



ISLAMIC REPUBLIC OF AFGHANISTAN

Ministry of Public Works (MPW)

And

Ministry of Rural Rehabilitation and Development (MRRD)

National Rural Access Program (NRAP)

Resettlement Policy Framework (RPF)

To guide resettlement and compensation related issues

For

**AFGHANISTAN RURAL ACCESS PROJECT ADDITIONAL
FINANCING (ARAP AF)**

July-2016

Table of Contents

ABBREVIATIONS:	3
1. PROJECT DESCRIPTION	4
2 OBJECTIVES OF THE RESETTLEMENT POLICY FRAMEWORK (RPF)	6
3 LEGAL & POLICY FRAMEWORK FOR RESETTLEMENT	7
3.1 AFGHAN LAW & POLICY ON LAND ACQUISITION	7
3.2 WORLD BANK OP 4.12	8
4. ELIGIBILITY FOR COMPENSATION	20
4.1 GENERAL ELIGIBILITY.....	20
4.2 LAND TENURE AND COMPENSATION ENTITLEMENTS	20
4.3 ENTITLEMENTS TO COMPENSATION & LIVELIHOOD RESTORATION	21
5. UNIT COMPENSATION RATES AND BUDGET	24
5.1 ESTABLISHING RATES FOR LAND ACQUISITION & RESETTLEMENT.....	24
5.2 VALUATION OF LAND	24
5.3 VALUATION OF STRUCTURES	24
5.4 VALUATION OF CROPS AND TREES	25
5.5 LIVELIHOOD RESTORATION SUPPORT	25
5.6 MATRIX OF COMPENSATION ENTITLEMENTS AND RATES.....	26
6. INSTITUTIONAL ARRANGEMENTS	36
6.1 GENERAL.....	36
6.2 OVERALL ORGANIZATION.....	36
6.3 PROJECT IMPLEMENTATION.....	37
7. PUBLIC CONSULTATION AND PARTICIPATION	39
7.1 GENERAL PUBLIC CONSULTATIONS	39
7.2 PUBLIC CONSULTATION	39
7.3 VILLAGE MEETINGS	39
7.4 CONSULTATIONS WITH GOVERNMENT OFFICIALS AND OTHER STAKEHOLDERS.....	39
7.5 PREPARATION OF PROJECT SPECIFIC INFORMATIVE MATERIAL.....	39
7.6 DISCLOSURE.....	40
8. PREPARATORY ACTIONS AND IMPLEMENTATION SCHEDULE	42
8.1 PREPARATION ACTIONS.....	42
8.2 PROCESS OF RAP IMPLEMENTATION.....	43
9. COMPLAINTS AND GRIEVANCE REDRESS	45
10. MONITORING & EVALUATION	46
10.1 GENERAL.....	46
10.2 INTERNAL MONITORING	46
10.3 INDEPENDENT-THIRD PARTY MONITORING	47
10.4 MANAGEMENT INFORMATION SYSTEMS.....	48
10.5 REPORTING REQUIREMENTS.....	48
1 APPENDIX 1: GUIDELINE FOR ABBREVIATED RAP	49

Abbreviations:

AF	Additional Finance
ARP	Abbreviated Resettlement Plan
ARAP	Afghanistan Rural Access Project
CDC	Community Development Council
ESMF	Environment and Social Management Framework
ESMO	Environment & Social Management Officer
ESMP	Environment and Social Management Plan
ESMU	Environmental and Social Management Unit
GRC	Grievance Redress Committee
LAC	Land Acquisition Committee
LGU	Local Government Units
LLE	Law on Land Expropriation
MoEW	Ministry of Energy and Water
MoF	Ministry of Finance
MoJ	Ministry of Justice
MoU	Memorandum of Understanding
MoPW	Ministry of Public Work
MRRD	Ministry of Rural Rehabilitation and Development
NGOs	Non-Governmental Organization
NRAP	National Rural Access Program
O&M	Operation and Maintenance
OP/BP	Operational Policy/Bank Policy
PAF	Project Affected Families
PAP	Project Affected Person
PIU	Project Implementation Unit
R&R	Resettlement and Rehabilitation
RAP	Resettlement Action Plan
ROW	Rights of Way
RPF	Resettlement Policy Framework
SIC	Social Inclusion Committee
THRCP	Trans-Hindukush Road Connectivity Project
TPM	Third Party Monitoring
WB	World Bank

1. Project Description

The proposed additional finance and changes include the following:

Component A: Secondary Road (US\$105 million)

Financial gaps for revised construction costs (US\$69 m): The sub component is to cover the financial gaps of US\$69 million for the construction of works for about 392 kilometer gravel road and 92 kilometer asphalt pavement upgrading. The roads have been identified in the parent project.

Network expansion (US\$33.5 m): The sub component supports: (a) the civil works of extending road network to 2 selected isolated areas, namely Wakhan Corridor and Nuristan Province, which include about 100km road improved from donkey path to secondary road standard and about 20 kilometers asphalt pavement to connect provincial capital to national highway network; and (b) paving selected heavy traffic secondary road to corridors, which include asphalt pavement construction works on about 110 km road;

Operation and Maintenance (O&M) supports on national road network (about \$2.5 million): O&M supports to MPW are focused to improve the capacity of 4 selected provincial departments (Bamyan, Baghlan, Parwan and Kabul) and headquarter departments to improve the efficiency and lower down market barriers to involve mini and small rural enterprises and local communities in O&M. This subcomponent includes civil works of maintenance camps at selected locations, procurement and installation of emulsified and modified asphalt in the camps, procurement and installation of traffic counting and road condition data collection apparatus and technical assistance of transplant and mainstreaming road asset management system to existing government system, traffic counting and road condition data collection and evaluation, and setting up community based and output based maintenance mechanism.

Component B: Tertiary Road (US\$40 million)

Accessibility improvement and pilot job creation measures (US\$38.5 million), which is mainly tertiary road construction and upgrading with aims to provide basic access (tertiary roads, about 150 km unpaved road) to villages in the above 2 isolated areas (Wakhan Corridor and Nuristan Province,) and improve accessibility in Bamyan Valley (about 15 km paved road with local materials and traffic management facilities) and leverage job opportunities to the 4 selected areas that with national famous agriculture products or local handicrafts. The selected local products, e.g. Jalalabad Province fruit products and Kabul Province porcelain products, are sensitive to transport services and the activities include construction of 100 km unpaved road and upgrading 150 km

unpaved with low cost pavement. Relevant works to enhance the transport service chain, e.g. loading/unloading area, storage places, are also included with the road works. The beneficiary rural enterprises will be assigned with the responsibility of operation and maintenance. CDC and local provincial departments of rural development will monitor and evaluate the O&M performance.

Operation and Maintenance (O&M) supports for tertiary road network (US\$1.5 million): The O&M activities are to be focused on the above selected provinces. MRRD is the rural infrastructure and service facilitator for villagers. O&M supports to MRRD are focused to assist provincial departments to set up tertiary road inventory system and supervise CDCs and beneficiary enterprises on O&M.

Component C Institutional strengthening

Vocational training: Having seen the shortage of skill labor and experienced engineers in the job market, the project will enhance its vocational training program for road professionals. The subcomponent includes expanding internship programs to graduated professionals, and skill training to staff of contractors, employees of private consulting firms and local communities. The component will sponsor MPW and MRRD to utilize their own fixed asset, like classrooms, and hire experienced engineers and proper teachers via consultant contracts.

Other technical supports: include studies of commercializing implementation service delivery, analysis of feasible measures of enhancing the client functions of project planning, study of quality assurance and fiduciary (procurement, financial management and contract management) management; and policy research to involve private sector.

In addition, the following changes are proposed: (i) update of the result framework to better capture the intended outcomes of the proposed scale up on job creation; (ii) triggering O.P. 4.11 Physical Cultural Resources to achieve added value; (iii) review and revision of Finance Management risk mitigation measures; (iv) extension of closing date of existing ARAP project by 2 years to March 31, 2020; (v) revision of components, costs and financing plan to reflect the proposed additional fund; and (vi) revision of disbursement estimation of both parent project and the additional finance.

2 Objectives of the Resettlement Policy Framework (RPF)

A Resettlement policy framework is prepared because the extent and location of all sub-projects to be financed under ARAP- AF activities cannot be known at appraisal. The policy framework for ARAP AF activities establishes resettlement objectives and principles, organizational arrangements, entitlement matrix and eligibility criteria for any resettlement operation that may be necessary during project implementation.

