculture		
2	Sakina		Arghandab	Mazra village	Home wife		
3	Shagofa		Arghandab	U	Home wife		
4	Shakoojya		Arghandab	U	Home wife		
5	Palwasha		Arghandab	U	Embroidery		
6	Gull bashra		Arghandab	U	Home wife		
7	Anara		Arghandab	U	Embroidery		
8	BaishanGulla		Arghandab	U	Embroidery		
9	Mhadija		Arghandab	U	Home wife		
10	Zarmina		4	Gazishaban	Social Surveyor		

### Mazra, Arghandab

District: Arghandab  
Village: Changul

Date: 6 February 2019  
Time: 02:00 PM  
Participants: 13 men, the head of the village Salih Mohammad  
Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

A focus group discussion (FGD) with men was conducted at a private home in the Changul village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right of Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances and the GRM were explained to the participants. The questions asked were related to compensation, timing for the demolition of buildings and structures, and compensation for unexpected damages during the construction period.

The participants sincerely supported the project in their villages. They expressed their positive feelings about the project and its benefits for the community. They all committed to participate in the construction stage of the project. Almost all participants stated that they would be willing to participate without financial benefit. This suggests that voluntary communal participation in the future development and maintenance process of the water supply main transmission pipes and distribution networks is possible.

The main information shared with the participants was about:

- (i) the A-WASH Project with all four components;
- (ii) LAR impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the implementation and preparation process of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups;
- (viii) the GRM mechanism; and
- (ix) valuation of affected land and other assets.

The main questions and suggestions during the consultation were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	We heard about the project sometime last year.

2	Do you support this project?	If this project is carried out, we support it and we all are ready to give away parts of our lands and homes for the project works and activities, either temporarily or permanently.
3	Do you think this project is beneficial for the people?	Salih Mohammad, the head of Changul village and other Shura/CDC members spoke for all the people and stated: ‘... this project benefits our motherland and most importantly our district, Arghandab; so, if something happens and the project does not start, the loss will be ours. The villages and I stand for and support this project. If the project provides clean drinking water, electricity and irrigation water for the residents of Arghandab district, then we support the government. All villages located along the transmission main in the Arghandab Valley will have treated water. People will have improved water quality that's not exposed to contaminants en-route or through surface runoff. All the farmers will have water for their farms and agriculture lands all year long. As a result, they will yield more crops and more orchards will develop. All the people agreed on the common idea that this project is for the good of all the people and whoever supports it will be doing a good deed, and all people of this region will benefit from it, one way or another.’
4	Do you know the right of way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of the canals and roads. The ROW is the government's property.
5	Would you have any objections if the water transmission pipes and distribution networks impact your private lands?	If the project directly impacts people’s houses, agricultural lands, and orchards, they will not object because the project will improve their lives.
6	Will you contribute to the project during the construction?	All participants pledged their contribution for the construction, maintenance and operation of the project.

## Consultation Meeting in Changul Village

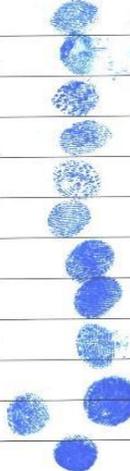


## Attendance Sheet

TA-9273 AFG: Preparing the Arghandab Integrated Water Resources Development Investment Project					
Component 3 - Improving water supply for Kandahar City and Village along the Water Transmission Line					
Due Diligence Site Visit for Land Acquisition and Resettlement Impacts Assessment					
Attendance Sheet					
S/N	Name	Organization/Village	Position	Phone	E-mail
1	Salih Mohammad	Changul	Head/Malak	0778249642	
2	Mira Jan	Changul	landowner	0704364654	
3	Gulalai	Changul	leaseholder	0700379232	
4	Rohimullah	Changul	Shop keeper	0707963177	
5	Jalil Ahmad	Changul	farmer	0703687075	
6	Abdul Razzaq	Changul	worker	0704064274	
7	Nazar Jan	Changul	Shop keeper	0702501217	
8	Ahmad Jan	Changul	Shop keeper	0700672154	
9	Wali Mohammad	Changul	farmer	0704397883	
10	Sayed Mohammad	Changul	farmer	0703318334	
11	Wali Shah	Changul	landowner	0705739326	
12	Sadiqullah	Changul	farmer	0705961051	
13	Hikmatullah	Changul	worker	0708229876	

صالح محمد صالح  
Saleh Muhammad  
0796814100

Signature of: صالح محمد صالح  
Saleh Muhammad  
0796814100



District: Arghandab  
 Village: Dilawar Khan Kalacha

Date: 1 February 2019  
 Time: 01:00 PM  
 Participants: 11 men, the head of the village Mr. Mohammadzai  
 Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

A focus group discussion (FGD) with men was conducted in a private home at the Dilawar Khan Kalacha village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances, and the GRM were explained to the participants. The questions asked were related to compensation in general, timing for the demolition of buildings and structures, and compensation for unexpected damages during the construction period.

The participants expressed their support for the project. They are willing to contribute during the construction stage of the project without remuneration which will be beneficial for the future development and maintenance of the water network.

The main information shared with the participants was about:

- (i) the A-WASH Project with all four components;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) The preparation and implementation process of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups; and
- (viii) The GRM mechanism; and
- (ix) valuation of affected land and other assets.

The main questions and suggestions during consultation were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	We have heard of the project, but we are worried that some warlords will steal money from this project and that as a result, the project may not be completed.
2	Do you support this project?	If this project is carried out, we support it and we all are ready to give away parts of our lands and homes for the

		project works and activities, either temporarily or permanently.
3	Do you think this project is beneficial for the people?	All the villages located along the transmission main in the Arghandab Valley will have clean, drinkable water. People will have clean water, free of exposure to contamination. The farmers will have water for their farms and agricultural lands all year round. As a result, they will produce more crops and more orchards will develop. The people from this area agreed that this project is for the good of all the people of the region.
4	Do you know the right-of-way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of the canals and roads. The ROW is government property.
5	If the water transmission pipes and distribution networks impact your private lands, will you object?	We will not object if the project directly impacts our houses, agricultural lands, and orchards because the project will improve our lives.
6	Will you contribute the project during construction?	All of the participants agreed that they will do their part during the construction, maintenance and operation of the project.

