

SHORT RESETTLEMENT PLAN

**Supplementary Appendix to the
Report and Recommendation of the President
to the Board of Directors**

on the

QAISAR-BALA MURGHAB ROAD PROJECT

in

AFGHANISTAN

Ministry of Public Works

**This Report was prepared by the Borrower
and is not an ADB document.**

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SHORT RESETTLEMENT PLAN

A. Background

1. The proposed project road (90 km) from Qaisar to Hasanhan village (33 km before the Bala Murghab town), the subject matter of this report, is a part of the 554 km stretch of the road between Herat and Andkhoy, which constitutes a section of the ring road and runs through one of the most remote and least developed areas of the country. The existing road was never paved and is merely a long swathe of muddy track where most of the sections easily turn impassable after the monsoons. The proposed project will complete the missing link in the Afghanistan ring road and improve connectivity from the northwestern provinces to the rest of the country. Improved connectivity to major regional centres such as Herat and Mazar-e-Sharif will increase economic activity in the provinces along the road and help in integrating remote communities of the region with the rest of the country. The construction work will involve labour-intensive construction methods that will provide much-needed employment and income generating opportunities.¹ This project will also facilitate cross-border trade and contribute to economic integration of the sub region by connecting the country with the landlocked Central Asian countries.

B. Project Description and Impacts

2. The road section, Qaisar to Hasanhan village (33 km before the Bala Murghab town), is located in the two provinces of Faryab (Qaisar, Chechaktu and Chilgasi districts) and Badghis (Gormach, Bala Murghab districts). The road passes through mostly hilly terrain in Badghis province and plain to rolling terrain in Faryab province. The project developments envisages improvement of the existing road to a well-designed, paved two-lane highway and build bridges, culverts, and other structures for safe passage of traffic along the road. The road design parameters include two lanes of 3.5 meters width each on both directions, shoulders of 1.5 meters width on both sides, and verges of 0.5 meters each on both sides (total 11m width). The total project road length from Qaisar to 33 km before Bala Murghab is 90 km which ends near the village of Hasanhan. The current average width of existing road road is 12m and above, except at market places where it is 11.0 m to 11.5m. Similarly, at a few other places (Gormach and Chilgashi), for a total of approximately 300 meters, the average width is 11.0 to 11.5 meters.

3. Most of the road improvement work will be carried out within existing right of way, except for minimal acquisition of privately owned land presently being used for agricultural, residential and commercial purposes. The study covered 11m width required to establish a corridor of impact.² All the structures and land within this width were examined and a census of the project affected persons (APs) and an assets inventory were carried out. In addition, a poverty and social assessment (based on a socio-economic survey simultaneously with the census and assets inventory) and public consultations have been carried out along the project road. The Short Resettlement Plan (SRP) addresses the impact and outlines the measures, including resettlement of the affected persons in accordance with ADB's *Policy on Involuntary Resettlement* (1995). The Ministry of Public Works (MPW) will be the executing agency for this project. All land acquisition and resettlement activities will be carried out prior to the award of civil works contract.

¹ Afghanistan Country Strategy Paper 2004-06. ADB, 2004.

² The corridor of impact (COI) is the width required for the actual construction of the road, including the new pavements, footpaths, shoulders, support slopes, embankments, drainage, and necessary safety zones. Within this corridor, there should be no structure or hindrance. The COI is, thus, the area that will be impacted by the proposed project.

C. Objectives of the RP

4. This Short RP is designed to address all the limited impacts of the project. It provides an analysis of the impacts, identifies the nature and types of losses, and establishes an entitlement matrix as a guide to payments of compensation and resettlement benefits. It also contains a budget, institutional arrangement for implementing the SRP, implementation framework and monitoring arrangements. This has been detailed in the following sections of the report.

D. Surveys and Data Analysis

5. As indicated earlier, the investigations and surveys were conducted within an 11m width of the project road and the social impacts are presented in a series of tables below.