The RPF of Afghanistan Rural Access Project (ARAP) AF activities is customized from the RPF approved by the line ministries for the World Bank funded THRCP project of MoPW. THRCP is a linear project like the present project, and the RPF thus only required minor customization to be applicable. The THRCP RPF was based on a RPF developed in December 2010 by Ministry of Energy and Water, reviewed and approved by an inter-ministerial committee and cleared by the World Bank.

The present RPF was carefully reviewed and consulted in both MoPW and MRRD, which adopted it in order to align with existing RPFs in other line ministries and have a consistent policy across major investment projects. The Abbreviated RAPs for the road sub-projects (where needed) will all be subject to consultations with the affected peoples. The objective of this RPF 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:

1. Existing local laws and policies related to land acquisition and compensation and;
2. World Bank's Operational Policy 4.12 which deals with Involuntary Resettlement.

The guiding principles of this framework are:

1. All PAPs are eligible for compensation for losses resulting from project intervention, irrespective of possession of title to land. However, for compensation for land a title or some other acceptable evidence would be required.
2. All compensation will be at replacement value.
3. All stakeholders particularly PAPs will be consulted and consultation will be an on-going activity of the project.

3 Legal & Policy Framework for Resettlement

3.1 Afghan Law & Policy on Land Acquisition

There is no country specific resettlement policy in Afghanistan. A comprehensive land policy was approved in 2007 by the cabinet; however it has yet to be fully operationalized. Ratified in early 2004, the Constitution of Afghanistan has three articles that closely relate to compensation and resettlement. For public interest purposes, such as the establishment/construction of public infrastructure or for acquisition of land with cultural or scientific values, land of higher agricultural productivity, large gardens, the Law on Land Expropriation (LLE) enacted in 2009 provides that:

(i) The acquisition of a plot or portion of a plot for public purpose is decided by the Council of Ministers and is compensated at fair value based on current market rates (Section 2);

(ii) The acquisition of a plot or part of it should not prevent the owner from using the rest of the property or hamper its use. If this difficulty arises, the whole property will be acquired (Section 4);

(iii) The right of the owner or land user will be terminated three months prior to the start of civil works on the project and after the proper reimbursement to the owner or person using the land has been made. The termination of the right of the landlord or the person using the land would not affect their rights on collecting their last harvest from the land, except when there is emergency evacuation (Section 6);

(iv) In cases of land acquisition, the following factors shall be considered for compensation:

(a) Value of land;

(b) Value of houses and buildings on the land;

(c) Value of trees, orchards and other assets on land (Section 8);

(v) The value of land depends on the category and its geographic location (Section 13) (and see too proposed new clause 45 of the Land Management Law published in December 2012);

(vi) A person whose residential land is subject to acquisition will receive a new plot of land of the same value. He/she has the option to get residential land or a house on government property in exchange, under proper procedures (Section 13);

(vii) If a landowner so wishes his/her affected plot can be swapped with unaffected government land and if this is valued less than the plot lost, the difference will be calculated and reimbursed to the affected plot owner (Section 15);

(viii) The values of orchards, vines and trees on land under acquisition shall be determined by the competent officials of the local body (Section 16); and

(ix) A property is valued at the current rate at the locality concerned. The owner or his/her representative must be present at the time of measuring and valuing of property.

Compensation is determined by the Council of Ministers. The decision is based on the recommendation of a “committee” consisting of the following

- (i) The landlord or person who uses the land or their representatives;
- (ii) Official representative of agency who needs to acquire the land (viz., MoPW);
- (iii) Representative of local municipality;
- (iv) Representative of Ministry of Finance; and
- (v) Representative of Ministry of Justice.

3.2 World Bank OP 4.12

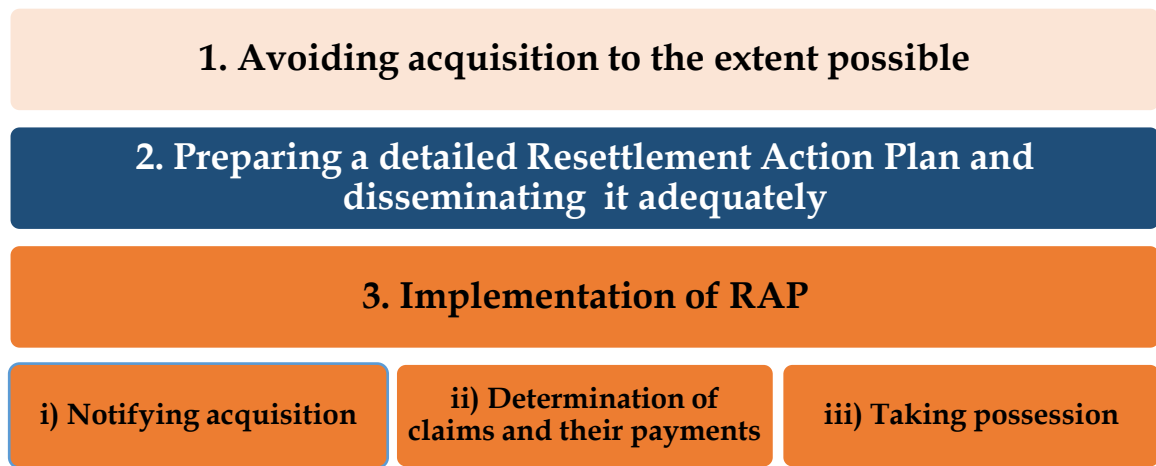
This policy deals with the issues and concerns related to land/assets acquisition, their compensation for all categories of affected persons and affected assets, relocation, resettlement, loss of livelihood, access and related issues. If involuntary resettlement is not properly mitigated, it creates severe economic, social and environmental problems in the project area. People face impoverishment when their productive sources are lost, and they are relocated to such environment where their productive skills are not properly utilized, the competition for resources is increased, the community institutions and local networks are weakened. Where it is not feasible to avoid resettlement, these activities should be conceived and executed as a sustainable development program. Displaced persons should be properly consulted and should have opportunities to participate in planning and implementing resettlement programs. The following are the main objectives of Bank’s OP 4.12:

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

- Where it is not feasible to avoid, resettlement, resettlement activities should be conceived and executed as sustainable development program, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits;
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least restore to the extent of pre-displacement levels.
- Displaced persons may be classified 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 objectives of the World Bank’s policy can be clearly achieved by following the principles described therein however, this RPF provides for a more detailed framework which not only justifies the WB policy’s objectives but also the inherent spirit of it which entails a sensitive, transparent and inclusive process of acquisition, displacement and resettlement.

The framework for resettlement and rehabilitation of the affected persons by the project will be adopted in the following approach



First Step: Avoiding acquisition to the extent possible

The OP 4.12 is avoidance of land acquisition and resettlement, if possible. Land acquisition and resettlement should not be seen as the easy first option; rather it should be seen as a last resort.

In order to meet this objective, an exhaustive Social and Environmental Impact Assessment has been undertaken to assess alternatives to avoid acquisition and the financial implications to it. This includes an assessment of the project baseline data and collection of detailed socio-economic data in connection with a 100% household census of all potential PAPs in order to calculate loss of income/livelihood and monitor subsequent livelihood restoration measures.

A participatory consultative process to allow the affected persons and other stakeholders to deliberate upon the project' benefits, its negative impact, resultant acquisition and displacement issues etc. will be undertaken in the first step with the communities living on and around the alignment of the project.

The cut-off date will be determine after which no one coming into and obtaining land or a house in the potential project area will be entitled to any compensation or resettlement benefit. Such a date will have to be determined for each subproject separately.

Second Step: Preparing a detailed Resettlement Action Plan or Abbreviated Resettlement Action Plan and disseminating it adequately

The next step is to develop a detailed Resettlement Action Plan guided by the principles established in this framework document. For the peculiarities and constraints described earlier, the RAP will also be developed separately.

Each RAP should include provisions to provide for:

1. Timely information dissemination to all the PAPs about their options and rights pertaining to resettlement and compensation;
2. Ensuring that all the PAPs are advised about the offered choices and provided with technically and economically feasible resettlement alternatives;
3. Disbursement of full replacement cost for losses of assets attributable directly to project-related land acquisition and the amounts are paid promptly to the rightful owners in a transparent manner.

