

**GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN**

**RESILAND CA+: TAJIKISTAN RESILIENT  
LANDSCAPE RESTORATION PROJECT**

**RESETTLEMENT POLICY FRAMEWORK**

November 2021

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## Abbreviations

ALRI	Agency for Land Reclamation and Irrigation
CAMP4ASB	Climate Adaptation and Mitigation Program for Aral Sea Basin Project
CEP	Committee for Environmental Protection of the Republic of Tajikistan
ARAP	Abbreviated Resettlement Action Plan
E&S	Environmental and Social
ELMARL	Environmental Land Management and Rural Livelihoods Project
ESF	Environmental and Social Framework
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
ESS	Environmental and Social Standards
FA	Forestry Agency
FUG	Forest User Groups
FUU	Forest Users Union
GFP	Grievance Focal Point
GMG	Grievance Management Group
GRM	Grievance Redress Mechanism
GRS	Grievance Redress System (WB)
IOL	Inventory of Losses
IG	Project Implementation Group under the CEP
LC	Land Code of the Republic of Tajikistan
LGS	Local self-government (jamoat)
MoA	Ministry of Agriculture of the Republic of Tajikistan
MEWR	Ministry of Energy and Water Resources of the Republic of Tajikistan
MoF	Ministry of Finance of the Republic of Tajikistan
NGO	Non-Governmental Organization
O&M	Operations and Maintenance
PAP	Project Affected Person
POM	Project Operational Manual
QPR	Quarterly Progress Report
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
SA	Social Assessment
SCLMG	State Committee of Land Management and Geodesy
WB	World Bank
WUA	Water Users Associations

## Glossary of Terms

In this Resettlement Policy Framework, unless the context dictates otherwise, the following terms will have the following meanings:

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

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

**Consultation**: The process of gathering information or advice from stakeholders and taking these views into account when making project decisions and/or setting targets and defining strategies.

**Cut-off date** is the date by which PAPs and their affected assets, as relevant, have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. Persons whose ownership, use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.

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

**Engagement**: A process in which a company builds and maintains constructive and sustainable relationships with stakeholders impacted over the life of a project. This is part of a broader “stakeholder engagement” strategy, which also encompasses governments, civil society, employees, suppliers, and others with an interest in the project.

**Environmental and Social Standards** (ESSs) set out the requirements for Borrowers/Clients relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. Ten ESSs establish the standards that the Borrower/Client and the project should meet through the project life cycle.

**Involuntary resettlement** means the involuntary taking of land resulting in direct economic and social impacts caused by:

- a) the involuntary taking of land resulting in:
  - i. relocation or loss of shelter;
  - ii. loss of assets or access to assets; or
  - iii. loss of income sources or means of livelihood, whether or not the PAP has moved to another location.
- b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

**Jamoat**: Refers to the local self-governing body at the sub-district level, administering several villages and functioning based on the Law of the Republic of Tajikistan “On Self-Government Bodies in Towns and Villages” (1994, amended 2009 and 2017).

**Land** includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

**Land acquisition** refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the

landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.

**“Livelihood”** refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.

**“Local communities”:** Refers to groups of people living in close proximity to a project that could potentially be impacted by a project. (“Stakeholders,” in contrast, refers to the broader group of people and organizations with an interest in the project.)

**“Non-Government Organizations”:** Private organizations, often not-for-profit, that facilitate community development, local capacity building, advocacy, and environmental protection.

**“Partnerships”:** In the context of engagement, partnerships are defined as collaboration between people and organizations to achieve a common goal and often share resources and competencies, risks and benefits.

**“Project”:** Refers to this WB-funded Tajikistan Resilient Landscapes Restoration Project.

**“Project Area”:** A geographical area within which direct and indirect impacts attributable to a project can be expected. Typically, a Project Area is (i) unique to a project (ii) larger than the actual footprint of a project; and encompasses socio-economic issues and impacts, as well as issues and impacts associated with other disciplines (e.g environment, health and safety). Defining the Project Area is used to determine a project’s area of influence and responsibilities. It also provides guidance on the area within which impacts need to be monitored, and managed, and it also assists with defining project stakeholders that should be engaged during an ESIA process.

**“Project affected persons” (PAPs)** means persons who are impacted by involuntary resettlement as defined below.

**“Restrictions on land use”** refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.

**“Resettlement Action Plan (RAP)”** is a resettlement instrument (document) to be prepared when subproject locations are identified. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

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

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

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

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

“Replacement cost” is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.

**“Pre-Feasibility phase”:** The phase of a project which includes a Screening Study to identify social and environmental fatal flaws, and a Scoping Study to identify and assess the social and environmental issues of a proposed project and evaluate project design alternatives prior to proceeding to project feasibility.

**“Security of tenure”** means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are socially and culturally appropriate. In no event will resettled persons be provided tenure rights that are in effect weaker than the rights they had to the land or assets from which they have been displaced.

**“Stakeholder”:** Refers to individuals or groups who: (a) are affected or likely to be affected by the project (*project-affected parties*); and (b) may have an interest in the project (*other interested parties*). Stakeholders are defined as *people or entities that are affected or may have an interest in the Project*.

**“Subproject”:** Refers to a subproject to be funded under the Tajikistan Resilient Landscapes Restoration Project.

**“Voluntary Land Donation”** - means communities or individuals may agree to voluntarily provide land for sub-projects for desired community benefits. The operative principles in voluntary land donation are “informed consent and power of choice”. Informed consent means the people involved are fully knowledgeable about the project and its implications and consequences and freely agree to participate in the project. Power of choice refers to the people involved have option to agree or disagree, without adverse consequences imposed formally or informally by others.

## Introduction

Tajikistan is a mountainous country, only 6% of the land is arable, and the rural population is dependent on agriculture. Land degradation poses constraints for rural development with 10% of the population living on degraded land while soil erosion affects 70 percent of arable land. Current irrigation and drainage practices amplify soil degradation and stagnating yields. In mountainous areas, steep slopes converted to cereal production contribute further to land degradation, which, in turn, affects forests and rainfed agriculture. Pasture stocks are also rapidly deteriorating and pasture degradation, due to overgrazing, remains a serious threat. Following the collapse of Soviet pasture management system, there has been a lack of funding for restoration and maintenance of pastures and related infrastructure.

The limited forest cover (about 3%) is diminishing rapidly due to overexploitation and uncontrolled grazing. For 70 percent of the population, fuelwood is the primary energy source due to an inconsistent energy supply. Additional constraints include open access to resources, inefficient heating and cooking devices, and lack of land tenure security, and forest ownership awareness. Land degradation is also a threat in protected areas. Currently, about 22% of Tajikistan is demarcated as protected areas and recreational zones, with limited use of natural resources or full prohibition across 2,500 hectares of land with valuable ecosystems.

Landscape quality and people's livelihoods are interlinked and attempts to improve one while ignoring the other do not produce optimum results. Landscape restoration increases productivity of the land base which results in higher income for farmers, enabling them to adopt more sustainable practices and further contributing to landscape health and vigor. Landscapes can be resilient through integrated and spatially focused approaches and improved rural livelihoods. Making landscapes resilient requires long-term commitment and sustained efforts from the government and other stakeholders. Hence, strengthening policy frameworks and institutional capacity are crucial for sustainable landscape restoration outcomes. Such positive outcomes are multiplied when a transboundary challenge is addressed regionally, through concerted efforts and maximization of resources. GoT's commitment to NDC, LDN, Bonn Challenge, ECCA30 and Astana Resolution provides strong basis for projects aiming at landscape restoration.

Although Tajikistan has made commitments to working across sectors in order to better manage landscapes, the country faces a number of challenges: i) weak institutional structures for developing integrated catchment and landscape management strategies; ii) limited technical capacity of public services to promote integrated landscape management and adaptation among communities; iii) a lack of coherent and relevant information and systems for integrated planning coupled with limited knowledge sharing within the country; iv) lack of investments to address degradation; v) limited knowledge among communities of improved landscape management practices; and vi) lack of incentives to adopt such practices. Furthermore, frequent re-organizations of government institutions contribute to a shifting landscape of actors and changing mandates. In response to the existing challenges, the GoT is launching the proposed Tajikistan Resilient Landscape Restoration Project.

The proposed Tajikistan Resilient Landscapes Restoration Project is a part of the Regional RESILAND CA+ Program, whose objective is to increase the resilience of regional landscapes in Central Asia, with particular focus on cross-border landscapes and collaborative efforts. The Project will apply landscape management approaches that seek to provide frameworks for allocating and managing land to achieve environmental, economic and social objectives in areas of multiple and often competing land uses. The project will build on lessons from ELMARL, CAMP4ASB and other Bank and donor-funded projects on forestry, pasture, agriculture, irrigation, disaster risk mitigation, and rural economy in the country.

The Project will be implemented over a five-year period by the Committee for Environmental protection under the Government of the Republic of Tajikistan (CEP). The project is expected to contribute to resilience through project interventions that focus on building technical capacities of land users and

extension support, supporting institutions and access to information, undertaking of resource and climate risk assessments before selecting investments, implementing a range of sustainable land management and climate adaptation investments that also sequester carbon. At the same time, the project will work across sectors, e.g., with the Forestry Agency, Ministry of Energy and Water Resources, Ministry of Agriculture, Ministry of Finance, as well as local administration and organizations (district, sub-district) to incorporate a landscape approach for investment planning.

The project recognizes the significance of and adopts the World Bank's Environmental and Social Standards (ESS), for identifying and assessing as well as managing the environmental and social (E&S) risks and impacts associated with this investment project. Accordingly, ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. The proposed activities are not expected to generate serious adverse effects to human health and the social environment. Project-related land acquisition or restrictions on land use may cause physical and economic displacement. To prevent, avoid, mitigate and reduce those risks and to meet ESS5 requirements the present Resettlement Policy Framework (RPF) was developed by the Government of Tajikistan/ Committee for Environmental Protection on the Project.

This Resettlement Policy Framework (RPF) serves the following specific purposes: (i) Reviews the existing national legal framework, compares it with the ESS 5 for gaps, if any, and indicates gap-filling measures; (ii) Describes the approach to the securing private land, assets and other common property resources; (iii) Specifies the scope of the project with a well-defined exclusion list; (iv) Defines the valuation process of impacted assets; (v) Defines the process for preparation of Social Impact Assessment and RAPs and their review; (vi) Defines of the cutoff date for Title and Non-Title holders; (vii) Identifies the consultation mechanisms/approaches to be adopted while preparing and implementing RAPs including public disclosures; (viii) Defines the monitoring and evaluation arrangements including Grievance Redress Mechanisms (GRM); and (ix) Defines the institutional and implementation arrangements -- role/responsibilities of different stakeholders

The RPF consists of nine chapters, which provide guidelines for the development of appropriate mitigation and compensation measures for adverse impacts caused by the project activities whose exact locations are not known.

- Chapter One includes the Project Objectives and Brief Description of the project components. It also outlines the major project activities planned approaches merged from three distinct risks to be addressed: the socio-economic exclusion of young men and women; regional and cross-border challenges that result in heightened fragility risks; and cross-cutting governance challenges that constrain the implementation of participatory and accountable local governance practices.
- Chapter Two underlines the rationale of Environmental and Social Standard 5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement and the scope of the present Resettlement Policy Framework, which lays bare the next steps on preparing and implementing resettlement instruments.
- Chapter Three provides Objectives and Principles of Resettlement Planning to ensure that people adversely affected under the Project are adequately consulted with on project activities and receive compensation or assistance that will at least restore pre-project level of livelihoods.
- Chapter Four describes Legal Frameworks and Policies Related to Land Acquisition and Resettlement. It informs about the existing relevant national and international legislation and regulatory documents related to land acquisition, resettlement, citizen engagement, and other social issues.
- Chapter Five narrates the RAP Preparation, Approval and Disclosure Process. It indicates required steps towards resettlement action plan development through implementation of census, social and economic surveys, and inventory of losses.

- Chapter Six includes Eligibility Criteria and Procedures for Various Categories of Project Affected People. It sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage claims of ineligible people.
- Chapter Seven describes the Methods of Valuating Affected Assets. It sets out the guidelines for determining the value of affected assets, including types of compensation payments, preparation of asset inventory and valuation methods.
- Chapter Eight underlines the RPF and RAP Implementation Arrangements and Procedures. It describes the optimal arrangements that build on responsibilities already in place in CEP to ensure that the requirements of this RPF are met for each project activity.
- Chapter Nine narrates the Public Consultations conducted during the RPF preparation, RPF disclosure and consultations to be implemented during the project implementation. It also describes the project-based GRM structure and implementation.

Relevant Annexes are enclosed at end of this document to compliment the above-mentioned chapters.

## 1. Project Description

**The Project Development Objective (PDO)** is to increase adoption of landscape restoration practices by rural communities and to pilot nature-based solutions in selected locations/provinces in Tajikistan and promote collaboration by Central Asia countries on transboundary landscape restoration. The term ‘rural communities’ refers to rural households and farms, family enterprises, farmer/community groups, and small rural entrepreneurs.

**Primary beneficiaries.** Primary project beneficiaries will be rural communities, private farmers and farmer groups, villages and village communities and resource user groups (e.g., for pasture, forestry) interested in adopting landscape restoration practices. These communities will benefit from technical and financial support to implement technologies and approaches that improve their livelihoods, increase their resilience, while also contributing to the restoration of ecosystem functions. Government agencies are expected to benefit from support for integrated landscape planning in ways that attempt to reconcile different land uses at national and regional scales. Government agencies will also benefit from financing for restoration activities in forest and protected areas.

**The Project sites** for the interventions to be selected based on a combination of criteria - poverty incidence, potential for integrated landscape restoration (incorporating pasture, agriculture, water, forestry, biodiversity), regional and transboundary corridors, and complementarity with government and donor-funded initiatives. The potential Project sites fall in the following river basins: a) Zarafshon basin covering three districts – Ayni, Panjekent, and K. Mastchoh (in Sughd oblast, bordering Uzbekistan and the Kyrgyz Republic); b) greater Panj covering four districts – Vanj, Rushon, Shughnon, and Murghab (in Gorno Badakhshan Autonomous oblast, bordering the Kyrgyz Republic and Afghanistan); and c) Lower Kofarnihon covering three districts – Shahrituz , Nosir Khisrov, Qubodiyon (in Khatlon oblast, bordering Uzbekistan and Afghanistan). These sites include protected and forest areas that share boundaries with the above countries, along with sub-basins and watersheds that form upper catchments and include tributaries of regionally important rivers. Resources of national and regional significance in these sites include riparian forests (tugai), threatened fauna (snow leopard) and infrastructure (dams).

### Project Components

Project activities are grouped into the following **three inter-related components**, which are further grouped into sub-components:

**Component 1. Strengthen Institutions and Policies, and Regional Collaboration.** This component will finance consulting services, goods and equipment to support the strengthening of national institutional policies and legal frameworks, developing of knowledge and skills of government, communities and other stakeholders for landscape management, and improving the capacities of government partners to operate effectively. Under this component, financing will be provided for activities to support regional collaboration efforts in order to contribute to landscape restoration that benefits both Tajikistan and the wider Central Asia region with which the country shares and contributes critical resources and infrastructure.

**Sub-component 1.1. Strengthen Institutions and Policies. a) Strengthening policy, legal and implementation frameworks.** The project will finance analysis, revisions and adoption of existing policy, legal and implementation frameworks for forests, pastures, and PAs to help align these with national and international obligations.

Landscape Restoration Strategy and Action Plan. The project will finance preparation of a national landscape restoration strategy and action plan. This activity will build on the results of the Restoration Opportunities Assessment Methodology (ROAM).<sup>1</sup> Other important inputs into the strategy will include

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<sup>1</sup> ROAM provides analytical outputs on (i) land degradation and deforestation geospatial/ biophysical aspects and; (ii) economic modeling within a framework that assess the social, political and institutional readiness to implement large-scale restoration.

the WBG-supported climate resilience risk assessment of forestry plantations national forest program, water sector reforms and the PA program, as well as the experiences of conducting sub-basin diagnostics and catchment level community action plans.

**Protected Area Strategy and Action Plan.** There is no overall national PA strategy and action plan to guide the development and management of the PA system. Similar in scope to the National Forest Strategy and Action Plan, the strategy will define the intentions, priorities and measures for the reform and key development of the country's PA system for the next 15-20 years.

**Institutional Capacity Building.** The project will finance a range of important and necessary capacity building activities to improve and increase knowledge and skills of staff, as well as equip central and field units with essential equipment, materials, vehicles, and investment to improve working conditions. The project will support: i) on- the-job training of operational and technical staff on landscape restoration, and a range of related topics through short courses, workshops, seminars, etc., on a range of topics to build capacities to engage in landscape restoration; ii) post-graduate studies for qualifying students for study in the region, or elsewhere, in key topics, e.g., landscape management, forest conservation, pasture management; and iii) curricula development for universities in the country to improve formal training.

**Rehabilitation and improvement of SFE offices, district-level Pasture Commissions and selected Special PA units.** The project will finance the purchase and installation of office and field equipment, as well as vehicles to improve field operations of field and district units.

**Strengthening research and knowledge management.** These activities include: i) research and analytical studies to be carried out in partnership with research and academic institutions on topics such as assessing drivers of land degradation, climate risk assessment, market development and access, PES feasibility assessment and piloting, ecological fiscal transfers; ii) knowledge management through support for platforms, such as Sustainable Land Management Tajikistan (SLMTJ), and dissemination focusing on exchange and learning and similar initiatives, and annual review meetings; and iii) study tours and exchanges within the country, with neighboring countries, and further afield to other countries, building on WBG's presence in the region and globally, as well as other projects and initiatives.

**Sub-component 1.2. Strengthen Regional Collaboration.** The objective of this sub-component is to promote collaboration among Central Asia countries on transboundary landscape restoration given the critical need to address new emerging threats at the regional level, such as the impacts of climate change.

