

# Resettlement Planning Document

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Resettlement Framework  
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## TAJ: Rural Development

Prepared by the Ministry of Agriculture, Tajikistan

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## **A. Background**

1. The Rural Development Project will improve the living standards of rural communities in the project raions by improving land tenure security for individual households, carrying out a series of rural development initiatives associated with both farm and nonfarm business development, instituting more rational use of pasture lands, providing easier access to microcredit, and implementing small infrastructure improvements of a demand-driven nature. To achieve all this, the Project has four main components: (i) policy and institutional development and reform; (ii) sustainable land management (pasture, arable, and forest); (iii) agricultural and rural business support; (iv) rural infrastructure development; and (v) project management.

2. The rehabilitation and improvement of small-scale irrigation and drainage systems, rural water supply systems, and intra-raion roads in the Project will have potentially very limited involuntary resettlement impact. However, because all small-scale infrastructure improvements in the raions and the communities are fully demand-driven, safeguards must be provided for even limited involuntary resettlement impact via this resettlement framework.

3. All land in Tajikistan is state-owned and the Land Code states that land must be effectively used to the benefit of the people (article 2 of the Land Code). Land use is directed by the State through the local raion administrations, specifically the local offices of the State Committee for Land Management and raion administrative offices (hukumat), although an underlying objective of the Project is to ensure that land use (especially what is cultivated) is a decision of individual landholders rather than the State. Inheritance land-use rights are provided for in the Constitution (article 13) and the Land Code (article 12), but the process is still at a very early stage of implementation and does not provide women with rights and opportunities for inheritance or reimbursement of land share when getting married or divorced. The Land Code addresses potential compensation for people who legally occupy government land and are forced to relocate (article 15) but does not address compensation for people illegally occupying government land and forced to relocate, nor does it address compensation for people who have entered into "informal" renting or leasing arrangements with legally recognized land certificates.

4. A number of raion infrastructure projects that will benefit agriculture were identified for financing under the Project. These include minor rehabilitation of irrigation systems, and the rehabilitation of jamoat-to-raion roads. Community infrastructure projects that have been identified include water supply system (one of which is gravity-fed and transects several different local communities), a prototype veterinary clinic, and a typical vegetable market. Pre-feasibility studies have not been carried out on any of these proposed projects, and at this stage it is not possible to state with absolute certainty that there will not be any resettlement issues. However, no major resettlement issues are expected, although the minor rehabilitation works on irrigation systems could affect the people who now use the land within 5 meters of the irrigation canal (they are permitted to do so on the understanding that the land will revert to the irrigation system).

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

5. The pre-identified infrastructure projects in the raions and communities do not involve land acquisition or resettlement. However, in the light of the land acquisition and resettlement practices of some raion authorities in the past, affected households must be given adequate compensation for loss of cultivated land or of housing as a result of the Project.

### **C. Objectives, Policy Framework, and Entitlements**

6. The Tajikistan Land Code (article 48) states that if land is taken from a physical and juridical or legal person for state and public needs, those persons will be apportioned the same value of land, and losses, including income, will be fully compensated. During the preparation of the Irrigation Rehabilitation Project technical assistance (TA) financed by the Asian Development Bank (ADB), the chief of the Department of International Relations at Tajikistan's State Committee for Land Management stated that the local raion authorities could compensate people who are forced to relocate, but only for loss of cultivated land (pasture land was not mentioned, but relocation is assumed not to take place outside the village) and not for the loss of housing or other built structures. The short resettlement plan prepared as part of that TA was the result of extensive discussions with local raion authorities to clarify this matter. Similarly under the TA for the Project, extensive discussions were undertaken with the local raion authorities in each of the five project raions. In the most unlikely event that households lose land or are forced to relocate, the households will receive full and complete compensation.

7. The ADB Policy on Involuntary Resettlement addresses "losses of land, resources, and means of livelihood or social support systems, which people suffer as a result of ADB projects." The Project is unlikely to cause any population displacement, but a few households, especially among those with no access to other sources of land (at present approximately 90% of households are in this category), might lose access to a portion of the land from which they derive a very important source of their livelihood. This is a global estimate, however, and obviously none of the infrastructure projects will affect this number of households. Nevertheless, the resettlement framework ensures that those whose lives and incomes may be affected will be assisted to ensure that they have at least the same (but ideally, better) level of material well-being after the Project as they did before it.

