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Ministry of Agriculture Irrigation and Livestock

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OPPORTUNITY FOR MAXIMIZING AGRIBUSINESS INVESTMENTS AND DEVELOPMENT (OMAI) PROJECT

RESETTLEMENT POLICY FRAMEWORK (RPF)

Developed by



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EXECUTIVE SUMMARY

The Opportunity for Maximizing Agribusiness Investments and Development (OMAID) Project seeks to provide structural and financial support to the agro-processing segments of the horticulture and livestock sector in Afghanistan.

Under *Component 2 – Support of Agri-spatial Solutions and Access to Finance* of the Project, it is proposed that a range of physical infrastructure will be established including Integrated Agri-Food Parks, Farmer Collection Centre and Rural Transformation Hubs.

In principle, the Project will attempt to secure any land required for the physical infrastructure via voluntary land agreements (i.e. willing-buyer, willing-seller agreements). However, there may be cases where the Project is required to compulsorily acquire land. In such cases, the Government of Afghanistan will need to expropriate the land consistent with the Law on Land Acquisition of 2017.

The Project is also funded by the World Bank, therefore any form of compulsory land acquisition will be undertaken consistent with the World Bank Safeguard requirements established under Bank Policy / Operational Policy 4.12 – Involuntary Resettlement.

This Resettlement Policy Framework (RPF) establishes the principles, rules and procedures to be followed in the management of all forms of compulsory land acquisition, compensation, and resettlement consistent with national law and WB safeguard policies. It functions as a precursor document to a full Resettlement Action Plan (RAP) that will need to be prepared on a sub-project by sub-project basis.

A key component of the RPF is the definition of an Eligibility and Entitlement Framework, which defines which persons or groups are deemed eligible for compensation or resettlement assistance. The types of eligible persons and entitlement or rights to compensation varies by asset types but include:

1. Eligible Persons

- a) Any persons that own land with full rights under formal title or similar legally recognized rights. Tenants and sharecroppers, whether registered or not;
- b) Any persons that own land with full exclusive and individual rights under customary law or similar legally recognized rights.
- c) Any persons that utilize or occupy land under documented or undocumented tenancy arrangements, including sharecroppers.
- d) Any persons that utilize or occupy land without recognized legal protections, including internally displaced persons.
- e) Any persons that own any fixed assets including buildings, crops, plants, or other objects attached to the land
- f) Any Persons losing businesses, income, and salaries.

2. Entitlements

- a) Cash compensation at replacement value or the replacement of lost property and residential structures,
- b) Cash compensation at replacement value or replacement of lost agricultural land with land of equal productivity and/or size,

- c) Cash compensation at replacement value for any lost annual crops and productive trees located on affected land,
- d) Cash compensation or provision of replacement business structures, in addition to cash indemnity of lost income and salaries,
- e) Cash compensation in the form of allowances covering severe impacts, relocation cost, and vulnerable people allowance.

The Eligibility and Entitlement Framework differentiates rights and entitlements depending on land tenure, occupancy rights and as well as land-users. This includes persons with (1) formal ownership rights, (2) de-facto users or occupants (i.e. tenants), (3) de-facto users or occupants with adverse possession rights, and (4) unrecognized beneficiaries (i.e. squatters).

Where cash compensation is to be offered, it will be valued on the principles of replacement value. In-kind, or replacement assets, is however generally favored to allow Affected Persons to reinstate their livelihoods and living conditions to a state that is equal, or ideally better than before the resettlement.

The RPF also makes additional provision for vulnerable people, including elderly-headed households, female-headed households, women in general, child-headed household, persons with no rights to land, internally displaced persons, persons with disabilities and ethnic minorities.

Further to the above, the Project will support the restoration and development of livelihoods. This include supporting the provision of replacement assets and additional livelihoods support to allow affected persons to reinstate farming practices or income-generation streams. Livelihood restoration options may include the following:

1. Provision of replacement residential, business or agricultural land,
2. Land clearance, preparation and input to reinstate agricultural practices.
3. Provision of agricultural inputs (seeds, fertilizer) to reinstate crop production.
4. Provision of preferential links to the value-chains established by the Project.
5. Replacement structures equivalent, or better than the structures being lost.
6. Restoration of Business-Based Activities.
7. Construction phase preferential employment.
8. Supporting SMME development.
9. Supporting women-owner SMME development.

Implementation of the RPF requirements will be the mandate of the Government of Afghanistan. This will include the Ministry of Industry and Commerce (MOIC) – Directorate General of Industrial Parks for 4 Integrated Agri-Food Parks, the Central Region Development Authority (CRIDA) for 1 Integrated Agri-Food Park, and the Ministry of Agriculture, Irrigation and Livestock (MAIL) for all Farmers Collection Centers and the Rural Transformation Hubs. These parties are defined as the *Expropriating Authorities or Implementing Agencies* on all land acquisition and resettlement matters.

The implementing agencies will be required to providing ongoing and comprehensive stakeholder engagement and participation. This include the formation of several committees required under national law, as well as direct engagement with Affected Persons. In addition, the implementing agencies will be required to disclosure the RPF and the RAP to the public.

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LIST OF ABBREVIATIONS AND ACRONYMS

BP/OP	World Bank Policy / Operational Policy
CRIDA	Central Region Development Authority
ESIA	Environmental and Social Impact Assessment
ESS	World Bank Environmental and Social Standards
FCC's	Farmer Collection Centers
FPICP	Free, Prior, Informed Consultation and Participation
IAFPs	Integrated Agri-Food Parks
MAIL	Ministry of Agriculture, Irrigation and Livestock
MOIC	Ministry of Industry and Commerce
MUDL	Ministry of Urban Development and Land
NGO	Non-Government Organizations
OMAID	Opportunity for Maximizing Agribusiness Investments and Development Project
PAP	Project-Affected Person
PMU	Project Management Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RTHs	Rural Transformation Hubs

DEFINITIONS

Affected Persons: Any individual, persons, family, household, group, or collective body that is affected by either physical or economic displacement and are deemed eligible to resettlement assistance and/or compensation under this RPF.

Asset Inventory: The investigation and measuring of all land, interest on and rights to that land, as well as any assets and unexhausted improvements on that land. The Asset Inventory forms the basis for the determination of resettlement assistance and/or compensation to be granted to Affected Persons.

Allowances: Additional cash compensation provided in addition to any resettlement assistance and/or compensation provided for the loss of assets, and generally provide transitional support while Affected Persons restore their living conditions and livelihoods after resettlement.

Compensation: The forms or combination of cash or in-kind replacement assets to be provided to Affected Persons to compensation of the acquisition of land or the loss of assets. In most cases, compensation denotes cash only.

Development Moratorium: A development moratorium is a legal announcement or notification of Affected Persons that all forms of development and investment on the affected land and associated assets is to cease. The commencement of the moratorium is linked to a declared cut-off date.

Economic Displacement: The loss of assets or access to assets that leads to loss of income sources or livelihoods but does NOT necessarily result in the direct loss of a place of residence.

Eligible Persons: See Affected Persons

Entitlement Framework: A framework that establishes the specific entitlements (i.e. forms of compensation) granted to Affected Persons whom will lose proven assets, as determined during the Asset Inventory.

Household Census: The registration of Affected Persons and the collection of their details and forms the basis for the confirmation of Affected or Eligible Persons.

Unexhausted Improvements: Anything resulting from expenditure of capital or labor and includes carrying out of any building, engineering, clearing, improvement, or other operations in, on, over, or under land, or the making of any material change in the use of any building or land and charges for services provided and other expenses incurred in the development or towards the development of land.

Land Acquisition / Compulsory Land Acquisition: The process whereby the Government of Afghanistan is able to compulsory acquire or expropriates all land under the powers of “eminent domain” for a public purpose in return for prompt and fair compensation.

Livelihoods: The daily activities adopted by members of households that support the generation of cash income or the securing of household food needs.

Livelihoods Restoration: A range of measure and programs that ensure that the existing livelihoods of Affected Persons is restored, or ideally improved, during and after the resettlement process.

Physical Displacement: The displacement, loss, or destruction of the place of residence as a direct result of the development of the Project.

Resettlement Policy Framework: A framework document that defines the principles and steps to be adopted in the development of a Resettlement Action Plan. The framework is only a precursor to the Resettlement Action Plan and does not replace it.

Resettlement Action Plan: A detailed action plan that establishes the measures to be adopted by the Project in the implementation of any resettlement and compensation.

Replacement Cost: A method of valuation of assets that determines the value that is required to replace any lost assets (including land or fixed structures). This includes the value of materials, labor for reconstruction, all forms of transaction costs (i.e. taxes and transfer fees), and explicitly exclude depreciations of assets.

1 INTRODUCTION

The Opportunity for Maximizing Agribusiness Investments and Development Project (OMAID or the Project) seeks to provide structural and financial support to the agro-processing segments of the horticulture and livestock sector in Afghanistan. The Project will be funded by an IDA grant in the amount of US\$25 million and a US\$150 million contribution from the Afghanistan Reconstruction Trust Fund over a five-year period.

1.1 PROJECT BACKGROUND

The overall objective of the Project is the development of an enabling environment for increased private sector investment in agribusiness. This includes investment in agro-processing value chains from production, market access and processing to marketing on the domestic and regional markets, as well as for the export to international markets. To meet this objective, the Project is divided into several interrelated components including:

- **Component 1 – Improving the Enabling Environment and Quality of Support Services for Agribusiness Development:** Promote regulatory and government policy development to support a competitive agribusiness sector in Afghanistan. This component will include the strengthening of government capacity to deliver enhanced agribusiness-oriented services and to promote an enabling environment.
- **Component 2 – Support of Agri-spatial Solutions and Access to Finance:** This component seeks to enhance the productivity of Afghan smallholder farmers and maximize their ability to access formal financial services. This component includes the establishment of the following physical infrastructure:
 - **Integrated Agri-Food Parks:** These parks are conceptualized as self-standing agro-industrial zones located at 5 strategic sites in 5 target provinces (Balkh, Kandahar, Kabul, Herat, and Nangarhar Provinces).
 - **Farmer Collection Centers:** The establishment of a network of strategically placed sub-provincial satellite Farmer Collection Centers which will serve as collection points for local farmers and function as central buying points for local farmers as well as distribution points for farm inputs. It is expected that 25 collection centers will be established in the 5 target provinces.
 - **Rural Transformation Hubs:** The establishment of a network of strategically placed sub-provincial satellite Rural Transformation Hubs which will allow for the primary processing and sale of agricultural goods, the supply of agricultural inputs, and support in the form of further investment to local farmers. The Project proposes to establish 15 hubs – or 3 hubs in each of the 5 target provinces.
 - **Facilitating Access to Finance:** Support improved access to funding for parties in the agricultural and agribusiness sector (including farmers, intermediary agents, traders, processors and exporters) via financial outreach and capacity building.
- **Component 3 – Crisis Prevention and Management, Project Management and M&E, and Governance Structure:** Strengthen crisis preparedness and management mechanisms of relevant institutions. This would also include the establishment of a Project Coordination Unit (PCU) integrated into the MoIC, CRIDA and MAIL administrative structure. In addition, this component would support the formation of an Agribusiness Value Chain Task Force Unit that will provide strategic direction and coordination between government ministries, public entities and development partners.

1.2 APPLICATION OF THIS RESETTLEMENT POLICY FRAMEWORK

This Resettlement Policy Framework (RPF) applies to the development of any physical infrastructure under *Component 2 – Support of Agri-spatial Solutions and Access to Finance*, (See **Error! Reference source not found.**) including the following key components:

1. **Integrated Agri-Food Parks (IAFPs):** This RPF applies where there is a need to resettle households or compulsorily acquire land for the establishment of the parks. The parks will be constructed by the Ministry of Industry and Commerce, who will be the primary land acquiring/expropriating authority responsible for fair land compensation and resettlement as per the relevant national legislation and WB requirements for involuntary resettlement.
2. **Rural Transformation Hubs (RTHs):** The Project will provide funding support only, and the establishment and management of the hubs will be an entirely private initiative. The private investors will therefore need to secure their own land. This RPF only applies where the private investors cannot avoid compulsory land acquisition and would need to approach the Government of Afghanistan expropriate the land on their behalf.
3. **Farmer Collection Centers (FCCs):** The Project will provide funding support only, and the establishment and management of the collection centers will be an entirely private initiative. The private investors will therefore need to secure their own land. This RPF only applies where the private investors cannot avoid compulsory land acquisition and would need to approach the Government of Afghanistan expropriate the land on their behalf.

In principle, the Project will require that any land required for Project infrastructure will be secured via voluntary land agreements or sales. Therefore, all forms of compulsory land acquisition will be avoided to the maximum extent possible. **This RPF does not apply to cases of voluntary land transactions and where the Project or private investors choose not to adopt compulsory land acquisition where no agreement can be made (i.e. willing-buyer, willing seller).**

The RPF applies in all government-led expropriation of private, state or public land for the IAFPs and associated infrastructure, as well as any Government-led expropriation of private, state or public land on behalf of any private developers.

1.3 LIKELY SCOPE FOR PHYSICAL AND ECONOMIC DISPLACEMENT

This RPF applies in all cases where Project infrastructure results in a physical or economic displacement of people that own or utilize the land or businesses. The definition of physical and economic displacement is presented below:

- **Physical Displacement:** The displacement, loss, or destruction of the place of residence that is directly attributed to the Project land acquisition process, and which requires the relocation of a household or community to another location.

The 5 IAFPs are located in industrial or greenfield sites. These sites do support limited fixed structures including small factories, swimming pools, derelict structures, and two known farmhouses. Physical displacement is considered to be very limited.

The locations of the FCCs RTHS are not known. Assuming the land is secured via voluntary transactions only, then the physical displacement is unlikely.

- **Economic Displacement:** The loss of access to land or the benefits derived from that land that is directly attributed to the Project land acquisition process, and results in the loss of income and livelihoods of individuals, families, or groups of people, but does not directly lead to the loss of a place of residence.

The 5 IAFPs are located in proposed industrial sites or greenfield sites. Land rights are secured or being secured by MOIC or CRIDA, however, economic displacement will occur where undocumented occupants and land-users have been displaced. Non-irrigated cultivated land is found at the Kabul Site, while the remaining 4 IAFPs are understood to be clear of all land claims or uses.

The locations of the FCCs and RTHS are not known. Assuming the land is secured via voluntary transactions only as is required under any grant funding, then physical or economic displacement is unlikely. Once the sites are selected, a close assessment of undocumented occupants and land-users will however be required.

1.4 OBJECTIVE OF THIS RESETTLEMENT POLICY FRAMEWORK

The objective of the RPF is to establish the principles and requirements for the management of all forms of compulsory land acquisition, compensation, resettlement principles, eligibility criteria, entitlement matrix, livelihood restoration and organizational arrangements to perform these tasks, whenever and wherever needed. Specific aims of the RPF include:

1. Establish an Eligibility Framework that defines who is eligible for compensation and resettlement assistance depending on the type of asset losses and security of tenure to those assets.
2. Establish an Entitlement Framework that defines the type of compensation and resettlement assistance that may be offered to the Project Affected Persons (PAPs) depending on the type of losses they have incurred.
3. Define how census survey to be conducted, guidance and advice on land and assets verification and inventory and land valuation, in order to meet national laws and policies on land acquisition, restriction on land use and involuntary resettlement as well as World Bank requirements.
4. Define options in terms of the provision of replacement land and assets *in lieu* of cash compensation.
5. Define options that may promote the positive development of Affected Persons and granting opportunities for Affected Persons to benefit from the Project. Particular focus will be given to vulnerable groups notably women.
6. Define the land acquisition and resettlement procedures and make additional provisions for alignment with international good practice requirements.
7. Define institutional arrangements for preparation and implementation of Resettlement Action Plan (RAP) and requirements for a meaningful and enduring stakeholder engagement, as well as monitoring and reporting arrangements.
8. Ensure consistency in approaches to land acquisition and resettlement across multiple sub-projects and administrative areas in Afghanistan (including provinces, districts, etc.).

1.5 RATIONALE FOR DEVELOPING THIS RESETTLEMENT POLICY FRAMEWORK

This RPF applies to the Project as (1) the nature and design of the project or of a specific subproject or subprojects is not fully known (2) the zone of impact of subprojects cannot be determined, or (3) the zone of impact is known but precise sitting alignments cannot be determined.

As such, it is not possible to develop sub-project specific RAPs at this point, and this RPF functions as policy document that established common principles, rules and procedures to be adopted in the future across all sub-projects. The RPF functions as a precursor document only and does not supersede the need for the development of the RAP.

If any individual or multiple subprojects identified having potential land impacts, a RAP consistent with the provisions made in RPF will be developed and shared with the WB for clearance and disclosure.

2 LEGAL AND POLICY FRAMEWORK FOR RESETTLEMENT

This chapter provides an overview of all the applicable national legal requirements and WB policies for involuntary resettlement, land acquisition and compensation. A comparative analysis of the national legal requirements and WB policies on Involuntary Resettlement (OP: 4.12) is included in this chapter including recommendations to close any found gaps.

2.1 NATIONAL LEGISLATIVE FRAMEWORK

2.1.1 *The Constitution of Afghanistan*

The Constitution of 2004 is the supreme Law of Afghanistan. Article 40 establishes fundamental rights to property and established that no *“property shall be confiscated without the order of the law and decision of an authoritative court”*. The same article allows for the acquisition of private property only in cases of the public interest, and in exchange for *“prior and just compensation”*.

2.1.2 *Land Management Law, 2018*

The Land Management Law of 2018 is the principle legislation concerning the management and administration of land in Afghanistan. Under this law, land tenure is broadly divided into state land, private land, public land, pasture or grazing land, and endowed land.