Table 1: Project Impacts

Type of Impact	Location	No. of HH	No. of APs	Displacement
Loss of agricultural land	2 HHs in Qaisar area; 2 HHs in Chilgasi area	4	20	Only earthen wall will be affected
Loss of residential land	Both in Qaisar area	2	10	No impact on structure, only earthen wall will be affected
Loss of commercial land	3 shops at Chilgasi Market; 121 shops at Gormach Market	124	620	None. Only part of the shade of the shops will be affected
Total		130	650	

Table 2: Extent of Impact on Agricultural Land (AL) and Residential Land (RL)

Extent of Impact	Location	No. of HH	No. of APs
Agricultural Land			
Up to 1% of total land holding	2 in Qaisar area; 2 in Chilgasi area	4	20
Total		4	20
Residential Land			
Up to 2% of total land holding	Qaisar area	1	5
Up to 10% of total land holding	Qaisar area	1	5
Total		2	10

6. As the tables above show, a total of 130 households (HHs) have been identified as being affected by the project. Of these, 4 HHs will be losing marginal amount (1% of the total holding) of agricultural land (only earthen wall) and the average land holding size of these affected households is 12,500 m² or 3 acres. Similarly, 2 HHs will be losing marginal residential land (earthen wall), and 121 commercial HH will be losing marginal frontage of their shops (0.5 to 1.0 meter of their 2.0 meter parapets) except for 3 commercial squatter households who will be relocated / pushed back on existing government land. There will be no displacement and no permanent loss of livelihoods. Thus the impact on agricultural and residential land is on the earthen fence (wall), which every households have constructed and is at least a meter thick. No households will be displaced and thus does not require relocation except for 3 commercial squatter households. The consultations with the affected households brought out the general happiness in the area for the forthcoming road, as the area never had an all-weather good road.

Table 3: Extent of Impact on Commercial Land (CL)

Extent of Impact on CL	Location	No. of HH	No. of APs	Extent of Impact on Total Land holding (CL + AL)
Up to 7% of total land size	Gormach Market	1	5	Up to 0.05% = 2 HH, 10 AP
>7 to 13% of total land size	Gormach Market	2	10	0.06-0.10% = 8 HH, 40 AP
>13 to 16% of total land size	Gormach Market	1	5	0.11-0.15% = 18 HH, 90 AP
> 16 to 19% of total land size	Gormach Market	14	70	0.16-0.20% = 52 HH, 260 AP
> 19 to 24% of total land size	Gormach Market	2	10	0.21-0.25% = 10 HH, 50 AP
> 24 to 32% of total land size	Gormach Market	77	385	0.26-0.30% = 22 HH, 110 AP
> 32% of total land size	Gormach Market	24	120	0.31-0.47% = 9 HH, 45 AP

7. As shown in table 3, all these 121 shops (all registered) are located in the Gormach Market area, on both sides of the road for approximately 300 meters length. All the shops have a parapet each of approximately two meters width, which is usually used by the customers as a stand. All the affected owners are happy about the road construction. All the shop owners, 100% of them, requested cash compensation for their lost area of land. It is clear that no shop structure will be demolished and no livelihood will be lost and the impact will be minimal. However, even this minimal impact could be narrowed down to zero during detailed design if the design parameter of 0.5 meters of verge on each side is compromised. It may be noted that all the shop owners also pursue agriculture as their secondary occupation and when the area of their agricultural land is considered together with the area of their commercially used land as productive assets, the extent of impact (due to the their loss of the frontage of their commercial land) is less than 0.5%. The range of such losses is shown in the last column in **Table 3** above. As mentioned earlier, the remaining 3 shops in Chilgasi market are all squatters on the right of way, which will be relocated on the existing government land beyond the COI.