This sub-component will contribute to Regional Platform for harmonization of policies and capacity building programs related to interventions that provide regional and global public goods. It will support Tajikistan's participation in the implementation of several key regional activities identified by the five countries in the 2020 10-year Regional Environmental Program for Sustainable Development (endorsed under the auspices of the Interstate Commission on Sustainable Development- ([ICSD](#))), including: (i) exchange of experience between interested government agencies, as well as local authorities and communities from the targeted districts of the Central Asia countries, (ii) development of MoUs for facilitating border-crossing for ecotourism in protected areas and unique natural sites, (iii) development of MoUs for using common modern methods of inventory of flora and fauna diversity, and ecosystem condition along transboundary corridors, (iv) development of a joint transboundary management plan for ecological corridors for migratory animals and cooperation agreements for addressing issues of protection of key species and habitats, (v) development of MoUs for using nature-based solutions for landscape restoration; (vi) development of a joint protocol of activities on protection and preservation of sites, as well as potential "Peace Parks"; and (vii) conducting regional fora, conferences, and symposiums on landscape restoration, protected area management, ecotourism, etc., In addition, the sub-component will contribute to the management of a regional level M&E system for RESILAND CA+ (see Annex 5 for details) to monitor, evaluate, and report on the Program's regional impact.

The Regional Environmental Centre for Central Asia (CAREC) will execute this sub-component under a contract with the GoT given its regional mandate and capacities. CAREC will partner with other entities, such as FAO, UNDP, UCA, and International Center for Agricultural Research in the Dry Areas (ICARDA), to execute specific activities.

**Component 2. Enhance Resilient Landscapes and Livelihoods.** Overall, this component will finance works, consulting services, non-consulting services, goods, and grants. Both government institutions and communities will implement a range of landscape restoration investments. To support the selection of investments, assistance will be provided for landscape restoration planning. All planning will encourage women's leadership, will follow citizen engagement mechanisms, and will be based on good practice principles for a landscape approach when reconciling different and often competing land uses. Funds for the implementation of community-based activities will be provided through the CEP IG directly to community groups/organizations as defined in sub-grant agreements based on the approved proposals and the achievement of agreed milestones.

To provide support at the operational level, locally based international agencies and NGOs, as well as national NGOs and companies with a track record in similar activities, will be contracted to facilitate participatory planning with PUUs, FUGs (Forest User Groups), groups of farmers, and jamoats (municipalities) in the preparation, implementation and monitoring landscape investments and to build the technical and administrative capacities of these groups.

**Sub-component 2.1 Forest Restoration and Sustainable Forest Management.** The Forestry Agency will lead on the technical aspects of this subcomponent, while the financial and procurement management responsibilities will remain with CEP. This subcomponent includes the following key activities.

*National Forest Inventory.* The project will finance a national-level systematic National Forest Inventory (NFI) using a low sampling density. Other relevant data will also be collected, e.g., evidence of illegal removals, erosion, forest fires, condition/species of pasture, etc., as required.

*Forest management plans.* The project will finance the preparation and implementation of up to 5 sustainable forest management plans for SFEs in the project sites. Sustainable forest management plans will be operationalized through the SFEs' annual plans. The associated digital data will be stored and maintained in an appropriate database, in alignment with plans already compiled for Khovaling SFE. Required additional development and maintenance of this system will be undertaken by the project.

*Implementation of sustainable forest management plans.* Once the plans have been prepared, SFEs will implement the plans. This will include carrying out silvicultural treatments such as assisted natural regeneration, grazing management, thinning, stand management, fire management, forest protection and so on. Fire management may be supported in Sharituz district, bordering Uzbekistan's Babatag Key Biodiversity Area (this can be coordinated and collaborated with Uzbekistan).

*Afforestation and fuelwood plantations.* State Forest Enterprises will carry out afforestation in approximately 4,120 ha (including 220 ha of fuelwood plantation) through JFM. JFM essentially involves leasing forest land to local people over the long term. The tenants rehabilitate and use their forest plots according to management plans, with SFEs advising on forest rehabilitation. Based on experience, SFEs will look to develop contracts primarily with Forest User Groups (FUGs) rather than individual households. FUGs will sign contracts for the land use rights with the SFEs for a period of at least 20 years. A suitably qualified organization will be contracted to mobilize participants and groups, develop plans and provide support to FUGs. There are several organizations in the country that have wide experience in facilitation of similar activities. Plans will be developed jointly by the SFEs with the FUGs for a consolidated area. Assessments and plans will be prepared of proposed locations, species to be planted, and risks and mitigation measures. will be established. Sub-grants will be provided to FUGs to carry out the afforestation

works including for fuelwood plantations which will use fast-growing native species planted on both SFF and non-SFF lands, to supply growing demand of fuelwood,

*Assisted natural regeneration.* SFEs will further improve SFF land through assisted natural regeneration in 8,000 ha. SFEs will carry out activities which will include measures such as fencing to protect regenerating areas, soil improvement and enrichment planting to increase the quality and number of trees and/or species diversity.

*Forest nurseries.* The project will support two types of forest nurseries – those operated by SFEs and smaller ones at the household level. The project will finance semi-modernization measures in eight 8 SFE-operated nurseries in the project areas. This approach is preferred to a smaller number of hub nurseries given the dispersed geographical coverage of the project, and more location specific ecological requirements of each SFE. Building on the experience of JFM in the country, the project will also promote the development of private backyard nurseries to bolster seedling supply for Joint Forest Management (JFM) and afforestation, and as an income generation activity for rural households. A start-up grant will support nursery establishment with the purchase of initial inputs, e.g., seeds, fencing, small equipment. Nursery operators will be connected through a specific seedlings supply contract to boost motivation and ensure specific tree species seedlings. SFEs will monitor household-based nurseries. About 50 nurseries are expected to be established in the project sites.

*Reforestation through Joint Forest Management.* The Joint Forest Management (JFM) approach in Tajikistan focuses strongly on the participation of local communities in forest management. This participatory forest management approach enables the local population – either individuals or groups – to become involved in forest management and support the rehabilitation of degraded natural forests over the long term. Earlier JFM approaches in the country focused on contracts with individual households. However, based on experience, the project will look to develop contracts primarily with Forest User Groups (FUGs that are overseen by local mahalla committees). The size of FUGs will depend on the location and area suitable for JFM, but unlikely to exceed 25 households. FUGs will sign contracts for the land use rights with the SFEs for a period of 20 years, with the possibility of extension. This arrangement will seek to encourage the FUG members to sustainably manage and rehabilitate their forest plot of usually 1-2 hectares. It is anticipated between 100 to 150 FUGs will be supported across the project districts. In addition to the contract, management and annual plans will serve as tools for forest management planning and monitoring of activities and results. Plans will be developed jointly by the SFEs and the respective tenant for each individual plot, or with the FUG for a consolidated area. Typical tasks to be specified in the annual plan include measures to protect the plot from livestock overgrazing, planting of trees, harvesting and pruning. Furthermore, the annual plan specifies the harvest shares of the SFEs and the forest tenant according to a fair sharing principle defined in the contract. The management plan will be developed for a five-year period and will specify long-term goals, such as the installation of an irrigation channel or diversifying a forest plot.

**Sub-component 2.2 Integrated Pasture Management and Restoration.** The Pasture Reclamation Trust (PRT) of the Ministry of Agriculture will lead on technical aspects of this sub-component, which includes the following key activities.

(a) *Geobotanical surveys and pasture inventories.* SCLMG has responsibility for monitoring pasture areas under the authority of the PRT. The project will finance cadastral assessment of pasture resources and geobotanical surveys in the project districts, with data digitized for planning and monitoring purposes. Within this activity, the project will pilot the use of ‘smart inventories’ based on updated methods and statistical analysis. Staff at the SCLMG and PRT will conduct the assessments. Outputs will be used for the overall monitoring system for pasture in the country, and in the preparation of pasture management plans (PMPs) that are mandated by the Pasture Law.

(b) *Forage seed demonstration plots.* Establishment of seed demonstration plots for native forage species in two project locations, each covering 100ha. These plots will be under the management of the PRT, and

serve to demonstrate the production of forage seeds, as well as to supply suitable seeds for forage production by PUUs and others.

(c) *Pasture/livestock Management Plans.* To help slowing land degradation processes, the project will support sustainable pasture/fodder-based livestock production systems in selected areas. The focus of support will be PUUs, whether these are to be created or existing unions are to be strengthened. Where PUUs are to be created, these will be primarily at village and jamoat levels (and at district level, if needed, depending on resource use regimes). In the project districts, financing will be provided for the development and implementation of up to 70 PMPs by PUUs in line with the requirements of the Pasture Law. The PUUs will be responsible for implementing the plans and will operate at the scale (district, jamoat or village) considered appropriate for the resource use regime. Within specified budget limits, the plans supported by the project will identify and finance investments to support: (a) measures to improve pasture productivity and sustainability, such as protecting areas for regeneration, pasture rehabilitation, improving access to remote pastures, and needs for supplementary fodder production; (b) grazing utilization levels; (c) animal health requirements and breed improvement measures; (d) investment needs; and (e) implementation responsibilities, targets and indicators. PUUs will be required to coordinate PMP preparation and implementation, closely with JFM planning and implementation to ensure that measures are in place to protect forest areas from livestock encroachment and to handle the impact of displacing livestock from JFM lands.

**Sub-component 2.3 Protected Area Management and Biodiversity Conservation.** This subcomponent will be technically led by the SENPA, as part of CEP, and includes the following key activities.

(a) *Priority PA Management Plans.* Management plans will be prepared or updated for selected protected areas. Potential PAs include Tajik National Park and Zorkul Special Reserve in GBAO (which borders the Kyrgyz Republic and Afghanistan), Yagnob National Park in Sughd and State Natural Reserve Tigrovaya Balka in Khatlon (bordering Afghanistan).

(b) *Implementation of PA management plans.* Support for implementation would include activities such as establishment of monitoring systems and protocols including remote and field-based monitoring, e.g., camera, traps, drones, surveys, etc. Other PA management investments include tourism facilities, signage, protection infrastructure, and plans to restore/protect about 10,000 ha in and around PAs. Key activities the project will support include: a) boundary demarcation; b) installation of information panels in places frequently visited by local people and tourists; c) census of Marco Polo sheep, Ibex and Snow Leopard and analyses of their habitats; d) protect and enhance habitat of key species, e.g., Indian goose, Tibetan snowcock, argali, ibex, snow leopard, and Bukhara deer; e) promotion of ecotourism and related activities; and f) publishing booklets, maps with tourist destinations, natural, historical and cultural sites.

**Sub-component 2.4. Landscape Restoration and Livelihoods.** The project will provide sub-grants to farmers organized as CIGs to implement small-scale livelihood investments based on Village Development Plans. CEP IG will provide the technical lead for this sub-component and oversee the management of sub-grants to beneficiaries.

Climate-smart crop production practices and technologies. The project will support crop land-based livelihoods, through sub-grants for sub-projects identified and selection in the above plans to groups of farmers that form common interest groups (CIGs), o Both will be eligible for grants to address degradation issues such as on-farm salination, erosion, and low productivity in ways that can increase income for members and reduce degradation impacts and increase climate adaptation. The focus will be the adoption of practices such as: a) diversification of agricultural/horticultural crops; b) improved crop varieties and biotechnology that reduce emissions; c) adoption of water-efficient crops and varieties, and cultivation methods; d) erosion control measures such as increasing vegetative cover along the sides of linear infrastructure such as roads and planting of shelterbelts; e) harvesting and processing of different crops, including cooling, storage; f) reduced tillage intensity and cover crops, crop rotation, perennial cropping systems, cultivation of deep rooting species; g) higher inputs of organic matter to soil, processing and

application of manure. Activities and CIGs would be prioritized and identified during a participatory planning process and supported to prepare proposals. Project financed sub-grants to CIGs will not exceed US\$10,000 and will require a match of 5% if provided in cash, or 10% if provided in-kind as beneficiary contributions.

**Component 3. Project Management and Coordination.** This component will finance the operating costs of project management functions to be carried out by the Implementing Group within the Committee for Environmental Protection. Key functions include procurement, financial management, coordination, reporting, and monitoring and evaluation. The CEP IG will also be responsible for ensuring project compliance with environmental and social standards, attention to gender aspects, and citizen engagement for their respective components. The central CEP IG will be supported by project-financed province-level technical units with core staff in key areas such as pasture management, forestry and biodiversity conservation as needed.

Financing will be provided for fixed and or short-term specialists in procurement, financial management, monitoring and evaluation, and technical assistance in environmental management, social development and in other areas as per approved work and procurement plans. Financing will also be provided for targeted training and other activities in areas such as participatory planning, integrated land management, participatory resource management and other relevant areas to help build the capacity of existing CEP staff, especially those with project responsibilities. The project will support office furniture and equipment, incremental operating expenses (including travel), and partial operating costs for CEP district offices participating in the project.

## 2. Rationale for ESS 5 and RPF Scope

The newly adopted Environmental and Social Standards (October, 2018) set out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. The Bank believes that the application of these standards, by focusing on the identification and management of environmental and social risks, will support Borrowers in their goal to reduce poverty and increase prosperity in a sustainable manner for the benefit of the environment and their citizens. The standards will: (a) support Borrowers in achieving good international practice relating to environmental and social sustainability; (b) assist Borrowers in fulfilling their national and international environmental and social obligations; (c) enhance nondiscrimination, transparency, participation, accountability and governance; and (d) enhance the sustainable development outcomes of projects through ongoing stakeholder engagement.

Ten Environmental and Social Standards establish the standards that the Borrower and the project will meet through the project life cycle. ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. The proposed activities are not expected to generate serious adverse effects to human health and the social environment. However, the project-related land acquisition or restrictions on land use may cause physical and economic displacement. To prevent, avoid, mitigate and reduce those risks and to meet ESS5 requirements the present Resettlement Policy Framework (RPF) was developed.

The Tajikistan Resilient Landscapes Restoration Project will implement interventions related to landscape restoration activities (afforestation in approximately 5,550ha in the project districts, including 100ha of shelterbelt), improvement of resilience of infrastructure (roads, dams), pasture management activities (establishment of seed demonstration plots for native forage species in two project locations, each covering 100ha.), rehabilitation of office buildings of SFE, district-level Pasture Commissions and selected Special PA units, agroforestry and climate smart agriculture practices. The project will also provide grants to resource user groups, e.g., groups of land users/farmers, rural households as well as to jamoats to implement small-scale livelihood investments. The project will avoid activities that may involve physical/ economic displacement and/ or loss of structures and will use the government owned land plots, where needed. Being small scale activities and flexible by design and locations shall be available and hence no resettlement is envisaged. However, there could be some isolated instances wherein lands need to be acquired involuntarily. Towards addressing such a situation, the client has prepared a Resettlement Policy Framework, approved by the Bank and disclosed the same.

Although the detailed impacts under the components will only be known once detailed technical designs are prepared, the Government of the Republic of Tajikistan intended to develop a RPF to address possible impacts related to land acquisition and access restrictions and risks involving potential links to some of the subproject interventions that might be considered as ‘associated facilities’ under the ESS5. The RPF identifies the possible impacts from project activities, describe the range of potential impacts (temporary and permanent) to land use/access and structures and describes how compensation rates will be determined and procedures for the same.

RPF lays bare the next steps on preparing and implementing resettlement action plans (RAP). The framework clarifies resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation. Once the subproject or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific resettlement action plan. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank.

Where there is a gap between national and World Bank procedures, the latter will prevail for all activities financed under this project. The RPF will serve as a screening device to ascertain if there will be any impacts resulting from project activities. The RPF is intended as a practical tool to guide the preparation of social risk and impact mitigation instruments such as Resettlement Action Plans (RAPs) and necessary due diligence for activities during implementation of the comprehensive project. If any impacts are identified, the Government of the Republic of Tajikistan will develop ESF instruments for each subproject based on the guidelines and procedures highlighted in the RPF document.

This draft RPF has been prepared, consulted upon and locally disclosed by the IAs. Once it is approved by the Government of the Republic of Tajikistan and cleared with the World Bank (WB) document will be publicly disclosed at the WB's external website and be available locally through the development centre/Infoshop, in compliance with the WB's ESF. The RPF has been translated into Russian and further will be distributed in such a way as to be available to central and local government agencies and potential PAPs. Implementation of the planned project investments will only take place following these approvals and information sharing/consultation.

### 3. Objectives and Principles of Resettlement Planning

The Resettlement Policy Framework (RPF) aims at describing policies and procedures to ensure that people adversely affected under the Project are adequately consulted with on project activities and receive compensation or assistance that will at least restore pre-project level of livelihoods.

The RPF provides policies and procedures to determine requirements of the World Bank's ESS on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (ESS5), to assess potential expected risks and impacts, to identify detailed steps to develop appropriate mitigation measures, including mitigation and compensation for the impact caused under the project including:

- involuntary land acquisition (temporary or permanent);
- loss of, or impact on, assets or access thereto;
- loss of standing crops, trees income source or livelihoods, regardless of whether the project affected persons (PAPs) will be resettled, or not;
- restricted access to natural resources, public places and services;
- legal framework, eligibility criteria of displaced population, valuation methodology, compensation provision, entitlement matrix, implementation process, consultation procedures,
- due diligence procedures in case of project interventions linked to other development activities supported by the Government and other funding agencies
- grievance redress mechanisms, entitlement payment procedures, and monitoring and evaluation procedures for land acquisition and resettlement under this project.

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

The RPF is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized.
- PAPs are to be suitably assisted in their efforts to improve, or at least restore, incomes and living standards.
- PAPs are fully informed and consulted on compensation options.
- Lack of formal legal land title is not a barrier to compensation or alternative forms of rehabilitation assistance.
- Particular attention is paid to socially vulnerable groups, such as ethnic minorities, female headed households, elderly households, etc. and appropriate assistance is provided to help them adapt to project-related changes.
- Land acquisition and resettlement is conceived and executed as a part of the project, and the full costs of compensation are included in project costs and benefits.
- Compensation/rehabilitation assistance will be paid prior to displacement and prior to ground leveling, demolition, and in any case, before an impact occurs.
- Compensation is to be paid at full replacement cost to PAPs, without deductions for depreciation or any other purpose.

It should be noted that according to World Bank's ESS5, the term “involuntary resettlement” encompasses more than the ‘physical relocation or resettlement’ of affected people. It is defined as the direct social and economic impacts of a project that are permanent or temporary and are caused by the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (iv) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. The ESS5 also applies in case any subproject activities found as ‘linked’ or ‘associated facility’. This ESS requirements and provisions apply to all components of the project that result in involuntary resettlement, regardless of the source of financing. It also applies to other activities resulting in involuntary resettlement, i.e. in the judgment of the Bank, are (a) directly and significantly related to the Bank-assisted project, (b) necessary to achieve its objectives as set forth in the project documents; and (c) carried out, or planned to be carried out, contemporaneously with the project.