With respect to Private Land, the Law recognizes the protection of private land (Chapter 4) where private land is based on *“legally valid documents proving ownership of land and property. Documentary proof, under this law, may include title deeds, land registration books, property documents, court documents, government decree, tax documents, cadaster maps or customary documents.”*

Public Land is communal land that is freely used by the people of Afghanistan or is specifically designated land for a village or a group of villages. The Article 11 of the law states that *“No individual, or the State, may occupy, sell, purchase gift, distribute, exchange, mortgage, lease, or divide public land. “The State may however do so for projects in the national interests” (Article 11(2)).*

Article 12 of Act states that *“Public Grazing Land is a sub-set of Public Land, and is communal land used by the people of Afghanistan whose livelihood is dependent on rearing and cultivating livestock. There is no restriction on the use of Public Grazing Land, however, no private person may claim exclusive rights to or dispose of the land.”*

In contrast, Special Grazing Land is communal land used for the rearing and cultivation of livestock, but the use of the land is restricted to one or several villages. The land is not open to the general public, and the protection of the land is the collective responsibility of the relevant village or villages.

Under Article 15, state land, public grazing land, and special grazing land may only be used, without the need for expropriation, for the implementation of projects in the national interest, following agreement from MUDL, and approval from the Cabinet.

A potentially important provision in terms of land acquisition is the cadaster survey and verification of ownership (Chapter 4). This chapter mandates the State to verify the categorize land; determine accurate information about the boundaries of the land, and the identity of the owner of the land. Article 29 permits the cadaster survey of land designated for development projects following an official request from the relevant state department. This includes the designation of state land, private land, public land, public grazing land, or special grazing land. The results of any cadaster survey need to be made public (Article 31) and suitable measures put in place to resolve disputes (Article 32).

2.1.3 Law on Land Acquisition, 2017

The Law on Land Acquisition of 2017 is the principle enabling legislation for the compulsory acquisition of property in Afghanistan. The law allows for the compulsory acquisition of individual properties and the fair provision of compensation for any losses.

The term property used in the Law is not limited to land only, but covers “land, buildings and its belongings that are attached to land or building, and its transfer is impossible without changing its nature” (Article 3). In all cases in the law, the term *property* will cover all land and all unexhausted improvements on that land.

A key provision of the Law is the definition of Affected Persons as “a person who is not only the owner of the acquired property but is *affected* by the process of expropriation” (Article 3). This may be read to include both a person with interests on the property (in the form of property/land ownership, co-proprietary, mortgagee, tenants, or any persons with other limited interests) as well as Affected Persons (persons that gain a benefit or utilize the property irrespective of their legal standing).

Article 5 permits the compulsory acquisition of an individual’s property via expropriation only for the purpose of establishing projects that serve the public interest. The same Article defines a broad list of activities that are deemed to be of the public interest. The listed activities applicable to the Project may include:

- Article 5 (2) – Implementing approved plans of competent authorities.
- Article 5 (4) – Constructing manufacturing factories.
- Article 5 (5) – Constructing highways, roads, railways, and all transportation lines
- Article 5 (14) – Constructing complexes and residential towns.

The expropriating authority (i.e. MOIC, CRIDA or MAIL) is required to submit a suitable rationale for the compulsory acquisition of property, including information of the property requirements, type and location of the Project, likely social and economic impact, and implementation timeframes to the Government of Afghanistan.

Article 9 establishes the requirement that the expropriating authority will provide suitable notification and disclosure of the expropriation plan (assumed to be a Resettlement Action Plan), once the plan has been approved by the Evaluation Committee and by the Government of Afghanistan. At a minimum, this will include public notices via mass media and the local administrative structures.

The Law, under Article 12, requires the formation of an Evaluation Committee for the purpose of evaluating the Resettlement Action Plan and coordinating implementation of the plan. The committee members are largely comprised of the relevant Government departments as well as representatives of Affected Persons, with the Ministry of Urban Development and Land (MUDL) mandated to function as the secretariat.

Chapter 5 defines the principles and requirements in the valuation of property. Under Article 22, it is required that a Valuation Panel be appointed in every affected province. Under the Valuation Panel, a Technical Panel is to be established with the primary mandate of (1) raising awareness of the compensation process, (2) identifying Affected Persons and the establishment of a list of Affected Persons, and (3) the surveying and measurement of the affected properties. Articles 25 to 29 establish provisions in terms of determining compensation for certain affected assets as summarized below:

- **Article 25:** The value of building or establishments will be appraised by relevant professional engineers in consideration of architectural and engineering standards and added to the compensation value of the land.
- **Article 26:** Where crops are lost (or where harvesting cannot be undertaken) the price of the lost crops will be added to the compensation. The price includes the costs of inputs (price of seeds sowed, chemical fertilizers and costs of farming).
- **Article 26:** Where there is a need to expropriate a *green area*, the expropriating authority will create an equivalent area in cooperation with the National Environment Protection Authority and all other relevant agencies.
- **Article 27:** Non-productive trees will be compensated based on the price of firewood, while non-productive ornamental trees will be valued at five times that of firewood. Productive trees will be valued on the basis of firewood as well as the value generated by the tree produced over 5 years.
- **Article 27:** Where a productive tree has provided produce, and the owner cannot or is not permitted to harvest the produce, they will be compensated to the value of the produce over 5 years.
- **Article 28:** Commercial property will be valued based on the value of neighboring commercial plots or the provision of a replacement business plot. No specific provision is made in terms of the loss of income.
- **Article 29:** Where the affected plot is not commercial in nature and is smaller than 10 *Biswa* (100m²), the Affected Person may be granted a replacement plot or residential unit. For larger landholdings, the Affected Person may be granted multiple plots (not exceeding five) for every 10 *Biswas* in their holdings.
- **Article 30:** In cases of urgent land acquisition, the Affected Persons will be granted compensation to the value of three months' rent (based on the average rental prices for similar houses in the neighboring areas).

The Law allows for in-kind compensation instead of cash compensation. Specifically, Article 31 allows for the provision of equivalent land to the acquired land considering its type, location, grade, and business value. Where replacement land is unavailable, provision may be given to the transfer of State land to the owner, or the provision of a combination of replacement land and cash compensation.

Article 32 makes some provision in the protection and safeguarding of Affected Persons without secure tenure to the property they use or occupy. In the article, a person that occupies State property for shelter and has constructed a building, will be paid compensation for the value of the building, and shall be granted a replacement plot. The eligibility is prescribed only to persons with (1) no other residences, and (2) have been resident on the property for at least 10 years.

Article 33 outlines protections for Affected Persons that have established properties with informal or customary tenure. Compensation will be provided for any buildings as well as the price of the land. In addition, where the Affected Person has no access to alternative plots, they will be granted a replacement plot against a set price in a nearby area.

Article 37 establishes a key requirement that the expropriating authority pays compensation (as well as provide replacement assets) to the Affected Persons *prior* to the implementation of the Project. No specific provision is made for taking possession of the property prior to the payment of compensation under the law.

2.1.4 Regulations on Linear Land Expropriation Projects, 2018

The Regulations on Linear Land Expropriation Projects, of 2018 establishes additional provisions for the expropriation of land in cases of linear projects. This law may apply to Project components that require the construction or extension of roads, powerlines, pipelines, telecommunication lines, sewerage canalization, and water supply networks.

The Regulations have been enacted pursuant to the provision of article 52 of Law on Land Expropriation of 2017, and requires the following:

- **Article 7** – The expropriating authority will assess multiple routes and determine the route that would incur the least damages to private land and where possible will extend through public and government properties. The preferred route will be submitted to the Government of Afghanistan for approval as part of the initial application.
- **Article 9** – The regulations require the formation of a Commission for Determining the Rights of Ownership, with the mandate to establish land ownership rights based on valid documents.
- **Article 10** – The Commission is granted power to identify and categorize land that will be acquired for any linear projects, and collect data on land ownership, size, grade, or quality of the land. The Commission is also empowered to refer conflicts and disputes over properties subject to expropriation to the related authorities.
- **Article 12** – This article requires that the provincial governor, where the linear project is located, will supervise/monitor the expropriation process. The regulations however do not specify how this is to be undertaken.

- **Article 14** – This Article establishes that any persons that have been benefited from the distribution of land based on previous decrees (i.e. land grants under government programs) will be recognized as the owner of the land and will be compensated as such.
- **Article 16** – Where the principal property book of the Land Authority or where valid property documents have been destroyed, ownership rights may be established based on agreement by the owners of the land bordering the land to be acquired as well as being vetted by the local council.
- **Article 18** – This Article requires the formation of a central commission to supervise and coordinate functions between key role-players. The commission will be established at the national level and be supported by provincial commissions.

2.2 WORLD BANK SAFEGUARD POLICIES

The World Bank policy on involuntary resettlement is established under Bank Policy and Operational Policy 4.12 on Involuntary Resettlement (BP/OP 4.12), which are framed under the Bank's Safeguard Policies. These policies are, as of 2016, have undergone major revision under the framework of the World Bank's Environmental and Social Standards (ESS)¹.

Bank Policy (BP 4.12 – Involuntary Resettlement) requires that identification of any forms of involuntary resettlement under World Bank funded Projects. Where involuntary resettlement is confirmed, the Borrower and the World Bank are jointly required to assess the nature and magnitude of the likely displacement and determine the type of resettlement instrument (resettlement plan, abbreviated resettlement plan, resettlement policy framework, or process framework) and the scope and the level of detail required.

The forms of involuntary resettlement considered applicable are defined under the Operational Policy (OP 4.12 – Involuntary Resettlement) and include the following:

1. involuntary taking of land resulting in the relocation or loss of shelter,
2. loss of assets or access to assets,
3. the loss of income sources or means of livelihood, whether or not the affected persons must move to another location, or
4. the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

OP 4.12 further states that involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. It therefore requires that the following objectives are met:

1. Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
2. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits.

¹ The Project was developed prior to the finalization of the 2016 Environmental and Social Standards, therefore the Bank Policies and Operational Policies apply with respect to this RPF.

Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

3. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The forms of compensation and livelihoods restoration noted above apply to all displacement persons – or Affected Persons that fall into three main groups as follows:

1. Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country).
2. Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets--provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan².
3. Those who have no recognizable legal right or claim to the land they are occupying.

OP 4.12 permits the development of a Resettlement Policy Framework for Bank-assisted project with multiple subprojects, where (1) the nature and design of the project or of a specific subproject or subprojects is not fully known (2) the zone of impact of subprojects cannot be determined, or (3) the zone of impact is known but precise sitting alignments cannot be determined.

The RPF functions as a precursor document only and does not supersede the need for the development of the resettlement plan. When the multiple subprojects are finalized, the World Bank will require the submission of a resettlement plan consistent with the provisions made in the RPF as well as the World Bank BP/OP 4.12.

2.3 GAP ANALYSIS

A gap analysis of the national legislation against World Bank BP/OP requirements on land acquisition and involuntary resettlement is presented in Table 2-1 overleaf.

² This include such claims could be derived from adverse possession, from continued possession of public lands without government action for eviction (that is, with the implicit leave of the government), or from customary and traditional law and usage, and so on.

Table 2-1: Gap Analysis

No.	World Bank BP / OP 4.12	National Legislation	Gap Analysis and Closure Recommendations	Provision under this RFP
1	Explore all viable alternative project designs to avoid, where feasible, or minimize displacement.	The Law of Land Acquisition requires the submission of location alternatives as part of its rationale for Land Acquisition.	No Gap	-
2	World Bank policies cover displacement related to the involuntary taking of land resulting in (1) relocation or loss of shelter; (2) loss of assets or access to assets; or (3) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.	<p>The Law of Land Acquisition covers compulsory land acquisition related to all forms of property – including land, building and its belongings that are attached to the land.</p> <p>It does not cover loss of access to assets (likely loss of access to communal land) or loss of income or livelihoods. The law (Article 6) does not permit the expropriation of land from national protected areas.</p>	<p>The RAP needs to make specific provision for the loss of or restriction to communal land and associated resources. This may include Public Land, Grazing Land, Endowed Land.</p> <p>The RAP needs to make specific provision for livelihoods restoration as well as the provision of transitional support for the loss of income sources. The WB's requirements complement and improve on the requirements of Afghan law.</p>	Provision is made in the Entitlement Framework for the loss of all fixed assets and land irrespective of legal standing of Affected Persons.
2	Displaced persons will include (1) those who legal rights to land (including customary and traditional rights), (2) those who do not have formal legal rights to land but have a recognizable claim to such land or assets, (3) those who have no recognizable legal right or claim to the land they are occupying.	The Law of Land Acquisition defines the Owner (or those with formal or customary legal rights to land) and Affected Persons (who is not the owner of the acquired property but is affected by the process of expropriation). The Law allows for compensation of Affected Persons but provides limited detail on the form of compensation.	The resettlement plan needs to make specific provision for persons with no recognizable legal right or claim to the land they are occupying, and establish detailed measures to safeguard their living arrangements, livelihoods, and income streams.	Provision is made in the Entitlement Framework for the loss of all fixed assets and land irrespective of legal standing of Affected Persons. This includes persons with (1) legal rights, (2) customary rights, (3) tenant rights, and (4) no formal rights.

No.	World Bank BP / OP 4.12	National Legislation	Gap Analysis and Closure Recommendations	Provision under this RFP
3	Determine the type of resettlement instrument (resettlement plan, abbreviated resettlement plan, resettlement policy framework, or process framework) and the scope and the level of detail required	The Law of Land Acquisition requires what is termed an expropriation plan which is an equivalent to the resettlement plan. This plan needs to be approved by the Government.	No Gap	This RPF requires the preparation of a RAP for each sub-project where compulsory land acquisition is needed. This RAP is equivalent to the expropriation plan
4	Displaced persons, deemed eligible for assistance, are to be provided compensation for the loss of land and assets. Cash compensation should be sufficient to replace the lost land and other assets at full replacement cost in local markets.	The Law of Land Acquisition requires the compensation of the loss of land, buildings and its belongings that are attached to land. Compensation is not explicitly based on market or replacement value.	The resettlement plan needs to make specific provision for ' <i>full replacement value</i> ' in determining fair compensation rates. The WB's requirement for involuntary resettlement and compensation at a fair market value will be applied.	This RPF makes provision of cash compensation at replacement value where it is higher than market value or district established compensation rates.
5	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land based. Whenever replacement land is offered it should provide a combination of productive potential, locational advantages, and other factors are at least equivalent to the advantages of the land being taken.	The Law of Land Acquisition makes provision for replacement land against a specified price. The Law does not specify that replacement land is equivalent to the lost land.	The resettlement plan needs to make specific provision for replacement land, with the additional requirement that such land must be equivalent to the lost land in terms of size and/or productivity.	This RPF makes provision of replacement land and assets in lieu of cash compensation under its Entitlement Framework. This is similarly permitted under the Law on Land Acquisition.
6	Preference should be given to replacement housing and assets in lieu of cash compensation which is at least equivalent to the living conditions	The Law of Land Acquisition does not make explicit provision for replacement housing and assets in lieu of cash compensation.	The resettlement plan needs to make specific provision for replacement housing and assets in lieu of cash compensation.	This RPF makes provision of replacement land and assets in lieu of cash compensation under its Entitlement Framework.

No.	World Bank BP / OP 4.12	National Legislation	Gap Analysis and Closure Recommendations	Provision under this RFP
	prior to resettlement or ideally leads to improvements in living conditions.			
7	Displaced persons are provided support after displacement, for a transition period, including transitional allowances and development assistance.	The Law of Land Acquisition does not make provision for any disruption allowances, transitional support or development assistance.	The resettlement plan needs to make specific provision for (1) disruptions allowances, (2) transitional support, and (3) development assistance under its Entitlement Framework.	The RPF makes provision for several allowances as part of the Entitlement Framework, including Disruption Allowances, Moving Allowance, Rental Allowances.
8	Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	The Law of Land Acquisition does not make provision for livelihoods restoration outside of providing replacement land.	The resettlement plan needs to make specific provision for livelihoods restoration and development. This includes restoring productive assets or reinstating income generating activities. To cover this gap of livelihood and income restoration WB's requirements will be applied.	The RPF makes provision for livelihoods restoration and development in Chapter 6.
9	Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs,	The Law on Land Acquisition requires that affected communities are consulted regarding the implementation of the project. No specific procedures are established.	The development of the resettlement plan must include free, prior and informed consultation of all affected persons and stakeholders. Engagement will also need to be supported in the implementation of the resettlement plan.	The RPF makes provision for stakeholder engagement under Chapter 8.
10	Displaced persons are consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.	The Law on Land Acquisition primary provides for cash compensation for lost land and assets. Replacement land is offered, but no similar provision made for lost assets.	The development of the resettlement plan must provide a package of options (including cash compensation and replacement assets) as part of the Entitlement Framework.	The RPF makes provision for cash compensation or replacement assets as a package of options in the Entitlement

No.	World Bank BP / OP 4.12	National Legislation	Gap Analysis and Closure Recommendations	Provision under this RFP
				Framework as detailed in Section 4.2.
11	Particular attention is paid to the needs of vulnerable groups who may not be protected through national land compensation legislation.	The Law on Land Acquisition does not make provision for the safeguarding of vulnerable people barring limited requirements for persons without land tenure.	The resettlement plan must identify vulnerable people and establish specific measures for safeguarding them. Specific reference must be made to women.	The RPF makes provision for the safeguarding and inclusion of vulnerable people in the resettlement process as detailed in Section 4.3 and 8.7
12	The full costs of resettlement activities necessary to achieve the objectives of the project are included in the total costs of the project.	The Law on Land Acquisition requires that the Expropriating Authority determine the needed budget for payment of compensation as well as implementation expenses.	No Gap	-
13	Adequate monitoring and evaluation of the activities must be set forth in the resettlement instrument	The Law on Land Acquisition requires that MUDL monitor the implementation of the expropriation process.	No Gap	-

3 RESETTLEMENT PRINCIPLES

To ensure that any form of resettlement is undertaken in an equitable manner, 12 working principles have been established. These principles are based on the rights enshrined in the Constitution of 2004, national regulatory requirements as well as the general principles established for involuntary resettlement under the World Bank safeguard policies.

