

# Resettlement Planning Document

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Short Land Acquisition and Resettlement Plan  
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## AFG: Hairatan to Mazar-e-Sharif Railway Development Project

Prepared by: Ministry of Public Works, Afghanistan

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## LIST OF ACRONYMS

ADB	Asian Development Bank
Af	Currency of Afghanistan
AF	Affected Family
AH	Affected Household
AP	Affected People
DMS	Detailed Measurement Survey
EA	Executing Agency
EMA	External Monitoring Agency
GOA	Government of Afghanistan
Ha	Hectare
IA	Implementing Agency
IR	Involuntary Resettlement
ISC	Implementation and Supervision Consultant
Km	Kilometer
LAR	Land Acquisition and Resettlement
LARP	Land Acquisition and Resettlement Plan
M&E	Monitoring and Evaluation
MPW	Ministry of Public works
MOF	Ministry Of Finance
NGO	Non Government Organization
NOC	No-objection Certificate
O&M	Operation and Management
PIO	Project Implementation Office
PMO	Project Management Office
PPTA	Project Preparatory Technical Assistance
RP	Resettlement Plan
SLARP	Short Land Acquisition and Resettlement Plan
US\$	United States Dollar

## GLOSSARY

**Affected Family:** The family affected by the project.

**Affected People:** The people who affected by the project for land acquisition or relocation and that causes loss of income and livelihood or any other type of loss related to social, cultural and infrastructure facility

**Compensation:** Payment in cash or in kind as cost of replacement of their assets, resources and income opportunities that affected due to the project.

**Cut-off date:** The date after which affected people will not be considered eligible for receiving compensation.

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

**Entitlement:** Range of measures comprising of compensation, income restoration, transfer assistance, income substitution,

**Income Restoration:** The process of re-establishing AP's income to the level s/he enjoyed prior to relocation

**Inventory of Losses:** The pre-appraisal inventory of assets as a preliminary record of affected and/or lost assets

**Jireeb:** Local measurement of area. Approximately 5 Jireeb are equivalent to one hectare

**Land Acquisition:** The process whereby a person is compelled by a government agency to alienate all or part of the land the person owns or possesses to the ownership and possession of the government agency requiring the land for public purpose in return for compensation

**Livelihood:** The total package of earnings either in cash or kind a person generates for his/her survival

**Malik:** A community leader.

**No-Objection Certificate:** The certificate issued by ADB after conducting a comprehensive audit to ensure that APs and their assets have been completely removed from the site to begin civil work

**Non-titled:** Those who have no recognizable rights or claims to the land that they are occupying. Also, includes people using private or state land without permission, permit or grant i.e. those people without legal title to land and/or structures occupied or used by them. ADB's policy explicitly states that such people cannot be denied compensation for the land that they occupy

**Poor:** Those falling below the official national poverty line (equivalent to 2,350 calories per day) of Afghani 700 per person per month (2009)

**Rehabilitation:** Compensatory measures provided under the policy framework on involuntary resettlement other than payment of the replacement cost of acquired assets

**Relocation:** Physical relocation of an AP from a pre-project location of his/her residence

**Shura:** The formal institution established for coordination and implementation of all development activities including conflicts resolution at the community level.

## SHORT LAND ACQUISITION AND RESETTLEMENT PLAN

### A. INTRODUCTION

#### A.1 General

1. The project entails the construction of a new railway from the Afghan-Uzbek border to near Mazar-e-Sharif Airport. The whole alignment is 73.47 km long. This Short Land Acquisition and Resettlement Plan (SLARP) details the impacts of alignment. A map is included next page.

2. This SLARP has been prepared by the Ministry of Public Works (MPW) in order to ensure that the impacts of the Project will be compensated in accordance to the requirements of the ADB Policy on Involuntary Resettlement. The document has been approved by the relevant Afghan authorities and fits relevant Afghani laws and the ADB involuntary Resettlement Policy. The two main objectives of the SLARP are as follows:

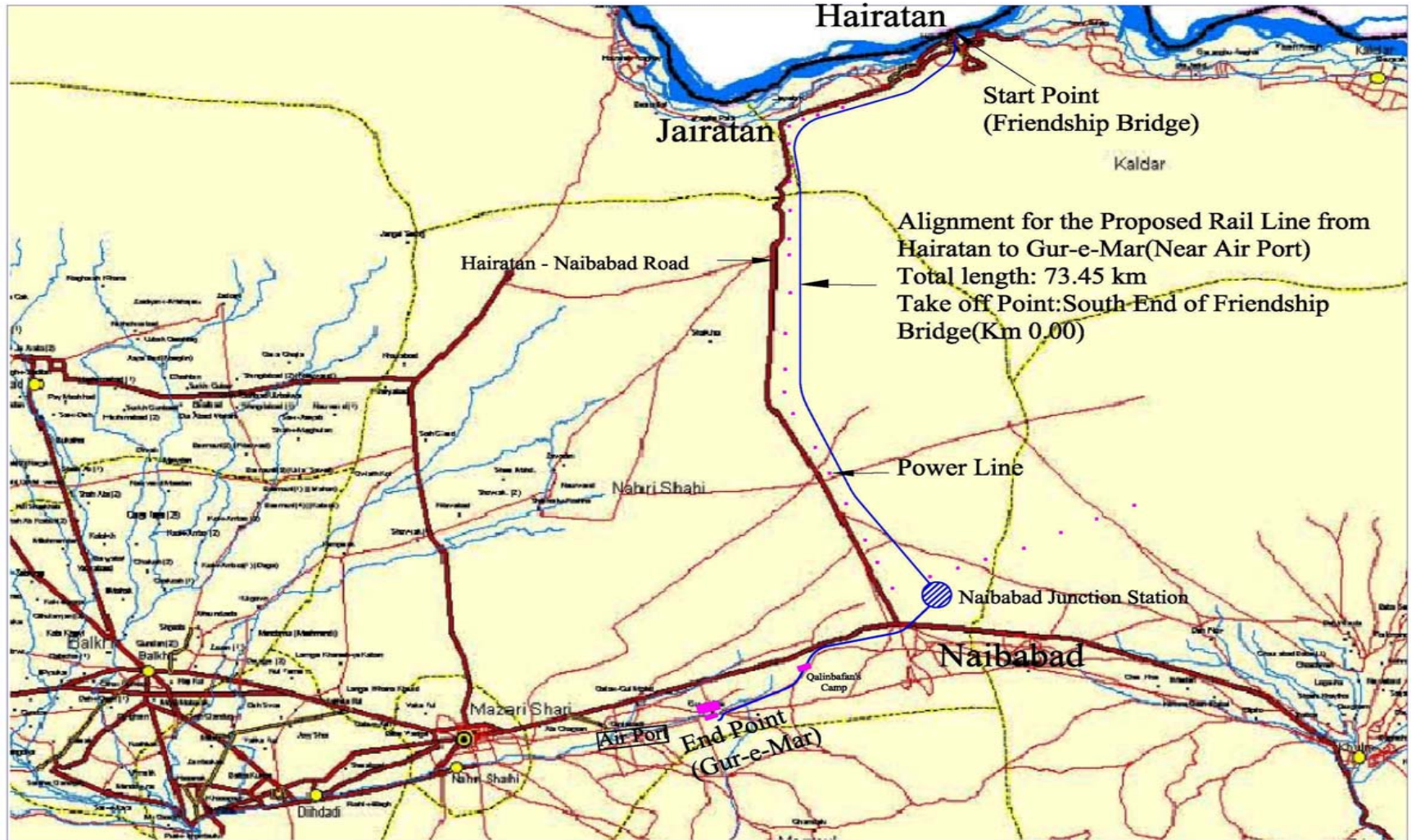
- (i) Assess the loss of land and non-land assets, and loss of income and livelihood opportunities;
- (ii) Assess the preliminary cost of SLARP.

#### A.2 SLARP Finalization and LAR-related Conditionalities to Project Implementation

3. This SLARP is based on a final impacts corridor. However if in the course of detailed design the corridor is moved and new impacts will occur it will have to be updated and re-approved by ADB prior to its implementation. Based on ADB policy and practice, project appraisal and project implementation will be subjected to the following LAR-related conditions:

- (i) **Project appraisal:** preparation/disclosure of a Short Land Acquisition and Resettlement Plan (SLARP).
- (ii) **Initiation of Civil Works:** full delivery of the compensation program certified by a compliance report indicating that this has been carried out in compliance with the SLARP provisions.

## PROPOSED HAIRATAN - MAZAR-E-SHARIF RAILWAY LINK



## CHAPTER 1 : IMPACTS-AH/AP CENSUS

4. The alignment mostly passes through government land, which is unused, and its taking does not cause impacts. Only 880-m2 private land in two plots is affected at Qalinbafan's Camp village.

