

Ministry of Transport of the Republic of Tajikistan



Fourth Phase of the Central Asia Regional Links
Program (CARs-4)

Resettlement Framework Policy

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Content

LIST OF ABBREVIATIONS	4
GLOSSARY OF TERMS	5
I. INTRODUCTION	8
1.1. Project Description	8
1.2. Rationale for the application of ESS 5 and the decision to develop RPF	9
II. PRINCIPLES AND OBJECTIVES OF RESETTLEMENT PLANNING	10
III. LEGAL FRAMEWORK AND POLICIES RELATED TO LAND ACQUISITION AND RESETTLEMENT	11
3.1. Relevant legislation of the Republic of Tajikistan on land management issues	11
3.2. National legal provisions on citizen participation and labor.....	13
3.3. World Bank Environmental and Social Standards on Land Acquisition, Restriction on Land Use and Involuntary Resettlement (ESS 5).....	14
3.4. Key provisions on differences between the Tajik Land Code and WB ESS5	17
IV. RAP PREPARATION, APPROVAL AND DISCLOSURE PROCESS	18
4.1. Census, socio-economic surveys, loss inventory	18
4.2. Preparation of Resettlement Action Plans.....	18
4.3. Disclosure and approval	19
V. ELIGIBILITY CRITERIA AND PROCEDURES FOR VARIOUS CATEGORIES OF PROJECT AFFECTED PEOPLE	19
5.1. Principles	19
5.2. Eligibility classification according to ESS 5.....	20
5.3. Eligibility and Entitlement Criteria	20
5.4. Methods to Determine the Cut-Off Date.....	23
VI. METHODS OF VALUATING AFFECTED ASSETS	23
6.1. Type of Compensation Payments.....	23
6.2. Preparation of Inventory of Assets.....	23
6.3. Valuation Methods	24
6.3.1. Compensation for Land	24
6.3.2. Calculation of Crops and Fruit Trees Compensation Rate	24
6.3.3. Compensation for Structures	25
6.3.4. Compensation for Community A assets	25
6.3.5. Assets Compensation for Sacred Sites	25
6.3.6. Compensation for Loss of Businesses	25
VII. RPF AND RAP IMPLEMENTATION ARRANGEMENTS AND PROCEDURES	26
7.1. Overview of the project management procedures.....	26
7.2. Screening of Project Activities.....	29
7.3. Socio-economic Profiling and Inventory of Losses	30
7.4. Due Diligence Review of Linked Activities	30
7.5. Assessment of Affected Population and Assets in the Project Affected Areas	31
7.6. Functions and Responsibilities	31

7.7.	Monitoring and Evaluation Mechanisms	32
7.8.	Monitoring Plans	33
7.9.	Monitoring and Reporting Responsibilities	33
7.10.	Implementation schedule.....	34
7.11.	RFP Implementation Budget	35
VIII.	PUBLIC CONSULTATIONS AND DISCLOSURE.....	35
8.1.	RFP Disclosure.....	35
8.2.	Public consultations.....	35
8.3.	Grievance redress mechanism.....	35
8.3.1.	Goals of the project-based GRM.....	36
8.3.2.	GRM overview and structure	36
8.3.3.	World Bank Grievance Redress System.....	38
Annex 1.	Outline of the RAP process	39
Annex 2:	Screening Report Form of Expected Social Impacts.....	40
Annex 3:	PAP census form and inventory of the land fund.....	42
Annex 4.	Inventory of PAP’s Land Assets.....	43
Annex 5:	PAP rights for compensation	43
Annex 6:	Outline of the Resettlement Action Plan and Abbreviated RAP.....	44
Annex 8.	Minutes of Public Consultations with Stakeholders on draft RPF	47