In case of physical relocation or displacement of the affected persons, the resettlement plan must include measures to ensure that the displaced persons are:

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

In order to compensate for the displacement drudgery and consequential costs, the RAP should also have provisions to provide to the affected persons:

- i. Sufficient financial assistance for a reasonably estimated transition period so as to enable them to restore their livelihood and standards of living;
- ii. Appropriate development assistance in addition to the compensation measures such as land preparation, training, or job opportunities;
- iii. Capacity building and training opportunities so that they can either take up a new form of livelihood by virtue of being trained to a higher skill standard.

The above provisions require a very judicious estimation of financial and other assistance and needs to be dealt with 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.

The RAP document and the arrangements to implement it effectively should have structured and clear information on the following aspects:

- i. List of project affected persons (100% household census of PAFs) including all detailed socio-economic information of the household.
- ii. Entitlement matrix and eligibility criteria
- iii. Details of persons to be displaced and the information on their incomes, pre and post displacement in measurable quantities.
- iv. Detailed information about title, possession and use of the land to which each displaced person/family will be relocated. The RAP should also provide information on inventory of support infrastructure and facilities at the previous site and the site to which they would be resettled.
- v. All necessary arrangements made by the project implementing agency to facilitate resettlement and disbursement of moving allowances etc.
- vi. The procedures to estimate compensation amounts with clear definitions of categories of land to be acquired and mechanisms to decide on land prices.
- vii. Participation of PAPs in the design, execution and monitoring of RAP implementation.
- viii. Establishment of a Grievance Redressal Mechanism for PAPs and other stakeholders.
- ix. A comprehensive monitoring mechanism and information management system.
- x. Appropriate Institutional arrangements to implement the RAP.
- xi. Documentation of consultations with PAPs conducted.

Third Step: Implementation of RAP

The third and final step is the execution of the Resettlement Action Plan, which is further divided into three sub sets:

- i. 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.

- ii. Determination of claims and their payments:** To determine the claim amounts payable to each affected person and their speedy disbursements. OP 4.12 distinguishes between compensation and assistance, financial or otherwise, in connection with resettlement. This is perfectly logical as it makes 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 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 we can deal with monetary compensation for loss of assets along with what may be called resettlement expenses.

In order to comply with OP 4.12, the content of this sub-step should include:

- 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) which in turn may include
 - financial and other assistance in provision of housing
 - Training & Capacity Building for livelihood replacement

iii. Taking possession: 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

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

Afghan Laws	WB OP 4.12	Gaps	Possible solutions to gaps	RPF provides for
PROVISION FOR A STRUCTURED RESETTLEMENT ACTION PLAN				
No special provision in Afghan Laws for a resettlement plan or any special arrangements for resettlement.	A detailed Resettlement Action Plan to include Involvement of and ensure PAPs 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.	Major gap of substance	The Afghan Law 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. Solution could be to provide for a resettlement action plan administratively but backed up by some regulations to ensure it implementation	A detailed resettlement action plan guided by RPF will be prepared
PARTICIPATION OF PAPs IN THE PROCESS OF ACQUISITION				
No legal opportunities provided to potential PAPs and others to challenge or discuss proposed acquisition and resettlement or for any public debate and approval on proposals. In practice early discussions do take place.	Principle that involuntary resettlement to be avoided where possible implies discussion of necessity for and alternatives to acquisition and resettlement	The principle behind OP 4.12 can be followed however the law is silent on the matter.	This can be incorporated in the RPF, Potential PAPs can be consulted, their views may not be decisive	Potential PAPs must be able to discuss need for acquisition and alternatives with officials from the PIU and the Ministry
By article 6 of LLE, the right to own or use land is terminated three months prior to the actual start of the project. So information on land to be acquired is sent to PAPs three months before	Resettlement plan on how project is to be implemented and resettlement issues are provided for therein. Emphasis on participation by PAPs in preparation for resettlement process and in	LLE does not provide for what OP 4.12 requires. Some pre-planning of projects will exist and informal discussions with PAPs involve participation. 3 months' notice may be too little where	There is nothing in LLE to prevent a more participative approach to acquisition as is called for in OP 4.12. The three month rule could be interpreted to mean “not less than three months” which	A participatory approach to acquisition and resettlement planning and implementation is provided.

Afghan Laws	WB OP 4.12	Gaps	Possible solutions to gaps	RPF provides for
<p>acquisition. Informal discussions and negotiations occur both on land to be acquired and on compensation.</p>	<p>project implementation Early information to be given to potential PAPs of possible resettlement</p>	<p>relocation is likely but not rigidly adhered to.</p>	<p>would allow for discussions on acquisition and its consequences.</p>	
<p>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 is present or not. However under article 5 LLE, a commission is to be formed “by the Municipality” on which the owner is represented to “determine damage incurred due to land expropriation” which is differentiated from compensation. Damage is explained in article 18 LLE. Under article 22, the owner is obliged to hand over all documentary evidence relating to land to the acquiring authority</p>	<p>No specific procedures required by OP 4.12 but content of resettlement plan implies PAPs will be involved in all stages of acquisition</p>	<p>The spirit of OP 4.12 conflicts with LLE’s non-provision of involvement of the owner apart from that provided for in article 5. Though it is confined to “the Municipality”. It can be assumed to be applicable to all authorities acquiring the assets or implementing the project. There are some absentee owners, it may be unavoidable to allow absentee acquisition.</p>	<p>Spirit of OP 4.12 could be met by more protective provisions and or practice on dealing with absentee acquisition. The silence of LLE on the details of acquisition may be taken quite legitimately as providing a gap which can be filled by appropriate participatory arrangements. There is no reason why the provisions of article 18 shouldn’t equally apply to all acquisitions of land.</p>	<p>Involvement of owners present on the land to be acquired and greater protection for absentee owners should be provided by a legal framework developed as part of the RPF which could also serve as a prototype for regulations made under article 22(5) of the new law.</p>

Afghan Laws	WB OP 4.12	Gaps	Possible solutions to gaps	RPF provides for
ASCERTAINING TITLE AND OWNERSHIP OF ASSETS				
<p>The bulk of LLE deals with compensation but says nothing about who is entitled to compensation. The assumption is that “owners” are entitled to compensation but the law does not define “owners”. The old law drew a clear distinction between those with legal title and those with customary title or no title with respect to the payment of compensation. Practice in rural areas was quite accommodating to those with customary titles.</p>	<p>Fundamental principle of OP 4.12 is that all those on land are to be entitled to fair compensation and assistance with resettlement irrespective of their title to land.</p>	<p>Major gap of substance in the law but given practice in rural areas, it is not unbridgeable.</p>	<p>Accommodate OP 4.12 by changing practices where necessary. Advantage may be taken of absence of legal definition of “owner” to accommodate those with customary titles which is likely to be the majority in project areas.</p>	<p>Given huge numbers of people not having and not going to get formal legal titles to their land in the foreseeable future, LLE should be interpreted so those living and or working on land at the census date receive fair compensation and resettlement assistance. This is the one major area where there is considerable divergence between LLE and OP 4.12. It will be necessary to comply with OP 4.12. The RPF provides for compensation to occupants also, but defined with limitation on who is eligible and who is not.</p>
VALUATION AND ASSESSMENT OF COMPENSATION AMOUNTS				
<p>Officials visit area before any official action to assess land values; values so assessed are the basis of compensation. This is practice as the LLE is completely silent on pre-acquisition procedures and processes.</p>	<p>Land values assessed as at pre-project or pre-displacement value whichever is higher</p>	<p>No real gaps; just different approaches to the same need to limit claims and compensation.</p>	<p>No gaps</p>	<p>RPF provide for valuation and market rates at a cut of date, application of principles of equity with a common rate applicable for all PAPs.</p>

Afghan Laws	WB OP 4.12	Gaps	Possible solutions to gaps	RPF provides for
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	No real gap here.	No issues with adopting OP 4.12 as the practice and to be followed in this RPF	RPF will require an identification of all eligible PAPs to be undertaken at the immediate pre-project stage, subject to cut-off date.
<p>The Constitution provides for payment of prior and just compensation. The LLE 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</p>	<p>OP 4.12 requires prompt and effective cash compensation sufficient to replace the lost land and other assets at full replacement cost in local markets.</p> <p>Compensation for lost livelihoods required</p> <p>Disturbance compensation required</p> <p>Land for land compensation encouraged.</p> <p>Resettlement costs and ‘start up’ expenses required.</p>	<p>There does appear to be a gap between the LLE and OP 4.12. The LLE has a lot of gaps in it. Sensible not to insist on market value in the absence of reliable functioning markets.</p> <p>Biggest gap is compensation for squatters and even their best practice does provide some compensation to those with no legal title.</p>	<p>The lack of any detail in LLE on how to assess compensation and the content of compensation (apart from article 13) allows for the creation of a clear comprehensive and fair code on compensation applicable to all acquisitions including resettlement and retraining costs which can be a part of the RPF without being contrary to the existing law(s).</p>	<p>RPF has provisions describing the process of valuation and assessment of compensation amounts.</p>