It should be further noted that no changes to the RPF entitlement matrix, eligibility criteria, compensation rates or other entitlements to assistance can be made without prior approval of the World Bank. Any RAPs prepared on the basis of the RPF will also be subject to prior approval of the World Bank.

## 4. Legal Frameworks and Policies Related to Land Acquisition and Resettlement

### 4.1 Relevant Legislation of the Republic of Tajikistan on Land Administration

*The Constitution of the Republic of Tajikistan* establishes exclusive state property on land whereas the state ensures its effective use in the best interests of the people. The amendments to the Land Code, that took place in August 2012 allow alienating land use rights and land use rights became subject to buying/selling, gift, exchange, pledge and other transactions. Amendments to the Mortgage Law, allow the individual land user to pledge his/her user rights to the land plot to another individual, bank or institution at the current market price. The implementing mechanisms for these amendments are being developed, although this right provides greater scope and flexibility to the land user. Cost of realty, constructions and assets should be compensated to physical persons.

*The Land Code* of the Republic of Tajikistan is the most systematized code of rules regulating the complex of legal relations arising during the process of exercising the land use rights. Matters related to suspension of land use rights, in case of their acquisition, and compensation of losses to land users and losses connected to withdrawal of land from the turnover are considered in two chapters and nine articles of the Land Code. These articles contain basic provisions on land acquisition for public and state purposes. The Code allows the state to seize the land from land users for the needs of projects implemented in the interests of state and at the state scale, and describes methods, system and order of protection of rights and interests of persons whose land is subject for withdrawal for the purposes of the project and provides for the complex of compensatory measures to cover the land users' losses. The Regulation about an order of compensation of the land users' losses and losses of agricultural production, approved by the Resolution of the Government of the Republic of Tajikistan # 641, dd. 30<sup>th</sup> December 2011, establishes concrete and detailed order of reimbursement of the land users' losses.

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

- Acquisition of the land plots for the purposes of the state and public needs have to be done after provision of the equivalent land plot;
- New dwelling, production and other buildings, similar to those seized, have to be constructed on the new plot in established order;
- Losses occurred during the land plot acquisition have to be compensated in full amount, including missed profit, and losses should be calculated at market cost;
- Construction of buildings and compensation of losses will be made by the institutions and organizations in whose favor the land is seized (project beneficiaries);
- Provision of the new land plot, construction of buildings, compensation of all types of losses, including lost incomes, have to be done before the official land acquisition from the land users.

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

The Land Code requires that the institution which is interested in the land acquisition should justify the necessity of such acquisition and demonstrate that the plot of land should be seized and there is no alternative for the project implementation. The land plot could be seized in cases of need of construction of buildings and constructions or implementation of works of the state interest. If the project presents the interest of the state, the beneficiary of the project has to prepare a proposal on land acquisition required for the purposes of commencement of such acquisition. In accordance with the Law, the process of acquisition

has to be completed and all people and households which were included into the project zone provided with the compensation before permission is granted to commence construction.

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

*Law on State Registration of Real Estate and Rights to it* (2012) regulates the procedures for state registration, transfer of rights of real estate ownership. Article 3 describes the real estate objects, which also includes the land plots. It covers the legal relations between the government bodies responsible for land plot registration and issuing land certificates.

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

*Table 1. Laws and Regulations on Land Administration in Tajikistan*

- The Constitution of the Republic of Tajikistan establishes land as an exclusive property of the state.
- The Land Code, Civil Code, rules on land allocation for individuals and legal entities.
- The Land Code of the Republic of Tajikistan is a systematized code of rules regulating complex of relations arising in the process of possession and use of land.
- The Civil Code of the Republic of Tajikistan is regulating the legal status of participants of civil circulation, grounds for arising of rights and order of their implementation, contractual obligations, property and non-property relations.
- The Law of the Republic of Tajikistan “On Land Valuation” establishes legal grounds for normative land valuation (2001)
- The Law of the Republic of Tajikistan “On Local Bodies of the State Authority” establishes normative grounds for allocation and reallocation of land (2004)
- The Law of the Republic of Tajikistan “On Land Management” regulates relations connected to legal grounds of activities in the sphere of land management (2008).
- The State Land Cadaster is a system of information and documentation on natural, economic and legal status of lands, their categories, qualitative characteristics and economic value.
- Regulation on the order of compensation for losses of land users and damage of the agricultural production process, approved by the Resolution of the Government of the Republic of Tajikistan # 641, establishes an order of compensation of losses of land users (2011).
- The Civil Procedural Code of the Republic of Tajikistan establishes an order, rules and terms of judicial protection in case of legal proceedings on matters related to involuntary resettlement.
- The Economical Procedural Code of the Republic of Tajikistan also establishes an order, rules and terms of judicial protection in case of legal proceedings on matters related to involuntary resettlement.

## 4.2 National Sectoral Legal Provisions

*Law of the Republic of Tajikistan on Environmental Protection* (No. 1160 dated 27.11.2014, No. 1449 dated 18.07.2017) defines the legal basis of state policy in the field of environmental protection and is aimed at ensuring sustainable socio-economic development, human rights guarantee for a healthy and favorable environment, strengthening the rule of law, preventing the negative impact of economic and other activities on the environment, organizing the rational use of natural resources and ensuring environmental safety. Chapter 6 requires an Environmental Impact Assessment and Chapter 7 specifies requirements for the

location, design, construction, reconstruction and commissioning of enterprises, buildings, and other facilities.

*Law on Environmental Impact Assessment*, No.1448 enacted on 18 July 2017, establishes the legal and organizational aspects of the impact on the environment, its relationship with the state ecological expertise, as well as the procedure for recording and classifying objects of impact assessment on the environment. Chapter 18.2. describes types of the environment components to be taken into account when assessing the impact on the environment:

- atmospheric air;
- surface and ground waters;
- surface and bottom of reservoirs;
- landscapes;
- land resources and soils;
- flora and fauna;
- ecosystems;
- public health;
- employment of the population, the possibility of obtaining education and using other social infrastructure;
- objects of historical and cultural heritage and other material values;
- other components of the environment or their combination.

*Land Code*, No 326, enacted in December 13, 1996, last amended in 2016, governs the relations of land use and protection, land use and property relations, which arise from getting (acquisition) or conveying land use rights. Chapter 6. of the Law determines compensation for land users and losses related to withdrawal of lands from circulation.

*Law of RT "On Flora Protection and Use"* (as amended by the Law of the RT No 329 dated 30.07.2007, No 353 dated 5.01.2008) establishes the principles of state policy of the Republic of Tajikistan in the field of protection and rational use of flora, defines the legal, economic and social basis in this area and is aimed at the conservation and renewal of flora resources.

*Forestry Code of the RT* (dated July 21, 2011, No. 209), regulates state and social relations connected with management, use and protection of forests. The Law regulates the protection, possession, sustainable use, and reproduction of forests in Tajikistan. It defines prohibited activities in protected forest zones and their regimes and conditions when undertaking allowed activities in the utilization zone of forests and their regimes.

*Law of RT "On Specially Protected Natural Areas"* (as amended by Law No. 1159 dated 27.11.2014), defines the legal, organizational and economic basis of specially protected natural areas, establishes their objectives, mode of operation and zoning.

*Law of the RT "On Pastures"*, (Dated June 2019, No. 1618) regulates social relations connected with the pasture's management, use and protection, including principles and procedure for the use of pastures.

*Law of RT about Water Users Association* (No 1668, January 2020) regulates the legal framework for the organization, operation and management of a water users association as a non-profit organization for the operation and maintenance of irrigation systems in the public interest. Chapter 3. of the law in Article 10. (Rights of Water Users Association) determines that WUA have a right:

- in necessary cases, use the land for laying canals, drains and roads, in cases of damage to compensate the land user in accordance with the Land Code of the Republic of Tajikistan...

*Water Code*, No. 1688, April 2, 2020, regulates public relations related to the ownership, use and disposal of waters and water entities and is aimed at the protection and rational use of water resources, as well as

the legal protection of water users. Chapter 8/Article 61. describes that losses caused to individuals and legal entities by carrying out water management activities (hydraulic works, etc., except for emergencies and related to natural disasters), as well as the termination or change in the conditions of water use, are subject to compensation in the manner prescribed by the legislation of the Republic of Tajikistan.

*Law on Protection and Use of Objects of Historical and Cultural Heritage* (2012, amended in 2017) regulates social relations in the field of protection, use, preservation and promotion of objects of historical and cultural heritage. Article 5 prohibits construction of new objects on the territory of objects of historical and cultural heritage without authorized permission, while Article 21 covers measures to be taken to restore historical sites and cultural heritage and their preparation for rehabilitation works.

#### 4.3 National Social Legal Provisions and Regulations

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

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

The 2014 *Law on Public Meetings, Demonstrations and Rallies* (Article 10) bans persons with a record of administrative offenses (i.e. non-criminal infractions) under Articles 106, 460, 479 and 480 of the Code for Administrative Offences from organizing gatherings<sup>2</sup>. Article 12 of the Law establishes that the gathering organizers must obtain permission from local administration fifteen days prior to organizing a mass gathering.

*Law on Local Governments (2004)* assigns a district or city chairman the authority to control over the natural resource management, construction and reconstruction of natural protection areas, to oversee the local structures in sanitary epidemiological surveillance, waste management, health and social protection of population within the administrative territory. No public gathering is implemented without official notification of local government (district khukumat).

*Law of Republic of Tajikistan on Appeals of Individuals and Legal Entities* (2016) contains legal provisions on established information channels for citizens to file their complaints, requests and grievances. Article 14 of the Law sets the timeframes for handling grievances, which is 15 days from the date of receipt that do not require additional study and research, and 30 days for the appeals that need additional study. These legal provisions will be taken into account by the project-based Grievance Redress Mechanism.

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<sup>2</sup> These provisions concern the hampering of gatherings (Article 106); disorderly conduct (Article 460); disobedience to police (Article 479); and violation of rules of conducting gatherings (Article 480).

#### 4.4 The World Bank Environmental and Social Standard on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (ESS5)

The WB's ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term "involuntary resettlement" refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

##### **ESS5 Objectives**

- To avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring project design alternatives;
- To avoid forced eviction;
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.

This ESS applies to permanent or temporary physical and economic displacement resulting from the following types of land acquisition or restrictions on land use undertaken or imposed in connection with project implementation:

- (a) Land rights or land use rights acquired or restricted through expropriation or other compulsory procedures in accordance with national law;
- (b) Land rights or land use rights acquired or restricted through negotiated settlements with property owners or those with legal rights to the land, if failure to reach settlement would have resulted in expropriation or other compulsory procedures;
- (c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- (d) Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;
- (e) Displacement of people as a result of project impacts that render their land unusable or inaccessible;
- (f) Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, fresh water, medicinal plants, hunting and gathering grounds and grazing and cropping areas;
- (g) Land rights or claims to lands or resources relinquished by individuals or communities without full payment of compensation; and

- (h) Land acquisition or land use restrictions occurring prior to the project, but which were undertaken or initiated in anticipation of, or in preparation for, the project.

This ESS does not apply to impacts on incomes or livelihoods that are not a direct result of land acquisition or land use restrictions imposed by the project. Such impacts will be addressed in accordance with ESS1.

This ESS does not apply to voluntary, legally recorded market transactions in which the seller is given a genuine opportunity to retain the land and to refuse to sell it and is fully informed about available choices and their implications. However, where such voluntary land transactions may result in the displacement of persons, other than the seller, who occupy, use or claim rights to the land in question, this ESS will apply.

Where a project supports land titling or other activities intended to confirm, regularize or determine land rights, a social, legal and institutional assessment will be required under ESS1. The assessment aims to identify potential risks and impacts, as well as appropriate design measures to minimize and mitigate adverse economic and social impacts, especially those that affect poor and vulnerable groups. This ESS does not apply to disputes between private parties in land titling or related contexts. However, where persons are required to vacate land as a direct result of a project-supported determination that the land in question is state land, this ESS will apply (in addition to the relevant provisions of ESS1).

This ESS does not apply to land use planning or the regulation of natural resources to promote their sustainability on a regional, national or subnational level (including watershed management, groundwater management, fisheries management, and coastal zone management). Where a project supports such activities, the Borrower will be required to conduct a social, legal and institutional assessment under ESS1, in order to identify potential economic and social risks and impacts of the planning or regulation, and appropriate measures to minimize and mitigate them, in particular those that affect poor and vulnerable groups.

This ESS does not apply to management of refugees from, or persons internally displaced by, natural disasters, conflict, crime or violence.

## **ESS5 Requirements**

### *Project design*

The Borrower will demonstrate that involuntary land acquisition or restrictions on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period of time. The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social, and financial costs and benefits, and paying particular attention to gender impacts and impacts on the poor and vulnerable.

### *Compensation and benefits for affected persons*

When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Compensation rates may be subject to upward adjustment where negotiation strategies are employed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.

### *Community engagement*

The Implementing Agency will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10 on Stakeholder Engagement and Information Disclosure. Decision-making processes related to resettlement and livelihood restoration will include

options and alternatives from which affected persons may choose. Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.

#### *Grievance mechanism*

The Implementing Agency will ensure that a grievance mechanism for the project is in place, in accordance with ESS10 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.

#### *Planning and implementation*

Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The social assessment will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In conjunction with the census, the Borrower will establish a cutoff date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal.

To address the resettlement impact, this ESS requires preparation of a RAP for the land acquisition process, once the extent of the direct impact is known. Where an impact is minor (less than 200 people, no person is physically displaced, and less than 10 percent of their productive assets are lost), an Abbreviated RAP can be prepared. For projects with significant impacts, a full RAP is required. The ESS5 requires that special attention is to be paid to the needs of vulnerable groups of the impacted population, especially to the residents living below the poverty line, the residents without land rights, the elderly, women, children, and ethnic minorities.

In principle, the Land Code of the Republic of Tajikistan and the World Bank ESS5 both adhere to the objective of compensation at replacement cost, but Tajikistan legislation does not provide for rehabilitation and in practice this has been left to ad hoc arrangements made by the Government of the Republic of Tajikistan.

To clarify these issues and reconcile eventual gaps between Tajikistan legislation and World Bank Policy, this RPF has been drafted for the Project, ensuring compensation at replacement cost of all items, the rehabilitation of non-titled people and informal settlers, and the provision of subsidies or allowances for PAPs who may be relocated, suffer business losses, or may be severely affected.

The main provisions affording reconciliation of the differences between Land Code of Tajikistan and World Bank's ESS5 include:

- Any PAPs, regardless of title or not, will be entitled to compensation (for structures, crops and trees) and rehabilitation measures under the project. This includes land-less people using land and squatters.
- PAPs and affected communities will be consulted on options and any impacts of land acquisition and resettlement.
- A social screening will be conducted to identify the level of potential impacts and appropriate mitigation measures.

- If land for land compensation is not technically feasible or socially viable, compensation will be in cash at full replacement cost at current market value.
- Compensation for any other assets affected (structures, crops and trees, as well as business/income loss) will be in cash or kind at full replacement cost at current market value. Vulnerable and poor PAPs will be entitled to additional measures as relevant, and gender issues will be addressed.
- Maintenance works will avoid or minimize, as far as possible, the need for land acquisition and resettlement.
- Compensation for temporary loss of land or assets, or for temporary disruption of income will be provided.

It must be especially noted that under the WB ESS5, status of those without legal title is clearly defined. In accordance with this policy, those people who do not possess official legal title or judicial rights for the land use, but still use the state land are entitled to receive compensation, taking into account the investments they made into the state land, their labor and lost assets, but not for land ownership as in the case of a titled owner. Instead, alternative sites are allocated for their use, or other forms of assistance in lieu of land compensation, are provided to those informally using or occupying land to the project cut-off date.

#### 4.5 Comparison of national legislation and WB ESS 5

Analysis of previous resettlement documentation including resettlement plans, frameworks shows that there are some divergences between World Bank Policy and Tajikistan's legislation in the sphere of compensation for involuntary resettlement took place in the investment projects. The main discrepancies are in public consultation before resettlement activities, detail explanation of entitlements to project affected households, and provision of just compensation instead of full replacement cost, carry out socioeconomic surveys among PAPs. Tajik Laws only provide compensation for land to the PAPs with land titles and no compensation to encroachers for the same. The World Bank ESS5 provides for compensation for land to both legal owners and encroachers. ESS5 states that where there is a conflict between the Bank and government frameworks, those of the Bank shall take precedence.

It is important to note that because of State ownership of lands in Tajikistan, land use is only possible with the permission of local authorities on the basis of a lease or on other terms. Accordingly, land use issues are fully covered by land legislation and are not governed by provisions of customary law, traditional practices, or neighborhood relationships, etc. According to the Tajik laws, those who use or occupy land without a lease or other type of official permission will not be entitled to legal compensation. The State will have the right to seize the land from those "illegal land users". Persons who take up their residence on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

ESS 5 highlights that particular attention should be paid to the needs of the most vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, people with disabilities, women and children, indigenous peoples, ethnic minorities, and also other categories of displaced persons whose interests may not be protected by national legislation with regard to the compensations for the land plots subject to withdrawal.

In case of disparity of the laws of the Tajikistan with the requirements of the WB ESS5 provisions on involuntary resettlement, the principles and procedures of ESS5 should be applied. This priority of WB norms over the national legislation is required for World Bank financed projects and provided by the national legislation.

A comparison between the Tajik legislation and the World Bank ESS 5 is summarized in the Table below.