Consultation in Dilawar Khan Kalacha Village



District: Arghandab  
Village: Gul Kalacha

Date: 7 February 2019  
Time: 12:00 PM  
Participants: 8 men, the head of the village Haji Paida Mohammad  
Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

A focus group discussion (FGD) with men was conducted at a private home in the Gul Kalacha village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on Cut-off Date, SPS 2009, methodology for valuation, allowances, and the GRM were explained to the participants. The questions asked were related to compensation, project timing, the possible demolition of buildings and structures; and compensation for unexpected damage during the construction period.

The participants supported the project and expressed positive feelings about the project's benefits for the community. They all seemed to be willing to participate in the construction stage of the project even without remuneration, which suggests that voluntary communal participation in the future development and maintenance of the water supply networks is possible.

The main information shared with the participants was about:

- (i) the A-WASH Project with all four components;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the preparation and implementation process of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures, business owners and renters; and workers;
- (vii) allowances for severely affected and vulnerable groups;
- (viii) valuation of affected assets and
- (ix) the GRM mechanism; and
- (x) valuation of affected land and other assets.

The main questions and suggestions during consultation were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	We have heard about the project, but we are worried that some warlords will steal money from this project, and that as a result the project will not be completed.

No	Questions/ Discussions	Answers
2	Do you support this project?	We support the project and we are all ready to give away parts of our lands and homes for the project, either temporarily or permanently.
3	Do you think this project is beneficial for the people?	Haji Paida Mohammad, the head of Gul Kalacha village will speak with all the villagers to help secure their support in the future. If the project provides them with clean drinking water, this will be a huge development for their village and the district. All the villages located along the transmission main in the Arghandab Valley will have treated water and the farmers will have water for their farms and agricultural lands throughout the year. All participants agreed that this project is for the good of all the people and the region.
4	Do you know the right of way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of canals and roads. The ROW is government property.
5	If the water transmission pipes and distribution networks impact your private lands, will you have any objections?	Even if the project directly impacts people's houses, agricultural lands, and orchards they would not have any objections as the project will improve their lives.
6	Will you contribute to the project during construction?	All present people pledged their contribution during the construction, maintenance and operation phases of the project.

Consultation in Gul Kalacha Village



District: Arghandab  
Village: Jazah

Date: 2 February 2019  
Time: 02:00 PM  
Participants: 6 men, the head of the village Sayed Shah Agha  
Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Valuation methods, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

A focus group discussion (FGD) with men was held at a private home in the Jazah village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements; Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances and the GRM were explained to participants. The questions asked related to the beginning of the project, compensation for affected assets and compensation for unexpected damages during the construction time.

The participants supported the project and expressed positive feelings about the project and its benefits for the community. The participants stated that they would be willing to participate in the construction stage of the project without remuneration. This suggests that voluntary communal participation in the maintenance of the water supply main transmission pipes and distribution networks is possible.

The main information shared with the participants was about:

- (i) all four components of the A-WASH Project;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the preparation and implementation process of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups; and
- (viii) the GRM mechanism and
- (ix) valuation of affected assets.

The main questions and suggestions during consultation were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	We have of the project; however, we are worried that some warlords will steal the money from this project and as a result the project will not be completed.
2	Do you support this project?	We support the project and we all are ready to give away parts of our lands and homes for the project's

		works and activities, either temporarily or permanently. Amanullah Agha asked whether compensation will be paid if there are impacts on agricultural and other land. The compensation entitlements were explained to the participants.
3	Do you think this project is beneficial for the people?	The head of Jazah village and other Shura/CDC members spoke for all the people from their villages and stated that the project will be beneficial for their maternal lands and that most importantly Arghandab district. If the project is not realized, the loss will be ours. The villages and I stand for and support this project. If the project provides clean drinking water, electricity and irrigation water for the residents of Arghandab district, then we support the government. All the villages located along the transmission main in the Arghandab Valley will have treated water. People will have improved water quality that is not exposed to contaminants en-route or through surface runoff. All the farmers will have water for their farms and agricultural lands all year round. As a result, they will produce more crops and more orchards will develop. All the people agreed that this project is for the good of all the people and that supporting it amounts to a good deed for all the people of the region.
4	Do you know the right of way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of the canals and roads. The ROW is government property.
5	If the water transmission pipes and distribution networks impact your private lands, will you have any objections?	If the project directly impacts people's houses, agricultural lands, and orchards, they will not have any objections, because the project will considerably improve their lives.
6	Will you contribute to the project during construction?	All participants agreed that they will do their part during the construction, maintenance and operation stages of the project.

Consultation in Jazah Village



District: Arghandab  
Village: Khishki

Date: 30 January 2019

Time: 02:00 PM

Participants: 13 men, the head of the village Haji Abdul Baqi

Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Valuation method, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

A focus group discussion (FGD) with men was conducted at a private home in the Khishki village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances, and the GRM were explained to the participants. The questions asked were related to compensation, the timing of the project, possible demolition of buildings and structures, principles of compensation and compensation for unexpected damages during the construction period.

The participants supported the implementation of the project in their area. They expressed positive attitudes regarding the project's benefits for the community. Participants stated that they would be willing to participate in the construction stage of the project. The majority stated that they would participate even without any payment. This suggests that there is scope for voluntary communal participation in the future development and maintenance process of the water supply main transmission pipes and distribution networks.

The main information shared with the participants was about:

- (i) all four components of the A-WASH Project;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the preparation and implementation process of the Land Acquisition and Resettlement Plan;
- (vi) valuation methods;
- (vii) entitlements for land, buildings, structures; business owners and renters, and workers;
- (viii) allowances for severely affected and vulnerable groups; and
- (ix) the GRM mechanism;
- (x) valuation of affected assets.

The main questions and suggestions during consultation were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	We have heard over the years that the project will start, but we haven't seen any results. We want the government to start the project as soon as possible. The people whose lands are affected by drought are very poor. At least they will be able to find some work in the project, to make a living.