Afghan Laws	WB OP 4.12	Gaps	Possible solutions to gaps	RPF provides for
<p>plots are paid as compensation. Disturbance compensation not provided for. Compensation can be land for land Unlike the former law which provided for compensation may be paid into a bank, LLE is silent on the mechanics of paying compensation. No assistance for PAPs to access bank for their compensation.</p>				
GRIEVANCE REDRESS MECHANISM				
<p>LLE provides for administrative agencies to manage acquisition processes and deal with compensation. PAPs 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 PAPs to make claims.</p>	<p>OP 4.12 silent on judicial and administrative arrangements. It requires appropriate and accessible grievance mechanisms to be established for those being resettled. Logic of OP 4.12's references to 'meaningful consultation' with PAPs and making use of CBOs and NGOs suggests preference for decision-making process which is not just part of the administration.</p>	<p>A major gap on grievance mechanisms and current administrative arrangements in LLE difficult to reconcile with the participative approach of OP 4.12. Earlier laws involved payment of compensation in the presence of a judge and allowed an appeal albeit from the judge to a Minister.</p>	<p>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.</p>	<p>Grievances redress mechanism to provide for co-operation with <i>shuras</i> and community councils.</p>

Afghan Laws	WB OP 4.12	Gaps	Possible solutions to gaps	RPF provides for
MONITORING AND EVALUATION				
LLE does not provide for any external monitoring body or process	OP 4.12 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 OP 4.12 Establish specialist monitoring agency for all projects involving acquisition and resettlement Empower provincial and local institutions to monitor projects.	External monitoring agency and monitoring by PMU is provided for.

4. Eligibility for compensation

4.1 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)”. For purposes of this RPF, the concepts of ‘general eligibility’ for compensation and who is an 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 road project.

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 are 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.

Compensation eligibility will be limited by the cut-off date. MoPW and MRRD will inform local communities regarding this cut-off date through their local offices and through the relevant local government agencies. Those that settle after the cut-off date however will be given sufficient advance notice to vacate premises/dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and they will not pay fines or sanctions.

4.2 Land Tenure and Compensation Entitlements

The largest number of PAPs in the case of this project will be those who will lose a part of their land.

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 which effectively vests in them legal rights over the lands they occupy through acquisitive prescription.

The following categories of persons will NOT be entitled for compensation for loss of land:

1. ***Other occupants of lands or Squatters:*** Persons outside of the classifications of legal ownership and occupancy or possession mentioned above, will not be entitled for compensation for the lands that they occupy, but will be compensated for the permanent improvements or structures they may have introduced or built in the affected lands before the cut-off date.
2. ***Encroachers:*** “Persons who extend their property beyond that for which they hold a title are encroachers and would not be eligible for compensation for land for which they do not possess a title”.

4.3 Entitlements to Compensation & 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 (albeit with differences in entitlements), 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. The compensation packages shall reflect replacement costs for all losses (such as land, crops, trees, structures, etc.) as detailed below:

1. ***Loss of Agricultural land:*** Compensation at replacement value of land in cash based on current market rates. MoPW or MRRD will shoulder all transaction costs such as fees, taxes, and other charges, as applicable under relevant laws.
2. ***Severe Agricultural Land Impacts:*** In case of a PAP losing more than 20% 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. Also, these PAPs will be having access to the capacity building and training program on a priority basis for development of an alternative sustainable livelihood.

3. ***Loss of Residential/commercial land:*** These impacts will be compensated at replacement value in cash at current market rates free of deductions for transaction costs.
4. ***Loss & damages to Houses, buildings, structures and settlement utilities:*** These impacts will be compensated in cash at replacement cost free of depreciation, salvaged materials, and transaction costs deductions. An estimation of replacement cost would be done by the valuation committee for estimating the compensation rates for the subprojects.
5. ***Income from crops losses:*** In case of a land being acquired with standing crops, the owner will be allowed to harvest the crop within the period till such time the road construction activity is not affected. In case of an urgent need and if the crop is being lost due to the construction related activity, the affected person will be compensated through cash compensation at current market rates for the full harvest of 1 agricultural season.
6. ***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. Productive trees will be valued at gross market value of 1 year 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.
7. ***Business losses:*** 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 as mentioned at 2 above. Shop owners losing their shops will be entitled to preferential allotment of shops in the proposed shopping arcades to be constructed on the road side. Constructions of shopping arcades will be taken up by contractor prior to demolishing the existing shops.
8. ***Income losses for workers and employees:*** Such affected persons will also be entitled for the capacity building & training opportunities. The PAPs shall also be given priority in employment in project related activities.
9. ***House owners:*** House owners/renters who are forced to relocate their houses will be provided with a monthly relocation allowance for a period not exceeding 3 months or till

they move to an alternative accommodation, whichever is earlier. The monthly amount payable will be clarified in the RAP.

10. *Community Structures and Public Utilities:* Will be fully replaced or rehabilitated so as to satisfy their pre-project functions.

11. *Vulnerable Households:* Vulnerable people like women household heads, mentally challenged headed households will be given assistance in the form of a one-time allowance for vulnerable PAPs and priority in employment in project related activities.

12. *Impacts on irrigation canals:* Project will ensure that any irrigation channels are diverted and rehabilitated to previous standards.

5. Unit Compensation Rates and Budget

5.1 Establishing Rates for Land Acquisition & Resettlement

The Law on Land Expropriation refers to prompt and adequate compensation but is silent on the details of compensation, in the absence of detailed rules, it will not be in conflict with the Law for details to be developed in the context of this RPF and applied to the project. Also in order to comply with the World Bank's OP. 4.12, rates used to compensate for lost land and assets must be *replacement cost at current 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 OP 4.12, "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.

In the absence of any conclusion so far about the estimated land prices, this RPF is prepared which guides on the methods of valuation and "a Resettlement Action Plan (RAP) will be prepared for each subproject that may involve land acquisition, before the beginning of the construction activity in the subproject. The budget would be part of each RAP which would come forward once the RPF had been accepted and final identification of PAPs.

Provision for funds will be made available for the resettlement costs, including not only compensation to PAPs, but also other costs to be incurred throughout the process of development and implementation of RAPs.

5.2 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 build-up 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 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 center, the higher the price of the land.

5.3 Valuation of Structures

The classification of structures (temporary, semi-permanent and permanent) refers to the materials used in construction. The valuation of structures into class 1 (mud/brick/wood walls, mud/tin roof), 2 (tiled roof and normal cement floor) and 3 (RCC, single/double story building)

will be determined after various consultations with some owners who recently build their houses, local contractors and some engineers in the government.

5.4 Valuation of Crops and Trees

The estimation of valuation of crops was quite problematic because of lack of reliable data in terms of yield. The results of the socio-economic survey were not considered reliable because many respondents could not provide the exact size of their land holdings and quantity produced. Hence, in computing crop losses, a combination of two major crops was used to get the average yield and price. The unit price for crop losses for a square meter of land devoted to the two main crops was estimated at AFN 12.5 per sqm, the same has been fine-tuned in the RAP document.

The compensation for productive trees is normally based on the gross market value of 1 year income for the number of years needed to grow a new tree with the productive potential of the lost tree. Non-productive trees are to be valued based on the multiple years' 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 can be 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 because of the project.

5.5 Livelihood Restoration Support

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 livelihoods are affected will be supported for building their capacities for livelihood restoration measures. These supports will be provided through an NGO and supervised by the ESMU. PAPs will also be given first preference for employment opportunities on the project related activities.