Legal Provision	Tajik Law	WB ESS5
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<b>Resettlement plans</b>	No specific provisions for the process of resettlement planning, but <i>commissions are established</i> to determine the type and value of compensation	Resettlement instruments (RAP, RPF, etc.) need to be prepared and implemented before any displacement can take place
<b>Public consultations</b>	No specific provisions	Consultations are an integral part of ESS5 and 10
<b>Entitlements:</b> a) natural/legal persons who have formal legal rights to land	Entitled to compensation	Entitled to compensation
b) natural/legal persons who lack formal legal rights to land when the census begins, but have a claim to such land or assets (provided that such claims can be recognized under Tajik laws)	Entitled to compensation	Entitled to compensation
c) natural/legal persons who have no recognizable legal right or claim to the land they are occupying	Not entitled to compensation	Eligible to resettlement assistance
<b>Assistance to vulnerable and severely affected PAP</b>	There are no special laws or regulations for livelihood restoration due to land acquisition and involuntary resettlement impact. However, the resettlement commissions are entitled to assess the vulnerability and severity of PAPs and provide additional financial assistance.	These PAPs are to be identified and special assistance is provided to restore/ improve their pre-project level of livelihoods.
<b>Procedural mechanisms</b>	<ul style="list-style-type: none"> <li>• Information disclosure. Land Code (article 40) requires publicizing the land withdrawal orders in local newspapers.</li> <li>• Public consultation. Matters of local importance to be publicly discussed with local authorities. But no requirement to consult directly the PAPs.</li> <li>• Grievance Procedures. Each state agency/ministry must follow to detail instructions (approved by government) on</li> </ul>	<ul style="list-style-type: none"> <li>• Information disclosure. Resettlement-related documents to be timely disclosed in the PAP language.</li> <li>• Public consultation. Meaningful public consultations are to be held with the PAPs. PAPs should be informed about their entitlements and options, as well as resettlement alternatives.</li> <li>• Grievance procedure. A Grievance Redress Mechanism (GRM) is to be established for each project. Information on GRM is to be communicated to</li> </ul>

	<p>registering and reviewing the concerns and claims from citizens. No anonymous complaints are accepted.</p> <ul style="list-style-type: none"> <li>• Asset acquisition conditions. Property can be acquired only after full compensation is paid to PAPs.</li> </ul>	<p>the PAPs. Anonymous complaints are filed and processed.</p> <ul style="list-style-type: none"> <li>• Asset acquisition conditions. Property can be acquired only after full compensation is paid to the PAPs.</li> </ul>
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## 5. RAP Preparation, Approval and Disclosure Process

The first step in the process of preparing a RAP is the assessment to identify land plots and assets that may be affected by the Project. This assessment of land plots affected will be carried out by the CEP IG Social Specialists in conjunction with the representatives of local governments and will be used to identify the types and nature of potential impacts associated with the activities proposed for implementation under the Project, to adopt respective impact mitigation measures. This assessment also shows that the prevention or minimization of resettlement is a key criterion in preparation of the RAP prior to implementation of the Project.

The assessment will be carried out according to the established criteria detailed in Annex 1 and will be documented in the form of a report on screening (see Annex 1-3) of the expected social impacts, following the adoption of main technical solutions or detailed sub-projects.

The design will not be completed until it is clearly established that all attempts have been made to minimize the impacts of resettlement. If the assessment indicates the need for physical displacement, land acquisition, impact on assets or negative impact on economic resources, whether or not there is physical displacement, the next step will be a social and economic census and inventory of the land resources and assets in order to determine the extent of the need for resettlement. This will be followed by the development of the RAP for the Project, following the steps outlined below.

### 5.1 Census, Social and Economic Surveys, Inventory of Losses

The census and socio economic survey shall be carried out using a structured questionnaire to record the details of the present occupants of land being acquired, their tenure status (primary land user or secondary land user), the extent of land required for the proposed improvements, in order to: (i) assess the magnitude of impact to private assets; and (ii) to assess the extent of physical and/or economic displacement, as well as standard of living, inventory of assets, sources of income, level of indebtedness, profile of household members, health and sanitation, perceived benefits and impacts of the sub-project and resettlement preferences of those who require to relocate. This information would facilitate the preparation of a resettlement action plan to mitigate adverse impact.

The purpose of the baseline socio-economic survey of affected persons is to capture the socio-economic characteristics of the affected persons and to establish monitoring and evaluation parameters. The key socio-economic indicators will be used as a benchmark for monitoring the socio-economic status of project affected persons. The survey shall cover all PAPs and the survey shall also collect gender-disaggregated data to address gender issues in resettlement. As part of socio-economic survey, a wide range of consultations with different impacted groups as well as other stakeholders will be conducted to ascertain their views and preferences. Based on the outcome of these consultations the design changes, if required, and mitigation measures will be incorporated. Consultations will include women and their concerns and

reactions, in particular to land tenure, livelihood impacts, delivery of compensation, and resettlement planning, will be addressed through appropriate mitigation.

A cut-off date will be established during the census and will be the date of the population census and enumeration of impacted assets. Following the census, a RAP will be developed based on the collected data of impacts and impacted persons.

## 5.2 Preparation of Resettlement Action Plans

RAP will be prepared after the social and economic census and the identification of project affected parties. The RAP will be drafted in consultation with the project affected parties. In particular, consultations will be held on compensation entitlement, as well as on emerging obstacles to economic and livelihood activities, on assessment methods, compensation, possible assistance, PAPs' inspirations, grievance mechanisms, as well as on the timeline for implementation. The final version of the RAP will incorporate PAP's remarks/comments. The key RAP elements indicated in ESS5 are listed below. The RAP contents are also outlined in Annex 5. The level of Project impact on individual affected people is not expected to be significant (i.e., the PAPs are not likely to be physically displaced or lose their productive assets). It is expected that the number of affected people under any single subproject will be less than 200 people. In such cases, an abbreviated RAP can be prepared. If the number of affected people exceeds 200, a full RAP will be developed. However, given the small scale of majority of subprojects under the project, no interventions will lead to physical or economic displacement of 200 or more persons.

The abbreviated RAP will include several standard sections, such as: description of project impact and valuation of affected assets, description of affected people and of their basic socioeconomic and demographic characteristics, institutional arrangement and implementation procedures, compensation and assistance to be provided to affected people; results of consultations, monitoring and evaluation procedures, timeline and budget, at minimum. The data on the project-affected households are considered as an important component of the ARAP; however, due to respect for privacy, the information relating to particular individuals and households shall not be subject to public disclosure. Data collected at the beginning of the ARAP process can then be used as a baseline to ensure affected persons and households are able to maintain, or preferably improve, their standard of living to pre-project levels.

Where a full RAP needs to be developed, it should include the following at minimum: (i) baseline census and socioeconomic survey information; (ii) specific compensation rates and standards; (iii) policy entitlements related to any additional impacts which are not identified in this RPF but which are identified through the census or survey during implementation; (iv) programs for improvement or restoration of livelihoods and standards of living; (v) implementation schedule for resettlement activities; (vi) and detailed cost estimate.

## 5.3 Disclosure and approval

The following steps should be followed after full/ abbreviated RAP preparation:

- The draft RAP shall be subject to discussion with PAPs who will receive a copy of the RAP a week before the discussion. Public consultations shall be attended by PAPs, LSG representatives, CEP, IG representatives, and NGO representatives.
- After the discussion, comments and proposals shall be reflected in the RAP.
- The RAP shall include a section of the consultation process with the matrix of comments and proposals for the inclusion and implementation thereof.
- The Social Development Specialist shall submit the RAP to the Project Coordinator for approval.
- After inclusion of the comments received as a result of disclosure of the RAP and after approval thereof by the Project Coordinator, the RAP shall be officially sent to the WB for review and confirmation on the compliance with ESS5 and other applicable policies/procedures.

- Once the World Bank confirms the acceptability of the quality of each RAP, it shall be disclosed on the WB website, published as a final RAP on the CEP/ IG website and re-shared with all stakeholders. Private information about PAPs shall not be made publicly available.

No changes shall be made to the compensation entitlement matrix, eligibility criteria, compensation rates, or provisions for assistance without the prior World Bank's consent.

## 6. Eligibility Criteria and Procedures for Various Categories of Project Affected People

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

### 6.1 Principles

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

#### *ESS5 Eligibility Classification*

Affected persons may be classified as persons:

- (a) Who have formal legal rights to land or assets;
- (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- (c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

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

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

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

Eligibility for assistance under World Bank ESS5 also applies for project affected persons even if it is deemed that Tajikistan legal provisions provide for temporary or permanent acquisition of private land immediately adjacent to existing public roads without compensation.

### 6.2 Eligibility Criteria and Entitlements

The RPF stipulates eligibility and provisions for compensating all types of losses (land, crops/trees, structures, business/employment, and workdays/wages). All PAPs including non-titled or informal dwellers will be compensated for lost assets (crops, structures, trees and/or business losses) and will receive (i) compensation (as required, to match replacement value), and/or (ii) replacement land, structures, seedlings, other resettlement assistance such as shifting allowance, assistance with rebuilding structures, compensation for loss of workdays/income.

The criteria for eligibility is based on PAPs belonging to one of three groups: (a) those who have title or formal legal rights to land; (b) those who do not have formal legal rights to land at the time of the Inventory of Losses (IOL)/Detailed Measurement Survey (DMS) or 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 RAP;<sup>3</sup> and, (c) those who have no recognizable legal right or claim to the land they are occupying (i.e. non-titled users or informal settlers).

The PAPs who are entitled to compensation under the Project include:

- Persons whose structures are in part, or in total, affected temporarily or permanently by the Project;
- Persons whose residential or commercial premises and/or agricultural land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project;
- Persons whose businesses are affected in part, or in total, (temporarily or permanently) by the Project;
- Persons whose employment or hired labor or share-cropping agreement is affected, temporarily or permanently, by the Project;
- Persons whose crops (annual and perennial) and/or trees are affected in part, or in total, by the Project;
- Persons whose access to community resources or property is affected in part, or in total, by the Project.

Where land is to be acquired, titled or legalizable PAPs will receive compensation for land acquired by the Project at replacement cost. This will be in cash at replacement value or land-for-land with a combination of productive potential, location advantages, and other factors of which is at least equivalent to the advantages of the land taken to the satisfaction of the PAP (of equal size and/or productive value and be satisfactory to the PAP). Non-titled PAPs are not eligible for compensation for land but will receive compensation for assets attached to land and other assistance as required, in lieu of land compensation.

Households headed by single women with dependents and other vulnerable households will be eligible for further assistance to fully mitigate project impacts. Table below presents the Project's entitlement matrix, based on potential losses.

Compensation eligibility will be limited by a cut-off date to be set for each subproject and PAPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however, will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated, and they will not pay any fine or sanction. Forced eviction will only be considered after all other efforts are exhausted.

### 6.3 Entitlement Matrix: Eligible PAPs, Assets and Compensation Guidelines

Project Impact	PAP Category	Asset Affected	Compensation Guide
Permanent acquisition of land for works such as construction of small infrastructure facilities (schools, water pipelines,	Primary land user	Land	Replacement land of equivalent market value as priority option within 3 km radius. Failing availability of land, cash compensation at replacement cost. If over 10% of land is acquired, an additional 5% of replacement value will be paid (increasing to 10% if over 20%) as a severe impact

<sup>3</sup> This includes people who have not yet completed registration and who are considered as "legalizable" users (this will be identified as a form of land tenure in the IOL), they will be entitled to compensation as if they are legal/titled owners of land. The RAPs prepared will establish that continued facilitation of the registration process will be undertaken as part of livelihoods/wellbeing restoration under the Project's resettlement process.

energy sub-stations etc.)			subsidy. If the remainder of the plot is not economically viable the entire plot will be compensated
Temporary acquisition of land for works, or construction.	Primary land user	Land	Rental estimated value of land based on market rates and restoration of land and all assets thereon to former status. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis.
Temporary acquisition of land for works, or construction	User/occupier without certificate	Land	Restoration, replacement or compensation of all assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis.
Permanent acquisition of land for works such as construction of small infrastructure facilities.	Land renter or share-cropper	Land	In addition to land user compensation. Reimbursement of rent for remainder of contract period, plus 3 months of rent or 3 months of market price of share-cropping produce as disturbance allowance.
Permanent acquisition of land for works associated with the construction of small scale infrastructure.	User/occupier without certificate	Land	Compensation equal to 3 months of rent/share-cropping benefit as disturbance allowance.
Permanent acquisition of land for works associated with the construction of small-scale infrastructure.	Primary land user	Crops	In addition to land compensation, will be allowed to take standing crop and cash compensation for 2 seasons or annual crop yield depending on the crop.
Permanent acquisition of land for works associated with the construction of small scale infrastructure facilities.	Tenant farmer, share-cropper or informal user/occupier	Crops	In addition to land compensation, allowed to take standing crop and cash compensation for 2 seasons or annual crop yield depending on the crop.
Permanent acquisition of land for works associated with the construction of small-scale infrastructure facilities.	Owner	Business	In addition to land compensation, owner will be paid for the lost income during the transition period, calculated on the basis of average daily /monthly income. Further, an additional payment equivalent to three month's income will be paid to restart the business in the new location

Permanent acquisition of land for works associated with the construction of small-scale infrastructure.	Renter	Business	The renter will be reimbursed the rent for the remainder of the contract. Further, an additional payment equivalent to three month's income will be paid to restart the business in the new location.
Temporary acquisition of land for works, or construction.	Owner	Business	Rental value of land based on market rates and restoration of land and all assets thereon to former status. In addition, owner will be paid for the lost income during the transition period, calculated on the basis of average daily / monthly income.
Temporary acquisition of land for works, or construction.	Renter	Business	In addition to the reimbursement of rent during the transition period, the renter will be paid for the lost income during the transition period, calculated on the basis of average daily /monthly income.
Common Property uses such as Grazing	User	Grazing land	Grazing can continue. No expected impacts on grazing land.
Destruction of fruit tree (mature)	Owner	Fruit tree	Allowed to take standing crop. Price of a sapling and associated cost (fertilizer, water, labor) and cash compensation for the value of a mature tree harvest multiplied by number of years it will take for the sapling to reach maturity
Commercial tree owner	Owner	Commercial trees	Price of a sapling and cash compensation for the market value of the commercial tree. Any costs associated with planting of saplings in the new plot.
Permanent acquisition of legal structure.	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Replacement structure or cash compensation at replacement value of a new structure plus full compensation for all fees needed to make replacement structure legal. Affected buildings/ structures should be compensated in their entirety.
Permanent acquisition of illegal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Replacement structure or cash compensation at replacement cost. Affected buildings/ structures should be compensated in their entirety.
Temporary acquisition of legal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Structure restored to original condition. If inconvenienced, then build a temporary replacement structure to service the affected person.
Temporary acquisition of illegal structure	Owner of structure	Any structure including house, fence, or sanitation structure etc.	Structure restored to original condition with alternatives for legalization. If inconvenienced, then build a temporary replacement structure to service the affected person.
Vulnerable people	Identified on the basis of the socio-economic survey and criteria developed such		In addition to compensation for assets lost, a lump-sum equivalent to 3 month of average salary payments could be paid depending on

	<p>as income level, disability, household size, etc.</p> <p>Vulnerable people may include the disabled, pensioners, widows, female-headed households, and impoverished households) and only if project renders them vulnerable.</p>		<p>the impacts. Any additional impacts to be identified and compensated, for example logistical support may be required for moving, and assistance in the restoration of livelihoods may be required.</p>
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In none of these cases, the PAPs will be liable for any taxes and eventual transaction fees; these will be paid by the implementing agency from the resettlement budget to be contributed by the Government of Tajikistan. Besides, the amount to cover bank service fees will be added on top of the amount of cash compensation to be received by PAPs at the banks. Land certificate reissuing costs should be covered by the Government contribution.

#### 6.4 Voluntary Land Donation

In case of small sections of land required for micro level subproject activities, the project may seek support from the community to donate lands. However, the community members have the right to make a contribution of their land or other assets without seeking or being given compensation at full replacement value. Voluntary contribution is an act of informed consent. Local Authorities must assure that voluntary contributions are made with the affected person's full and prior knowledge of the availability of other options (including compensation at replacement cost) and are obtained without coercion or duress. Also, voluntary donations are allowed only if the affected people are direct beneficiaries of the investments that cause such impact. Proposals including voluntary contributions will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users (the size of land contributed on a voluntary basis should not exceed 5% of that individual's total land holding).

Specifically, the following protocol will govern voluntary contributions under the project:

- Voluntary contributions are an act of informed consent and affected people are not forced to donate land or other assets with coercion or under duress or misled to believe that they are obliged to do so, without regard to the legal status of their land occupancy.
- Land alienation should not result in physical or economic displacement.
- The impacts must be minor. The households contributing land or other assets are direct beneficiaries of the sub-project; the impact is less than 5% of the total productive assets owned by said household.
- The facilities requiring land should not be site specific.
- The land in question must be free of squatters, encroachers, or other claims or encumbrances.
- The land must be identified by the local government authorities. However, the project technical authorities should ensure that the land is appropriate for sub-project purposes and that the sub-project will not have any adverse health or environmental safety hazards.
- Voluntariness will be ascertained by CEP IG with due signing by a higher-level official. A process to this effect will be formulated by CEP IG shared with the Bank for approval.
- Verification of the voluntary nature of land donations must be obtained from each of the persons/ household donating land. This should be in the form of signed statements.
- The PIUs will also create awareness among the community to devise mechanisms to express a sense of gratitude to those households donating lands. These will find a place in the statements.
- Other things being equal, land donations will not be accepted by female-headed households (FHHs) and elderly people.

The affected people are fully informed that they have the right to refuse to donate land or other private assets, and instead receive compensation at replacement cost, and that a grievance handling mechanism is available to them through which they can express their unwillingness to donate. Furthermore, people are encouraged to use the grievance handling mechanism if they have questions or inquiries, either in writing or verbally.

## **6.5 Methods to Determine Cut-Off Dates**

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

This communication will be done through CEP/ IG in line with the consultation procedures outlined in this document. The potential PAPs will be informed through both formal notifications including through local and national mass-media, in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

## 7. Methods of Valuating Affected Assets

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

### 7.1 Type of Compensation Payments

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

- Land;
- Residential buildings, structures and fixtures;
- Cultivated crops (both cash and food crops) and trees; and
- Business houses like shops and restaurants.

In addition, disturbance allowance, storage of goods, replacement of lost services and other assistance will be given, as outlined in the Entitlement Matrix above. However, this is *for guidance only and it is essential that at the time of detailed RAP preparation current market values and replacement cost values are used to establish actual compensation*. All cash amounts will be adjusted to reflect any economic changes and buying power of currency since the preparation of this RPF. The CEP IG will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and that it is consistent with Republic of Tajikistan laws as long as it meets the requirements of WB ESS5.

### 7.2 Preparation of Asset Inventory

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

### 7.3 Valuation Method

#### 7.3.1. Compensation for Land

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

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

Where land lost is only a small proportion of total land owned by the PAP (as per discussion with the Government officials in Dushanbe, this will be likely the case with most of the land users), but renders the

remaining land as unusable, the compensation provided should be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land).

Where land is temporarily acquired, standing crop will be compensated at fully matured market rate or government rate, whichever is higher. The compensation will be paid to the tiller rather than the owner, where the tiller is not the owner (e.g. tenant or sharecropper). There will hence be no adjustment in the terms of the rent of share cropping agreement. Aside from the payment for standing crop, the project will ensure that the land is returned to its original form, so it is suitable to resume its former use.

