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THE GOVERNMENT OF TAJIKISTAN

SUE “OBU KOREZI”
(DUSHANBE VODOKANAL)

Dushanbe Water Supply and Waste Water Project

RESETTLEMENT POLICY FRAMEWORK

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GLOSSARY OF TERMS

Unless the context dictates otherwise, the following terms will have the following meanings:

“Project affected persons” (PAPs) means persons who, for reasons of the involuntary taking of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said PAP physically relocate.

These people may have their:

- standard of living adversely affected, whether or not the PAP must move to another location;
- right, title, investment in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset temporarily or permanently possessed or adversely affected;
- access to productive assets temporarily or permanently adversely affected; or
- business, occupation, work or place of residence or habitat adversely affected.
- the cost of any registration and transfer taxes.

“Involuntary resettlement” means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:

- a) Loss of benefits from use of such land;
- b) relocation or loss of shelter;
- c) loss of assets or access to assets; or
- d) loss of income sources or means of livelihood, whether or not the PAP has moved to another location.

“Cut-off date” is the date of commencement of the census of PAPs within the project area boundaries (including unidentified owners). Beyond this date, any person not included in the census who lays claim to land or assets affected by the project (which they did not own before the cut-off date) will not be eligible for compensation.

“Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other types of assets (including fixed assets) or loss of livelihoods resulting from project activities.

“Census” is a complete count of the population affected by a project activity including collation of demographic and property information. This will identify and determine the number of Project Affected Persons (PAP) and the nature and levels of impact.

“Involuntary Land Acquisition” is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

“Resettlement Action Plan (RAP)” is a resettlement instrument (document) to be prepared when subproject locations are identified. Land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

“Resettlement Assistance” means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals which ever is feasible and as required, for ease of resettlement during relocation,

“Replacement cost for houses and other structures” means the prevailing open market cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) the cost of the materials, (b) transporting building materials to the construction site; (c) any labor and contractors’ fees; and (d) any registration costs.

“Land” refers to agricultural and/or non-agricultural land whether temporary or permanent and which may be required for the Project.

“Land acquisition” means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project under eminent domain.

“Economic Rehabilitation Assistance” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable PAPs to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

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

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

1. Introduction

1.1. Project Context

The Government of the Republic of Tajikistan (GoT) has stated its commitment to structural reforms aimed at creating a more sustainable basis for economic development. The Government's National Development Strategy (NDS) for the period to 2030 emphasizes the need for investment-led growth. This strategy reinforces the focus on rehabilitating rural social and economic infrastructure to contribute to agricultural productivity, poverty reduction and the expansion of the middle class. Policy reforms to increase incentives for private sector investment together with higher levels of public investments in infrastructure and human capital are considered critical to achieving this overarching objective.

Tajikistan's water sector has suffered from a set of challenges in the past decades. The sector is largely underfunded and dependent on international development support to fill in the existing financing gap in capital investments.¹ Existing infrastructure, predominantly built before the 1980s, is now in poor condition and very inefficient, with technical water losses estimated on average at 60 percent.² The high cost of operating and maintaining water supply infrastructure also poses a significant fiscal burden, as revenues cover only a small share of the system's operation and maintenance (O&M) costs, resulting in a vicious circle of low service quality, low willingness to pay, underfunded operating budgets, and lack of investment funding. Inadequate and unequal access to water supply and sanitation (WSS) is estimated to cost the country about US\$275 million per year (or 3.9% of GDP).^{3,4}

Reform of the water sector has been initiated in the country. The GoT has adopted the 2016–2025 Water Sector Reform Program that aims to ensure (a) the use of integrated water resources management (IWRM) with river basins as the organizing principle in the sector, (b) regulatory policies to ensure effective coordination between different stakeholders and enable the transition to IWRM, and (c) the establishment of transparent and accountable water governance institutions responsible for policy and strategic guidance. Establishment of the Ministry of Energy and Water Resources (MEWR) in 2013 was a first step in this reform process. **Although access to water and wastewater services in Dushanbe is high, access to safely managed water supply services (which is the yardstick for measuring Sustainable Development Goals) is significantly lower.** According to the results of the *Poverty Diagnostic of Water Supply, Sanitation and Hygiene (WASH) Conditions in Tajikistan* (WASH Poverty Diagnostic), 98 percent of households in Dushanbe have access to improved water on premises, while only 61 percent report that water from this source is available when needed. Results of the same study reveal that only 49 percent of the water supply services is safely managed in Dushanbe. Planned expansion of the city and its changing landscape are likely to result in a rapid increase of the city's population and affect access to water and wastewater services. The Drinking Water Law (under consideration of the Parliament) and Drinking Water Supply Improvement Program (2008-2020) are the two key program documents that outline specifically sub-sector's objectives and outcomes. There is no specific program document for wastewater/sanitation and/or detailed analysis/needs assessment covering this sub-sector even in Dushanbe.

Dushanbe features a fairly developed yet degraded WSS infrastructure. Dushanbe is supplied by water from four water treatment plants (WTPs) with a total capacity of 520,000 cubic meters per day (m³/d)⁵. The two in the north, Napornaya and Samotechnaya WTPs use Varzob river as a main water source; while the Kafernigan and Southwest water treatments plants located in the southeast and southwest of the city rely on groundwater sources. The Dushanbe water supply system comprise approximately 750 km of pipelines some of which date back to 1920. Most residents have a home or yard connection, but the availability of water is

¹ Tajikistan Water Public Environmental Expenditure Review of the United Nations Development Program (UNDP) estimated that in 2014 70 percent of total public expenditure in the water sector was funded through donor funding.

² Water Sector Reform Program, 2016–2025.

³ Central Asia Water Series – Volume 2: Economic Impact Assessment of Inadequate Water Supply and Sanitation Services in Central Asia, World Bank, June 2016 (draft analytical report).

⁴ Comparable costs of poor access to WASH services in other countries in the region are significantly lower: 0.38% of GDP in Kazakhstan; 1.79% in Kyrgyz Republic; 0.94% in Turkmenistan; and 1.24% in Uzbekistan.

⁵ Total production of water by the SUE DVK is estimated at 16mln m³/year.

still an issue also due to the large water losses in the water distribution network. System pressure is often insufficient, and the service is frequently interrupted in summer due to decades of underinvestment. Improving the system performance in terms of quality and quantity will require significant infrastructure financing, coupled with institutional development support. The DVK priority investment program is estimated at more than US\$150 million dollars to rehabilitate and upgrade the existing water supply network.

1.2. Project Description

The Project Development Objectives are to (i) improve the water supply and wastewater services in selected areas in Dushanbe; and (ii) improve the utility financial management and overall performance.

The proposed project will include three components: Component 1: Institutional strengthening and capacity building (ISCB); Component 2: Water and Wastewater Systems Improvements; and Component 3: Project Management

Component 1: Institutional strengthening and capacity building (ISCB) of the “DVK” (US\$6.5 million, out of which US\$2 mln contribution of the Local Government of Dushanbe city (Dushanbe Khukumat)

Main activities under this component are aimed at extending technical assistance for DVK for purposes of corporate development, operations and financial management improvements. The proposed component will finance the continuation of the institutional strengthening and capacity building (ISCB) activities being implemented under the DWSP2 and will encompass continued institutional support in order to improve the operational, and managerial capacity of DVK in areas of business planning, technical capacity of the organization and financial systems and procedures. The NRW (as high as 60% in Sino district) poses a significant financial drain on DVK, hence project investment in pipes replacement are expected to reduce physical losses, which will translate into overall cost savings for the DVK. This component will also support the supply and installation of household water meters (Demand management) in the Sino district

Proposed activities will be complemented by an ADB-financed Dushanbe Water Supply and Sanitation Project which includes the following activities towards improving financial accountability of the enterprise: (i) upgrading of DVK’s corporate business planning capacity; (ii) introduction of a staff performance management system; (iii) introduction of an automated meter-reading and data transmission system in Shohmansur district; and (iv) implementation of a water loss reduction and monitoring mechanism. Implementation of this component shall require strong coordination efforts from the DVK.

This component will also finance technical assistance for consultancy services for the preparation of the “Development of the Wastewater Master Plan for Dushanbe city, including reuse of treated effluent” as well as the “Development of an Integrated Urban Water Resilience Plan” with the aim to inform the process of relocation of the existing wastewater treatment plant, as envisaged under the City’s Master Plan.

Component 2: Water and Wastewater Systems Improvements (US\$25 million)

This Component will support physical investments and preparation of engineering designs and construction supervision services (CS) aimed at improving priority water supply and wastewater systems in Dushanbe city.

Sub-component 2A: This subcomponent will finance water supply investments for the replacement of main water pipelines and booster pumps and construction of two water storage tanks with 6,000m³ each in Sino district of Dushanbe city. The location and diameter of the pipelines to be replaced will be based on the hydraulic model to be completed under the ongoing DWSP2-AF. The direct benefits of this sub-component will be to reduce non-revenue water by reducing water leakages. As such, it will increase water availability for the population, and reduce the incidence of intermittent water supplies. The total expected investment is about US\$18 million.

Sub-component 2B: This subcomponent will finance the replacement of sewer collectors and sewer pipelines in the south-western part of Sino district of the Dushanbe city. The total length is about 23 km and the required investments are estimated at US\$ 7 million.