### **D. Consultation and Grievance Redress Participation**

8. Because affected people have not been identified, there have been no discussions with such people. However, the TA team held discussions with people who have been affected by the resettlement practices of local raion authorities in Varzob, with local people likely to be affected by attempts at resettlement by local raion authorities in Faizobod, and people who will be affected by hydropower dam construction in Rogun. The Project will need to learn from such lessons and avoid repeating any mistakes. Discussions were also held with local raion authorities in the five project raions and at the national level with the State Committee for Land Management and the Ministry of Agriculture in Dushanbe.

9. All parties to the discussions have agreed in principle to ensure the welfare of any potentially-affected households. Local raion authorities in the five project raions will address the appeals of any persons affected by raion infrastructure development projects. It has been agreed that affected persons may appoint a mediator or facilitator, who will be paid by local raion authorities, to mediate or facilitate on their behalf. Moreover, the project management unit (PMU) will have the services of a gender and social development specialist, who will ensure that any people who are affected are compensated according to the principles of this resettlement framework.

### **E. Compensation, Relocation, and Income Restoration**

10. There are three key elements related to compensation, relocation, and income restoration. First, local raion authorities have agreed to provide land of equal or better quality, in

compensation for their potential loss of livelihood. Second, local raion authorities have agreed that during the construction of infrastructure projects, affected people will be accorded priority in employment where possible. However, the local raion authorities are not in a position to offer future employment to affected people and argue that income restoration will need to be linked to the provision of land of equal or better quality. It is, of course, the stated preference of the five raion authorities to avoid loss of land.

11. The five raion authorities have stated that they do not wish to invest in infrastructure development projects leading to housing relocation. To this end, they have instructed or will instruct technical specialists to design projects in such a way that housing relocation will not be necessary. At the local community level, local communities will be informed that infrastructure development projects must not result in the loss of land or the relocation of houses unless individual households (and all adult household members) agree to the acquisition of a portion of their land or house, or the relocation of other built structures (e.g., hay barn or cattle shed). Where such loss of land or relocation of houses or other built structures occurs, the same principles in relation to compensation, relocation, and income restoration will need to apply.

#### **F. Institutional Framework**

12. Planning, implementation, inspection, and assessment for raion infrastructure development projects will be the joint responsibility of the local raion authorities and the PMU in consultation with jamoat and community-based groups. The PMU would also provide oversight of the implementation of the resettlement framework. Dissemination of information and any necessary public discussions with affected people would also be undertaken periodically to ensure proper implementation of the resettlement framework. Before local communities call for proposals for infrastructure development projects to be financed by the Project, information about this resettlement framework will be disseminated by the PMU. Resettlement plans will be prepared according to the resettlement framework.

#### **G. Resettlement Budget and Financing**

13. For households that lose access to land because of raion investments, local raion authorities need to ensure that replacement land will be provided and that households will receive land-use rights on this land. Households in a similar position as a result of community infrastructure investments will need to be provided with replacement land and receive land-use rights. Because local raion authorities are responsible for issuing land-use rights certificates, they will also need to be involved. There will be minor costs involved in monitoring and providing support for resettlement, and these costs, as well as any unforeseen costs, will be covered by the Project.

#### **H. Implementation Schedule**

14. Any detailed planning and implementation of resettlement would take place well before the start of civil works construction. According to the Project Implementation Schedule, activities associated with the first tranche for the improvements in raion and community infrastructure are scheduled to begin in 2007. Subject to project conditions being met, the second tranche will be released in 2009 and the third in 2011. Each cycle of infrastructure improvement projects is expected to take about 2 years.

## **I. Monitoring and Evaluation**

15. The PMU will implement a detailed monitoring and evaluation plan for the entire Project, including preparation, implementation, and flow-on effects. In relation to resettlement, the PMU will develop baseline data for monitoring indicators including: amount of land lost; amount of replacement land (of similar or better quality); number of jobs provided (temporary and replacement); compensation payments; and other assistance in moving, training, and household income (or agricultural income or output value) tracking. In support of these activities, affected persons will be invited to attend public meetings to discuss resettlement issues. The Executing Agency will submit quarterly progress reports to the ADB on the implementation of the resettlement framework and a resettlement completion report.

## **J. Conclusion**

16. The Project should avoid any investment activities that would require a resettlement plan. However, realistically it is impossible to preempt demand-driven infrastructure development projects, whether at the raion or at the local community level. Therefore, the resettlement framework has been designed to provide safeguards where demand-driven infrastructure development projects do result in some degree of resettlement, because affected people should not see a diminution in their living standards as a result of investments that are designed to benefit as many beneficiaries as possible in the Project.