5.6 Matrix of Compensation Entitlements and Rates

ELIGIBILITY	CRITERIA	FOR	IDENTIFYING	APs
Who is eligible	What are they eligible for	How to determine eligibility and compensation levels	What's the objective	Comments
Landowners	Loss of land and rights to land	<ol style="list-style-type: none"> 1. Official documentation issued by or on behalf government 2. Customary documents; :i.e. documents recognised by both official and customary law as giving rise to ownership rights 3. Oral and other evidence with probative value that the claimant and his/her family have been in occupation of the land for at least 35 years. 4. Open, continuous and interrupted possession of persons over a very long time which effectively vests in them legal rights over the lands they occupy through acquisitive prescription. 	<p>The aim of OP. 4.12 is to compensate all those who have lost 'their' land. OP 4.12 goes beyond technical rules of law or evidence which in part are designed to bring disputes over land to an end and ensure security to title. OP 4.12 aims at simple and substantive justice: "if you've been on this land for a long time and there is good evidence of that then you should be compensated for losing it"</p>	<p>As the matrix on the comparison of the LLE and OP 4.12 shows, there is nothing in LLE which prevents the approach of 4.12 being adopted here</p>

Squatter	Permanent improvements they have made to the land they have occupied	Observance of permanent improvements; questioning the squatter and neighbors on when improvement made; consulting maps and other relevant documents	The objective here is to compensate the squatter for expenditure on the land but not for the value of the land itself	Ditto to above.
Agricultural tenants and tenants of artisanal mines	Loss of income	Cash compensation corresponding to one year's crop yield of land lost.	A fair approximation of loss of income	Ditto
Sharecroppers	Loss of income	Their share of the harvest at market rates plus one additional crop compensation.	Ditto to above	Ditto
House owners/renters	Costs of relocation to other accommodation	relocation allowance of Afs x per months until suitable accommodation established, and assistance in identifying alternative accommodation	This is a very standard element of compensation in all systems	Not specifically provided for in LLE but nothing to stop is being paid
Loss of livelihoods by agriculturalists	Replacement costs for all losses	1. Losses will be compensated at replacement value in cash based on current market rates plus an additional. Indemnity for x months as transitional livelihood allowance.	The aim is to provide a reasonable measure of compensation for loss of livelihoods but on the assumption that APs will make a go of things on their new land. It	This is already an approach which has been accepted in Afghanistan

		2. When >10% of an AP's agricultural land is affected, APs will get an additional allowance for <i>severe impacts equal to</i> the market value of a year's net income crop yield of the land.	provides temporary relief but not an amount which invites future indolence	
Residential/commercial land impacts	Replacement costs for all losses	Replacement value in cash at current market rates free of deductions for transaction costs	See above. The same reasoning applies	Ditto
Those who lose or have buildings damaged	Replacement costs	These impacts will be compensated in cash at replacement cost free of depreciation, salvaged materials, and transaction costs deductions. Renters/leaseholders will receive an allowance geared to the rent they are paying for 3 months to cover emergency rent costs.	See above.	Ditto
Those who lose income from crop losses	Replacement of lost income	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	See above	Ditto

		be paid both to landowners and tenants based on their specific sharecropping agreements.		
Those who have lost income from loss of trees	Replacement of lost income	Income replacement based on types of trees lost.	See above	Ditto
Those who have suffered business losses	Replacement of lost income	Compensation for business losses will be based on actual income to be established by pertinent receipts or other documents if demonstrable, otherwise based on business loss allowance.	See above	Ditto
Those who have suffered loss of wages	Replacement of lost wages for a limited period	Compensation, based on actual income loss for time duration until income source.	See above	Ditto
Vulnerable households	Additional compensation over and above strict loss of income	Vulnerable people (APs below the poverty line, women household heads, mentally challenged headed households, etc.) will be given assistance in the form of a one-time allowance for vulnerable APs equivalent to AF x and priority in employment in project-related jobs.	This is a recognition that those classified as vulnerable households will likely suffer losses over and above income loss and will find it especially hard to get started again somewhere else.	Ditto

Transitional living allowance for APs forced to relocate	Disturbance compensation	APs forced to relocate will receive a livelihood allowance of AF x a month for three months. Transitional livelihood allowance is computed based on the prevailing wage rate of AF x per day times during transition time.	This is a standard head of compensation in most systems of compensation.	Ditto
ESTABLISHING	VALUATION	RATES	FOR	ACQUISITION
What is being valued	How is valuation conducted	Input of APs	Indicative figures	Comments
Matters common to all specific types of valuation	Rapid appraisal; consultation with APs; information derived from census and from local authorities	Yes but not necessarily decisive	Where figures are given they are indicative only being based on a 2009 valuation exercise. They will almost certainly be changed when budgets for RAPs are developed.	none
Land including easements (rights of way) over land	Valuation of the land is pegged on an average, the actual value depending on the nearness to a built up area. Land prices are based on the district land	Land values are so far as possible determined on the basis of 'objective' factors but it is not possible to ignore the assumptions of APs about land values which do play a part in	None	Land values are dealt with after a fashion in the LLE. The Council of Ministers determines values but there is a local process that

	prices in the district government	valuation		valuation goes through.
Structures	Structures may be classified (temporary, semi-permanent and permanent) based on the materials used in construction. They may be classified into class 1(mud/brick/wood walls, mud/tin roof), 2 (tiled roof and normal cement floor) and 3 (RCC, single/double storey building)	In the project from which these classifications are based, they were arrived at after various consultations with some owners who recently build their houses, local contractors and some local civil engineers.	None	This approach to structures seems a good one to adopt. Some APs considered that the length of time a structure had been standing should affect value but this was not a factor used in valuation
Crops	In computing crop losses, a combination of four main crops was 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	Valuation was problematic because of lack of reliable data in terms of yield. The results of the socio-economic survey were not reliable because the majority of the respondents were not aware of size of their land holdings.
Trees	Compensation for productive	During interviews with APs on trees,	The compensation	The same point as above

	<p>trees is based on the gross market value of 1 year income for the number of years needed to grow a new tree with the productive potential of the lost tree.</p> <p>Non-productive trees are valued based on the multiple years investment they have required.</p> <p>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 because of the project.</p>	<p>it was pointed out that the fluctuation of the value of tree products was influenced largely by the supply and demand and the absence of post harvest facilities. Fruit was sold when all other farmers sold their fruit. In the off-season, prices were higher but few farmers could store their crops until then</p>	<p>rate for a fruit bearing tree is the average yield per tree times the age of the tree.</p>	<p>applies here too</p>
<p>Restoration of income</p> <p>1. Crop losses</p>	<p>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</p>	<p>No apparent input from APs. But there may be disputes between owners and sharecroppers which officers from the implementing NGO and possibly from ESMU might become involved in</p>	<p>No figures can be given</p>	<p>As noted in column 3 this may not be as straightforward as it seems. Inter-AP disputes may erupt and the GRC called into action.</p>

	and tenants based on their specific sharecropping agreements.			
2. Business losses	compensation for permanent business losses will be in cash for the period deemed necessary to re-establish the business Compensation for temporary business losses will be cash	The figures in the next column do not seem to admit of negotiation but there will be an issue of whether a business is permanent or temporary on which APs will wish to be consulted and have their views taken on board	Permanent business will receive AF x a month for 6 months. Temporary business losses will be paid for a limited number of months at AF x a month	This is another area where disputes could arise but between those offering and those receiving compensation.
3. Income restoration for workers and employees	Indemnity for lost wages for the period of business interruption	This does not admit of much negotiation although there may be differences of opinion of what count as wages	No figures because wages differ depending on the work being done	Ditto but in addition, there could be disputes between employer and employee on wages which the project will have to arbitrate on.