Component 3: Project Management (US\$0.5 million)

This Component will finance general operating costs of the DVK and its Project Implementation Unit (PIU) to coordinate, implement, administer and monitor the Project. In addition, this component will finance TA to support the PIU to: (i) carry out project monitoring and evaluation activities; (ii) conduct annual audits for the project and DVK; and (iii) update the existing communication including citizen engagement measures to apply transparent criteria for the grievance redress mechanisms for the project activities. The evaluations will allow mid-term and final project evaluations to extract lessons learned from project implementation and beneficiaries' satisfaction surveys.

1.3. Potential Resettlement Impacts

Works associated with reconstruction and upgrading of the water and sewerage network will trigger some impact on people's assets and properties such as crops and buildings and structures which are built above the water and sewerage pipes or are too close to the pipes and as such, restrict access to the network. During the project preparation stage it is impossible to identify the site specific impacts, therefore the Client has the obligation to prepare a resettlement plan, if the proposed project will have any involuntary resettlement impacts identified during the implementation.

2. Justification for and Scope of the Resettlement Policy Framework

The Resettlement Policy Framework (RPF) provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by future project activities whose exact locations are not known. This RPF is an instrument through which the project's environmental and social impacts are identified, assessed, evaluated and have appropriate mitigation, management and monitoring measures, designed and incorporated within the sub project itself.

The project has developed a Resettlement Policy Framework (RPF) to inform all stakeholders of potential risks and mitigation measures related to land acquisition, restriction of access to land or services and loss of assets. The completed pre-feasibility studies indicate that the project will largely be limited to rehabilitation of existing structures. The subcomponent 2 A will finance water supply investments for the replacement of main water pipelines and booster pumps and construction of two water storage tanks with 6,000m³ each in Sino district of Dushanbe city. The final location of the pipelines to be replaced to be constructed has not been identified yet; however the proposed routing will be along the streets to avoid any resettlement impacts on residential dwellings. The planned pumps and water storage tanks of the Napornaya water treatment plant will be built on the premises of the facility, where there are no activities or residences. However, as project design is further detailed, there is a possibility that some construction may exceed available land and may have to take place on sites not yet identified. Further, some land within residence compounds may have to be temporarily occupied for works such as excavation of trenches.

Since these detailed impacts will only be known once project implementation commences, and the possibility of land acquisition and restrictions in access cannot be ruled out at this stage, the client has agreed to develop a RPF. The RPF will identify the possible impacts from project activities, describe the range of potential impacts (temporary and permanent) to land use/access and structures and specify the compensation rates and procedures for the same. Where there is a gap between national and World Bank procedures, the latter will prevail for all activities financed under this project. The RPF will serve as a screening device to ascertain if there will be any impacts resulting from project activities. The RPF is intended as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for activities during implementation of the comprehensive program. If any impacts are identified, the Client will develop site specific Resettlement Action Plans based on the guidelines and procedures highlighted in the RPF document.

This RPF will be approved by the Dushanbe city Khukumat (municipality), and endorsed by WB. Once the document has been approved, it will be uploaded to WB's web-site and be available through the development centre/Infoshop, in compliance with the WB's policy. The RPF will be translated into Russian or Tajik and further will be distributed in such a way as to be available to central and local government agencies and potential PAPs. Implementation of the planned project investments will only take place following these approvals and information sharing/consultation.

3. Objectives and Principles of Resettlement Planning

This Resettlement Policy Framework (RPF) outlines the principles and procedures to ensure that if resettlement needs are identified, then the DVK follows the procedures for involuntary resettlement in compliance with the Government's own applicable laws and regulations along with the WB's policy OP 4.12 on Involuntary Resettlement. The RPF sets out the legal framework, eligibility criteria of displaced population, valuation methodology, compensation provision, entitlement matrix, implementation process, consultation procedures, grievance remedy mechanisms, entitlement payment procedures, and monitoring-evaluation procedures for land acquisition and resettlement under this project.

The basic objectives of the RPF are to: (i) guide the DVK in properly identifying, compensating, and restoring the livelihoods of Project Affected Persons (PAPs), (ii) serve as a binding document to ensure payment of compensation and assistance to PAPs, and (iii) provide direction in preparing, updating, implementing and monitoring subproject RAPs. The RPF includes measures to ensure that PAPs are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the Project.

The RPF is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized;
- Compensation must ensure the maintenance of the PAPs' pre-project living standards;
- PAPs should be fully informed and consulted on compensation options;
- Lack of formal legal land title should not be a hindrance to rehabilitation;
- Particular attention should be paid to socially vulnerable groups, such as ethnic minorities, female headed households, elderly households, etc...and appropriate assistance should be provided to help them improve their status;
- Land acquisition and resettlement should be conceived and executed as a part of the project, and the full costs of compensation should be included in project costs and benefits; and
- Compensation/rehabilitation assistance will be paid prior to ground levelling, demolition, and in any case, before an impact occurs.

The Bank Safeguard Policy OP 4.12 applies to all components under the program, whether or not they are directly funded in whole or in part by the Bank.

4. Legal Framework

4.1. National Resettlement Legislation

The problem of land acquisition for the state and public needs and connected to it problem of involuntary resettlement and matters related to compensation of losses related to such acquisition are regulated by the following laws and normative acts:

- The Constitution of the Republic of Tajikistan establishes land as an exclusive property of the state;
- The Land Code of the Republic of Tajikistan is a systematized code of rules regulating complex of relations arising in the process of possession and use of land;
- The Civil Code of the Republic of Tajikistan is regulating the legal status of participants of civil circulation, grounds for arising of rights and order of their implementation, contractual obligations, property and non-property relations;
- The Law of the Republic of Tajikistan dd. 12 May, 2001 “On Land Estimation” establishes legal grounds for land estimation;
- The Law of the Republic of Tajikistan dd. 14 May, 2004 “On Local Bodies of the State Authority” establishes normative grounds for allocation and reallocation of land;
- The Law of the Republic of Tajikistan dd. 5 January, 2008 “On Land Management” regulates relations connected to legal grounds of activities in the sphere of land management;
- The State Land Cadastre is a system of information and documentation on natural, economic and legal status of lands, their categories, qualitative characteristics and economic value;
- Regulation on the order of compensation for losses of land users and damage of the agricultural production process, approved by the Resolution of the Government of the Republic of Tajikistan # 515, dd. 30 December, 2000, establishes an order of compensation of losses of land users;
- The Civil Procedural Code of the Republic of Tajikistan establishes an order, rules and terms of judicial protection in case of legal proceedings on matters related to involuntary resettlement.
- Regulations of the World Bank Policy on the matters related to involuntary resettlement are also used for the purposes of the Project’s Resettlement Policy implementation.

The Constitution of the Republic of Tajikistan establishes exclusive state property on land. Land is out of the civil turnover and is not a subject to selling and buying, transfer and donation. Land is transferred to juridical and physical persons for use with the right of succession. The state as the land owner has the right to use it in accordance with the prospective of town planning and implementation of agricultural policy. Hence during the process of land acquisition cost parameters of land are not cited. Cost of realty, constructions and assets should be compensated to physical persons.

The Land Code of the Republic of Tajikistan is the most systematized code of rules regulating the complex of legal relations arising during the process of ownership and use of land. Matters related to suspension of land use rights, in case of their acquisition, and compensation of losses of land users and losses connected to withdrawal of land from the turnover are considered in two chapters and nine articles of the Land Code. These articles contain basic provisions on land acquisition for public and state purposes. The Code allows the state to confiscate the land from land users for the needs of projects implemented in the interests of state and at the state scale, and describes methods, system and order of protection of rights and interests of persons whose land is subject for withdrawal for the purposes of the project, and provides for the complex of compensatory measures to cover the land users losses.

The Regulation about an order of compensation of the land users’ losses and losses of agricultural production, approved by the Resolution of the Government of the Republic of Tajikistan # 515, dd. 30 December, 2000, establishes concrete and detailed order of reimbursement of the land users’ losses.

Following are main provisions regarding the problem of involuntary resettlement indicated in the Land Code:

- Acquisition of the land plots for the purposes of the state and public needs have to be done after provision of the equivalent land plot;
- New dwelling, production and other buildings, analogues to confiscated have to be constructed on the new plot in established order;
- Losses occurred during the land plot acquisition have to be compensated in full amount, including missed profit, and losses should be calculated at market cost;
- Construction of buildings and compensation of losses will be made by the institutions and organizations in who's favor the land is confiscated (project beneficiaries);

Under usual circumstances, the process of land acquisition should take not longer than one calendar year. Provision of the new land plot, construction of buildings, compensation of all types of losses, including lost incomes, have to be done before the official land acquisition from the land users.

The amount of compensation will be determined by an efficiently selected panel (commission), members of which will be appointed by the Mayor, and which will be consisting of the representatives of the relevant departments which have a claim/s for land and land users. Determination of losses of land users during the acquisition of agricultural lands should be established on the basis of corresponding documents, provided by the land user.

In case of non achievement of a consensus on the size of compensation of losses and amount of damage, the land user can apply to court with a request to fully compensate damage occurred during the land exemption.

According to the Articles 41 and 43 of the Land Code the land plot could be confiscated for the purposes of state or public needs but only with in equal compensation of realty, constructions and corps located on this plot. This compensation couldn't be less than the current market cost of such realty as the law runs about the principle of compensation at the market price.

The market cost is determined as a basic market cost after taking into consideration the cost of realty, constructions, corps, trees and time required for their reproduction.