LIST OF ABBREVIATIONS

CRC	Conflict Resolution Commission
CSO	Civil society organization
E&S	Environmental and social
ESF	Environmental and social framework
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
ESMF	Environmental and Social Management Framework
GRM	Grievance redress mechanism
GT	Government of Tajikistan
LC	Land Code of the Republic of Tajikistan
LSG	Local self-government (jamoat)
LI	Loss inventory
M&E	Monitoring and evaluation
MP	Monitoring program
MoT	Ministry of Transport
O&M	Operation and maintenance
PAP	Persons Affected by the Project
PIG	Project Implementation Group
POM	Project Operational Manual
QPR	Quarterly Progress Report
RAP	Resettlement Action Plan
RF	Resettlement Framework
RPF	Resettlement Policy Framework
RT	The Republic of Tajikistan
SER	Social and environmental regulations
TA	Technical assistance
TJS	Tajik Somoni (national currency the Republic of Tajikistan)
WB	The World Bank

Glossary of Terms

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

“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.

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

“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.

“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.

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

“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.

“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.

“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.

“**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.

“**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.

“**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.

“**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.

“**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. **Resettlement Action Plans (“RAPs”)** 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.

“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.

I. INTRODUCTION

The Central Asia Regional Links Program (CARs) consists of a series of projects (SOP), of which Phase 1 and Phase 2 are under implementation. They have evolved from having a single focus on cross-border transport connectivity towards comprehensive integrated regional development, improving regional connectivity and creating market opportunities. The objectives of Phase 1 (CARs-1 Project in Kyrgyzstan) and Phase 2 (CARs-2 Project in Tajikistan) are to increase transport connectivity between Tajikistan and Kyrgyz Republic along priority cross-border road links in the populated Fergana Valley, and to support harmonization and improvements in road operations and asset management practices in the countries. Phases 1 and 2 are scheduled for completion in the next two years. The new generation of this series of projects (SOP), namely Phase 3 (CARs-3) in Kyrgyzstan and the proposed Phase 4 in Tajikistan, strive to address regional integration in a more comprehensive approach encompassing both physical and economic connectivity among neighboring countries, while also unlocking economic opportunities by promoting local integrated development in a spatially identified area.

The proposed CARs-4 Project will contribute to the achievement of key priorities of Tajikistan's National Development Strategy until 2030, including its ambitious public-infrastructure investments to (i) ensure highest-possible development impact; (ii) allow the country to take full advantage of emerging commercial opportunities; and (iii) avoid potential risks of macro-fiscal sustainability. Taking advantage of the country's strategic location is at the forefront of its development endeavor and the government of Tajikistan sees the proposed CARs-4 project as a multi-phase program to address long-term development challenges through an adaptive and programmatic approach within the existing regional connectivity program.

I.1. Project Description

The Government of the Republic of Tajikistan and the World Bank team agreed that the proposed CARs-4 Project will be aimed at improving regional transport links in the Sughd Region and the Gorno-Badakhshan Autonomous Region and increasing opportunities for trading and transportation, and regional transport infrastructure. The CARs-4 Project will focus on the rehabilitation of the following sites in the Sughd Region and Gorno-Badakhshan Autonomous Region:

GBAO region: The construction of a new bridge in Khorog city (length about 300 meters) and the construction of a tunnel / avalanche galleries and a bridge in the village of Barsem in Shughnan district

Sughd region: The rehabilitation of a 12.2 km of road between Spitamen/Bekabad and Dehmoi/ the Restoration of a 26.9 km section of the road between Dehmoi and B. Gafurov district and Restoration of 9.0 km section of the road between Kuchkak/R Hamroboev and Kayrokum town.

The CARs-4 Project is structured in the following four components:

Component 1. Improve regional connections in Sughd Oblast and GBAO Region. This component's objective is to increase connectivity along regional priority trade and travel routes and provide access to markets and opportunities. Activities to be financed in the CARs-4 Project include: (i) rehabilitation of 50 kms of road sections in Sughd, construction of Khorog bridge towards Murgab and Ishkashim as well as tunnels/ galleries and bridges around Barsem in GBAO; (ii) construction supervision services; and (iii) the feasibility studies and other preparation documentation covering improvements to regional connections in Khatlon and GBAO Oblasts, a potential future operation.