No	Questions/ Discussions	Answers
2	Do you support this project?	We want to grow crops, but we cannot due to drought and scarcity of water. If the government implements this project without the interference of corrupt people who steal money and other resources from the project, we are ready to help the government and the donors with the implementation of the project, and we are also ready to give parts of our land and houses, either temporarily or permanently for the project.
3	Do you think this project is beneficial for the people?	The head of Khishki village and other Shura/CDC members spoke for all the people and said that this project benefits their land and their district, so if something prevents the implementation of the project, it will be a big loss for us. The villagers and I stand for and support this project. If the project provides clean drinking water, electricity and irrigation water for the residents of Arghandab district, then we support the government. All the villages located along the transmission main in the Arghandab Valley will have treated water. People will have improved water quality that is not exposed to contaminants en-route or through surface runoff. All the farmers will have water for their farms and agricultural lands all year round. As a result, they will yield more crops and more orchards will develop. All the people agreed that this project is for the good of all people and whoever supports it, will be doing a good deed for all the people of the region.
4	Do you know the right of way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of canals and roads. The ROW is government property.
5	If the water transmission pipes and distribution networks impact your private lands, will you have any objections?	If the project directly impacts houses, agricultural lands, and orchards the people will not have any objections because the project will improve their lives.
6	Will you contribute to the project during construction?	All of the participants agreed that they would do their part to support the construction, maintenance and operation of the project.

## Consultation in Khishki Village



District: Arghandab  
Village: Khwaja Mulk

Date: 1 February 2019

Time: 11:00 AM

Participants: 13 men, the head of the village Mr. Mohammad Rafiq

Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Valuation methods, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

A focus group discussion (FGD) with men was conducted at a private home in the Khwaja Mulk village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances, and the GRM were explained to the participants. The questions asked were related to the project duration, compensation, possible demolition of buildings and structures, compensation for unexpected damages during the construction period, and community support for the project. During the consultations, the participants expressed their support for the project and their willingness to help in any way they can.

The main information shared with the participants was about:

- (i) all four components of the A-WASH Project;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the preparation and implementation process of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups;
- (viii) the GRM mechanism; and
- (ix) valuation of affected land and other assets.

The main questions and suggestions during consultation were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	We have heard about the project, but we are worried that warlords will steal money from this project, and that the project will not be completed as a result.
2	Do you support this project?	If this project is carried out, we support the project and we all are ready to give away parts of our lands and homes for the project works and activities either temporarily or permanently.
3	Do you think this project is beneficial for the people?	All the villages located along the transmission main in the Arghandab Valley will have treated water. People will have improved water quality that is not exposed to contaminants en-route or through surface runoff. The farmers will have water for their farms and agricultural lands all year long. As a result, they will produce more crops and more orchards will develop. All the people agree that this project is for the good of all the people and that whoever supports it will be doing a good deed. All the people of the region will benefit from it one way or another.
4	Do you know the right of way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of the canals and roads. The ROW is government property.
5	If the water transmission pipes and distribution networks impact your private lands, will you have any objections?	If the project directly impacts their houses, agricultural lands, and orchards, people will not object as the project is very important to them.
6	Will you contribute the project during construction?	All of the participants agreed that they will do their part during the construction, maintenance and operation of the project.

## Consultation in Khwaja Mulk Village



District: Arghandab  
Village: Nawy Kalai

Date: 5 February 2019

Time: 02:00 PM

Participants: 10 men, the head of the village Mohammad Ibrahim

Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date.

Consultations conducted by: Social Surveyors

The focus group discussion (FGD) with men was conducted at a private home in the Nawy Kalai village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances and the GRM were explained to the participants. The questions asked were related to compensation, the timing for the demolition of buildings and structures, and compensation for unexpected damages during the construction period. During the community consultation, all of the participants expressed their sincere support for the project and their positive feelings about the project and its benefits for the community. Almost all participants were interested in participating in all phases of the project without any remuneration.

The main information shared with the participants was about:

- (i) all four components of the A-WASH Project;
- (ii) LAR Impacts;

- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the preparation and implementation process of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups; and
- (viii) the GRM mechanism; and
- (ix) valuation of affected land and other assets.

The main questions and suggestions during consultation were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	We heard over the years that the project would start, and some people say that the project works will start in the coming months. During the project implementation, we want our villagers to work in the projects as unemployment is very high in Shah Wali Kot and Arghandab districts.
2	Do you support this project?	We are ready to support the government and we will also provide parts of our land and houses for the implementation of the project. The other villagers said that they support the village head and added that they want jobs in the project's works.
3	Do you think this project is beneficial for the people?	The project is for the people, so our people have the responsibility of supporting the project. We are also stakeholders of this project as we benefit it, so most of the suggestions for the implementation should be provided by the people of the region. All the villages located along the transmission main in the Arghandab Valley will have treated water. People will have improved water quality that is not exposed to contaminants en-route or through surface runoff. All the farmers will have water for their farms and agricultural lands all year long. As a result, they will produce more crops and more orchards will develop. All the people agree that this project is for the good of all the people and whoever supports it will be doing a good deed. All the people of the region will benefit from it in one way or another.
4	Do you know the right of way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of the canals and roads. The ROW is government property.

5	If the water transmission pipes and distribution networks impact your private lands, will you have any objections?	If the project directly impacts houses, agricultural lands, and orchards, people will not object because the project will improve their lives.
6	Will you contribute to the project during construction?	All of the participants agreed that they will contribute their part for the construction, maintenance and operation of the project.

District: Arghandab  
Village: Nawy Mazra

Date: 29 January 2019

Time: 02:00 PM

Participants: 13 men, the head of the village Mulla Din Mohammad

Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

A focus group discussion (FGD) with men was conducted at a private home in the Nawy Mazra village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances, and the GRM were explained to the participants. The participants stated that they support the project and appreciated the benefits that the project will bring to the communities and the region. Many stated that they would be willing to support the project without remuneration. The participants indicated that poor people would be able to gain employment even for a short period of time which will be beneficial for them.

The main information shared with the participants was about:

- (i) all four components of the A-WASH Project;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the preparation and implementation process of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups; and
- (viii) the GRM mechanism; and
- (ix) valuation of affected land and other assets.