### 7.3.2 Calculation of Crops and Fruit Trees Compensation Rate

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

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

Fruit trees will be compensated to the owner based on the price of a replacement sapling along with the annual value of the fruit produced by that tree for the number of years it will take the sapling to reach full maturity, using Government or highest market price, whichever is higher.

### 7.3.3. Compensation for Structures

The preferred option is to provide alternate structures (latrines, storage facilities, fences etc.) of at least equal quality and of improved quality where possible. The second option is provision of cash compensation at full replacement value.

Replacement values will be based on:

- Measurements of structures and detail of materials used.
- Average replacement costs of different types of household buildings.
- Structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g poles, bricks, rafters, bundles of straw, corrugated iron sheets, doors etc.).
- Prices of these items collected in different local markets.
- Costs for transportation and delivery of these items to the acquired/ replacement land or building site.
- Estimates of construction of new buildings including labor required.
- Compensation will be made for structures that are (i) abandoned because of relocation or resettlement of an individual or household, or (ii) directly damaged by subproject activities.

### 7.3.4. Compensation for Community Assets

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

#### **7.3.5. Compensation for Sacred Sites**

This policy does not permit the use of land that is defined to be cultural property by the Bank's Environmental and Social Standard 8. Sacred and genocide war memorial sites include but not restricted only to museums, altars, initiation centers ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by the legislation of the Republic of Tajikistan (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any project activity, is not permitted under this project. Relevant clauses will also be inserted in the civil works contracts.

#### **7.3.6. Compensation for Loss of Businesses**

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

## 8. RPF and RAP Implementation Arrangements and Procedures

### 8.1 Overview

The project will be implemented by the committee on Environmental Protection (CEP). The CEP's mandate is to coordinate policies and investments on sustainable natural resource management, climate change mitigation and adaptation, environmental monitoring and awareness..

The IA will promote key aspects of landscape restoration efforts in the country and support a range of activities to address drivers of degradation and capitalize on opportunities to enhance sustainable land management. All project components will be managed by the Project Implementing Group (IG) within the Committee for Environmental Protection (CEP).

The CEP IG will also be responsible for ensuring project compliance with environmental and social standards, attention to gender aspects, and citizen engagement for their respective components. The central CEP IG will be supported by project-financed province-level technical units with core staff in key areas such as pasture management, forestry and biodiversity conservation as needed.

The IG will employ Social Development Specialist in Dushanbe who will have the necessary experience and knowledge on WB social risk management standards and social assessment frameworks to ensure project compliance to the new ESF. Since the CEP has limited experience and knowledge on addressing requirements related to new ESSs, the ESF capacity building activities will be included into the E&S Commitment Plan.

For the purpose of the RPF implementation, given that the project locations are in rural areas, the IG Social Development Specialist will closely work with PDO and will collaborate with the representatives of the local khukumats, jamoats and affected settlements.

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

With regards to RPF implementation, the IG and PDOs in collaboration with local khukumats will be responsible for (i) implementing social screening and evaluation of subproject eligibility from the ESS point of view; (ii) communicating and coordinating with relevant government authorities (Land Administration Agency and its branches); (iii) ensuring proper implementation of the RPF, requirements as well as social due diligence tasks during the subprojects' realization; (iv) addressing complaints and feedback from project stakeholders and the public, including grievances regarding environmental/social impacts of subprojects; (v) supervising mitigation measures stipulated in the RAP implementation; (vi) monitoring social impacts as part of overall monitoring of the subproject implementation; and (vii) reporting social impacts originated during implementation of sub-projects and analyzing the efficiency of mitigation measures applied to minimize negative consequences. Together with subproject implementors and beneficiaries, the IG/PDOs and local khukumats are responsible for the implementation of the above activities.

For successful implementation of the RPF, the following project staff and structures will be required:

- The IG –1 Social Development Specialist, 1 M&E Specialist

- Project District Officers (PDO) located in every second closely located target districts. Each PDO will cover two districts.
- Khukumat (district administration) – 1 GRM focal point and the GRM Commission/Group established.

## 8.2 Screening of Project Activities

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

Screening will be undertaken in accordance with established screening criteria and procedures by CEP IG which is given the responsibility to manage and oversee the construction process under both Components. Completed screening forms will be prepared by the IG Social Development Specialist or local Consultants in Sughd, Khatlon and GBAO provincial centers. No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts.

### 8.2.1 List of Non-Eligible Activities for Subprojects

The initial screening for the eligibility of the subproject will be based on the list of excluded activities that will not be permitted by the WB. Therefore, subproject proposals that include these activities will not be considered for financing.

Non-eligible activities for subprojects are listed in Table 2 below.

*Table 2. List of Non-Eligible Activities for Subprojects*

- |   |
|---|
| <ul style="list-style-type: none"> <li>• Have negative environmental or social impacts that are irreversible, create cumulative impacts and/or cannot be adequately mitigated;</li> <li>• Production or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements, or subject to international bans, such as pharmaceuticals, pesticides/herbicides, ozone depleting substances, PCB, wildlife or products regulated under CITES;</li> <li>• Production or trade in unbounded asbestos fibers;</li> <li>• Production or trade in wood or other forestry products other than from sustainably managed forests;</li> <li>• Production, trade, storage, or transport of significant volumes of hazardous chemicals, or commercial scale usage of hazardous chemicals (gasoline, kerosene, and other petroleum products);</li> <li>• Production and processing of genetically modified organisms (GMOs);</li> <li>• Use of banned pesticides;</li> <li>• Use of species provided in Appendix 1 to the Bonn Convention on International Trade in Endangered Species of Wild Fauna and Flora;</li> <li>• Will cause high negative impact on income/livelihood resources;</li> <li>• Involve any kind of forceful evictions of people;</li> <li>• Do not meet the required technical and quality specifications;</li> <li>• Exclude the poor/marginalized population or otherwise vulnerable groups;</li> <li>• Are financed, or scheduled to be financed, by the government or other development partners;</li> <li>• Include the payment of compensation for land or asset loss from the proceeds of the World Bank financing;</li> </ul> |
|---|

- Production or activities involving forced labor;<sup>4</sup>
- Involve activities that cause or lead to child abuse, child labor exploitation or human trafficking: no child under the age of 15<sup>5</sup> should work on the construction, rehabilitation or maintenance of a subproject;
- Entail the purchase or use of illegal/illicit drugs, military equipment or other potentially dangerous materials and equipment, including chain saws, pesticides; insecticides; herbicides; asbestos (including asbestos-containing materials); or other investments detrimental livelihoods including cultural resources; and
- Involve development of new settlements or expansion of existing settlements in critical habitats, protected areas or areas proposed for certain levels of national protection (e.g., reserved forests).

### 8.3 Socio-Economic Profiling and Inventory of Losses

Should the screening process show that land acquisition will be required, the next step will be the socio-economic identification and profiling of Project Affected Persons (e.g., their age, asset dependence, income, family status etc.). This is the equivalent of a census conducted for large-scale resettlement. Similar to a census, 100% of PAPs will be profiled. This step should take place at the same time as the inventory and valuation of all assets affected for each individual PAP.

Once these steps are completed and there is evidence of resettlement issues, a Resettlement Action Plan (RAP) will be developed on the basis of the data collected. This RPF provides a framework for the preparation of RAPs to address resettlement associated with the activities of this project.

The screening process will involve direct consultation with the PAP(s) who will work with the CEP IG representatives and officials from the Jamoat (sub-district), mahalla (village) and District Administration (or Mayor / Municipal Structures in case of cities and towns) on-site to verify the affected assets and discuss their socio-economic situation. Before the process begins, the PAP(s) will be advised in writing and verbally of their rights and will be consulted throughout the resettlement process. This will include sharing a copy of the grievance redress procedure and the entitlement matrix.

### 8.4 Due Diligence Review of Linked Activities

The local community driven interventions and socioeconomic infrastructures supported by the project may or may not be part of the Government and local government development activities. The initial review of some of the proposed interventions revealed that there might be some potential links to other development activities which need due diligence reviews. Therefore, in addition to above mitigation measures, some protocol should be established to review any infrastructure activities planned and/or implemented by other donors and/or government institutions, which may be associated or linked to the sub-projects to be supported under the Project will be reviewed by the IG and the WB social development team members. Due diligence review report will be prepared to assess the associated social and reputation risks and to propose mitigation measures.

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<sup>4</sup> Forced labor means all work or service, not voluntarily performed, that is extracted from an individual under threat of force or penalty

<sup>5</sup> Articles 113, 67, and 174 of Labor Code set the minimum employment age as 15. In addition, there are some labor restrictions on what type of work can be done, and how many working hours are permissible by workers under the age of 18. Examples of labor restrictions include: age of 15 cannot work more than 24 hours per week while those under 18 cannot work more than 35 hours per week; during the academic year, the maximum number of hours is half of this, 12 and 17.5 hours, respectively. These limitations are consistent with the ILO Convention on Minimum Age.

## 8.5 Estimates of affected population and assets in the project affected areas

Cases of temporary or permanent acquisition of individual land plots cannot always be avoided as suitable public land may not be available for the construction of infrastructure projects to be selected on competitive basis. The extent to which any temporary or permanent land acquisition will be necessary or whether the access and use of land will be constrained on a temporary or permanent basis is not yet known and can only be fully determined after each sub-project design is completed. CEP IG does not expect any demolition of capital structures during implementation of the Project, though the destruction of smaller-scale structures (fences etc.) cannot be fully precluded at this stage. Given that the impact on affected populations and/or assets are not yet clear, estimates will be produced when the project commences.

However, discussions with the officials from the Governors' administrations, CEP IG and Department of Land Management reveals that the impacts on the entire displaced population will be minor (i.e. affected people are **not** likely to be physically displaced and less than 10% of their productive assets will be lost) and fewer than 200 people would be affected in any activity.

## 8.6. Roles and Responsibilities

This section describes the roles and responsibilities to implement resettlement plans addressing physical and/or economic displacement described ESS5. The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures. The outline of the resettlement plans is enclosed in Annex 6.

A site-specific assessment will be conducted in accordance with the WB ESS5, and site-specific resettlement plan will be prepared as a result of such evaluation. These will be the responsibility of CEP IG Project district officers, however they will be supported by khukumats and jamoats. Table 3 indicates the process flow for the resettlement plans development:

*Table 3: Resettlement Plans Development Process Flow*

Step 1	<ul style="list-style-type: none"> <li>a) The IG Social Development Specialist supported by DPOs will conduct screening of the subprojects with regard to prohibited/excluded activities;</li> <li>b) If the subproject passes the screening for the list of prohibited/excluded activities, the IG Social Specialist complete Social Screening Checklist;</li> <li>c) Based on the Social Checklist to determine the risk category;</li> </ul>
Step 2	<ul style="list-style-type: none"> <li>a) If the subproject requires a complete socio-economic profiling of Project Affected People (PAPs) and inventory of losses, it should be referred to the IG for further action.</li> <li>b) For <i>Substantial and Moderate Risk subprojects</i>, the IG Social Development Specialist notes potential social risks and indicates how they will be prevented/mitigated in the Social Screening Table</li> </ul>
Step 3	If the subproject is selected for funding, the IG Social Specialist supported by Project District Officers, jamoats and khukumats will prepare resettlement plans
Step 4	The IG will disclosure of the draft resettlement plans and organizes a public consultation, involving NGOs, community representatives, affected groups, etc. Formal minutes will be prepared to record inputs provided by the participants.
Step 5	<ul style="list-style-type: none"> <li>a. The subproject applicant will submit the full set of resettlement documents for consideration and further decision on funding;</li> <li>b. Upon approval of sub-projects, the IG will complete subproject appraisal and proceed with signing of the financing agreement with respective sub-project beneficiaries.</li> </ul>

The implementation arrangements of the RPF build on implementation arrangements for resettlement and compensation activities in line with the WB's ESS 5 outlined in this document. Distribution of the responsibilities of all parties involved in the resettlement plans implementation is given in Table 4.

*Table 4: Roles and Responsibilities during Resettlement Plans Implementation*

Responsible Party	Responsibilities
IG	<ul style="list-style-type: none"> <li>• Approve the resettlement plans with the WB and disclose them at the CEP websites</li> <li>• Arrange for the government funding approval and disbursements for the resettlement plans implementation</li> <li>• Implement resettlement plans on site and provide regular reporting on implementation to the WB</li> <li>• Summarize the resettlement issues related to project implementation to WB in regular progress reports.</li> <li>• Be open to comments from affected groups and local authorities regarding resettlement issues of project implementation. Meet with these groups during site visits, as necessary.</li> <li>• Provide guidance to the construction contractor and engineering supervision firm to follow the resettlement plans requirements on site together with local khukumat focal points.</li> <li>• Coordinate and liaise with WB supervision missions regarding environmental and social safeguard aspects of project implementation.</li> <li>• Conduct regular monitoring activities for the implementation of site-specific resettlement plans;</li> <li>• Manage GRM database and provide regular reporting on the number and substance of grievances</li> </ul>
Local Khukumats	<ul style="list-style-type: none"> <li>• Organize its disclosure of the final resettlement plans and organizes public meetings, involving NGOs, community representatives, affected groups, etc. Formal minutes will be prepared to record inputs provided by the participants.</li> <li>• Manage the grievance mechanism at the district level;</li> <li>• support implementation of social screening of project sites during project implementation.</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>• Comply with the resettlement plans requirements;</li> <li>• Compensate or fix all damages occurred during construction (i.e. damages to crops, infrastructure) as set out in Resettlement plan/RPF and cleared with the IG.</li> <li>• Manage GRM at the contractor's level</li> </ul>
World Bank	<ul style="list-style-type: none"> <li>• Review the site-specific Resettlement Plans and provide no objections to the PIG.</li> <li>• Disclose final Resettlement plans on WB's official website</li> <li>• Conduct implementation support and supervision missions in order to ensure that the Project is in compliance with WB ESS5.</li> </ul>

The above table describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each project activity. These are based on the institutional structure at the time of writing the RPF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

## 8.7 Monitoring and Evaluation Arrangements

Component 3 will support Monitoring and Evaluation (M&E) activities to track, document, and communicate the progress and results of the project. The IG M&E Specialist will be responsible for overall compilation of progress and results. This Component will finance the IG to prepare project reporting—semi-annual reports and quarterly unaudited IFRs—that will be submitted to the World Bank. This Component will also finance an MIS, which the IG will establish and utilize for project monitoring, automatic generation of project reports, project transparency (sub-project information will be publicized on websites), and citizen feedback.

### 8.7.1 Monitoring Plans

The social issues included within the mitigation measures are monitored and supervised by the local specialists appointed by the IG. Although the social impacts are expected to be low, the potential negative social impacts are planned to be prevented or mitigated during the construction and operation stages.

Environmental and social monitoring system starts from the implementation phase of the project through the operation phase in order to prevent negative impacts of the project and observe the effectiveness of mitigation measures. This system helps the WB and the IG to evaluate the success of mitigation as part of project supervision and allows taking an action when needed. The monitoring system provides technical assistance and supervision when needed, early detection of conditions related to mitigation measures, follows up on mitigation results, and provides information of the project progress.

Environmental and social monitoring to be implemented by the IG has to provide information about key environmental and social aspects of the subprojects, particularly the project environmental and social impacts and the effectiveness of taken mitigation measures. Such information enables to evaluate the success of mitigation as part of project supervision and allows corrective action(s) to be implemented, when needed. In this regard the Monitoring Plan identifies monitoring objectives and specifies the type of monitoring, and their link to impacts and mitigation measures. Specifically, the monitoring section of the RAP provides: (a) a specific description and details of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements; and, (b) monitoring and reporting procedures.

### 8.7.2 Monitoring and Reporting Responsibilities

Through its Project Development Officers located at the district level, the IG will monitor all sub-projects that it finances to ensure conformity to ESF requirements during construction, operation and maintenance. They will ensure full compliance with the contract conditions to the RPF/Resettlement Plans. Final payment to the contractor should be contingent on the final inspection, with particular attention to the requirement to restore the site to its original condition upon completion of rehabilitation activities.

IG's Social Development Specialist will visit the sub-project sites as and when necessary. Based on performance of different sub-projects, the IG's Social Development Specialists will advise on the subsequent disbursements that should be done for the contractors awarded a contract to implement sub-projects under the Project. If it is found that there is no RPF and/or ESF compliance, further disbursements will be stopped until ESF compliance is ensured.

In addition, in the project areas the IG will be responsible for the environmental and social monitoring activities identified above as part of the preventive actions and mitigation measures proposed to address potential adverse impacts. This monitoring will be incorporated into the overall project monitoring plan required by the World Bank as part of project performance.

As part of its environmental and social monitoring activities, the IG will conduct random inspections of project sites to determine the effectiveness of measures taken and the impacts of sub project activities on the surrounding environment. The PIU are also responsible for processing, addressing and monitoring complaints and other feedback, including that on environmental and social issues.

The IG will be responsible for RPF/Resettlement Plans reporting and will:

- Record and maintain the results of project supervision and monitoring throughout the life of the project. It will present summary progress reports on RPF/Resettlement Plans implementation and the social and environmental risks of subprojects on a semi-annual basis to the World Bank,

- Prepare semiannual reports on the progress of implementation of measures proposed by the RPF/Resettlement Plans for selected sub-projects, and as part of this reporting, provide updates on any Project related as grievances/feedback that was received, that has been addressed and that may be pending;
- Prepare semiannual reports on the social impacts originated during implementation of sub-projects and analyze the efficiency of mitigation measures applied to minimize negative consequences;
- Prepare outlines and requirements for Contractors' reports on resettlement mitigation measures, and review Contractor's monitoring plan and reports
- Present the impact of mitigation and environmental and social protection measures for general public via specific publications or/and by annual public seminars.

## 8.8 Implementation Budget

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of this project. However, when these locations are known, and after the conclusion of the site-specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, detailed and accurate budgets for each RAP will be prepared. Each RAP will include a detailed budget, which will provide costs of the following:

- Compensation may include, for example: costs for land, structures, crops; restoring structures; community structures and services.
- Relocation costs may include, for example: costs of resettling PAPs, administrative costs of resettling PAPs.
- Income restoration costs may include, for example: temporary income support for PAPs.
- Administrative costs may include, for example: staff costs, training and capacity building costs, monitoring and evaluation.