Table 4: Impact by Categories of the APs

Type of Affected Land	No. of LTH	No. of Squatter	No. of APs
Loss of agricultural land	4	0	20
Loss of residential land	2	0	10
Loss of commercial land	121	3	620
Total	127	3	650

8. As indicated in the table above there are 2 legal titleholders (LTH) for residential land located in the Qaisar area; 2 LTH for agricultural land in Qaisar and 2 LTH in the Chilgasi area. The commercial LTHs are located at the Gormach market area. The 3 commercial squatters are located at the Chilgasi market. The LTHs will be losing the boundary walls of residential and agricultural land and the frontages ("shades") of the commercially used land (shops). The existing corridor width at Chilgasi market area is more than 12 meters, beyond which there are vacant lands. The 3 squatters in the area will be relocated beyond the required road width. The total number of affected persons due to the project development is 650 persons in 130 households. All the households losing part of their properties claimed that they were legal titleholders although not all had the ownership records. Discussions with local government officials confirmed that the affected people are indeed legal titleholders and land records were available with the local district offices, however due to two decades of political turmoil in the country in some cases documentation may not available.

Table 5 : Occupational Profile of the Affected Households

Location	Primary Occupation	Number of HH	Secondary Occupation
Qaisar	Agriculture	4	
	Government job	1	Agriculture
	Shop keeping	1	Agriculture
Chilgasi	Shop keeping	3	Agriculture
Gormach	Shop keeping	121	Agriculture

9. All the households earning their livelihoods from shops as their primary source of income also pursued agriculture as their secondary source of income. Agriculture constitutes mostly grape cultivation. The affected households depending on agriculture as their primary source of income did not indicate any secondary source of income. Those 2 households losing residential land pursue agriculture as their secondary source of income while 1 such household pursues shop keeping as its primary occupation and the other head of household has government employment as his primary occupation.

Table 6: Monthly Household Income Level

Income Types	Average Income Level
Shop keeping households	AF2072.00
Government employee	AF2000.00
Agriculture pursuing HH	AF4458.00

10. Agricultural income is assessed annually, and all the households pursuing agriculture (except one) as their primary occupation indicated an annual income of 20,000 Afghanis. One agricultural household, a big merchant of grapes, indicated an annual income 150,000 Afghanis. Therefore, the average amount of monthly income shown in the above table looks very much inflated. The survey has revealed that approximately 67% of households have an income less than AF2000 per month, which is generally considered the poverty line mark. The poverty line adopted by the UN for Afghanistan is \$1 per day per person. Due to lack of employment opportunities in the war years and drought in the last couple of years the poverty levels have risen rapidly. The project implementation will at least have one major positive impact in the areas of the project roads being developed. This is the improved connectivity to enable the farmers to transport and sell their surplus produce to larger markets. The trade and services which are taking a back seat due to lack of quick, safe and reliable mode of travel will start to improve in the near future. This in turn will improve the opportunities to the local communities in non-agriculture sector, providing increased or guaranteed income sources facilitating the reduction of poverty in the region. In terms of the occupational profile, it was observed that 4% of the APs pursued agriculture, 1% pursued government job while the remaining (95%) were engaged in petty businesses. Among the females the most common occupation was working as carpet makers in some of the households in Qaisar area.

E. Gender issues

11. The women of the families being affected due the project development are generally housewives. Gender is a mute issue in the project area, that is, nobody discusses it. During visit to the project road, women were seen accompanying their men folk to the weekly markets, although no woman was seen selling any merchandise. However, the affected four respondent households in Qaisar area indicated that their women occasionally engaged in carpet making. No additional household income was indicated, as this was just an occasional activity. Although not a part of this project road length, it was observed that women clad in "burqa" selling merchandise in the market in Maimana, which is a relatively bigger, provincial capital town of Faryab province.