The Land Code requires that the institution which is interested in the land acquisition should justify the necessity of such acquisition and demonstrate that namely this plot of land should be confiscated and there is no alternative for the project implementation. The land plot could be confiscated in cases of need of construction of buildings and constructions or implementation of works of the state interest. If the project presents the interest of the state the beneficiary of the project has to prepare proposal on land acquisition required for the purposes of commencement of such acquisition. In accordance with the Law the process of acquisition have to be completed and all people and households which were included into the project zone provided with the compensation before provision of permission to subcontractor on construction commencement.

Tajikistan Land Code and the World Bank Policy OP 4.12.

The Land Code, Regulation on order of compensation of the land users' losses and other laws applied during the process of land acquisition and solution of problem of involuntary resettlement in general are very detailed and do correspond to the WB Policy on the matters related to involuntary resettlement (OP 4.12). However, the Operational Policy of the WB, apart of compensation programs, also provides for assistance to involuntary resettled people during certain transitional period needed for rehabilitation of sources and means of existence and life standards; similar assistance should be provided through improved access to crediting and training programs. In general OP 4.12 covers not only the fact of involuntary resettlement and processes connected to it, but a certain acclimatization period, required for rehabilitation of the economic and social status of involuntary resettled and their integration into local recipient communities. For purposes of the full correspondence to the requirements of the OP/BP 4.12, it is necessary to:

- establish an independent commission comprised of the specialists of Dushanbe City Administration responsible for resettlement matters, and who carrying out the land acquisition, and representatives of the affected community (e.g. in case of the sanitary protection area some members can be elected to represent

all the affected peoples); commission will be responsible for consideration of claims, applications, conflict situations arising in connection to the land acquisition and involuntary resettlement, but not limiting by this;

- establish a group which will be exclusively dealing with the official documentation issues of resettled people (exchange of passports, re-registration of pension documents, identification cards, registration of the servitude right on the new land plots, signing of receipt of compensation); the same group will be dealing with the problem of legal documentation of unauthorized constructions and acquisition of the property right on them in order to get compensation.

Where there is a disparity of gap in the provisions of Tajikistan law and WB OP 4.12, the latter will hold as a minimum standard that has to be adhered to. Such a significant gap is seen in the issue of construction of structures on illegal land.

The Land Code does not define the status of persons who possesses the right of servitude on confiscated land plots (they do not pay official rent). The land Code establishes that in the absence of the servitude right, the land user does not possess any right in relation to this plot of land. Hence, the use of the land plot without the state registration of the servitude right itself does not cause any legal consequences. This clause provides for the absence of obligations of owner (the state) on compensation of damage to person who does not possess the servitude right of the land plot.

However, in the WB OP 4.12, this status is clearly defined. In accordance with this policy, *those people who do not possess official legal title or judicial rights for the land use, but still use the state land are entitled to receive compensation, taking into account the investments they made into the state land, their labor and lost assets, but not for land ownership as in the case of a titled owner.* For this purpose it is necessary to carry out a line of certain administrative and court procedures on acquisition of the property rights on unauthorized construction.

Since the World Bank OP 4.12 takes precedence over National law for the purposes of WB financed activities, as in this project, the following will apply. Any person who has built a structure on illegal land, prior to the stated cut-off date, will not be compensated for the land, but will be compensated for the structure (i.e. investment into the land) at replacement cost.

Furthermore, the policy of the WB provides for the whole acclimatization period of the involuntary resettled to the new conditions and environment, and legislation of the Republic of Tajikistan, whereas the normative terms of the Government are limited by the moment of their actual transfer to the new place of residence. Hence as per this RPF, the project has to budget in the estimate of losses, (apart from the direct expenses on compensation of losses), the financing of certain period of acclimatization of involuntary resettled people to the new environment.

The other issue that is the targeted grant support to non-governmental organizations on locations of involuntary resettlement. Resources allocated for passing through the acclimatization period could be distributed among non-governmental organizations which already possess or will design the targeted programs of support to involuntary resettled during the acclimatization period. This is especially advisable in situations where there is mistrust of or lack of capacity of local authorities to deal with the matters related to acclimatization of the involuntary resettled.

In that way in case of disparity of the laws of the Republic of Tajikistan to the requirements of the policy of the WB on involuntary resettlement (OP 4.12), should be applied. This priority of WB norms over the national legislation is consolidated in the article 10 of the Constitution of the Republic of Tajikistan.

The *Law on Land Administration* (2008, last amendment 2016) obliges the authorities to map and monitor the quality of land, including soil contamination, erosion and logging.

The *Law on Sanitary and Epidemiological Safety of the Population* (2003, amended in 2011) introduced the concept of sanitary and epidemiological expertise that establishes the compliance of project documentation

and economic activities with the state sanitary and epidemiological norms and rules, as well as strengthened provisions on sanitary-hygienic, anti-epidemic and information measures.

The *Law on Pastures* (2013) defines the basic principles of pasture use, including protection of pastures and the environment, and attraction of investments for more effective use and protection of pastures. The Law specifies the powers of local administrations to control environmental safety and pasture use in accordance with state regulations and standards. The law prohibits the implementation of a number of activities in pastures, such as cutting down trees or bushes, building roads, misuse of grazing land, pollution of the environment with waste, and grazing of livestock beyond the established rate. The law requires users to ensure effective use of pastures, including protection of pastures against degradation and pollution. It provides geobotanical research on pastures to assess the potential productivity of natural forage land.

4.2 National Legal Provisions on Social Safeguards and Citizen Engagement

Law on Freedom of Information is underpinned by Article 25 of the Constitution, which states that governmental agencies, social associations and officials are required to provide each person with the possibility of receiving and becoming acquainted with documents that affect her or his rights and interests, except in cases anticipated by law.

According to the *Decree 'Approval of the Order of costs reimbursements related to provision of information'* adopted on January 1, 2010, all state institutions are enabled to charge fees for providing any kind of information to journalists and public officials. The decree states that one page of information provided should cost up to 35 Somoni (US\$8).

The decree enables state officials to charge for photocopying official documents or extracts of official documents and for obtaining information from government officials in writing. Payment can be collected not only for the supply of printed information, but also for verbal information and clarification of legislative acts, decrees and regulations⁶.

Per the *Law on Public Associations*, a public association may be formed in one of the following organizational and legal forms: public organization, public movement, or a body of public initiative. Article 4 of this law establishes the right of citizens to found associations for the protection of common interests and the achievement of common goals. It outlines the voluntary nature of associations and defines citizens' rights to restrain from joining and withdrawing from an organization. August 2015 amendments to this legislation require NGOs to notify the Ministry of Justice about all funds received from international sources prior to using the funds.

The 2014 *Law on Public Meetings, Demonstrations and Rallies* (Article 10) bans persons with a record of administrative offenses (i.e. non-criminal infractions) under Articles 106, 460, 479 and 480 of the Code for Administrative Offences from organizing gatherings⁷. Article 12 of the Law establishes that the gathering organizers must obtain permission from local administration fifteen days prior to organizing a mass gathering.

Law of Republic of Tajikistan on Appeals of Individuals and Legal Entities (from July 23, 2016, № 1339), contains legal provisions on established information channels for citizens to file their complaints, requests and grievances. Article 14 of the Law sets the timeframes for handling grievances, which is 15 days from the date of receipt that do not require additional study and research, and 30 days for the appeals that need additional study. These legal provisions will be taken into account by the project-based Grievance Redress Mechanism.

⁶ 'Commercial Laws of Tajikistan: An Assessment by the EBRD'. Office of the General Counsel. April 2012. European Bank for Reconstruction and Development.

⁷ These provisions concern the hampering of gatherings (Article 106); disorderly conduct (Article 460); disobedience to police (Article 479); and violation of rules of conducting gatherings (Article 480).

Labour Code prohibits forced labour and child labour (Article 8). The Labor Code also sets the minimum age at which a child can be employed as well as the conditions under which children can work (Articles 113, 67, and 174). The minimum employment age is 15, however, in certain cases of vocational training, mild work may be allowed for 14 year olds (Article 174 of the Labor Code). In addition, there are some labour restrictions on what type of work can be done, and what hours of work are permissible by workers under the age of 18. Examples of labor restrictions include: those between 14 and 15 cannot work more than 24 hours per week while those under 18 cannot work more than 35 hours per week; during the academic year, the maximum number of hours is half of this, 12 and 17.5 hours, respectively. These limitations are consistent with the ILO Convention on Minimum Age. In addition, *Law on Parents Responsibility for Children's Upbringing and Education*, makes parents responsible for ensuring their children not involved in heavy and hazardous work and that they are attending school.

5. Eligibility Criteria and Procedures

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

5.1 Principles

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

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

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

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

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

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

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

5.2 Eligibility Criteria and Entitlements

Defining eligibility criteria is essential for the resettlement/ rehabilitation process and compensation payments. The census and property inventories provide the basis of the identification of PAPs and assets.

This section outlines the categories of Project affected peoples who are recognised as potentially affected by project activities and describes the categories of entitlements:

At the outset it needs to be reminded that as the RPF has already stated, all the land in the project area is owned by the GoT: “The Constitution of the Republic of Tajikistan establishes exclusive state property on land. Land is out of the civil turnover and is not a subject to selling and buying, transfer and donation. Land is transferred to juridical and physical persons for use with the right of succession. The state as the land owner has the right to use it in accordance with the prospective of town planning and implementation of agricultural policy.”