Principle 1: Resettlement Must Be Avoided or Minimized

The Project must demonstrate that resettlement is both necessary and cannot reasonably be avoided. This includes providing detailed proof that every effort has been made to avoid, and thereafter reduce the scope and extent of resettlement. Where it is not possible to avoid, the land impacts will be fairly compensated.

Principle 2: Basic Human and Legal Rights are Respected

The Project must demonstrate that resettlement and compensation are undertaken in conformance with WB Safeguard Policies (specifically BP/OP4.12 on Involuntary Resettlement) and with due respect of basic human rights. In addition, the Project will comply with local law, and where such law is deemed lacking, the Project will refer to international standards.

Principles 3: Genuine Consultation and Participation Takes Place

The Project must demonstrate that all stakeholders are provided sufficient opportunity to engage and participate in the resettlement process. Stakeholder participation in the resettlement planning and decision-making process should be guaranteed, ideally via a formally recognized consultative body. A meaningful stakeholder consultation is must throughout the RAP preparation and implementation process.

Principles 4: Conducting Socio-Economic and 100 % Census Surveys

The Project must undertake socio-economic surveys of all Affected Persons in order to establish a suitable working baseline for the resettlement and compensation process. This will include (1) households census, (2) inventory of landholdings and assets, as well as (3) current livelihoods strategies.

Principle 5: Assistance with Resettlement Must Be Provided

The Project must assist Affected Persons in reducing the disruptive effects on the household and livelihoods during the actual resettlement. Due care must be provided to ensure smooth progress during the transitional phase.

Principle 6: A Fair and Equitable Set of Compensation Options Must Be Negotiated

The Project will ensure that a range of compensation options are provided to Affected Persons, which are deemed fair and equitable to all parties. No one will be resettled without full and fair compensation having been provided. Compensation options are to be negotiated and ratified via an appropriate consultative body to ensure effective stakeholder engagement.

Land to land compensation would be the most preferred option to ensure the PAPs are properly resettled and their livelihood restored in their new locations.

Principle 7: Vulnerable Social Groups Must be Specifically Provided For

The Project will be required to identify vulnerable social persons or groups as part of the initial socio-economic surveys – including women, internally displaced persons, returnees of displacement, persons with disabilities and the poorest households. Specific focus must be given to women and in avoiding exposing them to violence while promoting their own rights under the resettlement process. Special provision must be made for such vulnerable persons/groups during the consultation and planning of the resettlement process.

Principle 8: Resettlement Is An “Upfront” Project Cost and Part of the “Critical Path”

The Project will ensure that compensation costs, as well as resettlement costs, are built into the overall project budget and is clearly defined as an “upfront” project cost. In addition, the Project will ensure the planning and implementation of any resettlement is factored into the project development schedule. All forms of compensation and resettlement assistance must be provided prior to displacement. In addition, all compensation and resettlement works must be concluded at least three months prior to actual commencement of any construction works.

Principle 9: Establish an Independent Monitoring Procedure

The Project will ensure regular internal performance monitoring and also make provision for an external, independent team to monitor the implementation of the resettlement components of the project. Monitoring will specifically take place via measurement against the pre-resettlement conditions.

Principle 10: Provision of Livelihood Restoration Assistance

The Project will ensure that affected livelihoods will be restored as a minimum, or preferably improved, and living conditions of Affected Persons or groups are improved. A robust monitoring mechanism will regularly track livelihood restoration, and thorough consistent and continuous engagement, ensure that livelihood restoration is maximized.

Principle 11: Early Establishment of a Grievance Procedure

Grievance procedures will be established at the outset and organized in such a way that they are accessible to all affected parties, with particular concern for the situation of PAPs and vulnerable groups in the area.

Principle 12: Third-Party Managed Resettlement will be supervised by the Proponent

Where resettlement is the responsibility of the government or third-party representatives, the Proponent will have a ‘duty-of-care’ to collaborate with the responsible party, to the extent permitted by the agency, to achieve outcomes that are consistent with the previous principles. The involvement of a third-party independent monitoring/audit will be required to monitor/audit the RAP implementation process.

Based on the analysis of national laws and legislation provisions and WB involuntary resettlement policy (OP 4.12), the following basic resettlement principles will also be adopted for this project:

1. Negative impacts on PAPs must be avoided or minimized whenever feasible.
2. Where negative impacts are unavoidable, the persons displaced by the project and vulnerable groups will be identified and assisted in improving or regaining their standard of living.
3. Information related to the preparation and implementation of the RAP will be disclosed to all stakeholders and people's participation will be ensured in planning and implementation. RAPs with resettlement impacts will be disclosed to the PAPs.
4. Land acquisition for the project is to be conducted as per the Land Acquisition Law of Afghanistan (2017) and WB Policy on Involuntary Resettlement-OP 4.12. Adequate compensation is to be paid for properties to be acquired. Additional support is provided to meet the replacement value of the acquired property.
5. Before taking possession of the acquired lands and properties, compensation, resettlement and livelihood rehabilitation assistance (where applicable) will be paid in accordance with the provisions described in this RAP.
6. Assistance for relocation and applicable allowances for severely affected and vulnerable households will be provided.
7. An entitlement matrix for different categories of affected persons will ensure a systematic and fair approach to compensation. A contingency will be maintained in the budget for those who may not be present at the time of the census survey.
8. People who move into the project area after the cut-off-date will not be entitled to any assistance. An appropriate grievance redress mechanism will be established to ensure speedy and effective resolution of disputes.
9. Consultations with the PAPs will continue during the implementation of resettlement and rehabilitation works.
10. Compensation and rehabilitation are to be provided before the land is acquired.

4 ELIGIBILITY AND ENTITLEMENT FRAMEWORK

The Eligibility Framework defines persons that may claim compensation or resettlement assistance for the loss of land and assets. The types of compensation and resettlement support will vary based on the types of losses and this is defined in the Entitlement Framework.

4.1 ELIGIBILITY FRAMEWORK

The Law on Land Acquisition 2017 defines *eligible persons* as persons with an interest in the affected property (i.e. those with legal interest to the lost assets), but also affected persons (persons that gain a benefit or utilize a lost asset irrespective of their legal standing). Under this RPF, eligible persons include:

1. **Private Titled Landowner:** Any persons that own land with full rights under formal title or similar legally recognized rights.
2. **Customary Rights Landowner:** Any persons that own land with full exclusive and individual rights under customary law or similar legally recognized rights.
3. **De-Facto User or Occupant (Short-Term):** Any persons that have short-term exclusive rights (including tenants and sharecroppers) to utilize or occupy the land with a documented formal agreement, or without formal documentation but are recognized by the State, landowners, the local council, or neighboring landowners.
4. **De-Facto User or Occupant (Adverse Possession):** Any persons that have enjoyed and benefited from long-term utilization or occupation of land under. Eligibility is based on the principle of *Adverse Possession* – or when a person, who does not have legal title to a property, may make a legal claim based on a history of possession or occupation.
5. **Unrecognized Beneficiary:** Any persons that utilize or occupy land without recognized legal protections, and (1) are undergoing eviction or (2) are not under threat of eviction by the State, landowners, the local council, or neighboring landowners. This includes internally displaced persons that have settled on land without secure tenure.
6. **Fixed Asset Owners:** All Affected Persons that have verifiable ownership of buildings, crops, trees, other assets of unexhausted improvements attached to the land are also eligible for compensation, irrespective of their tenure rights to the land in question.
7. **Business Owners:** Affected Persons losing businesses structures, land or associated assets including the loss of income and salaries during the transition to a new business premise/site.

The above categories is conformant with the World Bank BP/OP 4.12 requirements that eligibility is extended to (1) those who have legal rights to land (including customary and traditional rights), (2) those who have a recognizable claim to such land or assets, or (3) those who have no recognizable legal right or claim to the land.

Restrictions apply to Affected Persons that utilize or occupy land without recognized legal protections (i.e. squatters). Squatters will not be entitled for compensation for the lands that they occupy but will be compensated for the permanent improvements or structures they may have introduced or built in the affected lands. Squatters may be granted replacement land only where they possessed the property for at least ten years (Article 32 of the Land Acquisition Law of 2017)

In addition, any persons actively encroaching or speculating on land that extends beyond the property for which they hold a title are not deemed eligible for compensation of land or assets that is constructed after the commencement of the development moratorium.

4.2 ENTITLEMENT FRAMEWORK

The Entitlement Framework establishes the compensation and resettlement support options for the loss of land or assets incurred by an eligible person. The basis for the framework includes the compensation requirements established in the Law on Land Acquisition of 2017, and further provisions to align with World Bank BP/OP 4.12 requirements.

The framework makes provision for the loss of a range of potential properties and businesses that may occur in the establishment of the Project and its various sub-projects. The term *property* is not limited to land only, but covers “land, buildings and its belongings that are attached to land or building, and its transfer are impossible without changing its nature”. Under this RPF, the term *property* will cover all affected land as well as all unexhausted improvements on that land.

Table 4-1: Eligibly and Entitlement Framework

Type of Loss	Application	Definition of PAPs/PAFs	Compensation Entitlements
Land			
Permanent Land Loss, Access or Damage to Agricultural Land	PAPs losing productive land regardless of impact severity	<u>Titled Owner:</u> Owners with fully registered (land title) land ownership.	Cash compensation at full replacement cost or a replacement land plot. If the residual plot becomes unviable for cultivation, the project will acquire it if the owner so desires. Transitional allowance for livelihood losses for 3 months period. The amount will be determined when the project becomes effective.
		<u>Customary Owners:</u> PAPs with formal/customary deeds, or traditional land rights as vouched for by local Jirgas, elders or Community Development Council.	The ownership rights of these PAPs will be recognized, and the PAPs provided with cash compensation at full replacement cost or a replacement land plot. Transitional allowance for livelihood losses for 3 months. The amount will be determined when the project becomes effective.
		<u>Non-legal/Informal Settlers:</u> PAPs that are not legitimate land users, or squatters.	Non-legalizable PAPs losing agricultural land plots will be compensated with one-time allowances in cash. The sum will be determined when the project becomes effective. Where PAPs are able to prove that they have possessed the property for at least ten years, they may be granted replacement land consistent with Article 32 of the Land Acquisition Law of 2017.

Type of Loss	Application	Definition of PAPs/PAFs	Compensation Entitlements
		Agricultural Tenants: PAPs that are documented or undocumented farmer tenants.	Full compensation of income of lost crops x the remaining years (up to 5 years) of lease. In case of tenancy no crop compensation will be given to the landowner.
		Agricultural Landlord: PAPs that have documented proof of ownership of land that supports agricultural tenants.	Compensation of lost income for the remaining term of the lease.
Non-Agricultural Land	PAP losing their commercial/residential land	<u>Titled Owner:</u> Owners with fully registered (land title) land ownership.	Cash compensation at full replacement cost or a replacement land plot. If the residual plot becomes unviable, the project will acquire it in its entirety if the owner so desires. Transitional allowance for livelihood losses for 3 months period. The amount will be determined when the project becomes effective.
		<u>Customary Owners:</u> PAPs with formal/customary deeds, or traditional land rights as vouched for by local Jirgas, elders or Community Development Council.	The ownership rights of these PAPs will be recognized, and the PAPs provided with cash compensation at full replacement cost, or an equivalent replacement land plot. Transitional allowance for livelihood losses for 3 months. The amount will be determined when the project becomes effective.
		<u>Non-legal/Informal Settler</u> (Without registration/valid documents using land permanently.)	Non-legalizable PAPs losing a land plot, which is the only land plot used for residence, will be offered a government land and one-time allowance in cash. The amount will be determined when the project becomes effective.
Temporary Impact on Land Plot	N/A	N/A	Temporary loss of land plots will be compensated for the loss of produce for the duration of the impact.
Buildings and Structures			
Residential and Non-residential Structures/Assets		Owners – All PAPs regardless of their legal ownership/registration status to structures.	Cash compensation for loss of building/structures at full replacement cost free of taxes, depreciation and covering all transaction costs.
		Tenants – All PAPs that are documented or undocumented tenants occupying structures / assets.	Tenants who are forced to relocate will receive a rental allowance equivalent to three (3) months' rent at the prevailing market rate and will be assisted in identifying alternative accommodation.

Type of Loss	Application	Definition of PAPs/PAFs	Compensation Entitlements
Loss of Community Infrastructure/Common Property Resources			
Loss of Common Property Resources	Community/ Public Assets	Communal Users – The communities that utilise communal / public land.	Reconstruction of the loss of resource/asset in consultation with community and restoration of their functions.
Loss of Income and Livelihood			
Crops*	Affected Standing Crops on Affected Agricultural Land	All PAPs (owners or sharecroppers) regardless of legal status (including legalizable and informal settlers)	Cash compensation equal to replacement value of the lost crop, plus cost of replacement of seeds for the next season. Advance notice to harvest crops will be provided.
Trees	Trees located on Affected Land.	All PAPs regardless of legal status (including legalizable and Informal settlers)	(i) Wood trees: market value based on the value of wood. (ii) Fruit trees (productive): compensated according to the price of firewood plus the value of fruit borne by the tree for a period of five years. If the tree has bloomed, the price of that year's yield is paid in addition to the value of fruit born by the tree for a period of five years. (iii) Seedlings: Replacement cost The owner keeps the cut tree.
Business/ Employment	Permanent or temporary business/ employment loss	All PAPs regardless of legal status (including legalizable and Informal settlers)	<u>Owner:</u> (i) <u>(permanent impact)</u> cash indemnity of 6 months net income based on paid taxes or in the absence of income proof, one-time cash compensation based on a fixed rate which will be determined when the project becomes effective. (ii) <u>(Temporary impact)</u> cash indemnity of net income for months of business stoppage (up to three months). Assessment to be based on tax declaration or, in its absence, a fixed sum (the amount to be determined at project's effectiveness). <u>Permanent worker/employees:</u> Indemnity for lost wages equal to actual wage for 3 months or in case of absence of tax declaration, a fixed sum which will be determined at the project's effectiveness.
Allowances			
Severe Impacts	>10% income loss	All severely affected PAPs including informal settlers	Agricultural income: Additional crop compensation for 1 year's yield of the affected land or, for other non-agricultural incomes: an allowance covering 3 months of the national minimum subsistence or a

Type of Loss	Application	Definition of PAPs/PAFs	Compensation Entitlements
			fixed sum which will be determined at project's effectiveness.
Relocation/ Shifting	Transport/ transition costs	All PAPs to be relocated	An allowance covering transport and livelihood expenses for the transitional period. (sum to be determined for vehicle hire charge and a fixed sum as a transitional allowance).
Vulnerable People Allowances		PAPs below poverty line, PAPs headed by women, PAPs headed by disabled person. Internally displaced persons	Additional lump sum equivalent to 3 months of an average family income, as a vulnerability allowance and employment priority in project-related jobs where feasible.

** Crops that are eligible for compensation are restricted to legal crops only. No provision is made of the compensation of any cultivated poppy plants as this is an illegal activity which cannot be condoned. Provision is however made for Affected Persons to adopt alternative livelihoods consistent with national government policy under the National Alternative Livelihood Policy (Ministry of Counter Narcotics, 2012)*

4.3 SPECIAL CONSIDERATION OF VULNERABLE PEOPLE AND WOMEN

Vulnerable People is a term given to individuals, households, or groups of people that may be disproportionately affected by the land acquisition and resettlement process based on their; gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status within their community.

Each Affected Person will need to be assessed on a case-by-case basis to determine their vulnerability status. Such an assessment will form part of the Household Census (See Section 5.1). The determination of vulnerable people will be based on the general categories detailed below:

- 1. Elderly Headed Households:** Households solely comprised of elderly with limited or no support from economically active mature adult males (aged between 21 and 65 years of age). Such households are particularly vulnerable in resettlement processes because they often lack the physical capacity or economic opportunity to obtain new sources of income after resettlement, or the ability to fully engage in the land acquisition and resettlement process.
- 2. Female-Headed Households:** Female-headed households are likely to be disadvantaged from gender discrimination with respect to the ownership of land and assets. The often-complex interplay of legal and customary practices in determining land ownership is likely to undermine the rights of female-headed households. The issue of women's rights and representation in the land acquisition process will therefore need to be considered with extreme care. Enforcing rules that increase such rights and representation without systemic support from all parties (including male household heads) opens the very real possibility of abuse or retaliatory action on women.

3. **Women in General:** Central to land acquisition and compensation is the rights assigned to women in terms of land ownership. Legally women can own, transfer, inherit, lease, and dispose of land, and in general, they have usufructuary rights over land. However, customary law will differ regarding women's inheritance rights between ethnic groups and regions (World Bank, 2005). As such women are subject to several restrictions and the legal right to own and manage land is not always recognized and women have only basic usufructuary rights over land.

Women are often restricted to engaging in household decision-making, and representation in community affairs. This is likely to limit their ability to participate and guide the land acquisition and resettlement process, without the real possibility of abuse or retaliatory action on women by local men or insurgents.

In addition, the ability of women to benefit from livelihoods restoration and development will likely be restricted. Women play an important role in maintaining the family home and support their families in terms of livelihoods (notably land-based livelihoods), however, the male normally engages all forms of trade and movement within the public sphere, while females are restricted to the home.