The main questions and suggestions during consultation were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	We have heard about the project for years, and some people say that the project works will start in the coming months. During the project implementation, we want our skilled and unskilled workers to be employed in the project. If people are employed to contribute to the works, this will help strengthen security by eradicating unemployment.
2	Do you support this project?	It is our Islamic duty to support this project as it is for the good of all the people. Other villagers, represented by Din Mohammad, added that since the project is for the benefit of Shah Wali Kot and Arghandab district, the residents of these two districts have a responsibility to support the project in terms of security and collaboration. If this project is carried out, we support it and we are ready to give away parts of our lands and homes for the project, either temporarily or permanently.
3	Do you think this project is beneficial for the people?	The head of Nawy Mazra village and other Shura/CDC members spoke on behalf of the village people and stated that, 'this project benefits our motherland and most importantly, our district, Arghandab. If anything happens to prevent the project being implemented, the loss will be ours. The villagers and I stand for and support this project. If the project provides clean drinking water, electricity and irrigation water for the residents of Arghandab district, then we support the government. All the villages located along the transmission main in Arghandab Valley will have treated water. People will have improved water quality and the farmers will have water for their farms and agriculture lands all year round. As a result, they will produce more crops and more orchards will be developed.' All of the present participants agreed that this project is for the good of all the people and that those who support the project will be doing a good deed for the people of the region.
4	Do you know the Right-of-Way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of the canals and roads. The ROW belongs to the government.
5	If the water transmission pipes and distribution networks	'If the project directly impacts our houses, agriculture lands, and orchards, we will not have any objections because the project will improve our lives.

No	Questions/ Discussions	Answers
	impact your private lands, will you have any objections?	
6	Will you contribute to the project during construction?	All of the present participants committed their support during all phases of the project.

Consultations in Nawy Mazra Village



District: Arghandab  
Village: Shoyeen Vosta

Date: 3 February 2019  
Time: 02:00 PM  
Participants: 8 men, head of the village Abdullah  
Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

A focus group discussion (FGD) with men was conducted at a private home in the Shoyeen Vosta village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances, and the GRM were explained to the participants. The questions asked were related to compensation, the timing for the demolition of buildings and structures and compensation for unexpected damages during the construction period.

All of the participants stated their support for the project being implemented in their area. They expressed their positive feelings about the project's benefits for the community. They all appeared to be willing to participate in the construction stage of the project. Almost all participants said that they would be interested in participating without remuneration. This suggests that there is scope for voluntary communal participation in the future development and maintenance process of the water supply main transmission pipes and distribution networks.

The main information shared with the participants was about:

- (i) all four components of the A-WASH Project;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the preparation and implementation process of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups; and
- (viii) the GRM mechanism; and
- (ix) valuation of affected land and other assets.

The main questions and suggestions during consultation were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	Most of the villagers and the village elders said that they had heard of the project but are worried that warlords will steal money from this project, which will result in

No	Questions/ Discussions	Answers
		<p>it not being completed. These sentiments are similar to those expressed by the elder in the village of Jaaza nearby. They all agreed that if this project is carried out, they will support it and are ready to give away parts of their lands and homes for the project's works and activities, either temporarily or permanently. Participants stated that what they want from the government and the supporting organizations is that the projects are carried out with the close supervision of people and organizations that are not corrupt and who won't steal anything from the project</p>
2	Do you support this project?	<p>If any parts of our homes or lands are destroyed for the project, we want compensation for the land. For example, Abdullah, a village elder said, "I cannot destroy my house for the project as I can get drinking water from a well in my house". Other elders, such as the tribal elder and the village imam Maulavi Zabiullah added that "if the government provides us with clean drinking water, we are ready to help them in any way possible". All the people agreed that this project is for the good of all the people and whoever supports it will be doing a good deed. Most of the people are hopeful about the project, and the people agree that if the project is carried out correctly, all the people of the region will benefit from it one way or another</p>
3	Do you think this project is beneficial for the people?	<p>Salih Mohammad, the head of Shoyeen Vosta village and other Shura/CDC members spoke for all the people and said that this project benefits their motherland and Arghandab district, so if something happens to prevent the project from going ahead, the loss will be theirs. Salih Mohammad said that he and the villagers stand for and support the project, and if the government provides them with clean drinking water and year-round irrigation water, they are prepared to help in any way possible. All the villages located along the transmission main in the Arghandab Valley will have treated water. People will have improved water quality that is not exposed to contaminants en-route or through surface runoff. All the farmers will have water for their farms and agricultural lands all year long. As a result, they will produce more crops and more orchards will develop. All the people agreed that this project is for the good of all the people and that whoever supports it will be doing a good deed.</p>

No	Questions/ Discussions	Answers
4	Do you know the right of way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of the canals and roads. The ROW is government property.
5	If the water transmission pipes and distribution networks impact your private lands, will you have any objection?	If the project directly impacts their houses, agricultural lands, and orchards they will not object because the project will improve their lives.
6	Will you contribute to the project during construction?	The participants agreed that they will contribute their part for the construction, maintenance and operation of the project.

District: Arghandab  
Village: Mira Khoraan

Date: 7 February 2019

Time: 03:00 PM

Participants: 13 men, the head of the village Salih Mohammad

Information shared: A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Valuation methods, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

A focus group discussion (FGD) with men was conducted at a private home in the Mira Khoraan village. The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances, and the GRM were explained to the participants. The questions asked were related to compensation, the timing for the demolition of buildings and structures, and compensation for unexpected damages during the construction time.

All of the participants supported the project being implemented in their area. They expressed their positive feelings about the project's benefits for the community. They all appeared to be willing to participate in the construction stage of the project and most would be interested in participating without remuneration. This suggests that there is scope for voluntary communal participation in the future development and maintenance process of the water supply main transmission pipes and distribution networks.

The main information shared with the participants was about:

- (i) all four components of the A-WASH Project;

- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the preparation and implementation process of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups; and
- (viii) the GRM mechanism; and
- (ix) valuation of affected land and other assets.