- Land occupiers whose land may be permanently acquired for construction of new treatment plants, for works or as part of the proposed sanitary protection area along the upstream reaches of the Varzob river and canal. In the event that this category of PAP is identified, every effort will be made to provide an equivalent plot of same value and size in a nearby area to ensure that other aspects of economic and social life (e.g. job, school, kin support) is not disrupted. If a tenant is occupying the property, the land lord is expected to give the tenant adequate notice or compensate him/her as per the individual rental agreement between the two parties.
- House plot owners / tenants where land within the residence compound may be temporarily occupied for excavation works or whose access to the residential compound is temporarily disrupted by such works. The land will be restored to its original condition after the project works are completed. During the works, the project will take all precaution to ensure that there is minimal disturbance to the residents. However, in the case that the residents are affected (e.g. access to compound garage is not possible), the project will compensate the affected person to ensure that they can meet their needs through alternative means (e.g. allow street parking or pay for nearby car park). A reasonable amount of money determined by the Compensation Committee will be paid to the affected PAPs as a disturbance allowance for each week (7 days) of disturbance, calculated on a pro-rata basis. Where the PAP is a tenant, this compensation and disturbance allowance will be paid directly to the tenant as he/she is experiencing the disturbance. The house owner/landlord will be informed of this compensation and disturbance allowance amount so he/she is aware of it and is hence not obliged to compensate the tenant through reduction in rent.
- Vendors or other commercial businesses disrupted by excavation works. Any legal or illegal shop/vendor who was carrying out business prior to finalization of design and cut-off date, and whose business is disrupted, will be compensated for the loss of business for the period that he cannot carry out his trade. This will be calculated by the resettlement committee based on any records the vendor can show of business in the preceding 3 months. Where there are inadequate paper records, the daily business profit will be estimated by comparing to the average income of similar businesses. An additional disturbance allowance equivalent to 7 days of business profit will be paid. Every precaution will be taken not to damage existing structures. Where any structure is damaged, adequate compensation to replace that part will be paid at replacement cost. In the event that a structure has to be demolished, compensation will be at full replacement cost. However, in the event that the vendor is provided an alternative market site and a new structure to carry out business, the compensation will only be for loss of business which will be paid for actual days of business lost, plus the additional 7 days of lost business profit in lieu of disturbance allowance. It will be ensured that relocated shops are established in an area that enables them to maintain equal, or better, economic activities. The project will also bear full cost of transportation of goods to the new location of the business or to any storage area, and cover the cost of storage for the period of disruption. For legal structures additional compensation will be paid if there is title to land, equivalent to the market cost of the land as well as full compensation for all fees needed to make the replacement structure legal.
- Persons whose structures are demolished or where use and access to services is denied or restricted in the proposed sanitary protection area along the upstream reaches of the Dushanbinka river and canal: It is understood that all structures in this area are legal and there is no private land in this area. Hence as per WB OP 4.12 PAPs will be recognised as those persons who own or use structures/ services in this area prior to the announced cut-off date and project social survey. The preference will be to replace the structure with

another one of equivalent size, material and value. Where deemed appropriate, an alternative will be to compensate the structure at replacement cost. The compensation will be paid at a minimum of 3 months prior to the demolition of the affected structure to ensure that the new structure is fully operational when access to the old structure is restricted. Where access to a service/facility is restricted, the project will finance such a service accessible to the affected people at a distance which is, at most, not more than the distance of the lost service from their house. The new service will be fully operational prior to restriction of the affected service.

Eligibility for Community Compensation

It is important to note that the eligibility may be claimed collectively e.g. as a community or religious group and does not necessarily have to be individuals or families. Communities on communal land that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market places, taxi parks, schools and health centres. The rationale for this is to ensure that the pre-project socio-economic status of communities where adversely impacted, is also restored.

Eligibility criteria will also be determined by the status of development up to when the census starts and will further be determined by other development approval as issued by the government. The consultant will interview key government officers in the district including provincial administration.

Table Showing Entitlement Matrix: Eligible PAPs, Assets and Compensation Estimates/Guidelines

Project Impact	PAP Category	Asset Affected	Compensation Guide
Permanent acquisition of land for works, construction of pump or as part of sanitary protection area.	Land occupier	Land	Replacement land of equivalent market value (or at replacement cost , without depreciation of asset – whichever is greater) as priority option within 3 km radius.
Permanent acquisition of legal structure.	Owner of structure	Any structure including house, fence, sanitation structure etc.	Replacement structure or Cash compensation at replacement value of a new structure plus full compensation for all fees needed to make replacement new structure legal.
Permanent acquisition of illegal structure	Owner of structure	Any structure including house, fence, sanitation structure etc.	Replacement structure or Cash compensation at replacement cost without depreciation of asset
Tenant or House owner		Section of residential compound temporarily affected or access to house affected by works	Restoration of land to original condition after works. In kind compensation for affected need such as alternative car parking facility. Disturbance allowance for each week (7 days) of disturbance calculated on a pro rata basis.
Vendors or business entrepreneur		Loss of business due to works	Cash compensation of estimated business loss assessed from records of preceding 3 months or equivalent business (if no records). Disturbance allowance equivalent to 7 days of business profit
		Demolition of shop	Replacement structure or Cash compensation equivalent to replacement value of structure or provision of alternative structure in market area.

			Disturbance allowance equivalent to 7 days of business profit Transportation of goods to new shop and/or storage of goods until shop is functional again.
Owner of structure in proposed sanitary protection area		Demolition of structure or restriction of access to it	Replacement structure or Cash compensation at replacement cost for structure, payable at a maximum of 3 months prior to the demolition or restriction of access.
Service user (individual or community whose access to a service in the proposed sanitary protection area is restricted or denied)		Restriction of access to service	Provision of equivalent service at a distance which is, at most, not more than the distance of the restricted service from house. The new service will be fully operational prior to restriction of access to the old service.
Farmer occupying land	Land occupier	Crops	In addition to land compensation, will be allowed to take standing crop and cash compensation for 2 seasons or annual crop yield whichever higher at highest market rate. Labour invested also compensated.
Tenant farmer	Tenant	Crops	Allowed to take standing crop and cash compensation for 2 seasons or annual crop yield whichever higher at highest market rate. Labour invested also compensated.
Fruit tree owner	Owner	Fruit tree	Cash compensation for highest market price of 5 years harvest of full mature tree or 7 years if tree already at full maturity.
Fruit tree renter	Renter	Fruit tree	Cash compensation at highest market price for 2 years harvest of full mature tree or 3 years harvest if tree already at full maturity.

5.3 Vulnerable Sub-Groups

Particular attention will be given to identify PAPs falling into vulnerable groups such as the landless, women-headed households, households with orphans, elderly living alone, sick head of household to ensure that their needs are identified and that they are provided adequate support. Vulnerability will be defined at the household level and could be based on economic vulnerability (e.g. a street vendor who has minimum profit and survives on a daily basis on his income) or social vulnerability (e.g. a tenant in an apartment who lives alone, has HIV and jobless) or a combination of these. The socio-economic survey for each RAP will clearly identify the households that are deemed vulnerable in terms of project impact, provide a detailed justification describing the project impact and rationale for vulnerability.

The criteria must be linked to project impact. Hence if there is a household with elderly and no youth who are losing access to a bathing facility along the proposed sanitary zone, this household will have access to the alternative service provided by the project. Hence this household is by its nature vulnerable regardless of the project. In such a case it is not obligatory on the project but considered recommended practice for the project to perhaps finance something such as pipe connection to this vulnerable household if funds permit.

On the other hand, the same household if losing a fence in the same sanitary zone, is seen to be vulnerable in lieu of project impacts. This is because unlike other households, it cannot rebuild the fence as it has no young labour. In this case, the project must include in its resettlement package additional provision to finance the labour of the new construction over and above the entitled resettlement package.

The RAP will clearly describe the nature of the impact, the vulnerability and the detailed provisions offered to the household by the project that are specific to its particular needs and cater to its limitations. All vulnerable households will be included in the monitoring samples and follow up visits will be done for at least 1 year after completion of resettlement. Similarly, any household requesting will be provided assistance to submit a complaint.

5.4 Methods to Determine Cut-Off Dates

Once the design of an activity has been finalized and legal procedures completed, a RAP will be prepared for the activity. As part of the RAP, a census will be undertaken to identify all the PAPs and the related levels of impact. The date that the census begins is the cut-off date for eligibility for resettlement and compensation. It is key therefore, that this date is fully communicated to all potential PAPs in the project affected area with sufficient time for these people to ensure their availability for the census.

This communication will be done through the Resettlement and Compensation Committees and in line with the consultation procedures outlined in this document. The potential PAPs will be informed through both formal notification in writing and by verbal notification delivered in the in the presence of the community leaders or their representatives.

Once the census had been undertaken, the lists will be verified and validated by the relevant authorities such as the district Departments of Internal Affairs, local authorities, etc). Once these lists have been approved, thereafter, no new cases of affected people will be considered. Once land users have been identified, their details and eligibility will be submitted to the Resettlement and Compensation Committee and these new PAPs will be considered eligible for compensation.

The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a risk to the project. Therefore, establishment of a cut-off date is of critical importance. The Resettlement and Compensation Committees will play a crucial role in identifying users of land.

Because the time period between the cut-off date and the time actual productive investments (civil works, etc.) would start, bearing also in mind that only after PAPs have been compensated and any replacement structures built according to the requirements of this RPF, is likely to be anytime period from six months on, special attention needs to be taken to secure the sites from rush and opportunistic invasion. These measures should include close consultation with the recognized PAP's, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders etc.