4. **Child-Headed Households:** Child-headed households or households exclusively comprised of children (persons under the age of 18) are generally deemed vulnerable due to lack of support from an adult family member. Children may be vulnerable to exploitation from extended family members, guardians or local villagers where their parents are not present.
5. **Persons with No Rights to Land:** People that derive benefits from land, or any structures or any assets on that, but have no legal protections or rights to those assets, are deemed vulnerable. The commencement of the land acquisition process may incentivize either the State, private landowner, or communities to evict illegal occupants in anticipation payment of compensation. The complexity of land tenure arrangements in Afghanistan makes for a diverse group of people, which may include:
 - a. **Tenants:** Tenants face the risk of arbitrary eviction from housing and land, and this may include short-terms (annualized) tenants and long-term tenants (tenants residing or using land over multiple years and are largely sedentary).
 - b. **Undocumented Landowners:** Landowners with claims to formal and customary rights to land but lack documented proof of such rights may be exposed to conflicting claims and abuse by powerful landowners or authorities.
 - c. **Squatters:** Households resident on the state, public, public grazing or special grazing land, without any form of tenure rights, opens the potential for conflict, land-grabs and evictions by the State and village councils/leadership.
6. **Internally Displaced Persons:** This may include persons, households or groups of people that have been internally displaced by conflict in Afghanistan. This group may be particularly vulnerable to land acquisition where their rights to land are unknown (via loss of records, claims by other parties) or where they occupy land without any rights. In addition, internally displaced persons will likely have experienced a number of shocks to their social support networks, family structure and ability to engage in income generating livelihoods.

- 7. Persons with Disabilities:** Households, where one or more household members are defined as physically or mentally disabled, are deemed vulnerable. They are vulnerable due to the reduced labor/income producing potential and require additional resources and support in the care of the disabled person.
- 8. Ethnic Minorities:** Given the ethnic diversity and tensions present in Afghanistan, ethnic minorities may be defined as potentially vulnerable. This may not be limited to their socio-economic status or household structure, but rather the degree of exclusion in nation building, political processes, decision-making and their relationship with other ethnic groups. The inherent complexity demands extra consideration and safeguarding ethnic minorities even if they are not explicitly vulnerable.

In addition to the one-time vulnerability allowance (See 4.2 - Entitlement Matrix), specific measures that can be considered in supporting vulnerable people and in particular women under the RAP may include:

1. Identify vulnerable households during the Household Census and Socio-Economic Survey,
2. Undertake a systemic land registration process (Land Clearance) to verify land rights,
3. For persons without land rights, secure land tenure rights to replacement land,
4. Provision of separate and confidential consultation with vulnerable people,
5. Ensure that the privacy and safety of vulnerable people is maintained,
6. Assigning guardians, proxies or dual signatories during negotiations,
7. Additional labor support in the preparation of new fields and salvage of movable goods,
8. Provision of financial literacy training / guidance on use of allowances.
9. Linking household to any functioning State-support programs,
10. Undertake regular monitoring and surveillance of households.

With respect to women, a gender specialist with specific knowledge in managing women's affairs in Afghanistan should be retained to guide the process on women's rights. This specialist should be supported via special assistance or safeguarding of female-headed households and women in general including the following:

1. Engagement with women will be undertaken using existing community committees or forums, where this is viable.
2. Ensure fair representation of women in any committees or panels established as part of the land acquisition and resettlement process and establishment of GRM.
3. Ensure engagement with women is undertaken by female staff, and the Expropriating Authority should retain female staff with experience in working with women.
4. All forms of engagement shall, at all times, be undertaken with prior consent from the local formal and traditional authorities.
5. All baseline data collection (socio-economic surveys and asset inventories) must be gender-disaggregated to allow the consideration of differential impacts on women.
6. Asset inventories should include information and signatures of the household head and spouse as the next-of-kin. The legal standing of women in terms of ownership will be established during the inventories consistent with national law.
7. The household head and spouse, where permitted, will both be present during any compensation discussions or negotiations, and both will be required to sign any legal compensation agreements.

8. Livelihoods restoration programs will include sub-programs that specifically target women and support the development of women.
9. Ensure that a functional grievance mechanism is established and there are additional structures to support women in lodging grievances and collaborating during investigations.
10. All forms of engagement and gender-based additional support must have systemic support from all parties (including male household heads) and every action must be undertaken to avoid exposing women to abuse or retaliatory action on women.
11. The privacy and dignity of women will be respect during all forms of engagement and support in the land acquisition process.
12. Consultation/confirmation of the entitled person for receiving compensation with the female family members of those PAPs.

5 ASSET INVENTORIES AND COMPENSATION VALUATIONS

The Proponent will undertake a detailed Asset Inventory and Valuation Study in order to register PAPs and measure their land and asset holdings. The study will determine standard compensation rates for affected assets consistent with the Law on Land Acquisition of 2017 and the World Bank BP/OP4.12.

5.1 HOUSEHOLD CENSUS / REGISTRATION

PAPs will be identified and registered during the Asset Inventory and Valuation Study. This will include the registration of all persons with a vested interest (landowners, members of cooperatives, community leaders, etc.) as well as persons benefiting from the land or assets (tenants, informal occupants, etc.). In cases of households, the registration will include the household head, the spouse of the household head and next-of-kin.

The day that the Affected Person is registered will function as the *de-facto* cut-off date (See Section 5.3). Being absent during the Asset Inventory and Valuation Study does not preclude Affected Persons from claiming compensation or resettlement assistance. Should a potential Affected Person not be present during the inventory period, they will be required to provide proof of their claim to the relevant authority for verification.

5.2 ASSET INVENTORIES

The Expropriating Authority will undertake a detailed inventory of all affected land and assets. The inventory will include the registration of affected land and properties including all interests on that land, including the cadastral mapping of the land and property boundaries, total area, and land-use.

The inventory will include the surveying of all fixed assets located on the affected land and properties. This will include detailed surveys of residential and business structures, all non-residential structures, residential or business infrastructure³, as well as an inventory of annual and perennial crops on agricultural land. All public or communal assets will also be surveyed including communal agricultural land, grazing land and natural resource harvesting areas, as well as cultural sites and resources.

5.3 DEVELOPMENT MORATORIUM

A development moratorium is a legal announcement or notification of Affected Persons that all forms of development and investment on the affected land and associated assets is to cease. The commencement of the moratorium is linked to a declared cut-off date. There is no explicit legal provision for the declaration of a development moratorium under the Law on Land Acquisition of 2017.

³ Infrastructure broadly covered all forms of investment and unexhausted improvements made on the land or property including roads, powerlines, pipeline, canals, agricultural land inputs, fences, etc.

Compensation is determined on the assets and information collected by the Asset Inventory and Valuation Studies, which implies that these investigations are a *de-facto* cut-off date. Once the Asset Inventory and Valuation Studies are concluded and a cut-off date declared, compensation and resettlement assistance will not be provided for:

1. People settling or undertaking new developments on the land proposed for acquisition.
2. Construction of any new structures or other fixed assets whatsoever.
3. Significant upgrades or investment in the existing structure.
4. Any further construction of private infrastructure (including roads, bridges, culverts, etc.).
5. Any newly planted economic trees not already enumerated in the Asset Inventory.
6. No alienation of property, land, or any fixed assets by the Affected Persons.

Any Affected Persons that make themselves present after the cut-off date will not be considered eligible for compensation and resettlement unless reasonable and substantive reasons can be provided of why they were not available during the survey.

The World Bank BP/OP 4.12 requires that the development moratorium and associated cut-off date be disclosed to Affected Persons. At a minimum, this should include suitable briefings (with supporting documents) with Affected Persons on the restrictions and implications of the moratorium, and signed acknowledgment by the Affected Persons of their understanding of the moratorium.

5.4 VALUATIONS

The Expropriating Authority will undertake a detailed valuation of all affected land and assets. The valuation will determine compensation rates based on prevailing local market-rates and additional requirements established under the Law on Land Acquisition (Articles 23 – 33). It must also meet World Bank requirements that compensation is based on full-replacement value⁴.

5.4.1 Valuation of Land

Land will be valued by means of the **Comparative Method** – or by determining the value of the land through an analysis of market rates of similar land parcels sold in the local and neighboring areas during the three months preceding the valuation (Article 23 of the Land Acquisition Law). Consideration will also be made with respect to the type, location, grade, and use of the land.

The above method will be amended to include all additional costs (overhead expenses, taxation), but exclude any forms of depreciation to establish the *full replacement value* of the land to be acquired. The valuation should be sufficient to acquire suitable replacement land of equal size and/or productivity to the land being acquired, without financially prejudicing the Affected Persons.

⁴ International good practice requirements for valuation expand on market value and require the adoption of the replacement value principle. This means compensation that is sufficient to acquire or construct replacement assets at current market value, including all transaction and overhead costs and excluding any depreciation or salvage of materials

5.4.2 Valuation of Buildings and Infrastructure

The Law on Land Acquisition permits the award of compensation for any buildings in their entirety and dependent on the acquisition of land on which the buildings are placed. Buildings cover all forms of fixed structures including residential structures, ancillary structures (barns, storerooms, corrals) and associated infrastructure (pipework and reticulation, driveways, powerlines).

The valuation of all buildings will be based on **full replacement** cost method consistent with international good practice requirements. This method factors the actual cost of replacing the affected buildings and other structures based on the cost of materials, type of construction, labor, transport, transaction costs and taxation costs and all other forms of overheads that may apply. The method excludes deductions from any forms of depreciation or the salvage of materials.

5.4.3 Valuation of Crops and Trees

Where damages are sustained to crops or economic trees, fair compensation will be determined by a number of differing methods as established in the Law on Land Acquisition including:

1. **Crops:** The market value of crops including additional inputs costs (i.e. the price of seeds sowed, chemical fertilizers and costs of farming) will be determined, via analysis of local market values in neighboring areas for the three months prior to the valuation.
2. **Non-Productive Trees:** The value of non-productive trees will be determined on the basis of the price of firewood, according to the local tradition. The Law does not establish how firewood is equated to the number or size of non-productive trees.
3. **Non-Productive Ornamental Trees:** The value of non-productive ornamental trees will be determined on the basis of five times that of the price of firewood, according to the local tradition. The Law does not establish how firewood is equated to the number or size of non-productive ornamental trees.
4. **Productive Trees:** The value of productive trees will be determined on the basis of the price of firewood as well as the price of products of the trees over a period of 5 years. Where fruit produce is directly lost, the price of the fruits will also be included in the compensation.

As a means of comparison and to allow for alignment with international good practice requirements, the value of crops and trees will be determined using the **Income Method**. This means crops and economic trees are valued based on the estimated income generated from the produce over a pre-determined transition period.

The Income Method should also factor in costs for the re-establishment of annual crops, perennial crops and trees, including costs of seedlings/saplings, input costs as well as the loss of productivity over the period which perennial crops and trees need to become productive.

5.4.4 Loss of Profit by Businesses

Affected formal and informal businesses are entitled to compensation for the loss of profit. The loss of profit will be valued based on the net monthly income⁵ multiplied by (1) the duration of any lease agreement, (2) the transition period to move any businesses, or (3) a maximum of 6 months (for permanent losses) and 3 months (for temporary losses) to arrive at the loss of profits payable. This will also include Indemnity for lost wages for the period of business interruption up to a maximum of 3 months.

5.4.5 Valuation of the Occupancy or Use of Land

Land acquisition may result in the eviction of tenants and loss of rental income by the owners. Compensation values will be determined based on the potential loss of rental income incurred by the asset owners (as determined by the average rental costs of structure or land in the area) covering the duration of the existing lease, or where a lease does not exist a predetermined number of months.

Support will also be given to tenants via the provision of a rental allowance. This allowance will be based on the value of a minimum of three months' rent (as determined by the average rental costs of structures or land in the area) or the duration of the existing lease, or whichever is longer.

5.4.6 Allowances

Allowances will be provided as transitional support to Affected Persons. The allowances will vary depending on the types of losses incurred by Affected Persons, and will include:

- 1. Disruption Allowance:** Affected Persons will be granted a disruption allowance in consideration of the compulsory nature of the land acquisition process. The value of the disruption allowance will be established by the Valuation Panel
- 2. Moving Allowance:** Affected Persons who are required to relocate to a new property will be provided a moving allowance. The allowance will be calculated as the actual cost of transporting all mobile assets to the replacement property. This will factor in both labor and vehicle requirements.
- 3. Rental Allowance:** House Renters who are forced to relocate will receive a rental allowance equivalent to three (3) months' rent at the prevailing market rate and will be assisted in identifying alternative accommodation.

⁵ Monthly income can be determined evidenced by audited accounts for formal businesses. Income generated by informal businesses can be determined via the comparative analysis of similar businesses.

6 LIVELIHOODS AND INCOME RESTORATION

Livelihood and income restoration are a fundamental requirement and extends beyond only the provision of cash compensation for fixed assets. It requires that suitable provisions and measures are put in place to ensure that the income generating potential and livelihoods of Affected Persons are not undermined by physical and economic displacement.

The Law on Land Acquisition makes provision for replacement property *in-lieu* of cash compensation, and in-kind compensation is generally favored in international good practice. The provision of replacement assets is also a central tenant in terms of allowing Affected Persons to restore their livelihoods and income streams with minimal support.

6.1 REPLACEMENT LAND

The expropriating authority in collaboration with MUDL may provide replacement land *in lieu* of cash compensation. This offer may be extended to formal landowners, short-term and long-term occupants, informal occupants⁶. This is to ensure that eviction of PAPs from State or Private land is not arbitrarily undertaken, and Affected Persons are able to restore, and ideally, improve their livelihoods and income sources with suitable State support.

Consistent with the Law on Land Acquisition replacement land will be issued with the security of tenure, and to align with international good practice, this should be equal or ideally better than their tenure status prior to resettlement.

In addition to the above provisions, the Law on Land Acquisition (Article 29) establishes several rules with respect to replacement land based on the size of the affected landholdings, as below:

1. If the acquired land is non-commercial in nature and its total measurements are between 1 to 10 Biswa (100 to 1000 m²), the owner will receive a replacement plot near their existing property.
2. If the acquired land is non-commercial in nature and its total measurements are above 10 Biswa (100 to 1000 m²), the owner will receive a replacement plot near their existing land. A replacement plot will be given for every 10 Biswas provided the total number of plots does not exceed 5 plots.
3. Where limited land is available, or there is insufficient land that is equivalent to the lost land, a combination of replacement land and cash compensation may be provided.
4. Affected Persons that have occupied State land for more than 10 years and have built a fixed building, will be paid compensation for the building and will be eligible for a replacement plot according to a pre-determined price.
5. Affected Persons with property that was secured via informal (customary) deeds and had built a building on the property will be eligible for compensation as well as a replacement plot where it is shown that the person does not have access to alternative land and buildings.

⁶ This covers (1) Landowners, (2) Short-Term De-Facto Users or Occupants, (3) De-Facto User or Occupant with Adverse Possession, and (4) unrecognised beneficiaries as contained in the Entitlement Framework.

6. All persons affected by physical displacement and are required to be relocated will be eligible for receiving a residential plot.

Although not explicitly stated in the Law on Land Acquisition, it is assumed that the same principles and requirements established above for individual Affected Persons will be extended to communities or groups of people that use and benefit from public land and public grazing land. In such cases, the expropriating authority in collaboration with MUDL may provide replacement land to offset the loss of public land.

6.2 RESTORATION OF LAND-BASED ACTIVITIES

The expropriating authority in collaboration with MUDL may provide additional support to Affected Persons to restore land-based activities (such as agriculture, grazing, orchards, etc.) that sustain local livelihoods and income. Central to this support is the provision of the replacement land and additional support with respect to:

1. Land clearance, preparation and input to reinstate agricultural practices.
2. Provision of agricultural inputs (seeds, fertilizer) to reinstate crop production.
3. Provision of preferential links to the value-chains established by the Project.

6.3 REPLACEMENT STRUCTURES

Affected Persons losing existing fixed structures (including both private residential housing, public or village structures, and business buildings) and any associated infrastructure (access roads, pipelines, canals, etc.) may be granted replacement structures *in lieu* of cash compensation.

In principle, the replacement structures and infrastructure should be equivalent, or better than the structures being lost. Consideration is also needed in regard to the structure size, building material, functionality and whether structures are culturally appropriate. The replacement structure and infrastructure will also need to comply with any relevant regulations, standards or codes established in Afghanistan.

It is assumed that the Expropriating Authority, in collaboration with the relevant ministries, will also construct replacement public structures, facilities, and associated infrastructure to allow for the resumption of the facility and its public functions. Where possible this should be supported with the upgrading of the facilities as part of a development initiative.

6.4 RESTORATION OF BUSINESSES-BASED ACTIVITIES

Compensation is provided under the Entitlement Framework for the loss of income of businesses for a defined transition period. Consistent with the Law on Land Acquisition, if the acquired land is commercial in nature, compensation may be in the form of a replacement business plot according to a pre-determined price at the same or near the location of existing property.

6.5 CONSTRUCTION PHASE PREFERENTIAL EMPLOYMENT

Affected Persons may be given preferential employment during the construction of the Project infrastructure. This may include the prioritization of women in employment that is consistent with national norms as well and does not expose women to violence. This requirement would need to be established as a contractual obligation to be met by third-party construction contractors as part of the bidding process.

6.6 SMME DEVELOPMENT

SMME development support may be offered to Affected Persons made under Subcomponent 2.2 of the Project. This would comprise of the provision of access to finance and technical assistance for the establishment of private SMME operations at the Integrated Agri-Food Parks, Farmer Collection Centers, or the Rural Transformation Hubs.