Component 2. Improve road assets preservation and transport resilience. To enhance preservation of

road assets and its sustainability, the ongoing CARs2 operation has supported various elements of road asset management system, (RAMS), including development of strategic plan on weight and axle load control, design and installation of a high-speed dynamic weigh-in-motion (WIM) system, supply of roughness profiler, and development of software for RAMS. While MOT has created a foundation for a RAMS in Tajikistan through these activities, there are remaining gaps to achieve full functionality and sustainable operation of the RAMS. This component will support scaling of WIM systems to preserve road assets and streamline transport operations in line with international practice, and other small goods or consultants' services to build MOT's capacity to fully operationalize RAMS. This component will also finance climate change vulnerability assessment and hazard mapping (with GIS references) along the Dushanbe-Kalaikhum-Khorog-Murghab corridor focused on GBAO region.

Component 3. Facilitate cross-border movement of goods and people. This component has the objective to facilitate the process of cross-border movement of goods and people, including support towards the implementation of policy and institutional reforms, financing of equipment and facilities (e.g. terminals) as well as capacity building. This will build on and complement support by development partners to align Tajikistan's standards with international practice and modernize procedures of cross-border movement of goods and people. The component will include the development of a diagnostic and comprehensive reform program and implementation plan on addressing regulatory and procedural trade barriers. Subject to priorities identified under the reform program this component would support upgrading of the existing customs IT system to increase automation and may include goods, small-scale works or consultants' services, including Technical Assistance to support institutional reform.

Component 4. Support project implementation, coordination and management. This component includes support towards project implementation, coordination and management including provision of goods, consultants' services and training, operating costs and financial audit.

Component 5: Contingent Emergency Response. This zero-dollar component is designed to provide swift response in the event of an eligible crisis or emergency, by enabling Tajikistan to request the World Bank to reallocate project funds to support emergency response, and reconstruction, where needed. A Contingent Emergency Response Component (CERC) annex will be included in the Project Operations Manual (POM), specifying the implementation arrangements for the component, including its activation process, roles and responsibilities of implementing agencies, positive list of activities that may be financed, environmental and social aspects, and fiduciary arrangements.

1.2. Rationale for the application of ESS 5 and the decision to develop RPF

Component 1 provides for the land acquisition to improve transport links along the priority regional corridors through rehabilitation of roads in the Sughd region and GBAO.

The proposed project has been prepared in accordance with the new environmental and social framework (ESF) of the World Bank, according to which environmental and social standards (ESS) are applied to the project. The World Bank, together with the PIG of the Ministry of Transport, has reviewed the application of the ESSs to the proposed project. Given the expected interventions to be funded by the proposed project, and successful implementation of the CARs-2 Project, the social and environmental risks of the proposed CARs-4 Project are rated as significant.

The project is at the stage of preparation of a feasibility study and at this stage the exact nature or extent of land alienation or land use restrictions is not known. Consequently, in accordance with the ESS5 PIG of the Ministry of Transport (MoT) decided to develop a framework that defines general principles and procedures for land acquisition that are compatible with this ESS.

This Resettlement Framework Policy (RFP) has been prepared in accordance with ESS 5 requirements and provisions. It specifies the principles of resettlement, organizational mechanisms and development criteria that will be applied to project components during its implementation. RFP 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.

II. Principles and Objectives of Resettlement Planning

The Resettlement Framework Policy (RFP) document aims to describe policies and procedures to ensure that people affected by the project are adequately consulted on projects and receive adequate and timely compensation or assistance that would improve or at least restore their livelihood to pre-displacement levels or to levels prevailing prior to beginning of project implementation, whichever is higher.

The RFP document provides policies and procedures for determining the World Bank Environmental and Social Standards requirements for land acquisition, land use restriction and involuntary resettlement (ESS 5), assessing potential expected risks and impacts, identifying detailed steps to develop appropriate mitigation measures, including mitigation and compensation for the impact caused by project, including:

- Compulsory alienation of land (temporary or permanent);
- Loss or impact on assets, or access to them;
- Loss of standing crops, income sources on trees or livelihoods, regardless of whether the person affected by the project (PAP) is displaced or not;
- Limited access to natural resources, public places and services;
- Legal framework, eligibility criteria for the displaced population, assessment methodology, compensation, rights matrix, implementation process, consultation procedures;
- Due diligence procedures for project interventions related to other development activities supported by the government and other funding agencies;
- Grievance redress mechanisms benefit payment procedures, and monitoring and evaluation procedures for land acquisition and resettlement under this project.