6. RPF and RAP Implementation Arrangements and Procedures

6.1 Overview

The overall coordination of the project will be provided by the DVK which will oversee all resettlement planning and coordinate all issues relating to the compensation. Given that the project location is in a major urban area, DVK will collaborate and rely on the Dushanbe City Administration (municipality) for certain procedures.

The implementation arrangements of the RPF build on:

- The implementation arrangements for the overall Dushanbe Water Supply and Sanitation Project; and

- The implementation arrangements for resettlement and compensation activities in line with the Tajikistan legislation outlined in this document.

Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities under the DWSSP. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each project activity. These are based on the institutional structure at the time of writing the RPF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

6.2 When is a RAP required?

In order to scope potential resettlement implications, the steps to be undertaken at the design stage of each project activity include the following:

- a screening process;
- a socio-economic census and land asset inventory of the area; and
- identification of Project Affected Persons (PAPs).

The census is done once it is known that permanent or temporary acquisition of land or structures is required (i.e., once the activity design is finalized and all legal permits are secured). Once these steps are completed and there is evidence of resettlement issues, a Resettlement Action Plan (RAP) will be developed. This RPF provides a framework for the preparation of RAPs to address resettlement associated with the activities of this project.

When a project is expected to cause physical or economic resettlement, a RAP must be prepared by the sub-project Resettlement and Compensation Committee. This will be approved by Dushanbe Municipality, and ultimately signed off by the Mayor. The RAP will need to be as detailed as possible in order to guide resettlement of each of the activities.

In order to ensure robustness and consistency of the process, the preparation, implementation and monitoring of the RAPs will often need to be closely supported by training and technical assistance. In advance, DVK must undertake an assessment of the relevant actors (namely the sub-project Resettlement and Compensation Committee, and related office in Municipality) to identify training and technical needs.

6.3 Public Consultation and Participation

Consultation with, and participation by, the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, there must be adequate consultation and involvement of the local communities and the affected persons.

Grievance redress is very important to the success of implementation of resettlement action plans. This is covered in more detail below.

6.4 Screening of Project Activities

The first step in the process of preparing individual RAPs is the screening process to identify the land/ areas that may result in resettlement impacts. This screening is used to identify the types and nature of potential impacts related to the activities proposed under this project, and to provide adequate measures to address them. It also ensures that the avoidance or minimization of resettlement is a key criterion when designing project activities.

Screening will be undertaken by the consultants contracted to design the activity under the supervision of Land Management Department of Dushanbe City Administration. No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts. Should the screening

process show that resettlement will be required, the next step will be to conduct a socio-economic census and land asset inventory to determine the extent of resettlement required. This will be followed by the preparation of a RAP for that activity.

6.5 Socio-Economic Census and Asset Inventory

An important input to preparing a RAP is to establish appropriate data to identify the persons who will be displaced by the project activity, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.

In essence, the census will achieve the following:

- provide initial information on the scale of resettlement to be undertaken;
- identifies gaps in information and gives an indication of further socio-economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions;
- establishes indicators that can be measured at a later date during monitoring and evaluation.

The socio-economic census will be initiated by DVK who will contract an independent and qualified consultant, under close supervision of the Resettlement and Compensation Committees. The consultant will work closely with the relevant institutions, such as the State Architecture and Construction Control Inspectorate, State Land Committee, etc) who will be carrying out the design of the activity. It will be accompanied by a land and asset inventory.

6.6 Development of the RAP

Following the socio-economic census and identification of affected parties, a RAP will be developed. This will be coordinated by the sub-project Resettlement and Compensation Committees and overseen by DVK. It is anticipated that the work will be undertaken by a private consultant or NGO/CBO commissioned for this particular task.

It will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes. The basic elements of a RAP, as outlined in OP 4.12 are provided below. Each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available on the World Bank's website (www.worldbank.org) or in the World Bank's Resettlement and Rehabilitation Guidebook.

It is expected that in this project, the impacts on the entire displaced population will be minor (i.e. affected people are **not** likely to be physically displaced and less than 10% of their productive assets will be lost) and fewer than 200 people would be displaced (economically or physically) for the entire project. Hence the RAP submitted may not include all the sections listed below and could be abbreviated accordingly, with adequate reference to the RPF for the common sections. Further, those sections that are not applicable may be omitted. For example, if there is no temporary disruption and the compensation is just cash, then there would be no need for a section on site selection or housing infrastructure. However, each RAP must contain the specific details of the affected PAPs and assets in detail, with costing and schedule.

World bank OP 4.12 sets the requirements of a full RAP to include (but not limited to):

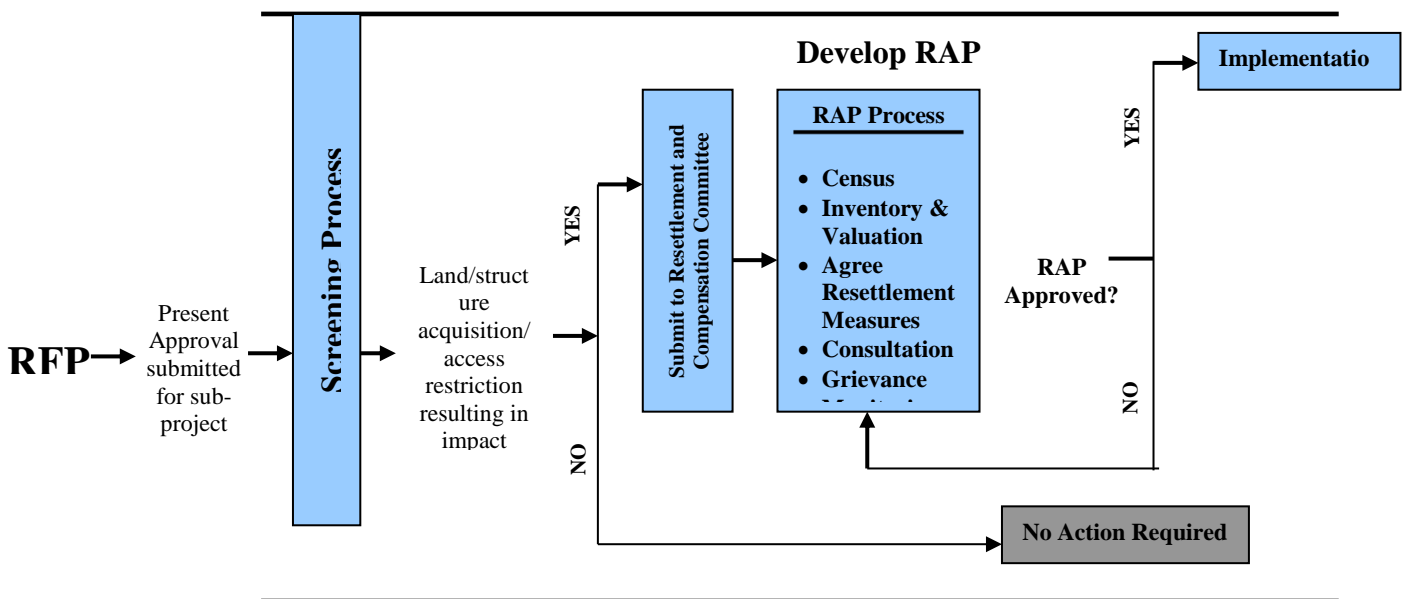
- Description of the project
- Potential Impacts
- Objectives
- Socioeconomic Studies
- Legal Framework
- Institutional Framework.
- Eligibility
- Valuation of and compensation for losses
- Resettlement measures
- Site selection, site preparation, and relocation

- Housing, infrastructure, and social services
- Environmental protection and management
- Community participation
- Integration with host populations
- Grievance procedures
- Organizational responsibilities
- Implementation schedule
- Cost and budget
- Monitoring and evaluation

6.7 Approval of RAP

Following completion of the RAP for an activity, the Resettlement and Compensation Committee must submit the RAP to the Mayor of Dushanbe city for approval. The RAP is also to be submitted to the DVK office to ensure compliance with the RPF, and consistency in approach between different activities. The RAP must also be sent to the World Bank to ensure compliance with OP4.12 and any other relevant policies/procedures. Capacity for RAP review and approval will be built at the Dushanbe City Administration, DVK and in the Resettlement and Compensation Committee. This will be through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.

Figure 1. Outline of the RAP process



6.8 Estimates of the Project Affected Population and Assets

The completed pre-feasibility studies indicate that the project will largely be limited to rehabilitation of existing structures. The planned new pumping station and reservoir of the Napornaya water treatment plant will be built on the premises of the authority, where there are no activities or residences. However, as project design is further detailed, there is a possibility that some construction may exceed available land and may have to take place on sites not yet identified. Further, some land within residence compounds may have to be temporarily occupied for works such as excavation of trenches. In addition, DWPS2 may establish a sanitary protection area along the upstream reaches of the Varzob river and canal, to avoid contamination of the water source of the NAP and SAM water treatment plants. In this case, the identified areas will need to be cleared of settlements (if any), and existing structures. Further, certain polluting/quality threatening activities will be restricted. This activity will also include some mitigation measures such as installation of fences, septic tanks and drains. Final figures will become available when the designs are completed and a firm decision is taken on the proposed sanitary protection area. Once studies and designs are finalized, the censuses for the RAPs will be completed.