6.7 WOMEN-OWNED SMME DEVELOPMENT

The Project will support the mainstreaming of women and their greater participation in the agribusiness sector. This may include the provision of productive resources, access to finance and technical assistance for the establishment of women owned SMME operations. This may be supported under Subcomponent 2.2 of the Project or a separate Gender Action Plan to be prepared by the Project.

In addition, the Project may link up with the Women Economic Empowerment - Rural Development Project (International Development Association , 2018) in supporting the development of women-owned enterprise groups or producer associations that can benefit from the Integrated Agri-Food Parks, Farmer Collection Centers, or the Rural Transformation Hubs

7 PROCESS FOR PREPARING RESETTLEMENT ACTION PLANS

This chapter provides a summary of the World Bank procedures and legal process for preparing and approving expropriation/resettlement plans. In principle, the World Bank's requirement for preparing a resettlement plan, and the Law on Land Acquisition requirement for an expropriation plan are seen as equivalent.

7.1 WORLD BANK PROCEDURES

The World Bank BP/OP 4.12 requires the assessment of the nature and magnitude of Project-induced displacement and explore all viable alternative project designs to avoid or minimize displacement. This assessment will determine the type of resettlement instrument that will need to be adopted, including one of the following:

1. **Resettlement Action Plan:** This plan applies to projects where impacts on the entire displaced population are significant and result in the physical and/or economic displacement of more than 200 people, or losses greater than 10% of their productive assets.
2. **Abbreviated Resettlement Plan:** This plan applies to projects where impacts on the entire displaced population are minor (no affected persons are physically displaced and less than 10% of their productive assets are lost), or where fewer than 200 people are physically displaced.
3. **Process Framework:** This plan applies to Project that result in involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons

The World Bank will instruct the Expropriating Authority on the most appropriate resettlement instrument, the scope and the level of detail required. The two parties will also discuss and agree on the actions and timing for preparing the resettlement instrument. In principles, the agreed resettlement instrument is deemed to be equivalent with the Expropriation Plan required under Article 8 of the Law on Land Acquisition of 2017.

7.2 LEGAL LAND ACQUISITION PROCESS

The legal land acquisition process is defined by the Law on Land Acquisition of 2017 as depicted in Figure 7-1 overleaf. The key steps are summarized below and include additional requirements to align the regulatory process with World Bank requirements.

1. **Application by the Expropriating Authority:** The Expropriating Authority will identify the land requirements and provide a sound rationale for the compulsory acquisition of the land. This will be included into an application or notice made by the Expropriating Authority to the Government of Afghanistan.
2. **Formation of Evaluation Committee and Technical Valuation Panel:** The Government of Afghanistan will establish an Evaluation Committee (Article 12 of the Law on Land Acquisition) as well as the Technical Valuation Panel (Article 22 of the Law on Land Acquisition).

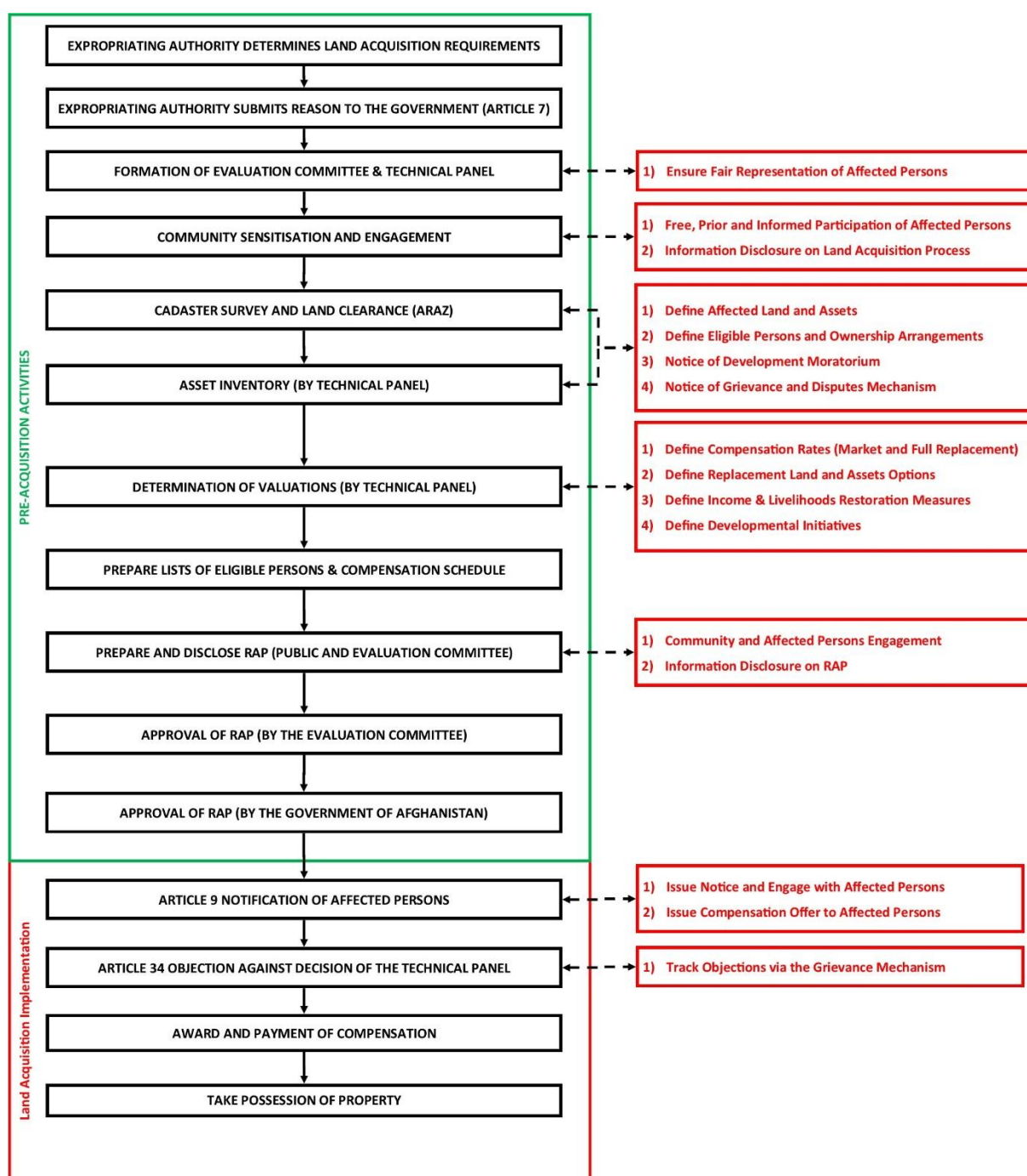


Figure 7-1: Expropriation Plan / Resettlement Action Plan General Process

3. **Community Sensitization and Engagement:** The Expropriating Authority, in coordination with the Technical Panel, will be required to consult with the communities of the area that is targeted for acquisition. To align with World Bank requirements meaningful consultation with PAPs and transparent disclosure of information about land acquisition, compensation and resettlement process is required in a culturally appropriate manner and in the relevant local languages.
4. **Land Clearance and Cadaster Survey:** Where there is a question on land ownership rights, the Expropriating Authority, through MUDL, will undertake a systemic land registration/verification process prior to the commencement of land acquisition. This should include the cadastral mapping on claimed land, vetting ownership claims to the

land and issuing for formal documentation where applicable consistent with the provisions for land clearances in Chapter 4 the Land Management Law of 2017.

5. **Asset Inventory:** The Expropriating Authority in coordination with Acquiring Agency (Ministry of Urban Development- MUDL (cadastre and land clearance departments, directorate for LAR&R) and provincial valuation team/local government officials)), through the Technical Panel or any person authorized by the Expropriating Authority, may lawfully enter the target land and survey the land and any other fixed assets. This will be linked to formal notification of a Development moratorium.
6. **Determine Valuations:** The Expropriating Authority, through the Technical Valuation Panel, will establish a compensation schedule or bill of valuations for affected land and assets, consistent with the provisions of the Law on Land Acquisition, 2017. To align with World Bank requirements, the schedule would need to make provision for ***full replacement value***, in addition to legal requirements.

The deliberation of the provision of replacement assets to be offered to Affected Persons will also be considered as part of the valuation. The Expropriating Authority, through the Valuation Technical Panel, would need to determine the specifications for all replacement assets (i.e. building designs, infrastructure replacement, business structures) as well as assess the option of providing replacement land.

7. **Prepare List of Affected Persons and Valuation Schedule:** The Expropriating Authority, through the Technical Valuation Panel and MUDL, will establish a definitive list of Affected Persons and the final valuation schedule/report. The list and report will be submitted with the Expropriation Plan / RAP to the Government of Afghanistan and the Evaluation Committee for approval.
8. **RAP Preparation:** The Expropriating Authority will prepare RAP and submit it to the Government of Afghanistan and the Evaluation Committee for approval alongside the valuation report. The same reports would need to be submitted to the World Bank for review and approval.
9. **Article 9 Notifications:** The Expropriating Authority, after approval of the RAP and the Asset Inventory and Valuation reports, will inform PAPs of the intent to acquire the land. This must occur six months prior to implementation, through mass media and the local administration, as per Article 9 of the Law on Land Acquisition.
10. **Article 34 Objections:** Under Article 34 of the Law on Land Acquisition, Affected Persons may object to the land acquisition process or their compensation offer within 60 days after the date of receiving information about compensation, to the Expropriating Authority. The authority will be required to assess the objection and decide with respect to the objection within 30 days of receiving the objection.

Where the Affected Person is not satisfied with the decision of the Expropriating Authority, the objection shall be referred to a Jury established under Article 34 of the Law on Land Acquisition, and thereafter to the Courts.

11. Final Award and Taking Possession of Acquired Property: At the conclusion of the notification and hearing of objections under Article 9 and Article 34, the Expropriating Authority shall pay compensation (including the provision of resettlement assistance where applicable) to the Affected Persons, prior to the implementation of the project.

8 STAKEHOLDER ENGAGEMENT

Stakeholder engagement and participation will be supported throughout the RAP preparation and implementation process. This chapter establishes the principles and tasks recommended for engagement in the development and implementation of the RAP. This includes engagement that is legally required at key stages of the RAP development, as well as the need to ensure ongoing consultation throughout the life of the resettlement process.

8.1 ENGAGEMENT PRINCIPLES

The key principles for engagement are based on Free, Prior, Informed Consultation and Participation (FPICP) principle which includes the following:

1. The opportunity to engage and participate in the land acquisition and resettlement process is offered to each PAP and key stakeholders.
2. Effective consultation will be undertaken in an open and transparent manner, that respects the dignity of each Affected Persons and key stakeholders.
3. Engagement with stakeholders will be in a manner that is appropriate and culturally sensitive and tailored to the characteristics and interests of different stakeholders.
4. Informed consultation and participation will be supported via direct one-on-one engagement, community meetings, and via suitable public consultative forums.
5. Engagement and participation should support Affected Persons and key stakeholders to actively contribute to the land acquisition and resettlement planning process.
6. Information is disclosed in an accessible, transparent, and timely manner to allow Affected Persons and key stakeholders to gain a clear understanding of the land acquisition and resettlement process.
7. All stakeholder engagement will be free of external manipulation, interference, coercion, or intimidation; and no eligible stakeholder is denied an opportunity to be part of the engagement process.
8. Ensure the meaningful representation of those identified as disadvantaged or vulnerable, including the participation of women in the land acquisition and resettlement process.
9. A Grievance Mechanism is established to receive, process, and resolve any potential concerns or grievances in a transparent and timely manner.

8.2 KEY ENGAGEMENT STAGES

Stakeholder engagement will be supported throughout the land acquisition and resettlement process. However, targeted and detailed engagement will be undertaken at the following key stages:

1. **Preparation of the ESIA:** The land acquisition requirements are generally raised for the first time via the ESIA process. The legal public participation process established under the ESIA Regulations should include direct engagement with local communities and potentially Affected Persons.
2. **RAP Preparation:** The Expropriating Authority, will support engagement through the resettlement planning process. Targeted and thorough engagement will be supported during:
 - **Initial Notifications:** The Expropriating Authority will disclose to Affected Persons of the Project land requirements and intent to commence a land acquisition and compensation process.

- **Asset Inventories and Valuations:** The Expropriating Authority will undertake direct engagement with Affected Persons prior to the commencement of the Asset Inventory and Valuation Study.
 - **Public Disclosure of the RAP:** The Expropriating Authority will disclose the RAP. The plan will be made available to the public for review in such a manner that is readily accessible and understandable by stakeholders and Affected Persons. This will be translated into local languages and Pashto/Dari and English versions of the RAP will be disclosed on Ministry and WB websites and available in the affected CDC offices and other accessible places for the PAPs.
 - **Article 9 Notifications:** The Expropriating Authority, after approval of the RAP and the Asset Inventory and Valuation reports, will provide formal notification of Affected Persons of the intent to acquire the land. This notice will be provided 6 months before prior to the implementation of RAP.
 - **Article 34 Objections:** Under Article 34 of the Law on Land Acquisition, Affected Persons may object to the land acquisition process or their compensation offer within 60 days after the date of receiving information about compensation, to the Expropriating Authority.
- 3. RAP Implementation:** This phase commences when the Article 9 notification and hearing of objections commencement under the Land Acquisition Law. This is considered the *de-facto* start of the land acquisition process. Ongoing consultation will be required as part of the day-to-day operational requirements until the land acquisition and resettlement process is complete.

8.3 KEY STAKEHOLDERS

The Expropriating Authority will identify and profile the key stakeholders that will be directly affected and other interested and influential parties in the land acquisition and compensation process. Their need, and interest will be analyzed, and a communication plan will be developed discussing the frequency and nature of information sharing and consultation methodology to be implemented. This will include, where required, the stakeholder listed in Table 8-1 overleaf.

8.4 INFORMATION DISCLOSURE

The Expropriating Authority will ensure the regular disclosure of information to help Affected Peoples and other stakeholders to understand the land acquisition and resettlement process. The information should be in the appropriate language(s) and accessible and understandable to Affected Persons with differing levels of literacy and skills.

The Expropriating Authority will ensure that the Draft RAP will be made public for review. This will be consistent with the Law on Land Acquisition procedures that require the public consultation regarding implementation of the project. This will include the publication of the Draft RAP in physical form at local public offices, as well as digital copies posted on the expropriating authority website and World Bank external websites. All hard and digital copies will be made available in English, Dari and Pashto

Table 8-1: List of Key Stakeholders

Admin Level	Key Stakeholders	Roles / Interest	Frequency of Engagement	Information Requirements
National Government	Ministry of Agriculture, Irrigation, and Livestock	<ul style="list-style-type: none"> Project Proponent Evaluation Committee Member Valuation of Crops 	<ul style="list-style-type: none"> Monthly 	<ul style="list-style-type: none"> RPF / RAP Valuation Assessments PAP Eligibility List
	Ministry of Labor, Social Affairs, Martyrs, and Disabled	<ul style="list-style-type: none"> Support for Vulnerable People 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP Vulnerable Peoples List
	Ministry of Industry and Commerce	<ul style="list-style-type: none"> Expropriating Authority Evaluation Committee Member Valuation of Crops 	<ul style="list-style-type: none"> Monthly 	<ul style="list-style-type: none"> RPF / RAP Valuation Assessments PAP Eligibility List
	Ministry of Women's Affairs	<ul style="list-style-type: none"> Support for Vulnerable People 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP Vulnerable Peoples List
	Afghanistan Independent Human Rights Commission	<ul style="list-style-type: none"> General guidance on Human Rights Issues. 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP Vulnerable Peoples List
	Ministry of Finance	<ul style="list-style-type: none"> Provision of funds for implementation. Evaluation Committee Member. 	<ul style="list-style-type: none"> Monthly 	<ul style="list-style-type: none"> RPF / RAP Valuation Assessments PAP Eligibility List
	National Environment Protection Agency	<ul style="list-style-type: none"> Evaluation Committee Member. 	<ul style="list-style-type: none"> Monthly 	<ul style="list-style-type: none"> RPF / RAP Valuation Assessments PAP Eligibility List
	Ministry of Urban Development & Land (MUDL)	<ul style="list-style-type: none"> Support to Expropriating Authority Transfer /exchange of state mand. Cadaster survey and clearances Granting of deeds. Registration of land Determining valuations Monitoring of implementation. Evaluation Committee Member. Valuation Panel Member. 	<ul style="list-style-type: none"> Monthly 	<ul style="list-style-type: none"> RPF / RAP Valuation Assessments PAP Eligibility List

Admin Level	Key Stakeholders	Roles / Interest	Frequency of Engagement	Information Requirements
		<ul style="list-style-type: none"> Assessing Land Claim Conflicts 		
Provincial Government	Provincial Governors Office	<ul style="list-style-type: none"> Technical Valuation Panel Chair Determination of Valuations with MUDL 	<ul style="list-style-type: none"> Monthly 	<ul style="list-style-type: none"> RPF / RAP Valuation Assessments PAP Eligibility List
	Provincial Directorate of Labor, Social Affairs, Martyrs, and Disabled	As deferred from the national ministry.	-	-
	Provincial Directorate of Agriculture, Irrigation, and Livestock	As deferred from the national ministry.	-	-
	Provincial Directorate of the Human Right Commission	As deferred from the national ministry.	-	-
	Provincial Directorate of the Environment Protection Agency	As deferred from the national ministry.	-	-
	Provincial Directorate of the Ministry of Finance	As deferred from the national ministry.	-	-
	Provincial Directorate of MUDL	As deferred from the national ministry.	-	-
District Government	District Governor / Council	<ul style="list-style-type: none"> Evaluation Committee Member Stakeholder Engagement Support Technical Valuation Panel Member Determination of Valuations with MUDL 	<ul style="list-style-type: none"> Monthly 	<ul style="list-style-type: none"> RPF / RAP Valuation Assessments PAP Eligibility List
	Community Development Council	<ul style="list-style-type: none"> Stakeholder Engagement Support 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP
	District Office (Ministry of Labor, Social Affairs, Martyrs, and Disabled)	As deferred from the provincial directorate.	-	-