The main objectives of the RFP are: (i) to guide the executive agency, state bodies (oblast, district) in the field of the proper identification, compensation and restoration of the livelihoods of persons affected by the Project (PAP), (ii) to act as a binding document to ensure payment of compensation and PAP assistance; and (iii) to provide guidance in the preparation, updating, implementation and monitoring of abbreviated RAPs and full RAP projects. The MoT PIG takes measures to ensure that: (i) the PAP are informed of their options and rights regarding resettlement; (ii) have consulted with them, and ensured they are offered a choice among alternative resettlement options with technical and economic opportunities; and (iii) prompt and effective compensation was provided with the full replacement cost of losses of assets directly attributable to the Project.

The RFP document is based on the following principles:

- Involuntary resettlement should be avoided or at least minimized.
 - PAP needs to be adequately assisted in their efforts to improve, or at least restore, income and living standards.
 - PAPs are fully informed and advised on compensation options.
 - Lack of a formal right to a land plot is not an obstacle to compensation or alternative forms of

rehabilitation assistance.

- Particular attention is paid to socially vulnerable groups such as ethnic minorities, women-headed households, disabled or elderly households, etc., and appropriate assistance is provided to help them adapt to project-related changes.
- Land alienation and resettlement is conceived and executed within the project, and the full cost of compensation is included in the project cost and benefits.
- Compensation / rehabilitation assistance will be paid to affected people prior to relocation, land leveling, demolition and, in any case, before impact.
- Compensation must be paid to PAP at full replacement cost, without deduction for depreciation or any other purpose.

It should be noted that in accordance with World Bank ESS 5, the term “involuntary resettlement” covers more than the “physical displacement or relocation” of affected people. It is defined as the direct social and economic consequences of the project, which are permanent or temporary and are caused by the forced acquisition of land, which may lead to : (i) physical displacement such as relocation, loss of residential land or housing/shelter; (ii) economic displacement (loss of land, assets or access to assets; (iii) loss of income sources or means of livelihood, regardless of whether affected individuals should move to another location; or (iv) the involuntary restriction of access to legally protected parks and protected areas, resulting in adverse effects on the livelihoods of displaced persons. ESS 5 also applies to 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.. These requirements and provisions of the ESS 5 apply to all project components that lead to involuntary resettlement, regardless of the source of funding. They also apply to other activities leading to involuntary resettlement, that is, in the opinion of the Bank, (a) are directly and substantially related to a project supported by the Bank, (b) are necessary for project achieving its objectives.

III. Legal Framework and Policies related to Land Acquisition and Resettlement

III.1. Relevant legislation of the Republic of Tajikistan on land management issues

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 systematic code of rules governing the complex of legal relations arising in the process of exercising land use rights. Issues related to the suspension of land use rights, in case of their alienation and compensation for losses to land users, as well as losses associated with the removal of land from circulation, are considered in two chapters and nine articles of the Land Code. These articles contain the main provisions on the alienation of land for public and state purposes. The Code allows the state to seize land from land users for the needs of projects carried out in the interests of the state and on a national scale, and describes the methods, system and procedure for protecting the rights and interests of persons whose land is subject to seizure for the purposes of the project, and provides a set of compensation measures to cover land users' losses. The normative legal act on the procedure for compensation for losses and losses of agricultural products of land users, approved by Resolution of the

Government of the Republic of Tajikistan, dated № 641, 30th of December 2011, a specific and detailed procedure for compensation for losses to land users is established.