### B.1 Affected Land

5. The affected land will have to be compensated. Table-1 describes the impacts.

Table-1 : Land Impacts

Plot	Type of Land	Area in m <sup>2</sup>
01	Residential	280
02	Residential	600
Total Area		880

## Affected Families and People

6. In all two families and 15 people will be affected. Table-2 and Table-3 separately describe the details socio-economic conditions of each family.

**Table-2: Household 1 Composition**

SL	Name	M/F	Married	Education	Occupation	Monthly Income	Relation with HHH
1	Abdullah	M	Yes	primary	Mason	45USD	HHH
2	Wife	F	Yes	Nil	House Wife	Nil	Wife
3	Mother	F	Yes	Nil	House work	Nil	Mother
4	Ahmad	M	Yes	Nil	Labor	30USD	Son
5	Naeem	M	No	Nil	Nil	Nil	Son
6.	Yassen	M	No	Student	Student	Nil	Son
7	Daughter	F	No	Nil	Nil	Nil	Daughter

**Table-3: Household 2 Composition**

SL	Name	M/F	Married	Education	Occupation	Monthly Income	Relation with HHH
1	Hasim	M	Yes	Primary	Business	60USD	HHH
2	Wife	F	Yes	Nil	House Wife	Nil	Wife
3	Mother	F	Yes	Nil	Nil	Nil	Mother
4	Mohammad Tawab	M	No	Primary	Worker	35 USD	Son
5	Gulab	M	No	Student	Nil	Nil	Son
6	Faisal	M	No	Nil	Nil	Nil	Son
7	Rona	F	No	Student	Nil	Nil	Daughter
8	Rona	F	No	Nil	Nil	Nil	Daughter

## CHAPTER 2 : LEGAL AND POLICY BACKGROUND

7. There are no laws or legislation in Afghanistan that specifically address matters related to involuntary resettlement (IR). However, there are four important laws and policies that provide the basis for acquisition of land for public purpose. These are:

- (i) The Law on Land Expropriation (8 October 2000);
- (ii) The Land Affairs Management Law (2008);
- (iii) Amendment to The Law of Land Expropriation (3 April 2005);
- (iv) The Land Policy (2006)

8. The comparison of the provisions contained in the above laws with that of ADB's requirement for involuntary resettlement reveals a number of gaps which will be overcome as follows:

- That LAR should be minimized where possible. The design consultants are required to critically examine the need for LAR and thereby to avoid and/or minimize where possible;
- That a comprehensive consultation and participation plan is prepared to involve APs in LAR process. The APs should be consulted throughout the process and that they be disclosed with all relevant information;
- A comprehensive assessment of all affected structures, houses, trees, gardens, plants, crops, etc. is to be undertaken based on the market price and that all APs will be fully compensated prior to their land acquisition;
- Rehabilitation to ensure that at the minimum APs' pre-livelihood standard is maintained;
- Income losses, livelihood losses and other opportunities will be assessed to include in the compensation and rehabilitation package;
- All losses to be assessed at replacement costs without allowing for depreciation of buildings and fixtures. APs will be allowed to remove construction materials free of charge;
- That a full and fair assessment of all land owners/users to be evaluated before a cut off date and the date of census is considered as the cut-off date. Entitled APs will be those with land title, with tax receipts, with formal or informal deeds, or with traditional rights to be vouched by the local jirgas or Community Development Councils. APs will be fully consulted in determining price for their land, property, structures, crops, trees, etc;
- That a grievance redress process is properly implemented.

9. **ELIGIBILITY FOR COMPENSATION:** The guiding principle of the SLARP is to ensure all APs/AHs, directly or indirectly, are adequately compensated for their loss of income, land, business, wages, livelihood and other losses. They will also receive rehabilitation assistance as appropriate. There are several elements that determine the eligibility and entitlement of the APs for compensation. These elements are described in the proceeding paragraphs. APs eligible for compensation and rehabilitation assistance are basically of four groups:

- (i) All APs losing land whether titled, with tax receipts, formal or informal deeds, or with traditional rights to be vouched by the local Jirgas or Community Development Councils.
- (ii) Sharecroppers and tenants, whether registered or not
- (iii) Owners of buildings, whether permanent or temporary, trees, orchards, crops, plants or other objects attached to the land, and
- (iv) APs losing income, salaries, wages, business and other forms of livelihood.

10. All AH/AP settling in affected areas after the cut-off date (15 August 2009) and who cannot prove that they were not included in the impacts assessment will not be eligible for compensation. Following the delivery of compensation all APs will be given three months to vacate their properties and remove their houses if they wish to retain salvaged materials. Compensation entitlements are defined in Table-4.