The main questions and suggestions during the consultations were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	Many surveyors have come to this district and to our village before. We want the government to help the people upstream and downstream of the project, and those that will be affected. We support the project because it is for our benefit.
2	Do you support this project?	If the government provides us with clean drinking water, we are ready to help them in any way possible. If the project is carried out correctly, all the people of the region will benefit. If this project is carried out, we will support it and we all are ready to give away parts of our lands and homes for the project works and activities either temporarily or permanently.
3	Do you think this project is beneficial for the people?	Salih Mohammad, the head of Mira Khoraan village and other Shura/CDC members spoke on behalf of all the people and said that this project benefits their motherland district so if something precludes the implementation of the project, the loss will be theirs. The villagers stand for and support this project. If the project provides clean drinking water, electricity and irrigation water for the residents of Arghandab district, then we support the government. All the villages located along the transmission main in Arghandab Valley will have treated water. People will have improved water quality and water that is not exposed to contaminants en-route or through surface runoff. All the farmers will have water for their farms and agricultural lands all year long. As a result, they will produce more crops and more orchards will develop. All the people agreed that this project is for the good of all the people and whoever supports it will be doing a good deed.
4	Do you know the right of way (ROW) of Arghandab river, Canals and Roads?	Each canal has its own ROW according to ASBA standards. We all know about the ROW and no one is allowed to use the ROW of canals and roads. The ROW is government property.

5	If the water transmission pipes and distribution networks impact your private lands, will you have any objections?	‘If the project directly impacts houses, agricultural lands and orchards, we will not object. The project will improve our lives.’
6	Will you contribute to the project during construction?	People will contribute all they can during the construction, maintenance and operation phases of the project.

District: Shah Wali Kot  
Village: Shah Agha

Date: 7 March 2019  
Time: 03:00 PM  
Participants: 7 men, the head of the village Shayesta Gul  
Information shared: Project components, GRM information, Entitlements, Valuation methods, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, methodology for valuation, allowances, and the GRM were explained to the participants. The questions asked were related to start of the project, compensation for poor, timing of the demolition of buildings and structures, and compensation for unexpected damages during the construction period.

The participants supported the implementation of the project in their area. They expressed positive feelings about the project and its benefits for the community but also asked if possible to avoid demolition of homes and other buildings. They all expressed willingness to participate in the construction stage of the project.

The main information shared with the participants was about:

- (i) the A-WASH Project and all four components;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the process of preparation and implementation of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups; and

- (viii) the GRM mechanism; and
- (ix) valuation of affected land and other assets.

The main questions and suggestions at these consultations were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	Yes, we have heard of the project. The implementation of this project will only be possible if Ashraf Ghani remains the President of Afghanistan. Ashraf Ghani fights corruption, which will make it the implementation of a huge project such as the raising of Dahla Dam possible.
2	Do you support this project?	The project is for the benefit of the people. If someone does not support the project, we cannot call him Afghan. In other words, we all support the project. We are Pashtuns and we are Afghans.
3	Do you think this project is beneficial for the people?	All the people agree that by the implementation of the project, will provide our crops with year-round water. Our agricultural production will flourish, and the lives of the villagers will be better
4	Do you know the right-of way (ROW) of Arghandab river, canals, and Roads?	Yes, the Arghandab river has a right-of-way. The right-of-way is the property of the government, and only the it has the right and authority to use it temporarily or permanently.
5	If the water transmission pipes and distribution networks impact your private lands, will you have any objections?	If an electric transmission pole or water transmission pipe passes through parts of our lands, we won't have any objections. But we are poor people and we are not able to reconstruct the structures by ourselves. We need compensation to be paid to us before demolition of our structures, but if possible, please try to avoid the demolition.
6	Will you contribute to the project during the construction?	Isn't our presence here a confirmation how much we want this project? Yes, we will contribute to the project during the construction period and implementation of the project. Most of our villagers don't have enough land to support their lives. These villagers will work on the project as unskilled workers
8	Any concerns regarding the project?	Our main concerns are timely implementation of the project and a high quality of works without corruption.

Head of Shah Agha with village participants



Attendance

Sheet

TA-9273 AFG: Preparing the Arghandab Integrated Water Resources Development Investment Project							
Component 3 - Improving of water supply for Kandahar city and villages.							
Subject -		LAR and Environmental Impact Assessment.					
Surveyors -		Gul Ahmad (0700904116) Abdul Majid (0708288703)					
Male consultation meeting.				Attendance Sheet		Date: March 07, 2019	
S/N	Name	NIC # (Tazkra)	District	Village	Job	Phone Number	Signature or Thumb
1	Noor Ahmad	451350	Shah Wali Kot	Shah Agha	Head/Malak	070786281	
2	Rahullah		Shah Wali Kot	Shah Agha	Farmer	0708947838	
3	Shirin	5739806	Shah Wali Kot	Shah Agha	Farmer/landowner	0707200434	
4	Bismillah	25906512	Shah Wali Kot	Shah Agha	Farmer/landowner	0708724934	
5	Mohammad Daud	2494787	Shah Wali Kot	Shah Agha	landowner		
6	Mohammad Nabi	5410373	Shah Wali Kot	Shah Agha	landowner	0718649475	
7	Noor Mohammad	5427173	Shah Wali Kot	Shah Agha	Farmer	0711991103	

District: Shah Wali Kot  
Village: Darbazan

Date: 7 March 2019  
Time: 01:00 PM  
Participants: 10 men, the head of the village, Mohammad Naeem  
Information shared: Project components, GRM information, Entitlements, Valuation methods, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, and methodology for valuation, allowances and the GRM were explained to the participants. The questions asked were related to compensation, employment opportunities and timely compensation for poor and timely project implementation.

The participants supported the project being implemented in their area. They expressed positive feelings about the project and its benefits for the community but asked for all acquired assets to be compensated before beginning of civil works.

The main information shared with the participants:

- (i) the A-WASH Project and all four components;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the process of preparation and implementation of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups; and
- (viii) the GRM mechanism; and
- (ix) valuation of affected land and other assets.