The following are the main points regarding the problem of forced resettlement indicated in the Land Code

- Alienation of land for state and public needs should be carried out after the provision of an equivalent land;
- New residential, industrial and other buildings similar to those withdrawn should be built on the new site in the prescribed manner;
- Losses incurred during the alienation of the land should be fully compensated, including lost profits, and losses should be calculated at market value;
- The construction of buildings and compensation for losses will be carried out by institutions and organizations in whose favor the land has been seized (project beneficiaries);
- Provision of a new land plot, construction of buildings, compensation of all types of losses, including lost income, should be done before the formal alienation of land from land users.

According to Articles 41 and 43 of the Land Code, a land plot may be withdrawn for state or public needs, but only with equal compensation for immovable property, facilities and crops located on this plot. This compensation cannot be less than the current market value of such real estate, as the law speaks of the principle of compensation at the market price.

The Land Code requires that an institution interested in acquiring land justifies the need for such alienation and demonstrates that the land should be withdrawn and there is no alternative for the project. A land plot may be confiscated if it is necessary to build buildings and structures or to carry out work of state interest. If the project is of interest to the state, the project beneficiary needs to prepare a proposal for the establishment of land necessary to start such alienation. In accordance with the Law, the acquisition process must be completed, and all people and households that were included in the project area were provided with compensation before the construction is allowed to start.

The Land Management Law (2008, last amendment of 2016) requires the authorities to map and monitor land quality, including soil pollution, erosion and deforestation.

The Law on Sanitary and Epidemiological Safety of the Population (2003, as amended in 2011) introduced the concept of sanitary and epidemiological expertise, which establishes the conformity of project documentation and economic activities to the state sanitary epidemiological norms and rules, and also strengthened the provisions on measures in the field of sanitation and hygiene, epidemic control and awareness.

The Law on Pastures (2013) defines the basic principles for the use of pastures, including the protection of pastures and the environment.

Table 1. Laws and regulations on land management in Tajikistan

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| <ul style="list-style-type: none">• The Constitution of the Republic of Tajikistan establishes land as the exclusive property of the state;• Land Code, Civil Code, land allocation rules for individuals and legal entities;• The Land Code of the Republic of Tajikistan is a systematic set of rules governing the complex of relations arising in the process of land ownership and use;• The Civil Code of the Republic of Tajikistan regulates the legal status of participants in civil turnover, the grounds for the emergence of rights and the procedure for their exercise, contractual obligations, property and non-property relations;• The Law of the Republic of Tajikistan “On Land Valuation” establishes the legal basis for normative land valuation;• The Law of the Republic of Tajikistan “On Local Government Agencies” establishes regulatory grounds for the allocation and redistribution of land; |
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- The Law of the Republic of Tajikistan “On Land Management” regulates relations related to the legal grounds for activities in the field of land management;
- The State Land Cadaster is a system of information and documentation on the natural, economic and legal status of lands, their categories, quality characteristics and economic value;
- The Regulation on the procedure for compensation of losses to land users and harm to agricultural production, approved by the Decree of the Government of the Republic of Tajikistan N 641, dated. December 30, 2011, establishes the procedure for compensation for losses to land users;
- The Civil Procedural Code of the Republic of Tajikistan establishes the procedure, rules and conditions of judicial protection in case of legal proceedings on issues related to involuntary resettlement; and
- The Economic Procedural Code of the Republic of Tajikistan also establishes the procedure, rules and conditions of judicial protection in case of legal proceedings on issues related to involuntary resettlement

III.2. National legal provisions on citizen participation and labor

The Law on Freedom of Information is supported by Article 25 of the Constitution, which states that state institutions, public associations and officials are obliged to provide everyone with the opportunity to receive and familiarize themselves with documents that affect her or his rights and interests, except in cases provided by Law.

In accordance with the *Decree “On the Approval of the Procedure for Reimbursing the Costs Related to the Provision of Information,”* adopted 1th of January 2010, all government bodies have the right to charge a fee for providing any information to journalists and government officials. The decree states that one page of the information provided should cost up to 35 TJS (US 8 dollars).

The decree allows government officials to charge for photocopying official documents or extracts of official documents and receiving written information from government officials. Payment may be charged not only for the provision of printed information, but also for oral information and clarification of legislative acts, decrees and regulatory legal acts¹.