F. Relocation and Compensation Options

12. No relocation of households and titleholder shops is envisioned, and no livelihoods will be lost. The 3 squatter shops in the Chilgasi market area could be relocated on the available government land beyond the required road width. The affected persons were consulted with regard to the perception of the road project, compensation and resettlement options. All the APs mentioned that the road will benefit them as it will generate demand for unskilled labour during construction period as well as easy access to markets for their agricultural produce, schools and clinics. The road improvement would also increase their mobility and generate employment opportunities and enterprise development within the area and nearby provinces. All the affected titleholder households opted for cash in exchange for their lost area of land and assets. The payment of compensation and relocation of the squatters will be monitored by the MPW with the assistance of the project implementing NGOs.

G. Policy Framework and Entitlement Matrix

13. The policy framework is based on laws and practices of the Government of Afghanistan and the ADB requirements. The resettlement entitlement matrix (**Table 7**) recognizes different types of losses associated with dislocation and resettlement. These include the loss of boundary walls of residential and agricultural properties and the frontages of shops. The land acquisition at the identified places will be carried out based on the Land Acquisition Law of Afghanistan. As per the current practise the compensation is provided as per government rate determined by the legally constituted committee. In case a land and property is acquired the owner gets the (i) the value of land (ii) the value of residential houses and buildings, (iii) value of trees and orchards and other assets on land. The Act also states that the person who loses residential land plot, will receive a new plot of land of same value. If they wish they can get a residence or house on government property in exchange under proper procedures. Thus, under the existing land acquisition law when private landholdings are acquired for public purposes, compensation is paid to the owner based on the category and location of the land and the value of land for compensation is determined by the Council of Ministers, the decision is based on the recommendation of a "committee" consisting of the following (i) The landlord or person who uses the land or their representatives; (ii) Official representative of agency who needs to acquire the land (viz., MoPW); (iii) Representative of local municipality; (iv) Representative of Ministry of Finance; and (v) Representative of Ministry of Justice. The land acquisition process is initiated with the constitution of the "committee". As land is acquired for a public purpose, the law apparently does not entertain any objection to the acquisition of an individual's property. However, if there is any unhappiness over the acquisition, which mostly relates to the value of compensation, the committee inquires into the matter and arrives at a solution. The whole process is based on a negotiated approach and as the affected person is also a member of this legally constituted committee a consensus is reached on the replacement value of the land and assets lost. The said committee thus also performs the tasks of a grievance redress committee. Once the value of a piece of land to be acquired is successfully negotiated, the land acquisition process is complete within three months' time. As part of the survey an assessment was also carried out on the present market price of land. However, there is hardly a market for land sale and purchase in the rural areas and most affected households or the shop owners did not know the present market price. Some people, though, quoted price as they thought was appropriate, such as, AF150,000/- for one "jirip" (2000 square meters) of agricultural and residential land (and more if there is irrigation facility for the agricultural land), and AF200/- per square meter of land in commercial use, such as, shops.

14. Affected persons will receive replacement value for the property and other physical assets, based on the assessment of the above mentioned legally constituted committee for land acquisition and valuation of the structures. The APs will be allowed to salvage whatever material that is useful from the structures after demolition to rebuild their structures. In case of agriculture land, the affected farmers will be given appropriate time frame to harvest the standing crops (if

any) or be compensated for the crop as per market value. The 3 affected squatter shops will self-relocate / push back on the existing government land with rehabilitation assistance as per the resettlement matrix. If the people are not able to establish the title of the land or the structure they are utilizing, the project affected people identified at the time of the census shall be legally noticed as the occupiers of the land or structure and considered for compensation and assistance under this project.