The main questions and suggestions at these consultations were as follows:

No	Questions/ Discussions	Answers
1	Have you heard of the A-WASH Project?	Yes, we have heard of the project. We heard that the project was due to begin three times although it was delayed due to slow implementation by the government.
2	Do you support this project?	Yes, we all support the project. Our lands got water for only two months last year due to drought, and then we pumped underground water for irrigation. That was too expensive for

No	Questions/ Discussions	Answers
		us. With the implementation of this project, we will get year-round water.
3	Do you think this project is beneficial for the people?	Yes, this project is beneficial for the people. Water is essential for drinking and also water for the irrigation of crops that provide us with food.
4	Do you know the right of way (ROW) of Arghandab river, canals, and Roads?	Yes, the Arghandab river, canal and roads all have a right-of-way. The right-of-way is the property of the government, and nobody can use it permanently.
5	If the water transmission pipes and distribution networks impact on you private lands, will you have any objections?	If part of our lands are impacted either temporarily or permanently, we won't have any objection. However, people need to be compensated for lands that are completely destroyed by the project works or transmission pipes.
6	Did you have any land acquisition before?	No, the government does not implement projects which require land. We used to donate our land for community needs.
7	Do you know about the compensation procedure?	No, we don't know about the government procedure for compensation. But, on the village level, if you need some land, you can give me a replacement land or pay cash at the current market value, and we will give you a customary deed which is a common village practice.
8	Will you contribute the project during the construction?	We all support the project. Nobody in our village will be allowed to disrupt the project's works.
9	Any concerns about the project?	We just wish the project to be implemented on time, that works is of good quality and without corruption.

District: Shah Wali Kot  
Village: Markaz Kalai

Date: 7 March 2019  
Time: 11:00 AM  
Participants: 15 men, the head of the village Shayesta Gul  
Information shared: Project components, GRM information, Valuation methods, Entitlements, Government Decree on the Cut-off Date

Consultations conducted by: Social Surveyors

The A-WASH Project with all components, LAR Impacts, GRM information, Entitlements, Roads and Canals Right-of-Way information, Government Decree on the Cut-off Date, SPS 2009, and methodology for valuation, allowances and the GRM were explained to the participants. The questions asked were related to compensation, timing for the demolition of buildings and structures, and compensation for unexpected damages during the construction time.

The participants supported the project being implemented in their area. They expressed positive feelings about the project and its benefits for the community. They all appeared to be willing to participate in the construction stage of the project, and most were willing to do so without remuneration. This suggests that there is scope for communal participation in the future development and maintenance process of the water supply main transmission pipes and distribution networks.

The main information shared with the participants:

- (i) the A-WASH Project and all four components;
- (ii) LAR Impacts;
- (iii) the Cut-off Date;
- (iv) the Project, related activities, and socioeconomic and other studies required;
- (v) the process of preparation and implementation of the Land Acquisition and Resettlement Plan;
- (vi) entitlements for land, buildings, structures; business owners and renters, and workers;
- (vii) allowances for severely affected and vulnerable groups; and
- (viii) the GRM mechanism and
- (ix) valuation of affected land and other assets.

The main questions and suggestions at these consultations were as follows:

No	Questions/ Discussions	Answers
1	Have you heard if the A-WASH Project?	Yes, we have heard of the project. We heard rumors over the past two years that the project would start next month, but it has not started yet
2	Do you support this project?	Yes, we all support the project. Water is an essential element for living. By saving more water in the dam, it will enrich the lives of the farmers. The farmers will receive the benefits from the water all year round. That is great.

No	Questions/ Discussions	Answers
3	Do you think this project is beneficial for the people?	All the farmers will have water for their farms and agricultural lands all year long which will let them produce more crops and develop more orchards. Everyone agrees that this project is for the good of all the people.
4	Do you know the right of way (ROW) of Arghandab river, canals, and Roads?	Yes, the Arghandab river, canal, and the roads have a right-of-way, but over time people have settled or opened businesses along the ROW. The ROW is the property of the government and the government can take it back anytime it needs to use it.
5	If the water transmission pipes and distribution networks impact your private lands, will you have any objections?	If parts of our lands are impacted either temporarily or permanently, we won't have any objections. However, some villagers stressed that poor people should be compensated.
6	Will you contribute the project during the construction?	All of our villagers support the government to provide security for the project. Also, the residents of Markaz Kalai want to work in all stages of the project as unskilled laborers.
7	Do you have a title of your land?	Yes, we all have the title of our lands – these are customary deeds.
8	Did the government implement in your area any project with the LAR impacts?	Not yet, but if the government plan to do so, we are ready to support.

Consultations in Markaz Kalai village



### **Appendix 3. Outline of a Resettlement Plan**

This outline is part of the Safeguard Requirements. A resettlement plan is required for all commensurate with the significance of potential involuntary resettlement impacts and projects with involuntary resettlement impacts. The level of detail and comprehensiveness is risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown. If indigenous people are affected, the plan will identify the risks and include special provisions to mitigate these risks.

The comprehensiveness of a resettlement plan would correspond to the potential involuntary resettlement impacts/risks and size of the project. The resettlement plan must adequately address all involuntary resettlement issues related to the project, describe specific mitigation measures that will be taken to address the issues, and outline institutional requirement and resources required to implementation of the LARP. The following outline of LARP is suggested for the present project.

#### **A. Executive Summary**

This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

#### **B. Project Description**

This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement and identify the project area. It also describes the alternatives considered to avoid or to minimize resettlement. It includes tables with quantified data and provide a rationale for the final decision.

#### **C. Scope of Land Acquisition and Resettlement**

This section:

- Discusses the project's potential impacts and includes maps of the areas or zone of impact of project components or activities;
- Describes the scope of land acquisition and explains why it is necessary for the main investment project;
- Summarizes the key effects in terms of assets acquired and displaced persons; and
- Provides details of any community/government property resources that will be acquired.

#### **D. Socioeconomic Information and Profile**

This section outlines the results of the social impact assessment, the census survey, and other studies, with information and data disaggregated by gender, vulnerability, and other social groupings, including:

- Number and description of people and communities to be affected;
- likely impacts on land and asset acquisition on the people and communities affected;
- Description of the project's impacts on poor, indigenous and/or ethnic minorities, women, disabled and other vulnerable groups;
- Description and analysis of the socioeconomic situation, impacts, needs, and priorities for women.