**Table-4: Entitlement Matrix**

<b>Loss Type</b>	<b>Application</b>	<b>AP Definition</b>	<b>Entitlement</b>	<b>Expected Results</b>
Residential land	Residential land in ROW	Owner of residential land	Cash compensation at replacement/ market value for residential land	Compensation for lost land

## CHAPTER 3 : CONSULTATION

11. Consultation sessions were conducted on 20 July, 2009, 27 July 2009, 30 July, 2009, and 8 August 2009 at Taza Omed, Gor-e-More, Qalinbafan's Camp and Hairatan respectively. Issues discussed in the consultation sessions are merits, demerits of railway alignment, land acquisition and resettlement issues, etc, the consultation sessions were open for all to share and exchange views, ideas and experiences.

Decisions and Recommendations of the Consultation Sessions are as follows:

- Railway must go through government land; agriculture land should not use because it is limited for production; affected people should get cash compensation of any affected property including land so that they can use the money according to their choice. They expressed their interest to establish railway because they will have safe transportation, commodities in cheaper price and better scope for business.
- In conclusion of each consultation sessions local leaders and community people welcomed this railway intervention as they believe this investment will contribute in their over all socio-economic development.

Consultation held with the people of Qalinbafan's Camp village on 14 August 2009 to finalize the assessment of affected land, present position and ownership of land and its price.

Discussion held with the Honorable Deputy Minister, Ministry of Public Works, on 14 August 2009. Main issues discussed regarding affected land, prices of land and the process of compensation.

12. **Disclosure.** This SLARP in English will be posted on the ADB website. The SLARP translated in Dari will be disclosed in the affected villages and will be sent to the two AHs.

## CHAPTER 4 : IMPLEMENTATION ARRANGEMENTS

13. The main institutions that will be involved in SLARP implementation are the MPW, Ministry of Finance, provincial and district governors, district property office (municipality), other district agencies (Agriculture, Cartography, Land Affairs Management), court, and community *Shura*. An Organogram is provided in Figure-1.

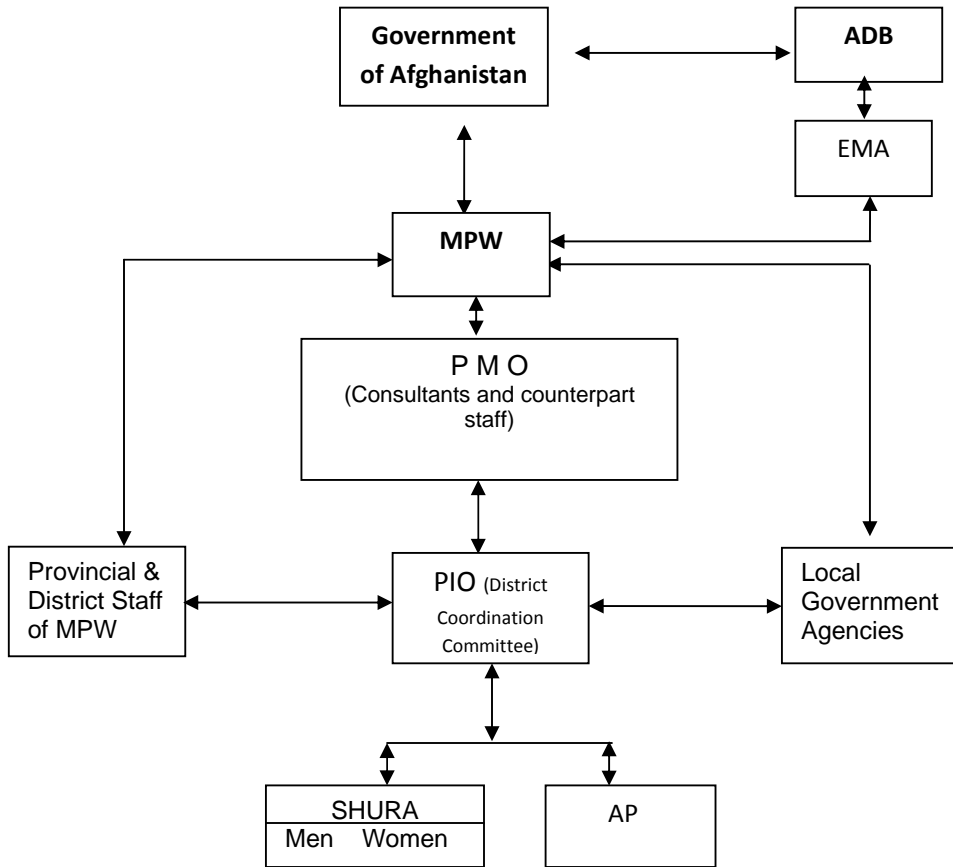
14. **MPW:** MPW has overall responsibility on SLARP preparation and implementation. The PMO, the Implementation/Supervision Consultants (ISCs) and counterpart staff are responsible for the day-to-day SLARP management and monitoring. The Implementation and Supervision Consultants will analyze the cadastral maps, carry out DMS, identify vulnerable groups, and assist relevant agencies in conducting compensation negotiation with the APs, update SLARP, in close collaboration and consultation with the district governor and relevant line agency staff. The ISCs will submit the updated SLARP to the MPW for approval.