7. Valuation Methods of Affected Assets

This section sets out the guidelines for determining the value of affected assets.

7.1 Type of Compensation Payments

Compensation for all land use and assets in kind or cash as guided by the entitlement matrix will be required for the following:

- Land;
- Residential buildings, structures and fixtures;
- Cultivated crops (both cash and food crops) and trees; and
- Loss of businesses or employment.

In addition, disturbance allowance, storage of goods, replacement of lost services and other assistance will be given, as outlined in the Entitlement Matrix above. However this is for guidance only, and it is essential that at the time of detailed RAP preparation current market values and replacement cost values are used to establish actual compensation. Similarly, amounts of disturbance allowance and other benefits will also be adjusted to reflect any economic changes and buying power of currency since the preparation of this RPF. The Resettlement and Compensation Committees will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and that it is consistent with Tajikistan law as long as it meets the requirements of WB OP 4.12.

7.2 Preparation of Asset Inventory

The asset inventory will be informed by the census survey, and will be carried out once an activity design is finalized and approved. In order to prepare an inventory of assets for a sub-project, a field team will visit the affected area to carry out an asset valuation survey.

During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the principles and guidance in the entitlement matrix. The total list of affected assets and their assigned values including any additional compensatory measures will be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. The document will indicate when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

7.3 Valuation Methods

Replacement Cost Approach

The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

Gross Current Replacement Cost

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

Other methods

Rates from Contractors: When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

Schedule of rates: The Construction Departments in the Municipality of Dushanbe have a schedule of rates for preparing estimates for construction projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

Compensation Calculation for Assets

The following methods of calculation should be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case by case valuations in the case of projects that have significant impacts.

7.4 Compensation for Various Assets

7.4.1 Compensation for Land

In the event of permanent land acquisition of titled land, the first premise is provision of replacement land. In the case where no alternative land is available within a reasonable distance such as to minimize disruption to other aspects of socio-economic life, cash compensation at full replacement value should be provided. This should be valued based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality. In addition, any associated costs of purchasing the land i.e., taxes, registration fees will need to be included in the compensation.

In addition, the PAP will be compensated for any permanent improvements made to the land (for instance irrigation structures). This will be calculated based on the price of making the permanent improvement at current prevailing market rates for labor, equipment and materials.

Where land lost is only a small proportion of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided should be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land).

7.4.2 Calculation of Crops and Fruit Trees Compensation Rate

The current prices for the crops will be determined, taking into account the Government recommended rate and the highest market price, and whichever is higher. Where land is rented, 2 seasons or annual crop estimate, whichever is higher will be compensated. Where land is owned, aside from the replacement land or cash compensation for land, the owner will also get compensation for 2 seasons or annual crop estimate, whichever is higher. The crops used will be the ones that are currently or have most recently been cultivated on that land. In addition, PAPs will be encouraged to harvest their produce before loss of land. In order to ensure that this is possible, and that appropriate market prices are received for yields, there needs to be sufficient consultation beforehand so that harvesting can be properly planned.

The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation should be updated to reflect values at the time compensation is paid.

Fruit trees will be compensated to the owner by estimating the value of a full grown fruit tree of that kind for 5 years, using Government or highest market price, whichever is higher. For trees that are already at their maximum potential, the value of seven years of harvest will be given. Where the fruit tree is given on rent, the tenant will also be entitled to compensation along the same grounds for 2 years mature harvest and 3 years mature harvest if the tree is already at full maturity.

7.4.3 Compensation for Buildings and Structures

The preferred option is to provide alternate structures (huts, houses, farm outbuildings, latrines, storage facilities and fences etc.) of improved quality where possible. Where structures are dwellings, the replaced structure should provide improved living conditions.

The second option is provision of cash compensation at full replacement value. Replacement values will be based on:

- Measurements of structures and detail of materials used;
- Average replacement costs of different types of household buildings and
- Structures based on collection of information on the numbers and types of
- materials used to construct different types of structures (e.g. poles, bricks, rafters,
- Bundles of straw, corrugated iron sheets, doors etc.).
- Prices of these items collected in different local markets;
- Costs for transportation and delivery of these items to acquired/ replacement
- land or building site;
- Estimates of construction of new buildings including labor required;
- Any associated taxes, registration fees.

Compensation will be made for structures that are (i) abandoned because of relocation or resettlement of an individual or household, or (ii) directly damaged by subproject activities.

7.4.4 Compensation for Community Assets

Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in kind and new facilities will be provided even if there are existing facilities at the new location.

7.4.5 Compensation for Sacred Sites

This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. Sacred and memorial sites include but not restricted only to; museums, altars, initiation centers, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any project activity, is not permitted under this project.

7.4.6 Compensation for Loss of Businesses

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

8. Implementation Schedule, Linking Resettlement Implementation to Civil Works

8.1 Overview

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required. Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs.

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed to between the Resettlement Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land/structures/services that PAPs are using. The dates must be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and

resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the local and national authorities, the RAP should be sent to the World Bank for final review and approval.

8.2 Implementation schedule

The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan should include a target date when the expected benefits for resettled persons and hosts would be achieved.

Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution.

Target dates for completion of compensation and various forms of assistance to the resettled persons should be disseminated to them. Planning and coordination of the tasks of the various actors is key to successful implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching to ensure a common understanding of the implications of this RPF. The workshops will focus on (i) taking stock of the legal framework for compensation, (ii) settling institutional arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan.

The stakeholders will be requested to participate in the decision making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule.

When the resettlement and compensation plans are submitted to the Dushanbe City Mayor for approval, part of the screening process that would be used to approve RAPs would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank for final review and approval.

9. Grievances Redress Mechanisms

Grievance procedures are required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The procedures also ensure that the entitlements are effectively transferred to the intended beneficiaries. Stakeholders will be informed of the intention to implement the grievance mechanism, and the procedure will be communicated at the time that the RAPs are finalized.

Grievances may arise from members of communities who are dissatisfied with (i) the eligibility criteria, (ii) community planning measures, or (iii) actual implementation. This chapter sets out the measures to be used to manage grievances.

9.1. GRM Structure and Process

SUE “Dushanbevodokanal” ensures timely and effective consideration of complaints on any aspect of the Project.

Within the framework of the second water supply project of the city of Dushanbe, the DWSP2AF/CS-20/1 contract “Purchase of communication support and ICT-based reporting system” was implemented, according

to which the Call center was implemented and the Dushanbevodokanal SUE website was updated www.obidushanbe.tj

At present the customers can file complaints with DVK either by calling the Call Center or by leaving their complaints on the SUE “Dushanbevodokanal” website.

Received complaints to the Call Center are accepted by the operators and recorded in the system in a timely manner, with subsequent transfer to authorized persons for consideration and action.

The e-mail address indicated on the website of the Dushanbevodokanal, where residents / subscribers can leave their wishes, complaints and suggestions, is constantly monitored by the responsible person, and measures are taken in a timely manner to resolve them.

It is also important to note that DVK will establish a project-level Grievance Review Committee (GRC). The city level GRC will be created after the effectiveness of the Grant. Designated persons, members of the GRCs will be active throughout the entire Project. The DVK Project Implementation Unit (PIU) will ensure efficient handling of any requests related to the Project. The PIU will monitor the implementation of the Project. A semi-annual report on the monitoring of social protection will be prepared and submitted.

All requests/ complaints related to the Project will be reviewed with the participation of the PIU. GRM covers issues related to social, environmental and other protective issues within the framework of the WB requirements and current laws of Tajikistan.

GRC will be operational throughout the life of the project.

Complaints may be filed by any member of the GRC. The member of the GRC who received the complaint, registers the complaint in a special journal, issues a receipt (confirmation) of the complaint and informs the victim about the expected time period for consideration of the complaint. The received complaint will be checked for acceptability. If the complaint is:

- (i) is not related to the project;
- (ii) needs to be reviewed by separate more appropriate procedures (for example, fraud and corruption);
- (iii) the nature of the matter goes beyond the official mandate of the GRC or
- (iv) the applicant does not have the right to file a complaint, the main person informs the applicant in writing about the right to participate and informs about other relevant bodies to consider the complaint,

If the complaint is found to be relevant, one of the following categories should be assigned to it:

- A - request, clarification, suggestion, request;
- B - complaint of alleged violation of the WB OP 4.12;
- C - accusation of fraud or corruption.

A complaint filed with a GRM must be reviewed and a decision made on its relevance to the Project within 14 calendar days after submission. If the case is complex or requires a more detailed investigation (for example, inspections by technical experts or legal opinion from state or certified individuals), the complaint review period may be extended to 30 calendar days or more, if necessary. In such cases, a written notice must be sent to the applicant with an explanation of the reasons for the extension, a description of the process and an indication of the expected dates for submitting the results of the review.

If the complaint is not resolved in a timely manner, or the complainant is not satisfied with the decision of the GRC, s/he may file an appeal at the GRM level at the Dushanbe city level. The coordinator of the GRC at the Dushanbe city level will register the complaint / appeal, publish a written note with information on the time frame for resolving the complaints (from 14 to 30 days, depending on the complexity of the case) and initiates the consideration of the complaint.

The coordinator should initiate the consideration of complaints and convene a meeting of the GRC no later than 5 days after the complaint has been registered as eligible for participation in the GRM. All supporting documents - photo and video materials, required certificates, legal opinions, technical expert opinions, if this is practicable, should be prepared before the start of the meeting. Minutes of each meeting must be agreed and signed by all members of the GRC no later than 3 days after the gathering.