<p>Income Restoration Allowance for Severe Agricultural Land Impacts.</p>	<p>When >10% of the agricultural land of a AP is affected, APs will get an additional allowance for <i>severe impacts equal to</i> the market value of a year's net income crop yield of the land lost.</p>	<p>Given the problems of measurement of APs' holdings – see above column 5 on crop losses – this may be difficult to compute and careful negotiations with the APs will be necessary</p>	<p>No figures because the exact sums of money involved will depend on the use to which the land is being put</p>	<p>Although this has the appearance of objectivity for reasons noted in column 3 there may be disputes which will need to be handled sympathetically.</p>
<p>Vulnerable group allowance</p>	<p>Vulnerable people (APs below the poverty line, women household heads, mentally challenged headed households, etc.) will be given assistance.</p>	<p>There will need to be careful and sympathetic consultation and negotiation with these APs</p>	<p>A one-time allowance for vulnerable APs equivalent to at least AF x and priority in employment in project-related jobs.</p>	<p>Whether this will be seen as adequate will depend on the income forgone. It might be advisable to build in some flexibility here hence the 'at least'.</p>
<p>Transitional livelihood allowance</p>	<p>APs losing land or losing a house and forced to relocate will receive a livelihood allowance.</p>	<p>Disturbance is a standard head of compensation but it will need a willingness to be flexible on rates as disturbance is not an objective matter.</p>	<p>At least AF x a month for transitional period</p>	<p>This is very much a 'guestimate'. It may be the best that can be done in the circumstances. Here too the words 'at least' have been added to provide for some flexibility</p>

<p>Rental allowance</p>	<p>House renters forced to relocate will receive a rental allowance and will be assisted in identifying alternative accommodation</p>	<p>Negotiations with APs central to the operation of this head of compensation</p>	<p>x months' rent at the prevailing market rate in the project area</p>	<p>What the prevailing market rent is must differ from place to place. It is probably not worth while trying to create a 'shadow' market. As with other heads of 'allowances' some flexibility must be built into the outcome.</p>
-------------------------	---	--	---	--

6. Institutional Arrangements

6.1 General

The resettlement and rehabilitation program described in this RPF involves distinct processes, dynamics and different agencies. This section deals with the roles and responsibilities of different institutions for the successful implementation of the project. The primary institutions that are involved in the land acquisition and resettlement process are the following;

1. Ministry of Public Works (MoPW)
2. Ministry of Rural Rehabilitation and Development (MRRD)
3. Project Implementation Units (PIUs)
4. Regional offices (all nine regional offices)
5. Environment and Social Management Unit (ESMU) at PIUs level
6. Local Government Units (LGUs)

The agencies involved in the planning and implementation of a resettlement and rehabilitation program are MoPW and MRRD as the executing agencies (EAs) and the Provincial and District governments together with the appointed NGO referred to above. MoPW and MRRD will be acting in the project through the Project Implementation Unites (PIUs). In the field, it will act and implement through the regional level offices with the support of regional safeguard officers who will co-ordinate all activities related to resettlement implementation. All activities will be coordinated with the relevant local government agencies and community *shuras/CDCs or Social Inclusion Committees (SICs)*.

6.2 Overall Organization

The Ministry of Public Works (MoPW) and Ministry of Rural Rehabilitation and Development (MRRD) will be the executing agencies (EAs). The minister and deputy minister will be responsible for the overall policy level decision, planning, implementation and coordination of project activities. The EAs will have proper coordination with other departments of the Government of Afghanistan to resolve the following issues:

1. *Land Records and Ownership*. To resolve issues related to land records and ownership, a land management committee will be formed in the central level and will include members from the MoPW/MRRD, Ministry of Finance, and the Geology and Cartography Department.

2. *Assets Valuation*. Values of land and other assets for compensation are determined by the Council of Ministers under the LLE on the basis of the principles set out in this RPF. The decisions are based on the recommendation of a committee consisting of the following

- (i) The landlord or person who uses the land or their representatives,
- (ii) An official representative of the agency that needs to acquire the land (e.g. MoPW or MRRD),
- (iii) A representative of the local CDC,
- (iv) A representative of the Ministry of Finance, and
- (v) A representative of the Ministry of Justice.

6.3 Project Implementation

6.3.1 Ministry of Public Works (MoPW) and Ministry of Rural Rehabilitation and Development (MRRD)

MoPW and MRRD, through the project Implementation units (PIUs) will be responsible for the approval and implementation of a Resettlement Action Plan (RAP) or Abbreviated RAP. Within the PIU, RAP or Abbreviated RAP tasks will be handled by the units described below. Local MoPW or MRRD offices and local governments will be responsible for coordinating activities in the field including the organization of surveys, consultation meetings, and the fixing of specific compensation rates based on the principles set out in the RPF. The provision of the RAP or Abbreviated RAP compensation finances will be the responsibility of MoPW and MRRD and the physical delivery of compensation to the PAPs will be assigned to a committee selected by the MoPW and MRRD which will include members such as the local governments but under the supervision of the PIUs.

There will be two units within the PIUs that will be involved in the implementation of the RAP or Abbreviated RAP, namely the Environment and Social Management Unit (ESMU) and the Project Implementing Unit (PIU). The ESMU will be primarily responsible for the environmental and social safeguard issues. The PIU will be responsible for the daily field level activities, getting all the necessary clearances required to initiate and implement all resettlement works. It will coordinate with the ESMU in the implementation of the project. As necessary, the ESMU/PIU will coordinate with ARAZI, Cadaster Survey Department, local Governorates, NGOs and the community shuras, locally elected councils . The PIU will be responsible for ensuring that all stages of the processes of resettlement, determining and paying compensation, and acquiring land are fully documented and that hard and soft copies of the records are at all times kept in a safe and secure environment.

6.3.2 Local Government

The cooperation and coordination of the local government units (LGUs) are vital in RAP or Abbreviated RAP implementation. These are the provincial government, district provincial

government, villages and local community Shuras. Issues relating from land records and ownership and assets valuation originate from this level and will only be taken to the Council of Ministers if these issues are not resolved locally. The provincial government, in cases of disputes on valuation of land will constitute a land valuation committee to determine the disputes on rates.

In cases of disputes regarding land ownership, land records goes through 3 offices at district level, (1) District administrator, (2) Revenue collector (Mustowfiet) and (3) the District Court. These offices have the jurisdiction on any matters related with land acquisition and verification of land entitlements. Staff of the Revenue Department (Mustowfiet), with the local municipality will carry out the tasks of identifying the titles and verification of ownership. The Office of Wolaswal (the appointed District head) is expected to play a coordinating role.

6.3.4 Gender

It is appropriate to draw special attention to gender issues within the context of project implementation. Discussions with women in villages visited as part of the Social Safeguards Requirements Review confirmed that they have important, although varying, roles in agriculture which is the main activity which will be encountered during the project. Factors such as absence of male family members from the village, ethnicity and local cultural norms all affect women's role in agriculture.

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.

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. Thus, the ESMU within the PIU will have special responsibility to

- Ensure that MoPW and MRRD uses women's CDCs to enhance outreach to women.
- Revisit incentives in order to attract women to work in RAP and in other capacities at regional level.
- Ensure PIUs regional offices have female ESM Officers

7. Public Consultation and Participation

7.1 General Public Consultations

This section describes the mechanisms for public consultation process with the PAPs, disclosure of the RPF and corresponding RAPs through distribution of informative material to create awareness among the PAPs regarding their entitlements and compensation payment procedures and grievances redress mechanism.

7.2 Public Consultation

In addition to informal day-to-day meetings among PAPs, MoPW and MRRD local staff, and other stakeholders, the formal consultation process in the project will be ongoing and will be managed by the PIUs through village meetings and public consultations with government officials. All these mechanisms and approaches will also be used during the collection of baseline data and census survey from the PAPs; and the preparation of RAP and disclosure of RAP to the PAPs, as explained below.

7.3 Village Meetings

A series of village meetings will be held, where the census survey of displaced persons will be explained and later carried out. The aims and objectives of a project will be explained as will the necessity for, processes and outcomes of any resettlement or temporary displacement. The village elders and stakeholders meetings will be scheduled based on the availability of the participants. The PIUs' safeguards team will be responsible for conducting village consultations.

In the census 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 MoPW and MRRD will prepare a Resettlement Action Plan (RAP) or Abbreviated RAP for the road sub-projects (where needed) that will ensure that all these affected assets are justly 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.

7.4 Consultations with Government Officials and Other Stakeholders

The supervising consultants will meet with provincial and local officials to ensure that they are fully apprised about the project including the formulation and details on the implementation of the RAP. The PIUs will coordinate with land valuation committees. There will be coordination with the district governors which have jurisdiction over the sub-project areas as well as village leaders. Information about the entitlement provisions and compensation packages will be shared with these government officials and other stakeholders.