15. **Local Governments:** Local government agencies involved in updating and finalization of the SLARP are the property office of the district municipal authorities, and the local Land, Agriculture and Cartography offices. The district coordination committee that will function within PIO will provide an effective mechanism for inter-agency coordination and to officially endorse surveys. The composition of the district coordination committee includes the district governor, a representative of each relevant agency, ISCs and the implementing NGO. This committee will have the overall responsibility for supervision of land and property valuation, acquisition, and approval of compensation rates. The individual agencies will exercise their functions as provided for in the relevant laws, coordinated by the district committee

16. **Central Government:** The agencies at central government level are the MPW who will have the overall responsibility for agency coordination and lead the entire process as well as the final approval of the up-dated SLARP prior to its implementation. The other offices that will closely work with MPW include Central Land Affairs Management Department, the local government including property offices, the Ministry of Agriculture, Irrigation, and Livestock (MAIL), Ministry of Justice and the Ministry of Finance, the latter as the Executing Agency (EA). These offices will provide advice on SLARP updating and its implementation, and assist resolve matters that district teams are not able to resolve.

17. **Shuras:** These informal groups will assist SLARP implementation for what concerns definition of entitlement and eligibility to compensation, public consultation and complaint and grievances.

Figure 1: Organizational Chart for Project Implementation



## CHAPTER 5 : GRIEVANCE REDRESS PROCESS

18. The Project has established a grievance redress process to ensure the respect of this SLARP provisions and avoid potential civil works delays. Table -5 indicates steps and mechanisms of grievance resolution.

**Table 5: Grievance Resolution Process**

1. First, complaints resolution will be attempted at district level with the involvement of the Shuras, the senior district property supervisor, the district governor and implementation NGO.
2. In absence of settlement, APs may lodge a complaint to the PMO which will decide the case within 15 days.
3. If the PMO decision is unacceptable to the APs, they can register the complaint directly to the MPW within 1 month of receiving a response from the PMO with documents supporting their claim. The MPW will respond within 15 days of registering the complaint. The MPW's decision must be in compliance with the provisions of this SLRAP
4. Should a grievance remain unsolved after the above action the APs may approach the appropriate court of law for its resolution. The AP will be facilitated in this process by the implementation NGO

## CHAPTER 6 : SLARP IMPLEMENTATION

19. SLARP implementation will initiate as soon the Grant is signed and its conclusion will be condition to initiate civil works. A detailed schedule of SLARP preparation implementation is provided in Figure-2.

Figure-2: SLARP Preparations and Implementation Schedule

Task	2009					2010					
	July	Aug.	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May
SLARP preparation	—————										
SLARP Approval		★									
SLARP disclosure		—★									
Grant Approval				★							
Contracts signing/final design					★	— . . . — . . . —					
SLARP implementation			—————								
Monitoring/Compliance report			—————		★						
											★

## CHAPTER 7 : COSTS

20. The land acquisition and resettlement cost includes estimated current market price of affected asset. The price of land for compensation has been calculated based on consultation with local people and as agreed with government.

Table -6: Estimates for SLARP implementation

	Item	Unit Cost (AFG)	Quantity (sqm.)	Cost (AFG)	Cost (US\$)
1	Residential Land	225	880	198,000	3960
2	Contingency @20%			39,600	790
Total				237,600	4,750

## CHAPTER 8 : SUPERVISION AND MONITORING

21. The implementation of this SLARP will be monitored by the PMO who will directly provide the compensation to the AHs. An Independent Monitoring Agency (IMA) will be hired to validate the implementation of this SLARP. The IMA will write a short compliance report indicating whether the compensation was provided in line with the provisions of this SLARP. The compliance report will be a condition for ADB to provide No Objection Letter to the start of civil works implementation.