## E. Information Disclosure, Consultation, and Participation

This section:

- Identifies project stakeholders, especially key stakeholders;
- Describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- Describes the activities undertaken to disseminate project and resettlement information during the project design and preparation for engaging stakeholders;
- Summarizes the results of consultations with affected and displaced persons (including host communities if applicable), and discusses concerns raised and recommendations made for inclusion in the LARP;
- Confirms disclosure of the draft LARP to displaced persons and includes arrangements to disclose any subsequent plans; and
- Describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced and affected persons during the project implementation.

## F. Grievance Redress Mechanisms

This section describes mechanisms to receive and facilitate the resolution of affected persons concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

## G. WB Legal Framework

The World Bank has introduced ten (10) E&S standards to ensure safe and sustainable environmentally and social policies ensuring reduction of unanticipated or unforeseen threat through its financing. EA is a tool that gauges the potential threat a project poses to the environment. It includes an assessment of the project on the natural environment i.e. air, water and land and health and safety, social aspects i.e. involuntary resettlement and cultural property. The RAP would be prepared in accordance to WB ESS5 (Land Acquisition, Restriction on Land Use and Involuntary Resettlement).

## H. Entitlements, Assistance and Benefits

This section:

- Defines displaced persons entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- Specifies all applicable assistance to vulnerable groups, including women, and other special groups;

## I. Relocation of Housing and Settlements

This section:

- Describes options for relocating housing and other structures, including replacement housing, replacement cost cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);

- Describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about locations, environmental assessment of sites, and development needs;
- Provides timetables for site preparation and transfer;
- Describes the legal arrangements to regularizes tenure and transfer titles to resettled persons;
- Outlines measures to assist displaced persons with their transfer and establishment at new sites;
- Describes plans to provide civic infrastructure;

#### J. Income Restoration and Rehabilitation

This section:

- Identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- Describes income restoration programs, including multiple options for restoring all types of livelihoods;
- Describes special measures to support vulnerable groups;
- Explains gender considerations; and
- Describes training programs where applicable.

#### K. Resettlement Budget and Financing Plan

This section:

- Details costs for each type of affected assets including applicable allowances;
- Provides an itemized budget for all resettlement activities;
- Includes a justification for all calculated compensation at a replacement cost, rates and other cost estimates (considering applicable contingencies), plus replacement costs;
- Includes information about the source of funding for the resettlement plan budget.

#### L Institutional Arrangements

This section:

- Describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the RP;
- Includes institutional capacity building program, including technical assistance, if required;

#### M. Implementation Schedule

This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works and provide timing for the land acquisition processes.

#### N. Monitoring and Reporting

This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the LARP. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

## **Appendix 4. Terms of reference for Resettlement Action Plan (RAP)**

### **1. Objective of the RAP**

The aim of the RAP is to identify and assess the human impact of the planned A-WASH water supply projects and to prepare an Action Plan to be implemented in coordination with the civil works in line with World Bank applicable standards and Government of Afghanistan policies and laws. The Resettlement Plan will identify the project affected persons (PAPs), engage them in participatory discussions regarding the plan and formulating a plan of action to adequately compensate people for their losses.

### **2. Scope of Work**

The consultant will prepare the Resettlement Action Plan (RAP) on the basis of the most recent and accurate information on the: (i) selected projects and the impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. RAP must be based on the principles, planning procedures and implementation arrangements established in this RF.

- Prepare the RAP that is consistent in policy and context to the laws, regulations, and procedures adopted by the Federal Government of Afghanistan and the World Bank's operational policy on involuntary resettlement) covering displacement, resettlement, and livelihood restoration;
- Conduct consultations with identified project affected persons (PAPs), based on a census of the affected sites;
- Establish committees as appropriate who will be part of RAP implementation, valuation and compensation approaches;
- Develop in a participatory manner the proposed grievance mechanism to be covered in the A/RAP; and
- Complete a baseline socio-economic survey of PAPs and host communities.

An ARAP includes the following contents:

- a) A census survey of displaced persons and inventory of affected land and assets;
- b) Description of asset valuation and compensation procedures;
- c) Eligibility criteria for compensation and any other forms of assistance;
- d) Compensation rates for all categories of land and other assets
- e) Consultation and disclosure arrangements;
- f) Organizational arrangements for implementation
- g) Timetable and budget;
- h) Grievance procedures, and;
- i) Land donation arrangements and documentation, if relevant.

### **3. Timetable and Outputs**

The expected output is a report that provides detail information on the scope of adverse social impacts and mitigation measures (resettlement/rehabilitation) actions to be taken by the project. The Consultant is expected to submit to the PIU the following:

- Inception report describing the procedures and timetable for completion of the RAP preparation process by first week after contract signing;

- Report summarizing the preliminary results of the baseline socio-economic survey and PAPs census (by six weeks after contract signing);
- Report summarizing the consultations with PAPs and other key stakeholders (by two months after contract signing); and
- Draft RAP report (by nine weeks after contract signing).

The main findings of the draft RAP will be shared in consultation forum with PAPs and communities and the final report will be reviewed and cleared by the World Bank and disclosed publicly by the Government of Afghanistan and World Bank Infoshop.

## Appendix 4: Land clearance and Land valuation process

### A. Land Clearance (Tasfiya)

Summary: There are two distinct phases for transferring land for infrastructure projects. This involves cadastral survey/land clearance (Tasfiya) to be followed with Land acquisition and resettlement and rehabilitation. The role of ARAZI (Land clearance and Cadastral team) which is a directorate within MUDL, Ministry of Agriculture, Irrigation and Livestock (MAIL), National Water Affairs Regulation Authority (NWARA), Ministry of Finance (MoF), Provincial agencies (local municipality DEW, DAIL), Presidential Office and Requiring agency is clearly defined. There is an underlying assumption that with the implementation of IDPL, one of the key services of ARAZI on transfer of land for infrastructure will become efficient. Accurate cadastral maps and clear title to property is a critical action, however, that alone will not expedite transfer of land for projects. It requires other Institutions to work together with ARAZI as described below:

Phase 1 - ARAZI's responsibility towards providing reports on cadastral survey and land clearance covered request for all infrastructure projects. Mobile team from Kabul, representing cadastral and Land clearance, MAIL, NWARA, MoF, visits the province to process the request. Before finalization of the report, the cadastral team prepares map indicating location, shape and size of the property required. Recently, the responsibility to provide cadastral survey and land clearance reports has been decentralized to provinces for linear project, except for some rare cases, such as CASA 1000 transmission-line in which the land acquisition impact is larger. For other development projects, it is retained with the Kabul office (See detail in annex 6 under Table 1.1).