Admin Level	Key Stakeholders	Roles / Interest	Frequency of Engagement	Information Requirements
	District Office (Ministry of Agriculture, Irrigation, and Livestock)	As deferred from the provincial directorate.	-	-
	District Office (Human Right Commission)	As deferred from the provincial directorate.	-	-
	District Office (Environment Protection Agency)	As deferred from the provincial directorate.	-	-
	District Office (Ministry of Finance)	As deferred from the provincial directorate.	-	-
	District Office (MUDL)	As deferred from the provincial directorate.	-	-
Municipal Officials	Mayor's Office / Council	<ul style="list-style-type: none"> Expropriating Authority (in master plans) Enforcement Authority (in municipal areas) Evaluation Committee Member Technical Valuation Panel (in master plans) Resettlement Committee Member 	<ul style="list-style-type: none"> Monthly 	<ul style="list-style-type: none"> RPF / RAP Valuation Assessments PAP Eligibility List
Project Affected Communities	Councilors	<ul style="list-style-type: none"> Stakeholder Engagement Support Support in Resolution of Land Conflicts Support in Land Clearance 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP
	Village Shuras	<ul style="list-style-type: none"> Stakeholder Engagement Support Support in Resolution of Land Conflicts Support in Land Clearance 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP
Project Affected Persons	Land / Asset Owners	<ul style="list-style-type: none"> Engage with Project Permit Asset Surveys and Valuation Fieldwork Negotiate on Entitlement Contracts 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP
	Tenants and other Formal Occupants or Users of Land	<ul style="list-style-type: none"> Engage with Project Permit Asset Surveys and Valuation Fieldwork Negotiate on Entitlement Contracts 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP

Admin Level	Key Stakeholders	Roles / Interest	Frequency of Engagement	Information Requirements
	Squatters and Persons without Formal Right to Occupy or Use the Land	<ul style="list-style-type: none"> Engage with Project Permit Asset Surveys and Valuation Fieldwork Negotiate on Entitlement Contracts 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP
	Vulnerable People	<ul style="list-style-type: none"> Engage with Project via special mechanism. Permit Asset Surveys and Valuation Fieldwork. Negotiate on Entitlement Contracts. Negotiate on Vulnerable People Safeguards. 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP
Other	Non-Government Organizations	<ul style="list-style-type: none"> Engage with Project 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP
	Community-Based Organizations	<ul style="list-style-type: none"> Engage with Project 	<ul style="list-style-type: none"> Bi-Monthly 	<ul style="list-style-type: none"> RPF / RAP

8.5 CONSULTATION FORUMS

The Expropriating Authority will establish suitable consultation forums and decision-making committees. Consistent with the Law on Land Acquisition and World Bank requirements, the committees will include the following:

1. **Evaluation Committee:** The Law on Land Acquisition requires the formation of an Evaluation Committee for the purpose of evaluating the resettlement plan and the coordinating implementation of the plan. The committee members are largely comprised of the relevant Government departments as well as representatives of Affected Persons. MUDL is mandated to function as the secretariat of the committee.
2. **Valuation Panel:** The Valuation Panel is constituted under Article 22 of the Law on Land Acquisition. It will have the mandate to establish a bill of valuation/schedule of compensation rates for affected assets.
3. **Technical Panel:** The Technical Panel is constituted under Article 24 of the Law on Land Acquisition. It has the mandate to (1) raise awareness of Affected Persons, (2) establishing a list of eligible people, (3) undertaking measures of affected properties, and (4) determine the value or pricing of the affected properties.

The mandates and membership of the above commissions, committees and panels are established either under the Law on Land Acquisition. The mandates will also need to be amended to align with World Bank requirements, and should include:

1. Allow the Project to engage and collaborate with national, provincial and district authorities on land acquisition and resettlement matters.
2. Ensure the co-ordination differing role-players in land acquisition and resettlement across differing administrative areas and levels.
3. Facilitate engagement with community representatives and obtaining the needed permissions to engage directly with Affected Persons.
4. Facilitate the disclosure of Project information as well as information on land acquisition and resettlement matters.
5. Establish a single, unified, and fair approach to land acquisition and resettlement across differing administrative areas and levels.
6. Establish consistent and fair compensation rates and approaches to resettlement across differing landscapes and socio-economic conditions.
7. Establish forums that can review, comment, advise and where needed authorize any resettlement planning documentation.

8.6 GRIEVANCE MECHANISM

The Project will establish a Grievance Mechanism – or a procedure for receiving and facilitating the resolution of public concerns and grievances. The mechanism will provide a credible and accessible means for stakeholders to raise any grievances, issues, or objections specific to resettlement.

The Grievance Mechanism will have functional links to certain articles in the Law on Land Acquisition. This specifically concerns the right of Affected Persons to raise objections to the land acquisition process and compensation offer in Article 34. Under this Article, appeals or

objections may be lodged within (60) days after the date of receiving information about compensation, to the Expropriating Authority. The Expropriating Authority shall assess and respond to the objection. If no resolution can be met, then the objection is to be forwarded to an independent panel/jury. The jury may issue a decision and is final if all parties agree, otherwise the issue shall be referred to a competent court.

8.6.1 Grievance Redress Committee

The Grievance Mechanism will be made operational via the establishment of a Grievance Redress Committee, constituted as a sub-committee under the Evaluation Committee. The Grievance Redress Committee will function as an independent body that is formally mandated to record, investigate and resolve grievances as presented in Figure 8 1 overleaf.

The Grievance Redress Committee will be made operational at multiple levels, and each level will be applicable based on the escalation of the grievance from the local level to national level, as summarized below:

1. Level 1 – Sub-Project Grievance Redress Committee – A Sub-Project Grievance Redress Committee will be established at each sub-project and administered by the Expropriating Authority (under the MOIC, CRIDA or MAIL). This committee may resolve grievances that are minor in nature and readily resolved at the local level. Where no resolution can be found, the grievance will be escalated to Level 2. The members of the Sub-Project Grievance Redress Committee will include:

1. Sub-Project Proponent,
2. Representatives of MOIC, CRIDA or MAIL,
3. Representatives of Affected Communities,
4. Representatives of Village Shuras,
5. Representative of the Community Development Council
6. Representatives of Mayors Office (in municipal areas),
7. Representative of the District Office of MUDL,

2. Level 2 – Provincial Grievance Redress Committee: A Provincial Grievance Redress Committee will be established under the Evaluation Committee. This committee may resolve grievances that could not be resolved under the Level 1 committee or involved grievances or issues that are common across of Provincial sub-projects. In addition, this committee will record, investigate and attempt to resolve all objections made under Article 34 of the Law on Land Acquisition. The members of the Provincial Grievance Redress Committee will include:

1. Nominated Representative of the Evaluation Committee
2. Representatives of MOIC, CRIDA or MAIL,
3. Representatives of Affected Communities,
4. Representatives of Village Shuras,
5. Representative of the Community Development Council,
6. Representatives of Mayors Office (in municipal areas),
7. Representative of the Provincial Office of MUDL,
8. Representative of the Provincial Office of NEPA.

3. **Level 3 – National Independent Jury or Panel:** Consistent with Article 34 of the Law on Land Acquisition of 2017, the Project may establish an independent jury to resolve grievance or objections lodged by the claimants. This jury becomes operational where the Expropriating Authority (via the Sub-Project or Provincial Grievance Resolution Committees) has attempted to resolve the grievance / objection within 30 days but where the claimant is not satisfied with the decision. The jury will consist of the following members:
 1. Representative of relevant Union of Engineers.
 2. Representative of Afghanistan Chamber of Commerce and Industries.
 3. Representative of the people of the expropriated area.
4. **Level 4 –The Courts:** Legal action that is available to any citizen in conformance with applicable laws and irrespective of whether the grievance has been raised through the Grievance Mechanism.

8.6.2 *Grievance Process*

The key operational steps in recording, investigating and resolving grievances are presented in Figure 8-1 overleaf and summarized below:

1. **Receive Grievance** – The Sub-Project Grievance Redress Committee will receive complaints/grievances via the various established communication lines and report to the Provincial Grievance Redress Committee. The Sub-Project Grievance Redress Committee will ensure that each sub-project has a Grievance Officer that will be mandated to manage the day-to-day aspects of grievance management and documenting the grievance using pre-established Grievance Forms.

In support of this first step, each sub-project will establish suitable lines of communication (including communication via traditional authorities, community liaison officers, suggestion boxed, telephone hotlines) which can be access by Affected Persons. Suitable awareness and consultation will be undertaken by the Grievance Officer to highlight the existence of the grievance mechanism and how it may be used.

2. **Screening and Assessment** – An initial assessment of the grievance will be conducted to determine whether the grievance can be resolved at the local level under (Level 1) by the Sub-Project Grievance Redress Committee, or need to be escalated to the provincial level (Level 2) under the Provincial Grievance Redress Committee.
3. **Investigate and Resolve Grievances** – The Sub-Project Grievance Redress Committee or the Provincial Grievance Redress Committee, with assistance from technical specialists, will investigate the underlying cause(s) of the grievance and develop corrective actions needed to resolve grievances as well as prevent recurrence of similar grievances. The timing of the investigations and corrective actions will vary depending on the nature of the grievance as below:

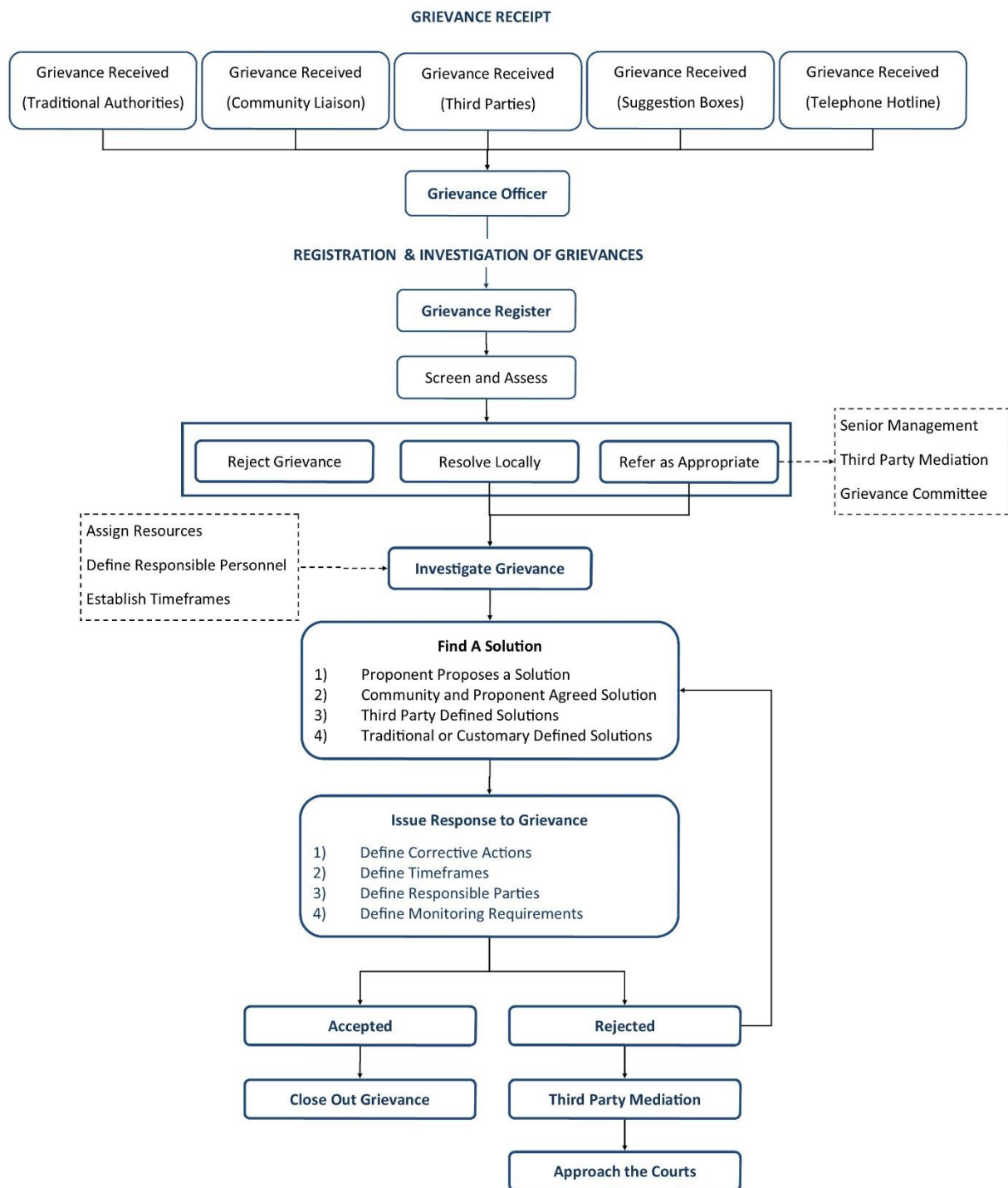


Figure 8-1: Grievance Mechanism

- **Level 1 Grievances** – To be reported, investigated and corrective actions established within 30 days. The Sub-Project Grievance Redress Committee will provide feedback and obtain agreement from the Claimant within 14 days.
- **Level 2 Grievances** – To be reported, investigated and corrective actions established within 30 days. The Provincial Grievance Redress Committee will provide feedback and obtain agreement from the Claimant within 14 days.

- **Level 3 Grievances** – All grievances that could not be resolved will be escalated to an independent jury, under Article 34 of the Land Acquisition Law of 2017. No timeframes are however given in the law.

4. Close Out Grievances – The Sub-Project Grievance Redress Committee or the Provincial Grievance Redress Committee will provide feedback and obtain sign-off from individual or group that laid the grievance that the grievance has been resolved to their satisfaction. This signed resolution will be in written form in order to close out the grievance.

8.6.3 Grievance Awareness Building

The Expropriating Authority will be required to ensure that the grievance mechanism is suitably disclosed to the public and Affected Persons. This should include provisions of briefing documents during the engagement, establishing a hotline and suitable lines of communications, as well as a central office for the collection and investigation of grievances.

8.6.4 Grievance Recording and Reporting

The Expropriating Authority in collaboration with the Expropriating Authority, will establish a formal and structured recording system including the creation of a Grievance Database. Regular internal monitoring and reporting will be undertaken (See Section 9.3) to the Evaluation Committee, the Project PMU, the Agricultural Steering Committee and the World Bank.

8.7 VULNERABLE PEOPLE AND WOMEN

Vulnerable persons are often unable to make their voices heard during the engagement. This may be attributed to their marginalized status, or because of their isolation/ exclusion from existing social structures and networks. The Project will ensure that vulnerable people (notably women) are offered the opportunity to engage and participate in the resettlement process. This requires providing targeted and thoughtful support including:

1. Engagement with vulnerable people and women should be undertaken using existing community committees or forums, where this is viable.
2. Ensure fair representation of vulnerable people and women in any committees or panels established as part of the land acquisition and resettlement process.
3. Ensure engagement with vulnerable groups and women is undertaken by experienced staff, and the Expropriating Authority should retain female staff with experience in working with women.
4. If there are minority language groups present among Affected Persons, ensuring that the resettlement planning and implementation teams include persons who can speak these languages.
5. During disclosure of socio-economic data collected during surveys, ensuring that potentially sensitive data (e.g. the identity of households belonging to minority groups) is redacted.

6. Including, as a standard agenda item in all resettlement-related consultation and meetings, a discussion on any specific measures that may be required to address the needs of vulnerable groups and women.
7. Separate consultation (in the form of individual meetings and/or focus group discussions) with vulnerable persons or groups, or with representatives of vulnerable groups (e.g. local community-based organizations or NGOs working with vulnerable).
8. Ensure that a functional grievance mechanism is established and there are additional structures to support vulnerable people women in accessing and lodging grievances.

At all times, such engagement will be undertaken in such a manner that is culturally appropriate and sensitive to the needs and situation of vulnerable people. No form of engagement or communications will be permitted that highlights or isolates individuals that may be defined as vulnerable (particularly those vulnerable to prosecution or any form). The privacy and safety of vulnerable people will be strictly protected.

9 IMPLEMENTING ARRANGEMENTS

9.1 ORGANIZATIONAL ARRANGEMENTS

Several institutions and parties will be involved in planning and implementing the compulsory land acquisition and compensation process. The key actors are determined based on the organizational structure of the Project (See **Error! Reference source not found.**) or based on legal obligations established in the Law on Land Acquisition of 2017, as summarized below.

9.1.1 *High Economic Council*

The High Economic Council will be the primary oversight body and all committees, agencies and other role-players associated the Project will be accountable to the Council. The Council will meet at least twice a year to discuss the Project, review critical progress and updates and escalate any issues requiring Presidential attention. The Council will also be mandated to review and approve all Project annual plans and budgets.