7.5 Preparation of Project Specific Informative Material

Project specific informative materials will be prepared and distributed to the PAPs to create awareness among the PAPs regarding their entitlements and compensation payment procedures and grievances redress mechanism. They will cover the following:

- After approval of this RPF by the World Bank, it will be translated into local languages and disclosed to the stakeholders especially affected persons by the MoPW through consultants and at village meetings. RAPs for each subproject will be made available to the concerned district governments, village leaders and directly affected households and MoPW and MRRD's regional offices as an official public document. This RPF will also be disclosed on the MoPW and MRRD websites.
- A summary of this RPF will be prepared specifically for this purpose and will be translated into local languages and presented to all PAPs in the form of a pamphlet/ brochure, to enable the PAPs and local communities to read it by themselves and be aware of the benefits/compensations to be made available for various types of PAPs. PIUs staff will distribute the brochures through the village meetings and will explain the mechanisms and procedures of the consultation program and how PAPs will be engaged in resettlement activities and the overall process.
- A cheque disbursement schedule – or preferably transfer of compensation to PAP's bank accounts, explaining the date, time and venue for disbursement of compensation cheques of each PAP will be prepared in local languages and distributed to all PAPs. This will also be disclosed in the village meetings.
- A package containing following information material will be prepared for each PAP.
 - Inventory of PAP's losses
 - Schedule for compensation cheque disbursement explaining the date, time and venue for receiving cheque, vacating land and demolition of structures
 - Pamphlet/ brochure in local languages
 - Grievance redress mechanism
 - Any other relevant information for the PAP

7.6 Disclosure

The RPF will be disclosed to the PAPs through the village meetings, and informal interaction between the PAPs, consultants and PIUs staff. After its approval by the World Bank, the following disclosure plan will be followed:

- Provision of the RPF in local languages and English to PIUs, MoPW and MRRD field offices, PAPs, provincial officers and district provincial offices, other local and district level offices of the concerned agencies.
- Disclosure of the RPF in village meetings
- The RPF will be available in all public institutions for general public information
- Posting of RPF on MoPW and MRRD website
- Publicity will be given to the RPF through all forms of media
- Provision of information packet to all PAPs

The local safeguards officers will again conduct meetings with the PIU staff, local government units and other government agencies as part of the disclosure process to acquaint them of the substance and mechanics of the RPF. They will be responsible to return to the affected villages and communities once this RPF is approved by MoPW, MRRD and the World Bank and conduct disclosure exercises through village meetings and meetings with PAFs to ensure that affected households will be familiar with this plan before the actual implementation commences.

8. Preparatory Actions and Implementation Schedule

8.1 Preparation Actions

MoPW/MRRD/PIUs will begin the implementation process of each section of the project immediately after its approval by the World Bank. It will initiate some actions as groundwork and certain preparatory tasks regarding implementation of the RAP as follows:

- Establishment of official cut-off date
- A series of public consultative meetings and workshops with PAPs and local representatives and active involvement PAPs for the preparation of the final RAP or Abbreviated RAP
- Endorsement of the abbreviated RAP or RAP by PIUs and its submission to World Bank for clearance
- Establishment of criteria, requirements and procedure for disbursement of compensation cheques
- Development of internal monitoring indicators and procedures
- Identification of external monitoring agency who will undertake independent monitoring

MoPW and MRRD are also committed to provide adequate advance notice to the PAPs and pay their due compensation based on the eligibility criteria defined in this RPF for resettlement including relocation and income restoration/assistance prior to start of construction work. The PAPs of affected structures/assets (houses, shops, etc.) will be paid their due compensations at least three months (90 days) prior to demolition of any structures. This time will allow them to dismantle and remove all salvageable material for rebuilding of houses and reestablishment of businesses.

Payment of compensation of assets other than structures (land, crops, and trees) will be made at least 90 days prior to actual possession of the space being utilized by the PAPs. However, in case of a dispute regarding the compensation amount, up to 70% of the assessed/allocated amount of compensation will be paid to PAPs and the rest pledged in an escrow account in the names of the concerned PAPs, pending the resolution of the dispute. In case of dispute over rightful ownership, the compensation would be deposited in an escrow account awaiting the court resolution of rightful ownership. In such an exceptional case, the MoPW and MRRD may possess the land without full payment of compensation. Grievances or objections (if any) will be redressed as per grievance redress procedure adopted in this RPF. However, all activities related to land acquisition and resettlement will be completed prior to initiation of road construction activity. 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.

8.2 Process of RAP Implementation

The following paragraphs explain in detail how compensation will be delivered to PAPs and the prerequisites needed in triggering the release of financial resources to the ultimate beneficiaries. These steps are formulated in the light of the assumed availability of finance, the security situation, and travelling time. No account is taken of the likely situation in any province or district where sub-projects might take place.

The steps for the delivery of compensation for all eligible PAPs will be the following:

- i. **Obtain financial resources:** Based on the final budget of each RAP. PIUs shall obtain the needed money for its counterpart to fund the land acquisition component from the Ministry of Finance.
- ii. **Verification of the list of qualified PAPs:** PIUs will verify the list of PAPs provided in the RAP to ensure that all eligible PAPs will be properly compensated and non-eligible PAPs will be excluded. To ensure that identification and qualifications are guaranteed, village elders and community Shuras will be consulted to resolve issues rising from the list.
- iii. **Notification of a detailed compensation package:** PIU will prepare and provide each PAPs with a detailed breakdown of affected assets, and the unit cost of each asset affected and the total compensation that they will receive.
- iv. **Final conciliation/expropriation:** PAPs who disagree with the amount of the detailed compensation package and how it was arrived at will be provided with a last or final chance to settle these issues. In the event that PIUs and the PAPs still cannot agree, the PIUs will file expropriation proceedings in the appropriate court, asking that MoPW and MRRD be permitted to take possession of the affected asset. The PIUs will pay the PAP 70% of the contested sum and deposit the remaining amount in an escrow account in a bank.
- v. **Locate absentee owners:** The PIUs through the village leaders shall try to locate absentee owners of affected assets. There are some cases where owners are residing or working in other places and every effort must be undertaken to locate these absentee owners.
- vi. **Notification to the public:** available media and community bulletin boards will be utilized to inform the public that lands with the corresponding owners will be affected by the project. These will provide sufficient time for any adverse claimants on lands that will be affected to raise their opposition or claims over the affected lands.
- vii. **Preparation of invoices:** Invoices for each of the eligible PAPs will be prepared by PIUs. This document entitles each of the PAPs to receive the amount indicated in the invoice.

- viii. **Delivery of the money to local bank:** the money from MoPW/MRRD/MoF will be remitted to a local bank in the nearest town to the sub-project site. However, the MoPW/MRRD/PIU may remit the money for compensation to any bank of its choice. The bank account will be opened by PIUs which will receive from Kabul the compensation on behalf of the PAPs.
- ix. **Payment:** The PAPs will each receive a cheque for the whole amount of compensation from the PIUs. The PAP will sign a document acknowledging the receipt of the whole compensation and a waiver attesting that he/she has no longer any pending claim over the affected property. A photograph shall be taken with the PAP receiving the cheque as part of project documentation.
- The PAP will cash the cheque by presenting their national identification card (NIC) and/or election registration card to the bank. Persons without NICs will have to explain to the pertinent authorities the reasons why they are not in possession of the NIC. PAPs will be encouraged to open a bank account in any bank and only carry necessary money to their respective villages to avoid unnecessary exposure to those who might wish illegally or with force to relieve them of their cash. The benefits of having a savings account will be part of the information to be provided by the PIUs.

9. Complaints and Grievance Redress

Based on the LLE when private landholdings are acquired for public purposes such as dam building, compensation is paid to the owner based on the category and location of the affected land and the values of land for compensation are determined by the Council of Ministers. The decision is based on the recommendation of a land acquisition committee (LAC) consisting of the following members:

- Affected person who uses the land or his/her representative,
- Representative of Ministry of Public Works or MRRD
- Representative of the Ministry of Finance,
- Representative of the Ministry of Justice, and
- Representative of the CDC

The land acquisition process is initiated with the constitution of the land acquisition committee. As land and other assets are acquired for a public purpose, the law does not permit any objection to the acquisition of an individual's property by the state. Usually, there are dissatisfactions that arise with these acquisitions, mostly relating to the value of compensation. The LAC inquires into the matter and reviews the valuation and tries to arrive at a win-win solution. The whole process is based on a negotiated approach and as the PAP or his/her representative is a member of this legally constituted LAC, a consensus is reached on the replacement value of the land and assets lost. The LAC thus also performs the tasks of a grievance redress committee.