The Requiring Agency shall, after approval of the plan by the Arazi evaluation committee and approval of project by the government (Presidential Office), inform the property owner and affected persons under expropriation, six months prior to its implementation through mass media and local competent administrative source regarding the detailed plan of the project plus information relating to land acquisition (objective of expropriation, type and adequate size of property needed for expropriation, estimation of value of property needed for expropriation on the basis of minimum and maximum value of the land, ensuring allocation of prior and just payment of compensation and starting date of project)- [ article 9 of the LAL 2017).

- (1) Phase 1 – After the land clearance report is approved by the Presidential Office, the requiring body submits request to ARAZI to initiate the process of acquisition. The cadastral and land clearance report is submitted to the Provincial government that constitutes a land valuation team. A report on valuation of the property is prepared which the provincial government submits to ARAZI that for approval by Council of Ministers (CoM). Following the approval of the plan by the evaluation committee and approval of the plan by the CoM, it is sent to Ministry of Finance for release of budget and to Requiring body to disburse the compensation and issue notice to people for evacuation 1 months after receiving compensation- [article 10 of the LML] (see detail in annex 6, under table 1.2). Whenever buildings and establishments are constructed on the expropriated land, the owner may destruct it and transfer the construction materials within a period of three months- [article 13 of the LML].

#### Phase-1

Table 1.1 presents the processes/procedures with steps for land clearance (Tasfiya)

Steps	Action	Responsibility	Duration
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1	Submit request of land requirement for a project to Arazi (Clause 48 of LML)	Requiring body (i.e. IDLG, MoMP, NWARA, etc.)	Apr, 2019
2	Prepare a report on the requirement of land for the project, for which the team carries readiness filter of whether the project is in the plan, budget is allocated, land is required or not.- (Clause x-x LML)	Land clearance Department/Arazi- at HQ level	2-3 days
3	Submission of the report to the President for approval- Clause x-x LML	Arazi Office	2 weeks
4	President gives consent or decline	President office	Week time
5	Inform the property owner and affected persons under expropriation, six months prior to its implementation through mass media and local competent administrative source regarding the detailed plan of the project plus information relating to land acquisition	Requiring body	6 months prior to its implementation
6	Constitution of land clearance team of representing MoEW, MAIL, MoF, Cadastral and Tasfiya team. Clause 40 of LML.	Arazi	3 weeks
7	For development projects, the mobile team constituted under step 5 send to the province. They meet the Governor and inform him/her regarding the project and land requirement and their role in land clearance and office is provided to them by the Governor.	Land clearance Mobile team	4 weeks
8	For linear project, the team is constituted at the province level and the members are the same indicated in step 5.	Provincial government	2 weeks
9	Information dissemination regarding the nature of type of project, location, area required and other basic information via TV, radio, posters, mosques and other means.	Land clearance	4 weeks
10	Submission of ownership documents to the land clearance team. The minimum requirement is one of the document out of the 11-listed (see annex 1 A) in clause 80 of the LML. It should meet the conditions stipulated in the LML.	The affected owner of the concerned land	3 weeks
11	The document submitted is verified for history of ownership, checking for court approval, etc.	Land clearance	2 weeks
12	Meeting the cadastral team to check whether maps are available to verify the location of the land on the cadastral map and owner of the property.	Land clearance	2 weeks
13	If map is available form is filled to calculate size of each parcel of land required for the project,	Cadastral team	2 weeks

	including geometric shapes of the parcels and submitted to the land clearance team.		
14	Four-page form is filled, which include personal information of the owner, qualitative/quantitative information of the land, own assessment of balance land to make whether it is grabbed land, additional land, etc. Each member of the land clearance team will include their own observations in the form and sign. This is submitted to Arazi and Amlak or Arazi provincial office for their review/processing.	Land clearance team	4 weeks
15	Submit the report to the requiring agency indicating that land clearance is completed.	Arazi	2 weeks

## Phase 2

Table 1.2 presents the processes/procedures with steps for land acquisition and resettlement

steps	Action	Responsibility	Duration
1	Submit request for land acquisition to Arazi (Clause xx of LAL)	Requiring body (i.e. IDLG, MoMP, MoEW, etc.)	June 2019
2	Analysis the land clearance report and request for acquiring and submit it to the provincial Governor to value at the land.	LAD of Arazi	2 weeks
3	Land valuation team is constituted representing DAIL, DoEW, local municipality and community representatives. (Article 22 LAL). The price is fixed by provincial government which is verified by the land valuation team in some cities. If the price is not determined then the valuation team fixes the price for which standards are stipulated. However, there is no land price in rural and some urban areas. Article 24 of LAL according to which the requiring body constitutes the team (Engineers, and land Owner) to collect prices and market value to determine the rate of compensation.	Provincial governor council	4 weeks
4	Report prepared and submitted the report on the value of land and other properties to provincial governor.	Land valuation team	May 2019
5	Report reviewed and approved.	Provincial government council	1 week
6	Report submitted to Arazi for certification	ARAZI	2 weeks
	Certified report submitted to Requiring body	ARAZI	1 week
7	Certified report/document submitted to Council of Ministers (CoM) for approval.	Requiring body	1 week

8	Report with approval sent to requiring body to make payment and MoF to allocate budget.	CoM	2 weeks
9	Disbursement of compensation paid to the affected people.	Requiring body	8 weeks
10	Public notice issued to evacuate 1 month after receiving compensation (RAP implementation).	Requiring body	4 weeks
11	Land deeds from owners deposited to requiring body	Owner	2 weeks
12	These deeds submitted to ARAZI	Requiring body	2 weeks
13	Change in land owner and use completed of acquired land	ARAZI	2 weeks
14	Land allocation for relocation	ARAZI	4 weeks