Table 7. Resettlement Entitlement Matrix

Type of Loss	Application	Definition of APs	Entitlement	Expected Results
Loss of agricultural land	Land affected by ROW	Owner(s): a person with ownership certificate of land Owner(s): a person without ownership certificate but identified by the census	<ul style="list-style-type: none"> ▪ Cash compensation at replacement / market value. 	Compensation for lost land.
Loss of crops	Standing crops on land affected by ROW	Owners of crops	<ul style="list-style-type: none"> ▪ Advance notice to harvest crops. ▪ Grant equal to market value of crop lost plus cost of replacement of seeds 	Compensation for standing crops
Loss of residential land / structure (only earthen boundary wall)	Residential land / structure (earthen boundary wall) on ROW	Owner(s) of residential structures	<ul style="list-style-type: none"> ▪ Cash compensation at replacement / market value for residential land. ▪ Cash compensation for earthen boundary walls at replacement / market value without depreciation. ▪ Labor costs associated with rebuilding of earthen walls on actual basis 	Compensation for lost land and reconstruction of earthen boundary wall on the remaining land.
Loss of commercial land / structure (only parapets or temporary extensions and shades)	Commercial land/ structure (only parapets or temporary extensions and shades) on ROW	Owners of Commercial Structure	<ul style="list-style-type: none"> ▪ Cash compensation at replacement / market value for commercial land. ▪ Cash compensation for parapets or temporary extensions and shades at replacement / market value without depreciation. ▪ Labor costs associated with rebuilding of parapets and temporary extensions on actual basis. 	Compensation for lost land and reconstruction of parapets, temporary shades on the remaining land.
Loss of temporary commercial structure by squatters	Structure on government land	Owners of structure	<ul style="list-style-type: none"> ▪ Cash compensation at replacement / market value for structure paid by the project. ▪ Right to salvage materials from the demolished structure. ▪ Lump sum shifting allowance of AF1000. 	Compensation for lost asset and re-building structure on available government land.
Loss of income by owners of commercial structure / squatters	Structures on ROW	Owners of commercial structure / squatters suffering temporary loss of income during construction period	<ul style="list-style-type: none"> • One-time lump sum grant; minimum one-month's income based on the nature of business assessed on a case-to-case basis. 	Compensation for lost income
Special Assistance to vulnerable groups	Land / structures on ROW	APs living below poverty line	<ul style="list-style-type: none"> ▪ Lump sum assistance of AF2000 for one month ▪ Employment in construction activities 	Additional income restoration assistance
Other unanticipated Impacts	Unforeseen impacts will be documented and mitigated based on the principles agreed in this SRP			

H. Consultation Meetings, Stakeholder Participation and Grievance Redress

15. The project development and the activities were discussed with the local communities during the consultation meetings at various project locations. The discussions were held with all the primary stakeholders' (those being directly affected by the project development) and the secondary stakeholders' (the local administration, departments, etc.) and with various other international and local agencies involved with the rehabilitation and reconstruction in Afghanistan. The directly affected populations were consulted to understand their concerns regarding the road construction and gather suggestions on the types of mitigation measures that should be considered to address the envisaged impacts. The consultations and discussions with the project affected people will be a continuing activity throughout the implementation stage of the project. During implementation, the MPW will be assisted in conducting the consultations by the NGO that will be contracted for RP implementation. A summary of the short resettlement plan and the entitlement matrix have been translated into the local language (Dari) and will be disclosed to affected persons and made available in local MPW offices, AFRM and ADB website. The NGO will keep the affected people informed about the impacts, the compensation and assistances proposed for them and facilitate addressing any grievances among the project affected people. The APs will participate in all the decisions and implementation of RP. Also, APs will be involved in the Grievance Redress Committee to review and resolve any dispute concerning compensation and other resettlement benefits. Finally, there will be continuous on-site consultation during the implementation stage to ensure that the APs receive their due entitlements/benefits.

I. Implementation Responsibilities and Cost Estimates

16. The MPW, through the Project Implementation Unit (PIU) will be responsible for implementation of the RP. The PIU will be headed by a Project Manager (PM) and an NGO will be appointed to implement the RP. A Social Development Officer (SDO) under the PIU will monitor the RP implementation. The SDO will have a minimum qualification of a Master's in Social Sciences, preferably in Sociology or Economics. He/she should possess at least 1-2 years experience in working on infrastructure development projects involving resettlement and rehabilitation. If the PIU is not able to locate a personnel with this experience, they should identify the ideal candidate within their agency and provide appropriate training to handle the social issues during the RP implementation and post- implementation periods. The appointed NGO will generally be located at the project road sites for carrying out the implementation of the RP. The PIU officials and the NGO staff will also undergo a weeklong training on ADBs policy on resettlement, resettlement management and implementation. This training program will be conducted by the operations department.