The IG is responsible for implementing the Resettlement Policy Framework and RAP, including payment of compensation, provision of other types of assistance, implementation of the grievance redress mechanism to be covered through the resettlement budget to be contributed by the Government of Tajikistan.

# 9. Public Consultations and Disclosure

## 9.1 RPF Disclosure

The summary information on the draft RPF was posted on the CEP website on August 30, 2021 ([www.tajnature.tj](http://www.tajnature.tj)). The final version of the RPF was officially disclosed on November 20, 2021 and will be submitted to the World Bank for disclosure on the WB external webpage by November 22, 2021. The final version of this document will be used by respective government agencies and other Project stakeholders during the project implementation.

## 9.2 Public Consultations

The CEP and IG have conducted virtual public consultations on this draft RPF and invited all interested stakeholder organizations including local representatives of the other Government bodies, such as local branches of CEP, agriculture, health & labor departments, local khukumats, jamoats, mahalla leaders, and local NGOs in Dushanbe on September 3, 2021 and in 3 target districts on October 28-29, 2021. Minutes of consultations are enclosed in Annex 8. During the consultations, the CEP/IG presented a summary of draft E&S instruments, including RPF. In particular, the audience was informed about screening of the

projects, the Environmental and Social Assessment for Substantial Risk sub-projects, potential impacts which may be generated as well as measures to be taken to prevent/mitigate potential impacts. Note that these consultations included resettlement aspects and as such this section only focuses on relevant environmental and social questions that were asked during the consultations.

*Consultation on sub-project social assessments.* The disclosure of resettlement documents for Substantial Risk subprojects is mandatory, and these are to be made accessible to project-affected groups and local NGOs. There will be a round of consultations after preparation of the RAP (including disclosed of the draft RAPs on the CEP/ IG website and by presenting their hard copies to the local structures/ khukumats and jamoats).

*Consultation on simple subprojects.* In the case of new small construction, insignificant reconstruction, change of machinery and equipment etc., which will not have a significant affect on the society, public consultations can be conducted virtually or in key sites in local public administration offices. For construction/reconstruction activities a notice plate will be installed at the project site.

### 9.3 Grievance Redress Mechanism

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

Grievances may arise from members of communities who are dissatisfied with eligibility criteria use, community planning and resettlement measures, actual implementation or compensation.

#### 9.3.1 Overall Process

- a) During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances.
- b) The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases. Having an effective GRM in place will also serve the objectives of reducing conflicts and risks such as external interference, corruption, social exclusion or mismanagement; improving the quality of project activities and results; and serving as an important feedback and learning mechanism for project management regarding the strengths and weaknesses of project procedures and implementation processes.

The project will use a local mechanism, which includes resettlement committees, peers and local leaders of the affected people. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.

- d) The response time will depend on the issue to be addressed but it should be addressed with efficiency.
- e) Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

#### 9.3.2 Procedures:

Grievances can be filed at the following two levels:

To whom is the complaint filed	Form of submission	Complaint management procedure	Time for consideration of complaints
Local level: Local government authorities (district/jamoaat / mahalla) and IG district Project Officers	Verbal, Written In electronic format	<p>1. Register complaint/ proposal in the Log for registration of complaints and proposals;</p> <p>2. Maintain and monitor the process of reviewing and responding to complaints;</p> <p>3. Reporting monthly in writing to the IG, to the Social Development Specialists on the status of work with complaints.</p> <p>If the issue cannot be resolved to the satisfaction of the complainant within 5 days, then it is taken to the next level. In the register of complaints and suggestions, a record is made about the solution of the problem or the decision to move it to the next level.</p>	5 days
National level: IG Social Development Specialist	Written, electronic, through websites	<p>1. Register a complaint in the Log for complaints and proposals;</p> <p>2. Maintain and monitor the process of reviewing and meeting the complaints;</p> <p>3. Consideration of the complaint may require additional verification of the issue, including collection of additional documents.</p> <p>3. Report on a monthly basis in written (depending on the nature of the issue) on the status of work with complaints.</p>	15 days  <i>30 days for the appeals</i> that need additional study

If, after receiving a response from the IG, the complaint is not satisfied, the Conflict Resolution Commission (CRC) to be established by IG and local khukumat at the PAP request. The CRC will consist of at least 5 members, including 2 staff members of IG, representatives of recognized local NGOs / CSOs, reputable individuals (for example, a respected lawyer or professor), if available, and representatives of the participating site. Decisions made by the commission and agreed between all parties are legalized in the form of an order of the participating khukumats.

The IG Social Development Specialist will function as the Secretary of the CRC and serve as national Grievance Focal Point (GFP) to file the grievances and appeals. S/he will be responsible for summarizing the number and types of all the complaints and issues received by the districts.

The complainant will be informed of the outcome immediately and at the latest within *5 days* of the decision.

The project affected persons can also file their complaints with the central apparatus of the CEP directly. The timeline for the grievance processing is 15 days upon registration, and 30 days if cases require additional investigations and review.

**Appeal Mechanism.** If the complaint is still not resolved to the satisfaction of the complainant, then s/he can submit his/her complaint to the appropriate court of law.

### 9.3.3 Grievance Log

The Grievance Focal Points will maintain local grievance logs to ensure that each complaint has an individual reference number and is appropriately tracked, and recorded actions are completed. When receiving feedback, including grievances, the following is defined:

- Type of appeal
- Category of appeal
- People responsible for the study and execution of the appeal
- Deadline of resolving the appeal.
- Agreed action plan

The GRM Focal Points (IG Social Development Specialist, supported by Project District Officers) will ensure that each complaint has an individual reference number and is appropriately tracked, and recorded actions are completed. The log should contain the following information:

- Name of the PAP, his/her location and details of his / her complaint.
- Date of reporting by the complaint.
- Date when the Grievance Log was uploaded onto the project database.
- Details of corrective action proposed; name of the approval authority.
- Date when the proposed corrective action was sent to the complainant (if appropriate).
- Details of the Grievance Committee meeting (if appropriate).
- Date when the complaint was closed out.
- Date when the response was sent to the complainant.

### 9.3.4 Monitoring and Reporting on Grievances

The IG Social Development Specialist will be responsible for:

- Collecting and analyzing the qualitative data from GFPs on the number, substance and status of complaints and uploading them into the single project database;
- Monitoring outstanding issues and proposing measures to resolve them;
- Submitting quarterly reports on GRM mechanisms to the IG M&E Specialist.

Quarterly reports to be submitted by the IG shall include Section related to GRM which provides updated information on the following:

- Status of GRM implementation (procedures, training, public awareness campaigns, budgeting etc.);
- Qualitative data on number of received grievances \ (applications, suggestions, complaints, requests, positive feedback), highlighting those grievances related to the WB ESS 5 and number of resolved grievances;
- Quantitative data on the type of grievances and responses, issues provided and grievances that remain unresolved;

- Level of satisfaction by the measures (response) taken;
- Any correction measures taken.

### 9.3.5 World Bank Grievance Redress System

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information on how to submit complaints to the World Bank's corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>. For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org). A complaint may be submitted in English, Tajik or Russian, although additional processing time will be needed for complaints that are not in English. A complaint can be submitted to the Bank GRS through the following email: [grievances@worldbank.org](mailto:grievances@worldbank.org)

Communities and individuals who believe that they are adversely affected by a project supported by the World Bank may also file complaints directly to the Bank through the Bank's Country Office through the following channels.

By phone: +992 48 701-5810

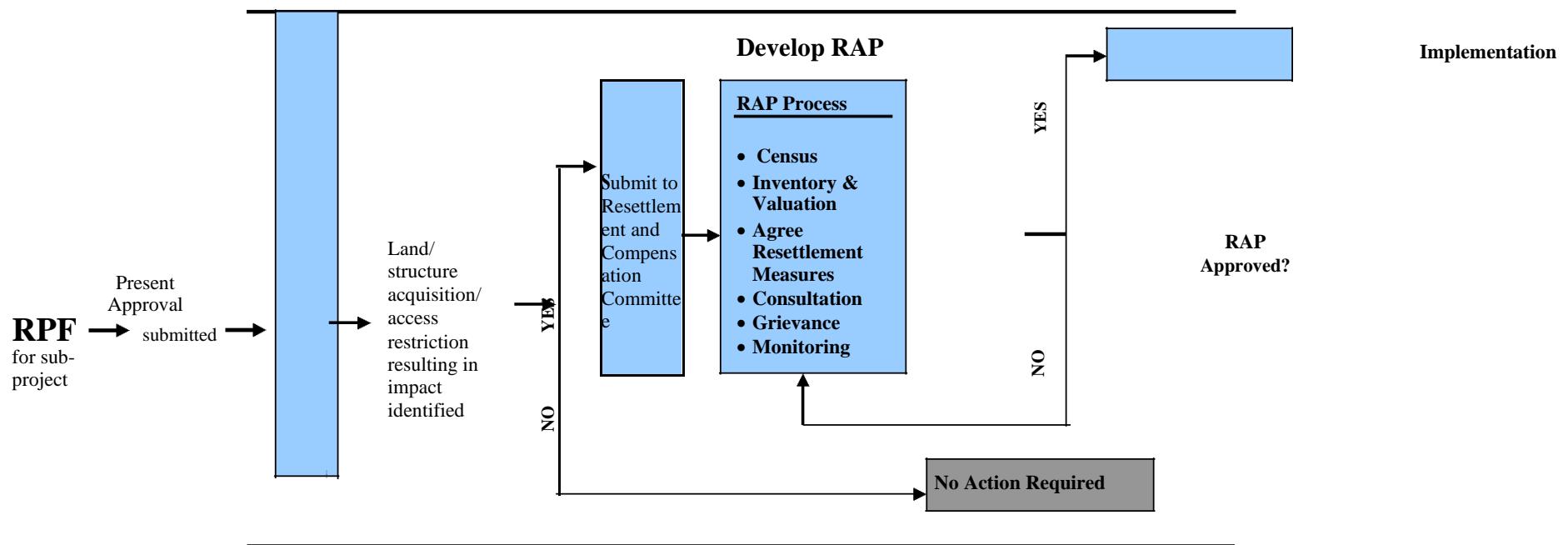
By mail: 48 Ayni Street, Business Center "Sozidanie", 3rd floor, Dushanbe, Tajikistan

By email: [tajikistan@worldbank.org](mailto:tajikistan@worldbank.org)

The complaint must clearly state the adverse impact(s) allegedly caused or likely to be caused by the Bank-supported project. This should be supported by available documentation and correspondence to the extent possible. The complainant may also indicate the desired outcome of the complaint. Finally, the complaint should identify the complainant(s) or assigned representative/s and provide contact details. Complaints submitted via the GRS are promptly reviewed to allow quick attention to project-related concerns.

## ANNEXES

### Annex 1. Outline of the RAP process.



## Annex 2: Screening report form of expected social impacts

(The report should be brief)

Sub-project \_\_\_\_\_

Sub-project implementation location\_\_\_\_\_

(Indicate location of implementation with the designation on the map-scheme with photos)

Kind of activity: \_\_\_\_\_

(new construction, reconstruction, rehabilitation, maintenance)

Estimated cost \_\_\_\_\_

Estimated start date: \_\_\_\_\_

Technical drawings / specifications discussed: \_\_\_\_\_

Checklist:

Nº	Possible impact factor	Availability (Yes/ No)	Comments
1.	Does the sub-project fall into private land?		
2.	Is it necessary to physically or economically relocation of residents or businesses? Will there be involuntary acquisition of land? Will there be impact on assets?		
3.	Are social impacts potentially significant?		
4.	Is it required to determine the level of assessment of institutional resources necessary for protection measures?		
5.	Are there any third-party assets at the project site?		
6.	Are there any disputed territories?		
7.	Will there be access roads and pedestrian paths to residential buildings and commercial structures during construction?		
8.	Will the construction lead to changes in social environment, will the incomes of commercial structures and the population decrease?		
9.	Will the planned construction affect the health of the population and harm somebody?		
10.	Will the sub-project cause protests and concerns among residents?		
11.	Will activities cause unfavorable impact on the living conditions of the population, its values, and way of life?		
12.	Will the sub-project cause inequality between population groups?		
13.	Is the degree of public interest in the sub-project high?		
14.	Are there any facts of the past impact of involuntary resettlement in a given territory, which require corrective actions for not mitigated past relocations?		
15	Is this subproject linked with any other infrastructure development project		

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

*Recommendations:*

Taking into account responses to monitoring questions, it will be determined whether further actions are required or not to apply procedures of the WB ESS5 \_\_\_\_\_

Completed by (full name and contacts): \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Annex 3: PAP census form and inventory of the land fund

Household interviews

	Name	gender		age	Marital status and educational level	supporter		employment		family income level	Rented or own housing	Does the family receive social assistance?
		m	f			yes	no	yes	no			
1.												
2.												
3.												

Consultant's full name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Annex 4: Inventory of PAP's land assets

Location \_\_\_\_\_ Date: \_\_\_\_\_

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

INTERVIEWER NAME \_\_\_\_\_ Signature \_\_\_\_\_ / Date \_\_\_\_\_ /

## Annex 5: PAP rights for compensation

# Of interview	Full name of household head	Compensation for land			Compensation for construction			Compensation for crop and trees			Compensation for other assets and losses (wells, business, etc.)		
		amount (m <sup>2</sup> or hectares)	Unit price per (m <sup>2</sup> or ha)	Land Title (Yes/ No)	Number (m <sup>2</sup> or ha)	Unit price per (m <sup>2</sup> or ha)	Title (Yes/ No)	Number (m <sup>2</sup> or ha)	Unit price per (m <sup>2</sup> or ha)	Title (Yes/ No)	Number (m <sup>2</sup> or ha)	Unit price per (m <sup>2</sup> or ha)	Title (Yes/ No)

INTERVIEWER NAME \_\_\_\_\_ Signature \_\_\_\_\_ / Date \_\_\_\_\_ /

## Annex 6: Outline of the Resettlement Action Plan and Abbreviated Resettlement Action Plan

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

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

2. *Potential impacts.* Identification of

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

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

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

- (a) the results of a census survey covering
  - (i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
  - (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
  - (iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;
  - (iv) information on vulnerable groups or persons as provided for whom special provisions may have to be made; and
  - (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- (b) Other studies describing the following:

- (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
- (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
- (iii) public infrastructure and social services that will be affected; and
- (iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

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

- (a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;

- (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- (d) laws and regulations relating to the agencies responsible for implementing resettlement activities;
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land--including claims that derive from customary law and traditional usage.

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

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

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

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

9. *Resettlement measures.* A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy (see ESS5). In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

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

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

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

12. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement<sup>3</sup>and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

13. *Community participation.* Involvement of resettlers and host communities,

- (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;
- (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- (c) a review of the resettlement alternatives presented, and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and

resettlement assistance, to relocating as individuals, families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g., places of worship, pilgrimage centers, cemeteries); and

(d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

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

(a) consultations with host communities and local governments;

(b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;

(c) arrangements for addressing any conflict that may arise between resettlers and host communities; and

(d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

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

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

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

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

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

## **Table of Content for Abbreviated RAP**

An abbreviated plan covers the following minimum elements<sup>6</sup>:

(a) a census survey of displaced persons and valuation of assets;

(b) description of compensation and any other resettlement assistance to be provided;

(c) consultations with displaced people about acceptable alternatives;

(d) institutional responsibility for implementation and procedures for grievance redress;

(e) arrangements for monitoring and implementation; and

(f) a timetable and budget.

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<sup>6</sup> In case some of the displaced persons lose more than 10% of their productive assets or require physical relocation, the plan also covers a socioeconomic survey and income restoration measures.

## Annex 7: Voluntary Land Donation Criteria and Form

### Voluntary Land Donation Criteria

In case of small sections of land required for micro level subproject activities, the project may seek support from the community to donate lands. However, the community members have the right to make a contribution of their land or other assets without seeking or being given compensation at full replacement value. Voluntary contribution is an act of informed consent. Local Authorities must assure that voluntary contributions are made with the affected person's full and prior knowledge of the availability of other options (including compensation at replacement cost) and are obtained without coercion or duress. Also, voluntary donations are allowed only if the affected people are direct beneficiaries of the investments that cause such impact. Proposals including voluntary contributions will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users (the size of land contributed on a voluntary basis should not exceed 5% of that individual's total land holding).

Specifically, the following protocol will govern voluntary contributions under the project:

- Voluntary contributions are an act of informed consent and affected people are not forced to donate land or other assets with coercion or under duress or misled to believe that they are obliged to do so, without regard to the legal status of their land occupancy.
- Land alienation should not result in physical or economic displacement.
- The impacts must be minor. The households contributing land or other assets are direct beneficiaries of the subproject; the impact is less than 5% of the total productive assets owned by said household.
- The facilities requiring land should not be site specific.
- The land in question must be free of squatters, encroachers, or other claims or encumbrances.
- The land must be identified by district khukumat/land management department, not by the IG or other line agencies or project authorities. However, the project technical authorities should ensure that the land is appropriate for subproject purposes and that the subproject will not have any adverse health or environmental safety hazards.
- Voluntariness will be ascertained by the IG with due signing by a higher-level official. A process to this effect will be formulated by the IG and shared with the Bank for approval.
- Verification of the voluntary nature of land donations must be obtained from each of the persons/ household donating land. This should be in the form of signed statements.
- The IG will also create awareness among the community to devise mechanisms to express a sense of gratitude to those households donating lands. These will find a place in the statements.
- Other things being equal, land donations will not be accepted by female headed households and elderly people.
- The affected people are fully informed that they have the right to refuse to donate land or other private assets, and instead receive compensation at replacement cost, and that a grievance handling mechanism is available to them through which they can express their unwillingness to donate. Furthermore, people are encouraged to use the grievance handling mechanism if they have questions or inquiries, either in writing or verbally.

## Voluntary Land Donation Form

Province:				
Local Authority :				
Village/Jamoat:				
Sub-project name:				
Date of Village/Public Meeting				
Name of land title owner:	Land Title Number:	Beneficiary of the sub-project: Y/N		
Sex:	Age:	Occupation:		
Address:				
Description of land that will be taken by the sub-project:	Area affected:	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact:				
	Details	Number		
Trees that will be destroyed				
Fruit trees				
Trees used for other economic or household purposes				
Mature forest trees				
...				
Describe any other assets that will be lost or must be moved to implement the project:				
Value of donated assets:				
Will the donated land/asset is less than 5% of the land/property owned?				
Gratitude by the Mahalla:				

By signing this form, the IG representative here by affirm that land donations are voluntary and that it confirms to the protocol agreed with the World Bank.