9.1.2 *Agriculture Steering Committee / Agribusiness Executive Secretariat*

The Project will be guided by an Agriculture Steering Committee established under the High Economic Council. The Committee will be responsible to providing (1) providing overall strategic guidance and oversight, (2) allocating funds based on annual plans, (3) reviewing the implementation of the various sub-projects, and (4) ensuring effective collaboration and cooperation between all key stakeholders. Specific roles of the committee will include:

1. Provide strategic guidance and support to the relevant parties in the planning and implementation of the resettlement action plans.
2. Allocating sufficient funds to support (1) land acquisition and resettlement planning and implementation, (2) making fair and prior compensation payments, (3) resettlement assistance requirements established in the resettlement plans.
3. Appraise the relevant resettlement plans in terms of its completeness and feasibility of the proposed resettlement measures.
4. Promote collaboration and cooperation between all key stakeholders on land acquisition, resettlement and compensation matters.

The Agriculture Steering Committee will be a centralized national body, and the Committee will be support by the Agribusiness Executive Secretariat.

This secretariat will assume much of the technical and day-to-day operational requirements on behalf of the Committee and ensure coordination and supervision of the implementation of Project action plans in collaboration with the various agencies and role-players. The secretariat will prepare regular reports, coordinate strategic communications, and ensure sound financial management practices are implemented

9.1.3 Independent Third-Party Monitor

The World Bank or the Agriculture Steering Committee may seek to appoint an independent third-party monitor to undertake regular monitoring or audits of all resettlement aspects of Sub-Projects. The general responsibilities of the third-party would include:

1. Ensure to have a competent and skilled team comprised of a resettlement and livelihoods restoration specialists that can undertake the monitoring or audits.
2. Source all relevant records, reports, studies, data from MOIC, CRIDA or MAIL (including third-party construction contractors or operators) to inform monitoring findings.
3. Undertake interviews with MOIC, CRIDA or MAIL (including third-party construction contractors or operators) to determine environmental and social safeguard compliance.
4. Undertake site assessments of all IAFPs, FCCs and RTHs where land acquisition, compensation and resettlement has been undertaken, and audit each sites compliance with WB BP/OP4.12 requirements as well as any RAP requirements.

The third-party monitor will submit their report to the World Bank and the Agriculture Steering Committee for review. It is expected that monitoring will be undertaken annually and align with a robust M&E system established by the Project.

9.1.4 MOIC – Directorate General of Industrial Parks

A self-standing Project Management Unit (PMU) will be established within the Ministry of Industry and Commerce – Directorate General of Industrial Parks to manage the 4 IAFPs under their mandate (See Figure 9-1). The unit will be the primary implementing body in terms of all forms of land acquisition, resettlement and compensation, and is defined as the **Expropriating Authority**⁷. Specific roles of the unit will include:

1. Determining the exact location and area needing to be acquired for the Project.
2. Preparing the resettlement action plan according to law and World Bank BP/OP4.12.
3. Preparing the resettlement plan in cooperation with MUDL and other agencies.
4. Serving of individual notices, information or offers
5. Preparing list of owners, possessors and affected persons.
6. Undertaking any required asset inventories and valuation studies.
7. Establish compensation rates/valuations in cooperation with MUDL.
8. Preparation of Compensation Offers / Packages.
9. Negotiation and finalization of Compensation Offers / Packages.
10. Consulting stakeholders in the planning and implementation of the resettlement plan.
11. Submit the resettlement plan to the evaluation committee or other relevant parties.
12. Manage day-to-day implementation of the resettlement plan.

⁷ Consistent with the Law of Land Acquisition, 2017, the expropriating authority will be municipalities in the scope of urban masterplans and ministries and governmental agencies outside the areas of urban masterplan with cooperation of the MUDL Office.

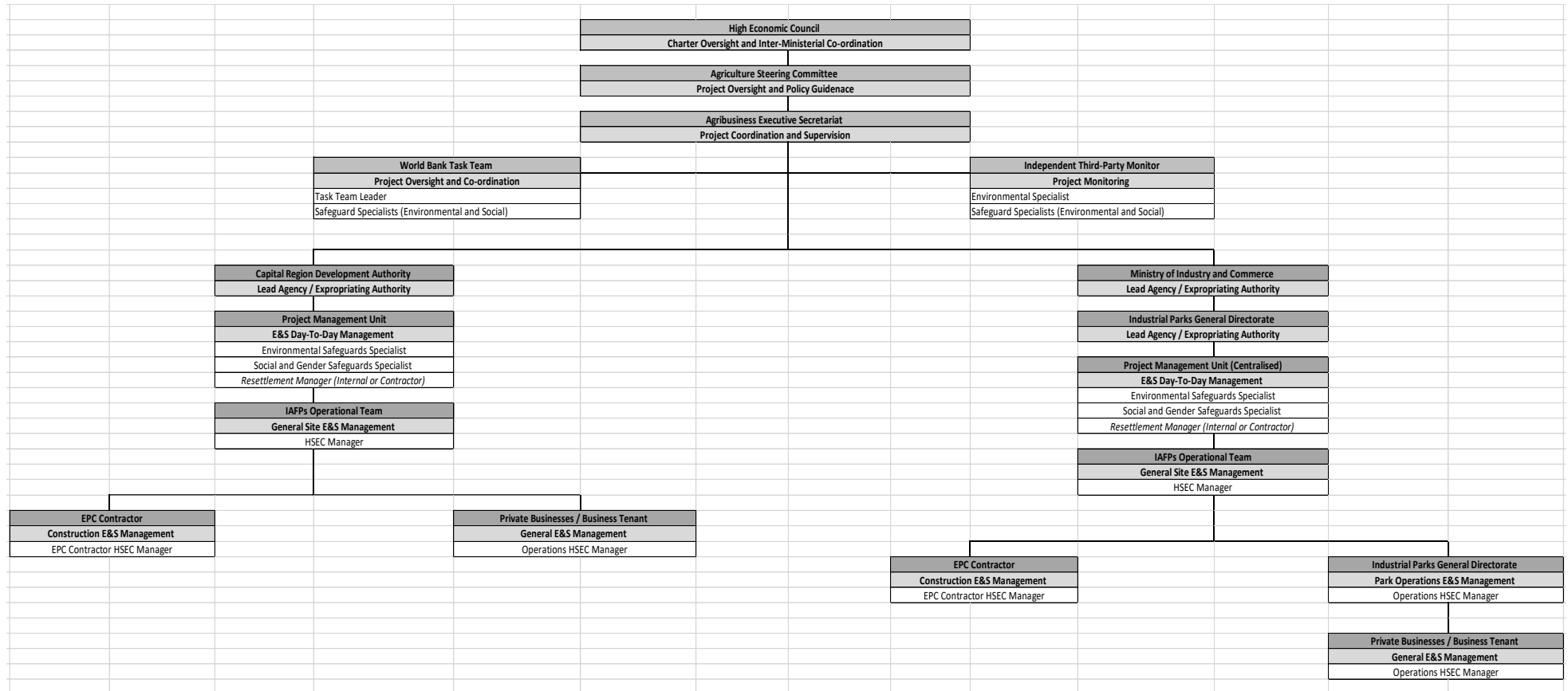


Figure 9-1: Project Organisational Structure for IAFPs

The PMU is expected to be comprised of the following key positions:

1. Project Manager, Master,
2. Senior Finance Specialist,
3. Senior Procurement Specialist,
4. Monitoring & Evaluation Specialist,
5. Social Safeguard Specialist,
6. Environmental Specialist,
7. Investment Promotional Specialist,
8. Site Engineer (2 positions),
9. Survey Engineer (2 positions),
10. QC Engineer (2 Positions),
11. Investment Promotion Specialist, and
12. Administrative Staff.

The Social Safeguard Specialist will be mandated to supervise all land acquisition, resettlement and compensation aspects across the 5 IAFPs. It is expected that the PMU will contract an external competent resettlement specialist / firm to prepare and implement the RAP on behalf of MOIC

9.1.5 Capital Region Development Authority (CRIDA)

A self-standing Project Management Unit (PMU) will be established within CRIDA to manage the 1 IAFP under their mandate. The unit will be the primary implementing body in any case of land acquisition, resettlement and compensation, and is defined as the **Expropriating Authority**⁸. Specific roles of the unit will include:

1. Determining the exact location and area needing to be acquired for the Project.
2. Preparing the resettlement action plan according to law and World Bank BP/OP4.12.
3. Preparing the resettlement plan in cooperation with MUDL and other agencies.
4. Serving of individual notices, information or offers
5. Preparing list of owners, possessors and affected persons.
6. Undertaking any required asset inventories and valuation studies.
7. Establish compensation rates/valuations in cooperation with MUDL.
8. Preparation of Compensation Offers / Packages.
9. Negotiation and finalization of Compensation Offers / Packages.
10. Consulting stakeholders in the planning and implementation of the resettlement plan.
11. Submit the resettlement plan to the evaluation committee or other relevant parties.
12. Manage day-to-day implementation of the resettlement plan.

CRIDA will include in its PMU a Social Safeguard Specialist, who will be mandated to supervise all land acquisition, resettlement and compensation aspects at the IAFP. It is expected that the PMU will contract an external competent resettlement specialist / firm to prepare and implement the RAP on behalf of CRIDA.

⁸ Consistent with the Law of Land Acquisition, 2017, the expropriating authority will be municipalities in the scope of urban masterplans and ministries and governmental agencies outside the areas of urban masterplan with cooperation of the MUDL Office.

9.1.6 Ministry of Agriculture, Irrigation and Livestock

The Ministry of Agriculture, Irrigation and Livestock will be the implementing agency in terms of providing funding grants to private investors for the development of the Farmer Collection Centers and the Rural Transformation Hubs.

The ministry will however require that all land will be secured by the private investor, and no support will be provided in terms of compulsory land acquisition. In such cases, the ministry does not function as the Expropriating Authority, but should ensure the following in any financing agreements:

1. The private developer will select land that is free of all legal, customary or informal occupation and land-use.
2. The private developer will acquire land on a voluntary or willing-buyer-willing seller basis only and will not resort to compulsory land acquisition.
3. The ministry will undertake a Due Diligence of any new sites to determine whether there are any legal, customary or informal occupation and land-uses that may result in displacement of people.

In cases, where compulsory land acquisition cannot be avoided, the private investors will be required to approach the Ministry, who will become the Expropriating Authority (See Figure 9-2). The responsibilities established under Section 9.1.4 will then be transferred to the Ministry of Agriculture, Irrigation, and Livestock.

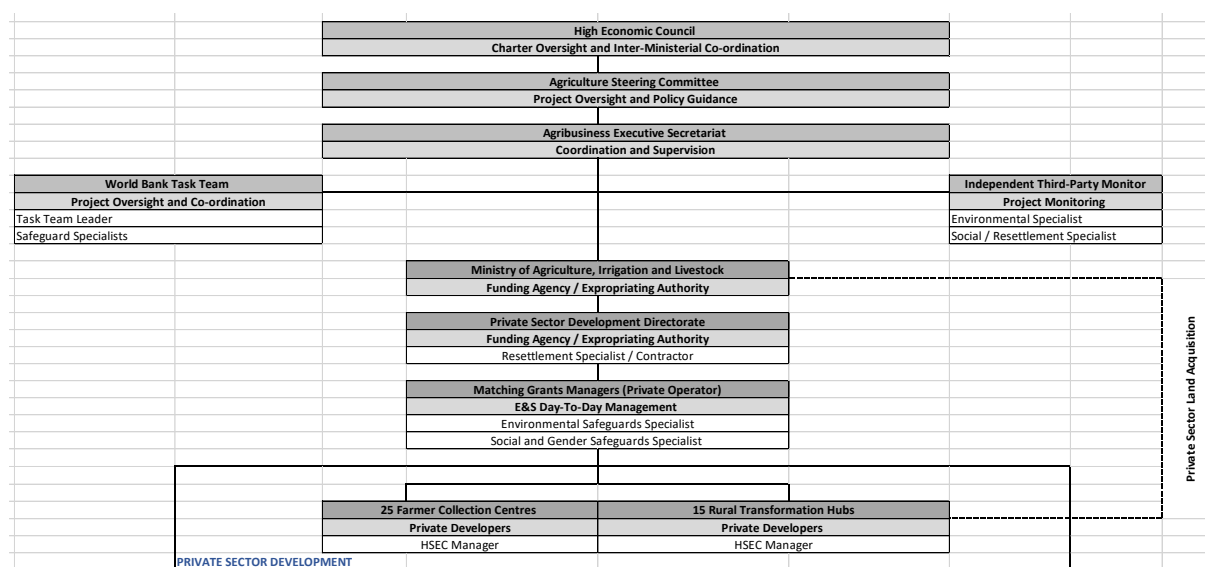


Figure 9-2: Project Organisational Structure for RTHs and FCCs

9.1.7 Private Sector Developers / EPC Contractors

Where the Project or sub-projects outsources to private developers the development of any infrastructure that results in land acquisition and displacement, the primary Expropriating Authority will determine which responsibilities and duties provided in the RPF are deferred to the private developer. Ultimately the Expropriating Authority retains full responsibility and liability in terms of land acquisition and compensation process.

9.1.8 Ministry of Urban Development and Land

The Ministry of Urban Development and Land (MUDL) is legally mandated to support the expropriating authority in the planning and implementation of any form of land expropriation consistent with the Law on Land Acquisition of 2017. The functions of MUDL include:

1. Support the expropriating authority with the preparation of the resettlement plan.
2. Support in the transfer of government/state land to the expropriating authority.
3. Support the expropriating authority in sourcing and securing replacement land.
4. Undertaking a cadaster survey and clearance of expropriated land.
5. Granting deeds to landowners if replacement land is offered.
6. Register all acquired property in the relevant registration office.
7. Determining the appropriate compensation rates.
8. Monitoring of implementation of the land acquisition process.

MUDL will function as the secretariat of the Evaluation Committee (See Section 1) and will function as a key member of the Valuation Panel (See Section 1) and where required the Resettlement Committee (Section **Error! Reference source not found.**). In addition, MUDL will be the primary body for the assessment of property related conflict or contestation based on the provisions of Law on Land Management Affairs, 2017. Where MUDL cannot resolve any conflict, the issue shall be referred to the courts.

9.1.9 Committees and Panels

The Law on Land Acquisition, 2017 requires the formation of several committees and panels, including:

1. **Evaluation Committee:** This committee has the primary mandate of evaluating and approving the proposed expropriation plan (assumed to be the resettlement plan) and supporting documentation. The committee will be established at the national or provincial level, and consistent with Article 12 of the Law on Land Acquisition of 2017, its members will be made up of the following:
 - a. Second Vice President as head of the Committee,
 - b. Director of MUDL as member,
 - c. Deputy Minister of Urban Development and Housing as member,
 - d. Deputy Minister of Finance as member,
 - e. Deputy Minister of Justice as member,
 - f. Deputy Minister of Public Works as member,
 - g. Deputy Minister of Agriculture, Irrigation and Livestock as member,
 - h. Deputy Minister of Information and Culture as member,
 - i. Deputy Minister of Energy and Water as member,
 - j. Deputy Minister of Economy as member,
 - k. Deputy of Independent Directorate of Local Governance as member,
 - l. Deputy of National Environment Protection Agency as member,
 - m. Representative of Afghanistan Chamber of Commerce and Industries as member.
 - n. Owner or representative of owners of expropriated property as member.

- 2. Technical Valuation Panel:** This panel has the mandate to establish a bill of valuation/schedule of compensation rates for affected assets. This panel will be established in each affected District where each sub-project is located, and its members will include:
 - a. Provincial Governor as Head of the Panel,
 - b. Mayor as Deputy,
 - c. Director of MUDL as member,
 - d. Representative of cadaster survey of MUDL as member,
 - e. Representative of Directorate of Agriculture, Irrigation and Livestock as member,
 - f. Representative of Directorate of Urban Development and Housing as member,
 - g. Representative of Directorate of Justice as member,
 - h. Representative of Directorate of Public Works as member,
 - i. Representative of Mastofiat as member,
 - j. Representative of Expropriating Authority as member,
 - k. Representative of Afghanistan Chamber of Commerce and Industries as member,
- 3. Technical Panel:** Under Article 23 of the Law on Land Acquisition of 2017, this panel has the mandate to (1) raise awareness of Affected Persons, (2) establishing a list of eligible people, (3) undertaking measures of affected properties, and (4) determine the value or pricing of the affected properties. The members will include the Expropriating Authority and representatives of Affected Persons.

In practice, the District Government is responsible for establishing compensation rates and validation of surveys and in delivering compensation to Affected Persons. It is therefore expected that the various committees and panels will be established at the district where the Project and related sub-projects are located.

9.2 FUNDING ARRANGEMENTS

The budget for land acquisition, compensation and resettlement assistance will be established under each RAP that will be prepared for each Project component that results in compulsory land acquisition. This will be based on detailed asset inventories of all land and asset holdings and compensate rates established under the RAP. As both are currently unknown no primary costings can be provided under the RPF.

In all cases, the costs of planning and implementation of all land acquisition, compensation and resettlement will be determined upfront and included as an upfront project cost. This will include the establishment of detailed budgets by the MOIC PMU in the development of the 4 IAFPs, as well as by CRIDA for the 1 IAFP under their mandate.

Any land acquisition required by private developers for the Farmers Collection Centers or the Rural Transformation Hubs will need to be established in collaboration with MAIL and the Grants Operator and included in the Business Plan.

9.3 MONITORING AND EVALUATION

Monitoring and evaluation will be undertaken during the planning and implementation of the land acquisition and resettlement process. This will include both internal monitoring and external audits. A monitoring and evaluation plan will be developed for each RAP to oversight the RAP implementation process.

9.3.1 *Internal Monitoring*

Internal monitoring comprises of monitoring the day-to-day resettlement activities and aims to track the progress in meeting scheduled milestones of key performance indicators (see Table 9-1 for typical performance indicators).