However, if after this negotiated approach, the issue remains unresolved, the affected person may elevate the matter to a project level Grievance Redress Committee (GRC) to try to resolve the issue. It should be pointed out however, that this committee does not possess any legal mandate or authority to resolve land issues but rather acts as an advisory body or facilitator to try to resolve issues between the affected household and the MoPW/MRRD/PIUs who would implement the valuation based on the decision of the LAC. The project level GRC will be composed of the following members:

- Affected person or his/her duly appointed representative,
- Representative of the local government,
- Representative from MoPW or MRRD - ESMU,
- Representative from the local legal department,
- A representative from local community
-

The project level GRC will register the unresolved matter and meet to try to resolve the issue. A recommendation should be made within 7–10 working days. In the case of the absence of any of the members during the decision-making process, an appropriate candidate will be nominated by the original representative. If no decision has been promulgated after 10 working days from the last meeting of the grievance redress committee, the affected person may take the issue to the next level- Regional GRC or HQ (PIU) level GRCs at MRRD and MoPW. The PAP always has the final recourse to seek redress through the legal system. However, every effort must be exerted to avoid this alternative because it entails loss of time and expenses on the part of the PAP.

The process of grievance redress has been made simple to expedite the process of decision-making and facilitate effective implementation. The grievance redress committee includes a representative from the local administration and the affected individual. Grievances are expected to be redressed locally within the existing framework.

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

10. Monitoring & Evaluation

10.1 General

Project activities will undergo both internal and external monitoring. Internal monitoring will be conducted by the PIUs. Third party monitoring has been assigned to MSI who provides regular monthly and quarterly reports.

10.2 Internal Monitoring

Internal monitoring will be carried out routinely by the PIUs through the PIUs regional offices and results will be communicated to World Bank and the MoPW and MRRD 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 PIUs to assess the progress and results of RAP 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;
- Temporary displacement of PAPs
- Relocation of PAPs;
- Payments for loss of income;
- Income restoration activities.
- Grievance received and status of redress

10.3 Independent-Third Party Monitoring

During the last three years, the third party monitoring agency's monthly monitoring reports have covered safeguards compliance at field level using site specific ESMPs and Abbreviated RAP. The agency's reports are informed by field observation visits and discussions with community representatives and various members of the project team. Recently responsibility for Third Party Monitoring has been transferred to a new organization (MSI) which will be responsible for monitoring safeguards compliance under the AF. The role of the Third Party Monitor is increasingly important as security considerations prevent World Bank staff from visiting most sub projects. Safeguards staff from both Ministries plan to meet regularly with MSI to review their safeguards findings and recommendations.

The third party will also assess the status of project affected vulnerable groups such as female-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:

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

The third party monitoring agent will carry out a post-implementation evaluation of the RAP or Abbreviated RAP about 1 year after its implementation to find out whether the RAP objectives were attained or not. The socio-economic survey base-line will be used to compare pre- and post-project conditions. The third party monitoring will recommend supplemental assistance for the PAPs in case the outcome of the study shows that the objectives of the RAP have not been attained.

10.4 Management Information Systems

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

10.5 Reporting Requirements

The PIUs will be responsible for supervision and implementation of RAP and prepare monthly progress reports on resettlement activities and submit to the PIU for review. The PIUs will also monitor RAP implementation and submit quarterly reports to the World Bank. The external monitoring agency (third party monitoring- MSI) will submit monthly and quarterly reviews 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.

1 Appendix 1: guideline for Abbreviated RAP

Institutional responsibilities

The regional PIUs, in co-ordination with the Shura/CDC at the village/district level and project engineer of respective subproject will be responsible for the planning and implementation of resettlement and addressing social issues. The most important issue will be documentation of these proceedings to avoid any communication gap in future. The procedures are as hereunder:

Task 1:

- Selection of Roads, for widening/rehabilitation/ new construction
- Dissemination of Project Information, after selection of roads and prior to finalization of the alignment through Transect Walk;
- Finalization of alignment through community planning involving the local communities and provincial departments during Transect Walk Consultations, a strip plan will be used to make inventory of social features and identify impacted properties;
- Consultation with affected persons, to verify whether concerns of the communities and PAPs have / have not been incorporated into the project design through disclosure of outputs of Transect Walk.
- Integrating Abbreviated RAP in project document where additional land is required, ensuring that the designs for the ARAP AF roads are sensitive to social issues and have incorporated the social considerations;

Task 2:

- Disclosure of process of land requirement and entitlement provisions, to provide information to PAPs.
- If land acquisition is taken place with compensation to PAPs, compensation shall be issued and received by each PAP prior to physical acquisition and start of physical works.
- Serving Advance Notice (not less than 3 months), for removal of encroachments and clearance of assets or standing crops;
- Entering MoUs between CDC/NRAP and Individual/Group Landowners, to be coordinated by Regional PIU, which will submit a copy each to district governor and PIU at Kabul. This will ensure documented record of land donated or transferred to the ministry against compensation. In case of projects where individual PAPs are not significant in terms of numbers and amount of the land/asset loss of each PAP, MoU between PAPs and CDC /NRAP can be signed. In such case, MoU paper shall contain name and signature of all the persons whose land/asset will be transferred to the road voluntarily.
- Information Disclosure and Consultations before construction: The community representative/contractor, as the case may be, shall, prior to mobilization of work, provide details of temporary impacts during construction such as disruption on existing pathway, increased pollution levels, possible damages to adjacent land due to movement of machinery and project completion date so that community is well aware of the project

issues. Similar provision shall be made for separate consultation with women of the community.

Exclusion Criteria

In accordance with World Bank OP/BP 4.12, on involuntary resettlement, a project requires a full Resettlement Action Plan (RAP) in case the number of affected people is from 200 and above and/or when the land acquisition has significant impact, i.e. exceeding 10 percent of the total holding and/or livelihood impact. Such sub-projects will not be funded under the present ARAP AF project. If 200 people or less will be involuntarily displaced or affected, an Abbreviated Resettlement Action Plan (ARAP) will be prepared.

Format of Abbreviated RAP

An Abbreviated RAP covers the following minimum elements:

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

2 Appendix 2: Guidelines for Land Donation and Community Compensation

No land or asset acquisition may take place outside of these guidelines.

These guidelines provide principles and instructions to ensure (1) the truly voluntary nature of any land donation, and (2) no donations effecting a livelihood impact exceeding ten (10) percent be allowed without to the individual/community.

Voluntary Donations and Acquisition against Community Compensation

- a. Voluntary contributions. In accordance with traditional practices, individuals may elect to voluntarily contribute land or assets without compensation. However, the voluntary nature of any donation has to be clearly and fully documented by the individual PAP and supported by an assessment by the Safeguards Officer of the livelihood impact of the donation. No donation resulting in livelihood impact exceeding 10% is allowed.
- b. Voluntary contribution, or contribution against compensation, should be documented.
 - (a) All land documentation should specify that the land is free of any squatters, encroachers or other claims.
 - (b) No physical work can be initiated until agreed compensation has been paid.
 - (c) Land transfer should be legally registered.

Consultation Process

The implementing agencies will ensure that all occupants of land and owners of assets located in a proposed subproject area are consulted. There will be gender-separate community meetings for each affected site or village (other projects) to inform the local population about their rights to compensation and options available in accordance with these Guidelines. The minutes of the community meetings shall reflect the discussions held; agreements reached, and include details of the agreement.

The implementing agency shall provide a copy of the Minutes to affected persons and confirm in discussions with each of them their requests and preferences for compensation, agreements reached, and any eventual complaint. Copies will be recorded in the posted project documentation and be available for inspection during supervision.

Sub-Project Approval

In the event that a subproject involves acquisition against compensation, the implementing agency shall:

- a. not approve the subproject unless a satisfactory compensation has been agreed between the affected person and the local community;
- b. not allow works to start until the compensation has been delivered in a satisfactory manner to the affected persons;

Complaints and Grievances

All complaints should first be negotiated to reach an agreement at the local community/village level. If this fails, complaints and grievances about these Guidelines, implementation of the agreements recorded in the Community Meeting Minutes or any alleged irregularity in carrying out the project can also be addressed by the affected persons or their representative at the ARAP Grievance Redress Mechanism. If this also fails, the complaint may be submitted to the relevant implementing agency for a decision.

Verification

The Community Meeting Minutes, including agreements of compensation and evidence of compensation having been made shall be provided to the MoPW/MRRD, to the supervising engineers, who will maintain a record hereof, and to auditors and socio-economic monitors when they undertake reviews and post-project assessment. This process shall be specified in all relevant project documents, including details of the relevant authority for complaints at MoPW/MRRD or implementing agency level.