By Signing this form, Mahalla committee (representative) hereby affirm that land donations are acknowledged and agreed on extending the gratitude as described above.

By signing this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign, and ask for compensation instead.

Date:.....

Date:.....

The IG representative's signature

Affected persons' signatures (both husband and wife)

Date:.....

Mahalla representative's signature

\_\_\_\_\_

## Annex 8. Minutes of Public Consultations

### A. Minutes of the ESF public consultation workshop at the National Level

#### with Key Stakeholders

(Mixed live and online formats: round table + zoom video call)

**Organizers:** IG/CEP, PMU/ALRI

**Date:** September 03, 2021.

**Venue:** Dushanbe Serena hotel, 2<sup>nd</sup> floor conference room

**Participants:** 35 attendees, including members of the internal ministerial working group, representatives of various government agencies, partner organizations and civil society organizations, as well as the representatives of NGO Znaniye, IG/CEP, PMU/ALRI and WB working group (via zoom video call). (The list of workshop participants is attached)

#### Purpose:

- ➔ To familiarize workshop participants with Environmental and Social risk management instruments, which have been developed through the World Bank's Environmental and Social (E&S) Standards (ESS) frameworks in order to identify gaps, risks and potential actions
- ➔ To obtain and consolidate the participant's feedback/expectations/concerns on E&S instruments with further update, finalization and publishing on the CEP, ALRI and WB websites.

#### Workshop Agenda:

- Welcoming speech and providing brief information on the main objectives of the TRELLIS project (by T.Murodov);
- Presenting the Environmental and Social Management Framework (ESMF) (by Z.Fayazova);
- Presenting the Resettlement Policy Framework (RPF) (by M.Abdulvasieva);
- Presenting Stakeholder Engagement Plan (SEP) (by Z.Fayazova);
- Presenting Labour Management Procedures (LMP) (by M.Abulvasieva).
- Questions/Feedback/Comments
- Wrap up and closing remarks by the T.Murodov.

The meeting was opened by the Mr. T. Murodov, the team leader of the IG/CEP, who welcomed workshop participants and introduced environmental and social aspects of the TRELISS project. He emphasized important role of stakeholder engagement in reviewing the key project documents, approaches and plans as a main guarantee of the social and environmental safety of the project. The brief information was also provided on the project goals, objectives and project components. At the end of the speech, the floor was given to the presenters.

The project '**Environmental and Social Management Framework (ESMF)**' was presented by Ms. Z.Fayazova, the PMU/ALRI social consultant. Prior to presentation, she thanked the WB consultants for providing technical support in developing four project documents/frameworks – ESMF, RPF, SEP and LMP. It was stated that these documents are developed through the frameworks of the World Bank's Environmental and Social (E&S) Standards (ESS) in order to prevent and manage the environmental and social risks and negative impacts throughout the project life cycle.

The document was presented in Power Point Presentation format and it was noted that the Framework approach had been applied because the specific locations of project activities are not identified yet and their specific impacts are not known. It was mentioned that the ESMF ensures the environmental and social assessments for each subproject in the course of project implementation to meet the World Bank's E&S standards alongside with Tajikistan's Environmental and Social Laws and Regulations. Participants were briefly introduced with the ESMF goal, E & S assessment rule and procedures, with the measures and mechanism for avoiding, minimizing potential negative environmental and social impacts that may occur in the result of project implementation; as well as with the grievance redress mechanism.

Ms. Fayazova aslo noted that the implemented agency already has an experience of using timely preventative mitigation measures.

The project “**Resettlement Policy Framework (RPF)**” was presented by Ms. M.Abdulvasieva. In the beginning, it was outlined that the framework approach was applied because there will be no land acquisition during the project implementation. Further, participants familiarized with the main goals and principles of RPF, which was developed with the requirements of WB Social & Environmental Standard 5 (ESS 5) on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement. The brief comparative review/analysis of the Tajik legislation and the ESS 5 and the existing gaps were presented. It was noted that in case of any discrepancies on the involuntary resettlement issues, the principles and procedures of ESS 5 will be applied. Also the information about compensation procedures and grievance redress mechanisms for people affected under the project was specified and the steps for preparation process of the Resettlement Action Plan were briefly described during presentation.

Next presentation on “**Stakeholder Engagement Plan**” (SEP) project was provided by Ms.Fayazova. It was noted that SEP was developed in the first turn since it required at first to identify the project stakeholders and to establish close and constructive interaction with them and to take into consideration their opinions during the project design. Ms. Fayazova mentioned that SEP was developed to meet the requirements of ESS 10 and introduced the participants with the mechanisms of the engagement of different groups and methods for public consultations and information disclosure, as well as the grievance redress mechanisms.

Finally, the project on “**Labor Management Procedures**» (LMP) was presented by Ms. Abdulvasieva. It was noticed that the document was developed to meet the requirements of WB ESS 2 “Labor and Working Conditions” and defines the main requirements of national labor legislation and risks associated with project implementation. The participants were acquainted with key principals of ESS 2, with the types and preliminary quantity of labor resources involved into the project, as well as with potential labor risks, associated with project implementation. It was noted that the implementation of labor management procedures will be under the responsibility of IG/PIU (social and monitoring specialists) and the Contractors (NGOs and civil works). In addition, the LMP grievance redress mechanism at two levels was briefly introduced to the participants. It was mentioned that LMP will be further revised throughout project design and implementation.

It was underlined that the information on **ESMF, RPF, SEP and LMP** and handouts materials are presented in a very concise form. The electronic versions of PPTs in Russian language and full version of the ESMF, RPF, SEP and LMP (available only in English) could be accessed on the CEP webpage: [www.tajnature.tj](http://www.tajnature.tj)

After the presentations, there were questions and feedback/comments from the workshop participants as follows:

**Representative of Ministry of Labor, Migration and Employment of Population of RT (MLMEP) (Azizov Amir):**

- In LPM document in the section of labor risks “In case the project activity involves heavy work, persons under 18 years are not be allowed” it is necessary to include additional paragraph, that **women are not allowed to be employed in heavy works**. (Reference: Labor Code of the Republic of Tajikistan)

Ms. Fayazova commented: Agencies that are implementing the projects, possessing sufficient capacity to ensure successful implementation of project activities. All the requirements of the Labor Code of RT are observed. The article, which states that no women labor in heavy works or at places with dangerous working conditions, is applied as well.

Representative of MLMEP:

- It is recommended to apply the GRM at the region level as well, not only at the project level, so, the citizen can refer/apply to the responsible local authorities in the regions.

Ms. Fayazova commented: It was confirmed that the project will be using both levels - project and the regional.

Representative of MLMEP:

- On LMP is recommended to consider the financing of labor protection measures, including provisions of dietary nutrition and special uniform.
- Recommendation on RPF project - it is necessary to consider issues on “eco-migration” (environmental migration) and cooperation with the specialists from the Ministry should be considered on the specific activities with regards to environmental migration.

**Representative of State Institute on Land Engineering “TajikZaminosoz”, (Obid Islomov)**

- Comments on the RPF - in the section of the national legislation it is recommended to add the Law of the Republic of Tajikistan “On state registration of real estate and rights to it” (from 01.08.2012, #891);
- In the section of comparison of Tajik legislation and ESS 5 it is recommended to add formulation, that commission will be formed in case of resettlement;
- In the section on comparison of legislation of the Republic of Tajikistan and ESS 5 of the World Bank, it is noted that there are no special laws or provisions in the legislation of the Republic of Tajikistan on the restoration of livelihoods in connection with the alienation of land and the impact of involuntary resettlement. This wording is not accurate, because the resettlement commission is considering issues related to provision of compensation;
- In the same section on the procedural mechanisms, it is noted that the Law on access to information requires disclosure of information on the regular basis; however, the resettlement issues are not addressed, as there are no specific requirements. This formulation is not accurate, as all decision on the withdrawal of land plots will be published in national newspapers in Tajik and Russian languages (Reff. Article 40, pr.1 of the Land Code).

**The representative from ALRI (Saidsayrova, Sh)** noted that one of the key stakeholders is missing in the SEP document – the Committee on Emergency Situations of the Republic of Tajikistan

During the discussion, it was emphasized by Ms.Fayazova, that the project does not include the land acquisition and resettlement activities; therefore, the framework approach was adopted for the Resettlement Policy Framework and was presented as an overview of WB requirements for investment projects.

At the end of the workshop, Mr. T.Murodov thanked the participants for being active and requested to provide their additional comments, if any, by e-mail.

The project materials were sent to the Hukumats of the 14 project districts and CEP units at district levels to increase awareness and visibility about the project.

All stakeholder groups involved in the consultation were satisfied with the course of the public hearings and expressed their hope that the implementation of the project will make a positive contribution to the restoration of the landscape of Tajikistan and solutions based on nature will help reduce the risks of natural disasters.

**LIST of participants of the ESF public consultation workshop at the National Level  
with Key Stakeholders under the  
“Tajikistan Resilient Landscape Restoration Project”**

<u>Dushanbe city</u>		<u>Serena Hotel</u>	<u>03.09.2021 c.</u>
<u>№</u>	<u>Name surname</u>	<u>Position</u>	
1	Murodov Turakul	Head of Projects implementation Group, CEP	
2	Yakubov Jamoliddin	CEP Information Center	
3	Rajabov A	Representative of the Ministry of Energy and Water Resources of the Republic of Tajikistan	
4	Nazarov Safarali	Head of the Pasture and Land Reclamation Trust of the Ministry of agriculture of the Republic of Tajikistan	
5	Rustam Abdukaym	Leading Specialist of the Main Department of Public Debt and Attraction of Public Investment of the Ministry of Finance of the Republic of Tajikistan	
6	Bobozoda Khurshed	Director Design institute "Tojikzaminsoz" of the State Committee for Land Management and Geodesy	
7	Islomov Obid	Chief Specialist of the Design Institute “Tojikzaminsoz” of the State Committee for Land Management and Geodesy	
8	Inomov O	Representative of the PMU of the ARLI	

9	Sodatsayrova Shahlo	Head of the Department of Construction and Coastal Strengthening ARLI
10	Saidzoda Madibron	Head Main Department of Forestry of the Forestry Agency RT
11	Azizov A	Representative of Ministry of labor, migration and employment population of the Republic Tajikistan
12	Hamidova G	Representative of Emergency Committee of the Republic Tajikistan
13	Kurbanov N. B	Head of the Department of Physical, Mathematical, Chemical, Biological and Technical Sciences - Vice-President of the National Academy of Sciences of Tajikistan
14	Khudododov S	Representative of Agency on Statistics under President of the Republic Tajikistan
15	Akramov Ahmadjan	Coordinator Youth Environmental Center of the SLM TJ
16	Gulomkhaydarov Akmal	Representative of State Committee for Land Management and Geodesy
17	Hakimov S	Representative of the NGO "Znanie"
18	Kurbanov Firuz	Representative of State committee on investments and state property management of Tajikistan
19	Irgashev T	Representative of the NGO "Znanie"
20	Akramov Abdugafor	Representative of the NGO "Znanie"
21	Mahmudov Hakim	Financial Management Specialist IG CEP
22	Aliev Bahrom	Procurement Specialist IG CEP
23	Abdulvosieva Malika	Social development Specialist IG CEP
24	Rahmatiloev Rahmonkul	Water Management Specialist IG CEP
25	Amirbekzoda Mizrob	Natural Resources Specialist IG CEP
26	Rahimov Rustam	Environmental Management Specialist IG CEP
27	Kudratova Farzona	Representative of the NGO "Znanie"
28	Zuhurov Bakhtiyor	Representative of the NGO "Znanie"
29	Ahrorov A	Consultant PMU ARLI
30	Salieva Naima	Representative of the NGO "Znanie"
31	Fayazova Zamira	Social development Specialist PMU ALRI
32	Saidov Mahmadi	ALRI Projects implementation Group
33	Sharipov Davlatali	Deputy Director of «Specially Protected Natural Areas»
34	Kholov I	Environmental Management Specialist PMU ARLI
35	Rahmonov B	Representative of the NGO "Znanie"

## B. Minutes of the ESF public consultation workshop at the District Level with Key Stakeholders in Ayni

Date: 28.10.2021 Meeting Room of Ayni District Administration

Agenda of the consultative workshop: Overview, potential impacts, mitigation measures and environmental and social commitments under the "Tajikistan Resilient Landscape Restoration and Livelihood Project".

The workshop was attended by 26 people (list of participants is enclosed).

Based on the agenda, the workshop began with a discussion of the framework of environmental and social commitments of the Project "Tajikistan Resilient Landscape Restoration and Livelihood Project". On behalf of the executive body of Ayni district administration, head of Environmental protection department of Ayni district administration, Mr. Bokiev Boki expressed his gratitude to the Government of the Republic of Tajikistan and the World Bank for inclusion of Ayni district in this project. In his speech, the head of the sector noted that the issues of environmental protection and climate change, rational use of

natural resources are currently in the focus of attention of various countries, influential organizations. The climate change has created serious challenges for Tajikistan, including Ayni, as the district is very vulnerable and has relatively low potential for climate change adaptation measures, and the project will provide the district with better opportunities for the environment and climate change adaptation. He wished the participants successful work for the day.

The workshop participants suggested the below agenda to be, followed by a question-and-answer session and discussions with public organizations, environmental and financial institutions.

Workshop Agenda	Responsible persons
Registration of participants	District administration
Opening remarks by the District administration representative	Bokiev B
General information about Project management and other activities	Kakharov K
The Environmental and Social Management Framework (ESMF)	
The Resettlement Policy Framework (RPF)	Kakharov K
The Labor Management Procedures (LMP)	
The Stakeholder Engagement Plan (SEP)	Kakharov K
Process Framework (PF)	Kakharov K
Questions and answers, discussion	

For the issues discussed recommendations and suggestions of those present at the workshop, the floor was given to the representative of the public organization «Znaniya» Kakharov Kakhar.

First, the speaker presented a brief overview of the project "Tajikistan Resilient Landscape Restoration and Livelihood Project", its goals, directions of the project implementation and its components.

Summary of the E&S instruments, including ESMF, RPF, LMP, SEP and RP were presented. After that the workshop participants moved on to discussions:

Suggestions and recommendations of the participants of the public workshop:

**Head of the Ayni district Environmental Protection Department, Bokiev Bokimahmad**, suggested that there are many natural resources in the area to improve the landscape, but these activities are difficult to implement due to lack of funding. The land in Ayni is mostly rocky and cannot be cultivated without irrigation, and there is a shortage of potable water, so communities from Rarz, Fondarya and Dar-Dar Jamoats should be included in the project.

**Answer:** The existing problems will be considered during the project implementation and will be supported by the project based on the requirements of the project in case of priority of the proposed problem. Specialists will analyze the natural resources of the district and select rural communities based on the analysis.

**Representative of Shamtuch Jamoat Shokirov Kamol:** He suggested that one of the main problems of the villagers Ayni lack of quality seeds, restoration of new orchards, restoration of irrigation systems and forests in Ayni district, is there any activity in this direction?

**Answer:** The project consists of a "Landscape Restoration" component, which is divided into four sub-components. The reforestation sub-component is aimed at the development of forestry. In this regard, it is planned to support forest nurseries, create family nurseries, and restore forest lands in a natural way and through tree plantations. The project also includes the construction of drinking water and irrigation water lines.

**Chairperson of the Department of Women and Family Affairs of Ayni district:** As for the employment of housewives and people with disabilities, she suggested creating clothing enterprises in rural areas, and the second issue is the creation of a landfill in the center of Ayni and other villages.

There have been no complaints of sexual exploitation or involvement of minors in the district, and this issue is under control of the district administration and the relevant district authorities.

**Answer:** Gender issues are the main focus of the project. If this is a problem in a village and its solution is supported by the villagers, it will be analyzed by the project experts. Landfills in the district center and its villages are under the jurisdiction of the district authorities.

To the question Kakharov Kakhar, head of the Department of land reclamation and irrigation of the Zarafshon River Basin Nuriddinov Shamsiddin noted that the procedure for hiring and dismissal is carried out in accordance with the current legislation of the Republic. Tajikistan is constantly monitored by the relevant organizations of the republic and the district are under constant control.

In the event of a labor dispute, the case will be considered by the management and the trade union. To date, the office has not registered any complaints about labor relations. Reduced labor intensity. Is there sexual exploitation and abuse in the workplace? Have any GBV cases been reported in your community?

**Chairman of the Jamoat Fondarya Jurazoda Ermahmad** to the question " Is there a problem of involving minors and forced labor in projects implemented by international organizations?", the answer was that at the local level, there is no such affairs in Ayni district, and this issue is closely monitored by the relevant district authorities.

#### **List of participants of**

Consultative workshop to discuss Environmental and Social commitments of the Project “Tajikistan Resilient Landscape Restoration and Livelihood Project” in Ayni district

District Ayni

Date: October 28, 2021.

<b>№</b>	<b>Name</b>	<b>Position</b>
1	Bokiev Bokimahmad	Head of the district department for environmental protection (DEP)
2	Mavlonov Behruz	Director of forestry department
3	Chakonov Ilyos	DEP Specialist
4	Olimzoda Zarafshon	Chairman of Anzob Jamoat
5	Subhonzoda Amir	Chairman of Ayni Jamoat
6	Ustoev Ikromjon	Chairman of Dar-dar Jamoat
7	Sanginzoda Abduahad	Chairman of Rarz Jamoat
8	Nazarzoda Bahriiddin	Chairman of Shamtuch Jamoat
9	Qodirov Aliqul	Chairman of Urmetan Jamoat
10	Jurazoda Yormahmad	Chairman of Fondary Jamoat
11	Samizoda Aminjon	Chairman of Zarafshon Jamoat
12	Nuriddinov Shamsiddin	Department of land reclamation and irrigation of the Zarafshon River Basin
13	Karimov Niyoz	Director of Specially Protected Natural Area of Yagnob
14	Bokiev Hojimurod	Worker of Specially Protected Natural Area of Yagnob
15	Rahmonova Hilola	Chairman of the collective farm "Somoniyon"
16	Rizoeva Akliya	DEP Specialist
17	Shodiev Tuytimurod	District Statistics Officer
18	Khalifaeva Sayora	Head of the district Department of Women and Family Affairs
19	Gafurov Niyoz	Agronomist of the agricultural Department of Ayni
20	Nuruloeva Fazolat	Officer of the district Department of Women and Family Affairs
21	Shokirov Kamol	Chairman of the collective farm "Tojikiston"
22	Shokirov Bahodur	Chairman of the collective farm "Rarz"
23	Badalov Mahmad	Chairman of the collective farm "Kh. Karimov"
24	Rahmatov Nemat	Chairman of the collective farm "Shavatk"
25	Sokiev Soki	Chairman of the collective farm "K. Karim"
26	Oymahmadov Olim	DEP Specialist

#### **C. Minutes of the ESF public consultation workshop at the District Level with Key Stakeholders in Qabodiyon**

Date: 28.10.2021 in the meeting hall of Qabodiyon district administration.