The Expropriating Authority will undertake ongoing internal monitoring, as part of its internal performance monitoring system. Monitoring will commence from the start of the development moratorium (See Section 5.3) until the conclusion of any resettlement, payment of compensation or provision of replacement assets.

The Proponent will prepare monthly and quarterly internal reports which will be distributed to senior management for evaluation and review. These reports will also be issued to the World Bank.

9.3.2 *External Monitoring*

External monitoring will be undertaken by an independent and competent resettlement specialist/auditor appointed by either the Expropriating Authority or the World Bank. External audits will be undertaken at an interval that is in line with the auditing requirements established as part of (1) the environmental license, (2) World Bank requirements, or (3) annually, whichever is the shorter period.

Upon conclusion of the land acquisition process, a Completion Audit will be prepared by the external specialist. The overall aim of the audit will be to verify that resettlement and livelihood restoration activities have been undertaken in line with the requirements of the RAP and any specific government and funder requirements.

Table 9-1: Monitoring Parameters

Category	Monitoring Parameter	Monitoring Interval	Reporting Interval
Performance Monitoring			
Programme Management	<ul style="list-style-type: none"> Actual versus predicted RAP implementation schedule. Actual versus predicted household relocation implementation schedule. Actual versus predicted replacement land implementation schedule. Actual versus predicted payment of compensation. Actual versus predicted project spend on livelihoods restoration programs. Actual versus budgeted cost expenditure. 	Monthly	Monthly
Moratorium Violations	<ul style="list-style-type: none"> Number of recorded violations of the moratorium. Record of responses to violations (pending resolution or closed-out) 	Monthly	Monthly
Asset Replacement	<ul style="list-style-type: none"> Number of disclosed compensation packages. Number of signed compensation packages. Progress on replacement land preparation and handover. Number of households that have been relocated against predicted schedule. 	Monthly	Monthly
Compensation	<ul style="list-style-type: none"> Number of signed compensation packages. Actual versus Predicted Compensation Payment Schedule. Number of households that have received and signed-off on compensation payments. 	Monthly	Monthly
Vulnerable Groups	<ul style="list-style-type: none"> Number of households that have been identified as vulnerable. Number of vulnerable households supported during the transition period. Type of support given to vulnerable households 	Monthly	Monthly
Livelihood Restoration	<ul style="list-style-type: none"> Livelihood restoration and development programs initiated. Actual versus predicted project-spend on livelihoods restoration programs Number of actual versus predicted project beneficiaries 	Quarterly	Quarterly
Engagement	<ul style="list-style-type: none"> Actual versus Predicted Committee / Commissions Meetings. Actual versus Predicted Community Meetings. 	Quarterly	Quarterly
Grievance Tracking	<ul style="list-style-type: none"> Number of Grievances Received Number of Grievances Under Investigation Number of grievances resolved and or pending Number of Grievances Pending Acceptance of Corrective Action by Authorizing Body Number of Grievance with Authorized Corrective Action, but Pending Implementation Number of Correction Action being Implemented 	Quarterly	Quarterly

Category	Monitoring Parameter	Monitoring Interval	Reporting Interval
	<ul style="list-style-type: none"> Number of Grievance Closed-Out after the Conclusion of Corrective Actions 		
Impact Monitoring			
Demographic Change	<p>3. Quantitative and qualitative assessment, including a repeat of the household survey to determine longitudinal (over-time) change in the following:</p> <ul style="list-style-type: none"> a) Demographic profile b) Education levels c) Skills level. d) Changes to the status of women, children, and vulnerable groups. e) Access to primary and other healthcare. f) Access to potable water. g) Changes in nutritional status. h) Employment levels. i) Access to livelihoods and resources. j) Homestead asset profiles including homestead structures. k) Homestead landholding. l) Security of tenure for affected households. m) Income levels and sources. n) Livestock ownership. o) In-migration and population changes. p) Health facility usage. q) Impact on vulnerable groups 	Annual	Annual
Livelihood Change	<p>4. Quantitative and qualitative assessment, including a repeat of the livelihoods survey to determine longitudinal (over-time) change in the following:</p> <ul style="list-style-type: none"> a) Size and productivity of replacement land versus existing land assets. b) Productivity of replacement tree crops versus existing tree holdings c) Size and productivity of horticultural gardens. d) Number of households engaged in salt farming (or alternative livelihoods) e) Number of households engaged in fishing (or alternative livelihoods) f) Number of re-established and new business enterprises. g) Number of local people employed by the Proponent or third parties. h) Number of beneficiaries included in local content plans. i) Level of livelihood restoration of vulnerable groups 	Annual	Annual

10 CONCLUSION

The Opportunity for Maximizing Agribusiness Investments and Development (OMAID) Project seeks to provide structural and financial support to the agro-processing segments of the horticulture and livestock sector in Afghanistan.

Under Component 2 – Support of Agri-spatial Solutions and Access to Finance of the Project, it is proposed that a range of physical infrastructure will be established including Integrated Agri-Food Parks, Farmer Collection Centre and Rural Transformation Hubs.

In principle, the Project will attempt to secure any land required for Project infrastructure via voluntary land agreements (i.e. willing-buyer, willing-seller agreements). However, there may be cases where the Project is required to compulsorily acquire land. This RPF applies in cases of government-led expropriation of private, state or public land for the establishment of the Project infrastructure.

A key component of the RPF is the definition of an Eligibility and Entitlement Framework, which defines which persons or groups are deemed eligible for compensation or resettlement assistance. The type of entitlement or rights to compensation varies by asset types but include:

5. Cash compensation or replacement of homestead property and residential structures,
6. Cash compensation or replacement of lost agricultural land,
7. Cash compensation for lost annual crops and productive trees,
8. Compensation or replacement of community resources and infrastructure,
9. Protection or relocation of sacred sites and religious buildings,
10. Re-establishment of businesses.

The Eligibility and Entitlement Framework also differentiates rights and entitlements depending on land tenure, occupancy rights and as well as land-users. This includes persons with (1) formal ownership rights, (2) de-facto users or occupants (i.e. tenants), (3) de-facto users or occupants with adverse possession rights, and (4) unrecognized beneficiaries (i.e. squatters).

Where cash compensation is to be offered, it will be valued on the principles of replacement value. In-kind, or replacement assets, is however generally favored to allow Affected Persons to reinstate their livelihoods and living conditions to a state that is equal, or ideally better than before the resettlement.

Further to the above, the Project will support the restoration and development of livelihoods. This include supporting the provision of replacement assets and additional livelihoods support to allow affected persons to reinstate farming practices or income-generation streams. This is afforded to both individual persons as well as communities that benefit from communal resources or land.

The Project supports several sub-projects in different provinces, which results in a range of implementing agencies and stakeholders. MOIC and CRIDA will be directly responsible for the planning and implementation of any land acquisition for the Integrated Agri-Food Parks and will need to collaborate with MUDL in the preparation of the Resettlement Action Plans.

MAIL will provide funding and technical support only to the establishment and management of the Farmer Collection Centre and Rural Transformation Hubs which will be an entirely private initiative. The private investors will therefore need to secure their own land via voluntary sale agreements. Where the private investors cannot avoid the need to compulsorily land acquisition, they would need to approach MAIL to expropriate the land on their behalf.

In addition to the above, the Project will via the Expropriating Authority be required to undertaken suitable stakeholder engagement with Affected Persons, the relevant national and local authorities consistent with national legal requirement and World Bank safeguard standards.

11 REFERENCES

- International Development Association . (2018). *Women's Economic Empowerment - Rural Development Project*. Washington: International Development Association .
- Ministry of Counter Narcotics. (2012). *national Alternative Livelihood Policy* . Kandahar: Ministry of Counter Narcotics.
- World Bank. (2005). *National Reconstruction and Poverty Reduction - the Role of Women in Afghanistan's Future*. Washington: World Bank.

APPENDIX A – TERMS OF REFERENCE FOR A RESETTLEMENT ACTION PLAN

A. Background

The Opportunity for Maximizing Agribusiness Investments and Development (OMAID) Project seeks to provide structural and financial support to the agro-processing segments of the horticulture and livestock sector in Afghanistan.

Under Component 2 – Support of Agri-spatial Solutions and Access to Finance of the Project, it is proposed that a range of physical infrastructure will be established including 5 Integrated Agri-Food Parks, 25 Farmer Collection Centre and 15 Rural Transformation Hubs.

In principle, the Project will attempt to secure any land required for Project infrastructure via voluntary land agreements (i.e. willing-buyer, willing-seller agreements). However, there may be cases where the Project is required to compulsorily acquire land. Where this occurs, the Project will be required to prepare a Resettlement Action Plan (RAP).

B. Objective

The objective of the RAP is to ensure that the adverse impacts resulting from physical and economic displacement are adequately mitigated and the livelihoods of Affected Persons are restored. It also establishes measures to align the legal government-led expropriation of land (under the Law on Land Acquisition of 2017) with requirements of the World Bank Policy on Involuntary Resettlement (BP/OP4.12)

C. Terms of Reference

The development of the RAP will include the following:

- 1. Description of Project Components:** Provide a full and complete description of investments proposed under the Project / Sub-Project where they will result in physical and/or economic displacement. This should include a full assessment of measures that may be used to avoid or minimize resettlement, and a rationale of why resettlement cannot be avoided. The task should also include clear assessments of:
 - a.** The total land acquisition requirements, including the number of affected communities or households, loss of private and public land as well as other fixed assets.
 - b.** Any project-imposed restrictions on the use of, or access to, communal land or natural resources.
 - c.** The land ownership regime of all required land (including state, public and private land) as well as all form of land tenure arrangements (including title, customary and informal rights).
 - d.** Assessment of the likely impacted on livelihoods and income generating occupations that may be disrupted by physical or economic displacement of private or communal assets or land.
 - e.** Assessment of land or sites that support cultural heritage (e.g. graves, graveyards, shrines, sacred sites) or locations of important intangible cultural importance.

- 2. Legal framework:** Assess the legal framework for land acquisition, resettlement and compensation for the Project and any gaps between relevant laws and customs and World Bank safeguard requirements, and specific measures to be adopted to fill gaps. This should include an assessment of:
 - a. Legal powers of eminent domain and the procedures required for the expropriation / compulsory acquisition of land.
 - b. Legal procedures for the determination of compensation and the valuation methodology, as well as options for the provision of replacement assets in lieu of cash compensation.
 - c. The applicable legal and administrative procedures to displaced persons to object or appeal the land acquisition process and their options in terms of approaching the courts, or any alternative dispute resolution mechanisms.
 - d. The rights assigned to Affected Persons under formal and customary laws, and how such rights impact on land acquisition, valuation of assets and losses, compensation, and usage rights.
 - e. Laws and regulations relating to the Expropriating Authority and other parties with a legal mandate to support the planning and implementation of the land acquisition process.
 - f. Measures that may be adapted to align the legal land acquisition process with additional requirements to align the land acquisition process with the World Bank safeguard policies (specifically BO/OP4.12).
- 3. PAP Census:** Carry out a Project-Affected-Persons census or registration - including all affected individuals, households, businesses, farm-owners, land-tenants, communal resource users, undocumented occupants, etc. The census will form the basis for determining eligible persons and will be linked to the development moratorium.
- 4. Socio-Economic Survey:** A socio-economic survey will be undertaken of all Project-Affected-Persons. The survey will gather data on household demographics, livelihoods, education, health, basic services, etc. and establish a baseline for future impact monitoring. The survey will be carried out in a gender sensitive approach and should also pay special attention to vulnerable households.
- 5. Asset Inventories:** Develop methods and undertake an inventory of affected assets (including all property, land, fixed assets as well as other unexhausted improvements). This should include all property held under private tenure or is a communal resource. The inventory should align with regulatory requirements in terms of the type of surveys (cadaster surveys), documentation requirements (titles, witnesses) and the owner details (household head, spouse, tenants, etc.).
- 6. Development Moratorium:** Establish a development moratorium and cut-off date where this is provided under national law. This should be linked to the Asset Inventory and witnessed by the relevant authorities. Suitable disclosure of the cut-off date will be provided via formal notification, public notices and briefing with Project-Affected-Persons.

- 7. Eligibility Framework:** Establish an Eligibility Framework which established rules or categories of persons that are eligible for compensation or resettlement assistance. This include edibility in terms of national land acquisition law, as well as eligibility rules established in the World Bank safeguard, polices (BP/OP4.12). The PAP Census will be used to establish a detailed list of eligible persons, which should include:
- a. **Land or Asset Owner** – The relevant State department, public entity, organization, group or individual with exclusive formal or customary ownership of the affected land and assets.
 - b. **De-Facto User or Occupant** – Any Affected Persons that have short-term exclusive rights to utilize or occupy the affected land with a documented formal agreement, or without formal documentation but recognized by the State, the local council, or neighboring landowners.
 - c. **De-Facto User or Occupant (Adverse Possession)** – Any Affected Persons that have enjoyed and benefited from long-term utilization of the affected land or where a person, who does not have legal title to a property, may make a legal claim based on a history of possession or occupation.
 - d. **Unrecognized Beneficiary** – Any Affected Persons that utilize or occupy affected land without recognized legal protections, and (1) are undergoing eviction or (2) are not under threat of eviction by the State, local administration or private landowners.
 - e. **Communal Land-Users** – Any Affected Persons or communities that have a formal or customary claim to communal land and have benefited from the use or occupation of this land.
- 8. Entitlement Matrix:** Establish a detailed entitlement matrix that shows to packages of entitlement (including cash compensation, and replacement assets) that will be offered to Affected Persons, as well as the types of allowances, lost income or loss of profit allowance, disturbance allowance, renter allowances etc., as well as other forms of resettlement assistance.
- 9. Valuation / Compensation Rates:** Undertake a technical valuation of affected land, assets and any other unexhausted improvements. This valuation should be undertaken consistent with national land acquisition requirements as well as World Bank requirements for “full replacement value”. Valuations should be undertaken by registered and competent valuers, and in a format acceptable to the relevant legal authorizing bodies.
- 10. Replacement Assets:** Identify technically and financially feasible options for the provision of replacement housing, sites for relocating businesses, or redistributed agricultural land, which should be of equivalent use value to the land that was lost.

Where there is the need to resettlement groups of people, this will include the identification, surveying and assessment of potential hose sites. This includes developing options for the development of a resettlement site, infrastructure, amenities and services to be provided, process of shifting and possession of houses and overall management of the site.

11. Livelihoods Restoration and Development: Provide specific recommendations to improve and/or restore livelihoods that are land-based, wage-based and enterprise based. The RAP should establish framework programs, linkages with necessary markets and institutions, training and skill development, implementation/delivery partnership arrangements, roles and responsibilities of various stakeholders, schedule and outcomes in ensuring the livelihood are restored.

12. Stakeholder Engagement: The RAP will be developed in a highly participatory manner in order to ensure that local preferences and views of those affected are considered. This should include both legal notices and stakeholder engagement, as well as innovative approaches for reaching affected communities and persons and ensuring that they are provided meaningful opportunities to provide input into the process.

Stakeholder engagement should promote through discussions and joint decision-making on resettlement options, compensation standards, livelihood and income restoration measures, institutional arrangements, and grievance redress mechanisms.

At minimum, this should include one-on-one and community meetings, which includes detailed minutes, registers and written resolutions. Engagement will also be supported via the formation of appropriate legal committees or advisory forums.

13. Implementing Arrangements: The RAP will establish the specific arrangements for the implementation of any land acquisition, compensation and resettlement assistance. This will include:

- a. Organizational Responsibilities:** Establish the organizational structure for implementing land acquisition, compensation payment and resettlement support. This includes the identification of State agencies responsible for delivery of resettlement measures and provision of services, jurisdictions involved in implementation as well as agencies required to authorize and monitor the implementation of the resettlement process. This includes measures (including technical assistance) needed to strengthen the implementing agencies' capacity to carry out resettlement activities;
- b. Implementation Schedule:** Establish an implementation schedule covering resettlement implementation activities, including target dates for the provision of compensation – either in-kind or through direct payment. The schedule must indicate how the resettlement activities are linked to the implementation of the overall Project civil works.
- c. Budget:** Present detail costing or budgets based on the asset inventories and valuations including cost estimates for all resettlement activities (including consultant fees, expenses, civils, etc.). This should include a description of the source of funds and the arrangements for the timely flow of funds linked to the implementation schedule.
- d. Monitoring and Evaluation:** Establish arrangements for internal monitoring of resettlement activities by the Expropriating Authority, as well as external monitoring or audits undertaken by an independent and competent specialist appointed by the Expropriating Authority or the World Bank.

D. RAP Table of Contents

The RAP report should include the following:

1. Introduction
 - a. Description of the Project
 - b. Potential Impacts
 - c. Scope of Land Acquisition and Displacement
 - d. Objective of the RAP
2. Principles of Land Acquisition and Resettlement
3. Legal, Institutional and International Best Practice Framework
4. Socio-Economic Baseline
5. Eligibility and Entitlement Framework
6. Assets Inventories and Valuations
7. Resettlement Measures
 - a. Replacement Land
 - b. Replacement Structures
 - c. Replacement Infrastructure and Social Services
 - d. Replacement Communal Land, Assets and Facilities
 - e. Special measures for vulnerable people.
8. Resettlement Village / Host Site Assessment (if applicable)
9. Livelihoods Restoration and Development
 - a. Livelihoods Restoration Options
 - b. Development / Benefits Sharing Options
10. Stakeholder Engagement
 - a. Engagement Undertaken in the Preparation of the RAP
 - b. Ongoing Engagement During the RAP Implementation
 - c. Consultative Forums
 - d. Grievance Mechanism
11. Implementation Arrangements
 - a. Organizational Responsibilities
 - b. Implementation Schedule
 - c. Costs and Budget
 - d. Monitoring and Evaluation