17. In Afghanistan, it is difficult to find NGOs who would have prior experience in handling resettlement issues, however there are large number of NGOs who are working in the education, health and other infrastructure sectors who can be trained adequately to assist PIU in resettlement implementation. As the number of the affected people is relatively small and the magnitude of affecting is also small, it is reasonably expected that the implementation of this short RP will be completed in 12 months beginning from fourth quarter of 2005 to third quarter of 2006. The most important part of the process is the formation of the legally constituted committee under the Act, which comprises of all stakeholders, including the affected person and also the representative from the judiciary. Once this is done, the compensation price is negotiated and the presence of the judicial representatives and local government officials in the committee will facilitate easy and smooth resolution of the grievances. All compensation, etc. will be paid and the three squatters shops will be relocated two months before the civil works commence. As the APs are recognized as the legal titleholders by their neighbors and the local government officials, it does not appear that there is any potential of delayed payment of compensation due to the APs' inability to prove their title to property.

18. A Grievance Redress Committee (GRC) following loan negotiations will be constituted for each district which will comprise of (i) a representative of the APs (ii) a representative of the Local Administration (the chief administrator from the office of the governor), (iii) a representative from the MPW and (iv) a representative from the Local Legal Department. The grievance, if any, will be put forward to this GRC and a decision should be taken within 7-10 working days. In the case of the absence of any of the members during the decision making process an appropriate candidate will be nominated by the original representative. This is only to hasten the process of decision-making and facilitate the civil works. Presently the appeal mechanism available in the rural areas includes the District Commissioner and the District Police Chief, who in case of complaints by the people resolves such conflicting issues through individual and local consultations. The proposed GRC includes a representative from the local administration and the AP himself. Therefore, it is expected that grievances will be redressed locally within the existing framework.

19. There has been no project so far that has involved land acquisition. Consultations were carried out with the Deputy minister, Land Assets, Ministry of Agriculture and the local officials to identify the timeframe and method of assessment of compensation for land and assets. Discussions revealed that land acquisition will take lesser time in the rural areas. Since, there is no similar experience in the rural areas with regard to assessing and paying compensation at replacement rate, where there is hardly any market for land, it was confirmed by the ministry and also the local officials that the method of assessment is based on a negotiated approach as is the case between a willing seller and willing buyer.

20. The estimated cost of relocation and resettlement is AF2,755,335, i.e., US \$56,231 or **US \$0.05 million**. The compensation and assistances have been calculated based on the information gathered during the social surveys from the local administration officials and the project affected community. The unit values have been drawn from consultations carried out with various stakeholders'. The MPW will provide the entire fund for land acquisition and resettlement activities. The PIU will ensure that resettlement budgets are delivered on time to the implementing NGO for timely implementation of the RP. Individual entitlements on household basis will be processed by the NGO based on confirmed census /SES data. Each entitled person (EP) will receive an identity card.

J. Monitoring Arrangements

21. The MPW will supervise and monitor the implementation of the short RP through the PIU Social Development Officer (SDO) from the beginning of the project implementation. The SDO will report to the ADB on a quarterly basis within the RP implementation period. The monitoring report will deal with all aspects of relocation, resettlement and rehabilitation of the households. The RP implementing NGO will conduct field level monitoring and assess on a monthly basis the progress in the field and prepare the monthly report for the SDO. A complete status report on RP implementation will be prepared by the PM/SDO and submitted to ADB at the end of the RP implementation. The report will reflect on the resettlement experience and lessons learned for improved management of resettlement for future projects.