Agenda of the consultation workshop: discussion of social and environmental commitments and plans of the project "Tajikistan Resilient Landscape Restoration and Livelihood Project"

The workshop was attended by 17 participants (the list of participants is provided).

The workshop started with discussion of the project's social and environmental commitments and instruments based on the meeting agenda.

Firstly, the Deputy Chairperson of Qabodiyon district Sharifova Tojiniso expressed her gratitude to the Government of the Republic of Tajikistan and the World Bank Group for their consideration of Qabodiyon district in this project. In her speech, the Deputy Chairperson noted that the issues of environmental protection and climate change, rational use of natural resources are now in the focus of attention of various countries, leading international organizations, environmental and financial institutions.

The global climate change has created serious challenges also for Tajikistan, in particular for Qabodiyon district, as this area is very vulnerable and has a relatively low potential for climate change adaptation, and the project provides the district with good conditions for the environment and adaptation to climate change. In conclusion, he wished success to the participants of today's meeting.

The workshop participants suggested that a question-and-answer session should be held after each presentation.

At the beginning of the seminar, the floor was given to the representative of CEP Fasehzoda Islom. He gave a brief overview of the project "Tajikistan Resilient Landscape Restoration and Livelihood Project" from the beginning, its goals, local directions of project implementation and its thematic components.

Speaking about the first item on the agenda of the seminar, "Environmental and Social Management Framework", he noted that the tasks set out in the World Bank's environmental and social standards assign the Executive Agency responsibility for assessing, managing and monitoring environmental and social risks. To do this, it is necessary to conduct public opinion surveys, improve the skills and awareness of the local population and stakeholders about possible environmental impacts at the district level.

In this regard, it is necessary to develop social and environmental safety measures that meet the requirements and the environmental legislation of the Republic of Tajikistan and as well as the requirements of the World Bank. He also informed the workshop participants about ways and means of reducing the potential impacts on the environment.

Addressing the first issue: Yusupov N., Chairman of Jamoat "Nazarov U." noted that the risks and potential environmental and social impacts to communities in their area are high, including Afghan hurricane that causes significant damage to the area's economy, as well as droughts, and what can the project do in this area?

Respond: within the framework of the project, project institutes and support organizations will conduct research and analysis of natural disasters, geobotanical studies and inventory of pastures, as well as provision of recommendations on risk management. In this regard, a project will include proposed reduction of soil erosion, wind erosion and landscaping, funded by the project.

As part of the project 50 hectares of demonstration plots of forage crops will be created in Qabodiyon district, which will be controlled by the land reclamation and pasture trust and will provide seeds to pilot plots.

**Saifullozoda Adolat** noted that in the areas of the river basin Kofarnihan

What mitigation measures are planned to prevent or reduce environmental and safety impacts? Are the proposed mitigation measures adequate and appropriate?

Respond: Regarding this issue, it should be noted that due to the lack of budget funds, the environmental conditions in the lower reaches of the Kofarnikhon river basin is unfavorable. In order to avoid risky situations, the project provides certain amount of funds for purchase of small-scale machinery and equipment and other necessary materials that will help reduce the impact of the environmental impacts. The PUGs, FUUs, WUAs are also eligible for grants to address the problem of land degradation, salinization,

erosion and low productivity, taking into account the income of members and reducing the impacts on the land.

**Leading Investment specialist of the district Abdusalomzoda S** expressed his views on development of the project and asked the following questions. How is E&S requirements monitored? What role will PUGs, FUUs, and WUAs play in planning, implementing, and monitoring the project activities?

Answer: Through grants, the WUAs establish farmers' groups and climate-resilient agricultural groups. If there are no WUAs in the project territories, the general interested group at the expense of the farmer group, farmers, will have an advantage in receiving the grants. Also during the E&S requirements monitoring period, the focus will be on initiatives in coordination with district and local authorities and stakeholders, and to contribute to the achievement of project objectives, the PUGs, FUGs, WUAs, will play a role.

**What role will the district environmental protection department, local governments and rural representatives play in monitoring the environment and safety?**

The role of the Department of environmental protection and local governments in the implementation of the project is significant, which will be reflected in the memorandum of understanding in terms of tasks and responsibilities of the parties. For environmental monitoring of each project activities/sites, the Department of environmental protection gives its own conclusions. In case of non-compliance of the project activities/sites with environmental requirements, their implementation will be terminated.

Speaking on the second agenda item of the workshop "Fundamentals of the Project commitments and plan for Resettlement Policy Framework "(RPF), Khakimov Sadullo, noting that this document meets the requirements of World Bank Environmental and Social Standard 5 (ESS - 5). It identifies the project risks and potential impacts related to land acquisition and access restrictions. The speaker explained to participants of the workshop the specific measures to reduce the potential impacts, the amount of compensation and the procedure for their implementation as the result of the project.

As a result of discussing the issue of demographic policy, the participants noted that there is no such problem in our regions. In rural areas, about 80-90 % of the population has legalized their land plots, and in such cases, the damage will be compensated in accordance with the requirements of the legislation of the Republic of Tajikistan.

There are no such cases related to the sale of land in the district.

What economic impact do you expect from the project activities? To this question, the Chairman of Zarkamar M. Jamoat, Abdiyeva O. replied that there are many lands in the jamoat that have been taken out of agricultural use. The reason is the increase in groundwater and its transformation into swamps. We believe that the project plans to clean up wastewater and as a result of improved land reclamation, productivity will increase and the local economy will improve.

Is any need for capacity-building activity for implementation of the RPF?

In this regard, to the head of the environmental department of the district Olimov S. responded that there is no need to conduct trainings and explanatory works on the implementation of resettlement policy framework.

Fasehzoda Islom spoke on the third issue on the agenda of the seminar «The system of obligations for regulating labor relations in the project "(LMP). In his speech, he noted that the system of obligations for regulating labor relations was developed on the basis of environmental and social standards (ESS-2) of the World Bank. It defines the main requirements of the Project in the field of labor law and the risks associated with them. In his speech, he introduced the workshop participants to the requirements of the World Bank, which are included in the ESS-2 standards. He also noted that the requirements of the World Bank and the requirements of the Government of the Republic of Tajikistan regarding obligations to regulate labor relations.

Answering the question about involvement of children and minors, as well as in sexual exploitation and sexual violence, Jurakulov Ulugbek, head of the district's general department, control and of citizens' appeals, said that the issue is constantly monitored by their relevant organizations of the district and there have been no complaints registered from citizens in this issue so far.

Are there issues of forced and child labor in any projects implemented in the district and funded by international financial organizations?

Answering this question, the head of the forestry department of the district Gulov Khushvakht said that there are no such issues in our district, and we do not have such information.

In connection with the fourth presentation the "Project Outline of the Stakeholder Engagement Plan (SEP)" Sadullo Khakimov informed the workshop participants that this issue is based on the World Bank's Environmental and Social Standard (ESS 10) and aims to actively involve project stakeholders and other stakeholders through consultation and giving each group an opportunity to express their views. In conclusion with this, it also uses different stakeholders, planning and institutional mechanisms for social and environmental management and consultation methods in terms of collaboration with Project stakeholders.

Speaking about the rules of interaction with project stakeholders, the chief specialist of the social department of the district Sadriddinzoda Ilkhom said that the implementation of the project "Cooperation with stakeholders" is based on a mutual employment contractor a bilateral agreement based on legislation Republic of Tajikistan and requirements of the World Bank.

Fasehzoda Islom made a presentation on the fifth topic of the workshop, "Process Framework (PF)" and said that the process framework was prepared for "Ensuring a sustainable landscape and economic activity in the Republic of Tajikistan" It is implemented by the Environmental Protection Committee (CEP) and funded by the World Bank. In addition, the framework describes the roles and institutional responsibilities for managing environmental and social risks within the project, as well as feedback and complaint mechanisms through which citizens and other stakeholders can collaborate with the project implementation agency.

It was noted that Tajikistan has a comprehensive regulatory framework. These laws, issued by the Government, provide a favorable legal framework for the protection, use and conservation of the country's natural resources. They also ensure the right of citizens to environmental safety, environmentally friendly products, the environment, and access to environmental information to improve the environmental situation in the country.

Speaking on the "Process framework" document, specialist of the Department of agriculture of the district Safarov Zafar noted that there is a need to study this issue in order to increase the awareness level of the local population.

At the end of the workshop, Deputy Chairman of the district Sharifova Tojiniso made a speech and thanked the participants for their participation.

**List of participants of**

Consultative workshop to discuss Environmental and Social Commitments under the Project "Tajikistan Resilient Landscape Restoration and Livelihood Project" in Qabodiyon district

**Qabodiyon District**

Date: October 28, 2021.

No	Surname First name	Position
1	Abdieva O	chairman of jamoat zarkamar
2	Sahat S.	chairman Navobad
3	Gulov H.	forestry chairman
4	Rahmokulov M.	chairman of the jamoat of the village of 20th anniversary of Istiklol
5	Nurmahmad U.	village jamoat chairman Nazarov
6	Sayfiddinzoda F.	Leading Specialist of the Science Department
7	Olimov N.	Chief Technical Safety Officer
8	Olimov S.	chief environmental accountant
9	Gaffurova B.	Deputy Chairman N. Shahrak
10	Mirzoev D.	leading specialist of the statistics
11	Safarov Z.	chief specialist of the agriculture
12	Murokiev U.	general department control and supervision
13	Sadriddinzoda I.	Leading Social Protection Specialist, "
14	Umarhonova M.	Polvontugay" Preserve in Kubadiyan Local branch specialist Kubodien
15	Hamraev S.	Migration Service sector
16	Alimardonov S.	Specialists in forestry
17	Abdusamadzoda S.	Head of personnel Department

**D. Minutes of the ESF public consultation workshop at the District Level  
with Key Stakeholders in Shugnan**

Date: 10/29/2021

Location: Conference Room of Shugnan District Administration

The agenda of the consultative workshop: Consideration of the plans and obligations within the social and environmental framework of the Project "Tajikistan Resilient Landscape Restoration and Livelihood Project"

The workshop was attended by 25 people (the list of participants is annexed).

The workshop began with a discussion of the plan of social and environmental obligations of the Project "Ensuring the sustainability of landscapes and economic activities in the Republic of Tajikistan"

1. Chairman of Shugnan district Jumazoda Juma Shofakir opened the workshop and informed about the project "Tajikistan Resilient Landscape Restoration and Livelihood Project", noting that in accordance with the signed Agreement between the Government of the Republic of Tajikistan and the World Bank through the Committee for Environmental Protection under the Government of the Republic of Tajikistan a new grant project "Preparation of Tajikistan Resilient Landscape Restoration and Livelihood Project" was approved and Shugnan district was selected as a project target area.

Therefore, today we need to discuss in this workshop, along with the documents of social and environmental frameworks of the Project, the relevant obligations, existing problems, risks and shortcomings of the sector and identify the necessary measures to address them and take further necessary actions. Also, justify the problems and shortcomings and submit them to the Committee or Republican Interdepartmental Commission for inclusion in the given Project.

As you know, on September 20, 2021, a mudflow occurred in the village of Saddi, in Navobod Jamoat of Shugnan district, as a result of which the stream of the Gund River was blocked and created a lake.

Currently, the village's artificial lake is destroying the left bank of the river, threatening to wash down more than 40 houses, the village's arable land and even the only bridge in the village.

Such problems and other similar risks are high in the region, and in order to prevent and eliminate these dangerous events, it is necessary to carry out work to ensure security in these territories within the framework of the project "Tajikistan Resilient Landscape Restoration and Livelihood Project".

It is also necessary to plan and implement the repair and reconstruction of canals, strengthening the banks of rivers and streams, the construction of gardens and greenhouses, warehouses and cold storages and the establishment of workshops for processing agricultural products in Shugnan district.

Also, the first deputy chairman of Shugnon district Shohzoda Latif Bozicha spoke on the issues of the workshop agenda, first of all he gave detailed information about the components and sub-components and explained the purpose and objectives of each of them.

Then the topics of "Environmental and Social Management Framework", "Fundamentals of the Resettlement Policy Framework", "Project Labor Management Procedures", "Stakeholder Engagement Plan" and "Process Framework" were discussed with stakeholders.

Workshop participants suggested that each presentation be followed by a Q&A session and a discussion.

To start the workshop, the floor was given to the representative of the NGO "Znaniya" Saadullo H.

First, the speaker gave a brief overview of the "Tajikistan Resilient Landscape Restoration and Livelihood Project", the purpose, areas of implementation of the project and its components.

Referring to the first agenda issue of the workshop, Social and Environmental Management Plan, he noted that the objectives set out in the World Bank's Environmental and Social Standards place the Executive Agency responsibility for assessing, managing and monitoring environmental and social risks.

To this end, it is necessary to conduct public opinion polls, increase the skills and awareness of the population and stakeholders about the possible environmental consequences at the district level. He also spoke about the prevention of mudflows in Saddi village of Navobod jamoat of Shugnan district and the issue of ways to break the artificial lake on the banks of the river Gund. The workshop participants were also briefed on ways and means to reduce environmental impacts.

Consideration of the first issue: The head of the land reclamation and irrigation department Ismoilov Marat noted that one of the main issues today is to eliminate the risk of washing down the banks of the river Gund in Saddi village of Navobod jamoat if no measures are taken, in this case in the spring of 2022 there will be a risk of washing away private houses and irrigated arable land. It would be great if you could point out what the Project can do in this area.

Answer: Within the framework of the project implementation, the Hukumat of the district should prepare proposals and show the endangered areas with pictures and facts. Shortcomings in the implementation of this project, which are aimed at improving the landscape, will be addressed and funded by the Project.

Khusrov Umed, the head of the district's agriculture department, spoke about the regulation of pastures in the district, construction of bridges and issues related to food security in Shugnan district, and suggested that such issues be supported by this project.

Answer: In the framework of the project, design institutes and public organizations will conduct research and analysis of natural risks, geobotanical surveys and inventory of pastures, and will provide guidance on risk management.

In this regard, the population is working to reduce the risks and eliminate these dangerous phenomena and ensure food security in the district. the project will support the repair and reconstruction of green infrastructure, establishment of orchards and greenhouses, warehouses and cold storages, and the establishment of workshops for processing agricultural products.

2. On the second item on the agenda of the workshop "Fundamentals of the resettlement policy framework" (RPF), a representative of the NGO "Znaniya" Saadullo H. noted that this issue meets the requirements of the World Bank Standards on Environment and Social 5 (ESS-5), which identifies the risks and potential impacts of the project associated with land acquisition and access restrictions.

The speaker explained to the participants of the workshop specific measures to reduce the potential impact, compensation rates and procedures for their implementation as a result of the project.

As a result of the discussion of the issue of population policy, the participants noted that such an issue does not exist in our regions. In rural areas, about 80-90 percent of the population has legalized their plots, and in the event of such cases, the damage will be compensated in accordance with the requirements of the legislation of the Republic of Tajikistan.

There are no such cases related to land sales in the district.

What economic impact do you anticipate from the project activities?

To this question, the chairperson of Zarkamar jamoat, Abdieva O., answered that there is a lot of land in the jamoat that has been withdrawn from agricultural use.

The reason for the increase in groundwater and their transformation into swamps: We believe that the project can support to clean drainages, and as a result of improved land reclamation will increase land productivity and improve the local economy.

WUAs and FUGs are eligible for grants to address land degradation, salinization, erosion and low productivity, taking into account member incomes and reducing land impacts.

Mr. Saadullo H. spoke on the third issue of the agenda of the workshop "Labor Management Plan" (LMP).

In his speech, he noted that the system of obligations for the regulation of labor relations is designed on the basis of environmental and social standards (ESS-2) of the World Bank.

At the end of the workshop, the chairman of Shugnon district Jumazoda Juma Shofaqir supported the suggestions of the speakers and noted that there is a need for training on this issue to improve the knowledge of the local population.

At the end of the workshop, the Deputy Chairman of the district Shohzodaev Latif spoke and thanked the participants for their participation.

#### **LIST of participants of**

Consultative workshop for discuss the ESF documents and environmental and social commitments under

the the Project “Tajikistan Resilient Landscape Restoration and Livelihood Project”

Shugnon district

Date: October 29, 2021

<b>№</b>	<b>Surname First name</b>	<b>Position</b>
1	Jumazoda Juma	Chairman of the district
2	Shohzodaev Latif	First Deputy Chairman of the District
3	Sandarobzoda Gulguncha	Deputy Chairman of the District
4	Rajjabbekov Sarabek	Chief of Staff of the District Chairman
5	Mirovalov P	Chairman of Jamoat "M.Shirinjonov"
6	Qalandarbekov H	Chairman of Jamoat "Porshnev"
7	Ayomatbekov K	Chairman of Jamoat "Suchon"
8	Moyonshoev Ayoz	Chairman of Jamoat "Navobod"
9	Miralibekova R	Chairman of Jamoat "G. Shahbozov"
10	Suriev Nosir	Chairman of Jamoat "Ver."
11	Darvoziev Farhod	Chairman of Jamoat "Vonqala"
12	Farodshoev	District doctor
13	Zavarshoev B	District Land Management Committee
14	Khisravov Umed	Head of the agricultural sector
15	Yormamadov R	Specialist in agricultural sector
16	Abibuloev Kh	Head of the Department of Environmental Protection
17	Yormamadova A	Specialist of the Department of Environmental Protection
18	Ismoilov Marat	Head of Land Improvement and Irrigation Department
19	Ibroimkhonov M	Head of the forestry
20	Atomamadov Zemir	Head of the State Unitary Enterprise "Housing and Communal Services"
21	Mardonov Aybkhon	Director of the District Food Safety Center
22	Simikova S	Deputy Director of the District Food Safety Center
23	Beknazarov I	Head of economic and trade department of the district
24	Sobirov R	Head of investment and state property department

25 ShosulaymonovA

Head of the district emergency department