All supporting documents, such as photographs, relevant certificates and legal and technical expert opinions, if necessary, should be reviewed and evaluated. Once the complaint has been resolved, the GRC organizes a meeting to close the complaint, in which the complainant confirms the closure of the complaint.

The representative of the DVK PIU will monitor the resolution of the complaint. DVK has dispatch services that are available 24 hours / seven days a week. The representative of the dispatching service will be a member of the GRC and, if necessary, will invite to meetings for consideration of complaints.

Regardless of the established complaints mechanism and procedures, the PAPs will have the right to present their cases to the court at any time during the complaints process. Every effort will be made to resolve issues at the Project level through consultation with the victim. If this is not possible, attempts will be made to resolve problems at the Project level in order to avoid / minimize the legal proceedings as much as possible.

All complaints and resolutions will be duly documented by the DVK PIU and provided for inspection, monitoring and evaluation

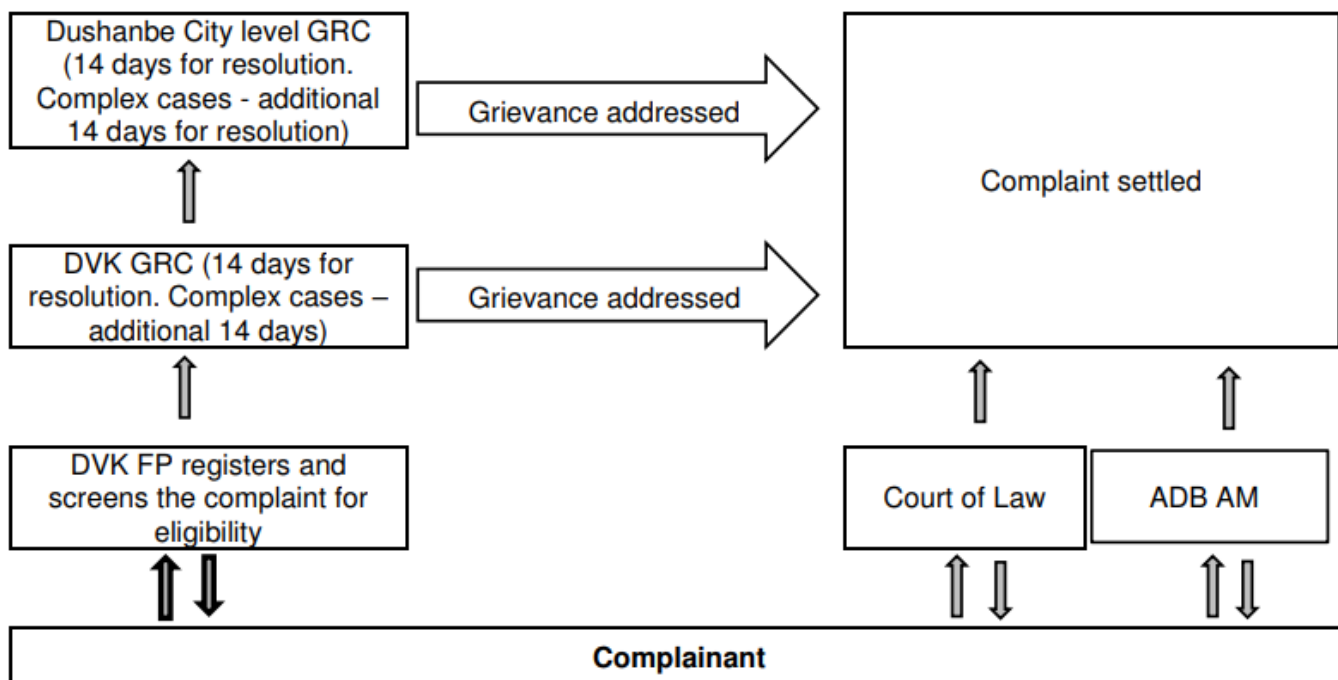


Figure2: Grievance Redress Process⁸

9.2 Duties of GRC Members

Focal Point (FP)
<p>Once the FP receives a written notification of a complaint s/he will:</p> <ul style="list-style-type: none"> • based on the simple screening procedure, asses the grievance and determine if the grievance is eligible for the GRM; if eligible, register the grievance in the complaints logbook; • write a grievance summary to be signed by the complainant and the FP indicating name of the complainant, date and place of presentation of complaint, description of complaint and supporting documents, if any; • send the complaint summary to all members of the local level GRC; • convey requests and enquiries of the complainants to the PIG and to the other members of the GRC at the local level; • organize a grievance redress meeting; • maintain records of each meeting and each communication between the FP/GRC and the complainants; • participate at appeal cases at all levels; • ensure administrative and organizational support for GRC members.
Supervision Consultant Resettlement Specialist

⁸ Source: ADB Dushanbe Water Supply and Sanitation Project (DWSSP), Initial Environmental Examination, July 2018

Once notified of a complaint and the FP has been invited to a grievance meeting the Consultant will:

- participate to all grievance meetings, provide opinions and analysis;
- accompany eventual assessment/valuation specialists in the field,
- provide other GRC members as relevant with opinion and suggestions for resolution to be reflected in the final meeting report.

GRC Chairperson

Once notified that a complainant has lodged an appeal case at the central level, the GRC chairperson will:

- review the local level GRC decision;
- invite the GRC members to the meeting;
- chair the GRC meetings and ensure that the minutes of the meeting are taken and shared with all relevant parties;
- inform the aggrieved person of the GRC's decision;
- ensure administrative and organizational support for GRC members to work;
- support the decision made by the GRC and follow up to ensure action is taken.

DVK PIG Safeguards Specialists

Once notified that a complainant has lodged at the central level, the PIG Safeguards specialist will:

- participate in GRC meetings at local and central level;
- prepare the chronology of events to understand the sequence of developments prompting the complaint;
- provide opinion on resettlement impacts claimed by the claimant;
- request that the chairperson organizes meetings, as necessary;
- maintain communication between the GRC and the complainants.

Technical Experts

When requested by the DVK PIG to provide technical expertise for the assessment of an impact claimed by the complainant, the relevant expert will:

- examine the case, perform relevant tests or an investigation;
- prepare a short report based on the results of the examination completed;
- recommend if further or additional legal opinion or expertise is needed to make a judgment on the substance of the case.

9.3. GRC Complaint Register, Records and Documentation

The DVK PIG will maintain the complaint register. This will include a record of all complaints for regular monitoring of grievances and results of services performed by the GRCs for periodic review by the WB.

9.4 World Bank Grievance Redress System

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

10. RPF Implementation Budget

Resettlement and compensation will be adequately financed through the existing budget for such land acquisition in the Municipality of Dushanbe City (who is responsible for such activities). However, the actual cost of resettlement will depend on final designs and current market rates and hence might vary.

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed. It is therefore not possible to provide an estimated

budget for the total cost of resettlement that may be associated with implementation of this project. However, when these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for each RAP will be prepared. Each RAP will include a detailed budget, using the following template thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. The project will prepare the resettlement budget and will finance it through the administrative and financial management rules and manuals under the Municipality budget. This budget will be subject to the approval of the Dushanbe City Mayor.

The City Finance Department at the Dushanbe Municipality will manage and monitor the resettlement budget and will finance it through the administrative and financial management WB OP 4.12 procedures, following the rules and manuals as for any other activity eligible for payment under this project.

11. Arrangements for Monitoring and Evaluation

This section sets out requirements for the monitoring of the implementation of the RPF. In addition, monitoring of social indicators will be mainstreamed into the overall monitoring and evaluation system for the project.

DVK/PIG will develop and implement a detailed monitoring and evaluation plan reflecting the resettlement and land acquisition issues. PIG will maintain the database with the baseline data against which the RAP progress will be tracked and monitored. Monitoring of the compensation process will allow understanding if PAPs received fully their compensation.

To enable efficient, effective and fair monitoring, the following indicators are proposed to monitor RAP implementation:

- Number of land plots lost versus the number of replacement land (of similar or better quality);
- Number of PAPs who received their land use certificate (for replacement land);
- Number of PAPs lost residential home;
- Number of PAPs lost/have affected their means of income;
- Number of jobs provided (temporary and replacement), including number of PAPs employed for these jobs;

Data for these indicators will be collected through random sample surveys among the PAPs as well as through the consultation meetings or FGDs.

The DVK/PIG shall prepare and submit semi-annually monitoring reports to WB on RAP implementation and a compliance report upon completion of the RAP implementation.

The Project Supervision Consultant (PSC) will assist DVK/PIG in carrying out the duties related to finalization, implementation, supervision, monitoring and evaluation of the LAR activities. In particular, the Project supervision consultant will assist DVK/PIG to:

- Finalize the design for the sub-projects and get the details of affected lands and properties;
- Design and supervise the consultations, disclosure, DMS and census/socioeconomic survey related to the finalization of the RAP;
- Coordinate closely with the licensed valuator in conducting official valuation of affected assets to ensure compliance with the replacement cost principles of the WB OP 4.12;
- Ensure complete vacation of affected structures/land before civil works commencement and payment of appropriate compensation before displacing the DPs;
- Monitor RAP implementation process, provide data and support DVK/PIG in preparation of quarterly monitoring reports on RAP implementation and monitoring activities;
- Inform the DVK/PIG on issues and bottlenecks that arise during the RAP implementation and monitoring, and provide recommendations and suggestions on solution of such issues;

- Supervise the activities of Contractor(s) and Sub-contractor(s), including implementation of mitigation measures, temporary land acquisition, etc.;
- Advise DVK/PIG on resettlement issues and grievance redress;
- Study, communicate to DVK/PIG and implement immediate remediation in case of any non-compliance with the RAP;

12. Consultations and Participation of PAPs in Planning, Implementation and Monitoring

12.1 Overview

The involvement of involuntary resettled persons and hosts in planning prior to the move is critical and initial resistance to the idea of involuntary resettlement is expected. To obtain cooperation, participation and feedback, the resettled persons will be systematically informed and consulted during preparation of the resettlement plan about their options and rights. Particular attention will be given to vulnerable groups such as the landless, women-headed households, households with orphans, elderly living alone, to ensure that they are represented adequately in such arrangements.

Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and DVK. Effective and close consultation with PAPs is a pre-requisite for project success. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households/homesteads when resettlement and compensation concerns are involved.

Public consultation will take place at the inception of the planning stages when the potential land areas are being considered. The participation strategy would evolve around the provision of a full opportunity for involvement. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place throughout the entire project cycle. For example, public consultation would also occur during the preparation of the (i) the socio-economic study, (ii) the resettlement and compensation plan (iv) the environmental impact assessment and (v) during the drafting and reading of the compensation contract.

Public participation and consultation could take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/ application forms, public readings and explanations of project ideas and requirements, making public documents available at the National, local and homestead levels at suitable locations like the community centres. The compensation document for each household detailing the resettlement package will also serve to inform and guide PAPs.

It must be determined and ensured that women actively participate in consultations. If it is determined that women are unable to actively participate and freely voice opinions, then separate consultations will be arranged that ensures the concerns of women are incorporated into project activities.

Monitoring of this process would be done as a specific output, but within the overall monitoring and evaluation mechanism of the entire project. This requirement is line with the Bank policy on disclosure.

12.2 Implementation Operation

During implementation, the PAPs will be informed about their rights and options, at which point they will air their views (note above concerning women's active participation). Cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

12.3. Monitoring and Evaluation phase

The PAPs representatives will participate in the project completion workshops, to give their evaluation of the impacts of the project. They will also suggest corrective measures, which may be used to improve implementation of other activities. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

12.4. RPF Disclosure

The draft RPF was posted on the DVK website on April 4, 2019 (www.obidushanbe.tj). The final version of the RPF will be officially submitted to the World Bank for disclosure in English on the WB external webpage by April 12, 2019. The English and Russian versions will be also posted on the web page of the DVK. The final version of this document will be used by DVK, respective government agencies and other Project stakeholders during the project implementation.

12.5 Public Consultations

DVK conducted local public consultations during ESIA and RPF drafting and invited all interested stakeholder organizations including local representatives of the other Government bodies, such as local branches CEP, health & labour departments, local khukumats, mahalla leaders and local NGOs from target sites in Dushanbe during January - February 2019. During the consultations, the DVK presented a project summary, draft RPF and assessed the potential adverse and positive environmental impacts and risks. In particular, the audience was informed about screening of the projects, the Environmental and Social Assessment for Substantial Risk sub-projects, potential impacts which may be generated as well as measures to be taken to prevent/mitigate potential impacts. Note that these consultations included resettlement aspects and focused on relevant environmental and social questions that were asked during the consultations. The consultations facilitated active discussions among the participants. Annex 6 presents details of public consultations, lists of participants and pictures. Based on the feedback obtained, the RPF was revised /updated.

As stated above: It will be determined and ensured that women actively participate in consultations. If it is determined that women are unable to actively participate and freely voice opinions, then separate consultations will be arranged that ensures the concerns of women are incorporated into project activities.

ANNEXES

Annex 1. Screening report form of expected social impacts

(The report should be brief)

A. Name of the Project Site/Mahalla:

Possible Involuntary Resettlement Effects	Yes	No	Not known	Remarks
Involuntary Acquisition of Land				
1. Is the site for land acquisition known?				
2. Will there be any land acquisition?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will subproject be implemented within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Quantification of private land require to be acquired:				
Any preliminary estimate of the likely affected land that will be required by the Project?				
[] No [] Yes If yes, approximately how much? ___ hectares				
Information on displaced persons				
Any estimate of the likely number of persons that will be displaced (economically and physically) by the Project? [] No [] Yes				
If yes, approximately how many? ___				
Any estimate of the likely number of persons that will be physically displaced (relocated) by the Project? [] No [] Yes If yes, approximately how many? ___				
Any estimate of the likely number of persons that will experience loss of more than 10% of productive assets? [] No [] Yes If yes, approximately how many? ___				
Are any of them poor, female-heads of households, or vulnerable to property risks? [] No [] Yes If yes, approximately how many? ___				
Are any displaced persons from indigenous or ethnic minority groups? [] No [] Yes If yes, how many? ___				

Based on the above checklist it will be determined if a RAP is required.

Recommendations:

Taking into account responses to monitoring questions, it will be determined whether further actions are required or not to apply procedures of the WB OP 4.12 _____

Completed by (full name and contacts): _____

Signature: _____ Date: _____

Annex 2: PAP census form and inventory of the land fund

Household interviews

Name	gender		age	Marital status and educational level	supporter		employment		family income level	Rented or own housing	Does the family receive assistance
	m	f			yes	no	yes	no			

Consultant's full name: _____ Signature: _____

_____ Date: _____

Annex 3: Inventory of PAP's land assets

Location _____ Date: _____

# of interview	Full name of household head	Number of household members	Total land area owned by the family, incl. with the right of ownership, irrigated or bogharic	Land area to be seized m ² / ha	Total loss %	% Loss of assets, (m ² , m, pcs, etc.) (specify type and number of assets: structures, fences, wells, etc.)		Loss of housing stock, (m ²)	Loss of harvest			Other losses, (specify type of loss: rented housing, building, etc.)
						Permanent	Temporary		Fruit trees, species and quantity, (pcs.)	Loss of crops	Other (specify)	
1.												
2.												

INTERVIEWER NAME _____

_____ Signature _____ /

_____ Date _____ /

Annex 4: PAP rights for compensation

# Of interview	Full name of household	Compensation for land	Compensation for construction	Compensation for crop and trees	Compensation for other assets and losses (wells, business, etc.)

	head	amount (m ² or hectares)	Unit price per (m ² or ha)	Land Title (Yes/ No)	Number (m ² or ha)	Unit price per (m ² or ha)	Title (Yes/ No)	Number (m ² or ha)	Unit price per (m ² or ha)	Title (Yes/ No)	Number (m ² or ha)	Unit price per (m ² or ha)	Title (Yes/ No)

INTERVIEWER NAME

_____/Signature_____ / Date

Annex 5: Outline of the Resettlement Action Plan

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

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

2. *Potential impacts.* Identification of

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

3. *Objectives.* The main objectives of the resettlement program.

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

- (a) the results of a census survey covering
 - (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
 - (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both

formal and informal economic activities) and standards of living (including health status) of the displaced population;

(iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;

(iv) information on vulnerable groups or persons as provided for whom special provisions may have to be made; and

(v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(b) Other studies describing the following:

(i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;

(ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;

(iii) public infrastructure and social services that will be affected; and

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

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

(a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;

(b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;

(c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;

(d) laws and regulations relating to the agencies responsible for implementing resettlement activities;

(e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and

(f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land--including claims that derive from customary law and traditional usage .

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

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

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

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

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

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

- (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
- (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) legal arrangements for regularizing tenure and transferring titles to resettlers.

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

12. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement³ and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

13. *Community participation.* Involvement of resettlers and host communities,
(a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;

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

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

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

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

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

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

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

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

Annex 6. Table of Content for Abbreviated RAP

An abbreviated plan covers the following minimum elements⁹:

- (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.

Annex 7: Template of Grievance Redress Form

Grievance Form		
Grievance Number		Copies to forward to:
Name of the Recorder		(Original)-Receiver Party
District/ Sector/ Cell		(Copy)-Responsible Party
Date		
INFORMATION ABOUT GRIEVANCE		
Define The Grievance:		
INFORMATION ABOUT THE COMPLAINANT		Forms of Receive
Name-Surname		<input type="checkbox"/> Phone Line <input type="checkbox"/> Community/ Information Meetings <input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other
Telephone Number		
Address		
Street/ Cell		
Sector/ District		
Signature of Complainant		

⁹ In case some of the displaced persons lose more than 10% of their productive assets or require physical relocation, the plan also covers a socioeconomic survey and income restoration measures.

DETAILS OF GRIEVANCE				
<p>1. Access to Land and Resources</p> <p>a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other</p>	<p>2. Damage to</p> <p>a) House b) Land c) Livestock d) Means of livelihood e) Other</p>	<p>3. Damage to Infrastructure or Community Assets</p> <p>a) Road/Railway b) Bridge/Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other</p>	<p>4. Decrease or Loss of Livelihood</p> <p>a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other</p>	<p>5. Traffic Accident</p> <p>a) Injury b) Damage to property c) Damage to livestock d) Other</p>
<p>6. Incidents Regarding Expropriation and Compensation (Specify)</p>	<p>7. Resettlement Process (Specify)</p>	<p>8. Employment and Recruitment (Specify)</p>	<p>9. Construction Camp and Community Relations</p> <p>a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other</p>	<p>10. Other (Specify)</p>