According to *the Law on Public Associations*, a public association can be created in one of the following legal forms: public organization, social movement or public initiative body. Section 4 of this law establishes the right of citizens to form associations to protect common interests and achieve common goals. It describes the voluntary nature of associations and defines the rights of citizens not to join organizations and not to leave them. Amendments to this law in August 2015 require NGOs to notify the Ministry of Justice of all funds received from international sources before using these funds.

The Law on Assemblies, Rallies, Demonstrations and Street Processions in 2014 (Section 10) prohibits persons who have committed administrative offenses (i.e., not criminal offenses) in accordance with Articles 106, 460, 479 and 480 of the Code of Administrative Offenses², to organize meetings. Section 12 of the Law stipulates that meeting organizers must obtain permission from the local administration fifteen days before the organization of the mass meeting.

The Law on Local Government (2004) gives the chairman of a district or city authority to control the management of natural resources, the construction and reconstruction of nature protection territories, and the supervision of local structures in the field of sanitary and epidemiological surveillance, waste

¹ Tajikistan Commercial Law: EBRD Assessment. Office of the General Counsel. April 2012 European Bank for Reconstruction and Development

² These provisions relate to barriers to assembly (art. 106); hooliganism (Article 460); police disobedience (article 479); and violation of the rules for holding meetings (Article 480).

management, healthcare and social protection of the population in within the administrative territory. A public meeting is not held without official notification of the local government authority (district Hukumat).

The Law “On Self-Government Bodies of Settlements and Villages” in 1994, is endowed with a wide range of opportunities and a mandate to support community efforts to meet local socio-economic needs. The 2009 amendment aims to ensure that local governments and accountability are focused on delegating authority with respect to the authority of members of the jamoat council. The amendment in 2017 allows the Soviet of jamoats to withhold non-tax revenues, as well as pay for the provision of administrative services, as well as part of the local property taxes. The amendment in 2017 implies a serious attitude on the part of the national government to a policy decision that gives the Jamoat Council the authority and resources necessary to support local development and solve problems.

The Law of the Republic of Tajikistan “On Appeals of Individuals and Legal Entities” (July 13, 2016 № 1339) contains legal provisions on established information channels for citizens to submit their complaints, inquiries and complaints. Section 14 of the Law establishes the time limits for the consideration of complaints, which are 15 days from the date of receipt, which do not require additional investigations.

III.3. World Bank Environmental and Social Standards on Land Acquisition, Restriction on Land Use and Involuntary Resettlement (ESS 5)

The WB’s ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons, and should be avoided where possible. 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 physical or economic displacement. Where involuntary resettlement is unavoidable, it will be minimized and appropriate measures to mitigate adverse impacts on displaced persons, and on host communities receiving displaced persons, will be carefully planned.

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; and
- 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 land 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.

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 (GOT) 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 Borrower 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 Borrower 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.

III.4. Key provisions on differences between the Tajik Land Code and World Bank ESS5

In principle, the Land Code of the Republic of Tajikistan and ESS 5 of the World Bank adhere to the goal of compensation for replacement cost, but the legislation of Tajikistan does not provide for rehabilitation, and in practice this is left to the discretion of the Government of the Republic of Tajikistan.

In order to clarify these issues and to eliminate possible gaps between the legislation of Tajikistan and the World Bank ESSs, this RPF document was prepared for the Project, providing compensation for the cost of replacing all items, and for non-land assets of people without land rights and informal settlers, and providing subsidies or benefits for the PAP who may be displaced, suffer business losses, or may be otherwise seriously affected. Hence, in addition to compensation for acquired land, the Project will compensate as follows (in compliance with ESS5):

- Any PAPs, regardless of title or not, will be entitled to compensation (for structures, assets, crops and trees) and rehabilitation measures to restore livelihood at least equal to the pre-displacement level under the project. This includes land-less people using land and squatters.
- All 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 ESS 5, 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 cutoff date.

In case of disparity of the laws of the Tajikistan with the requirements of the policy of the WB on Involuntary resettlement (ESS 5), the principles and procedures of ESS 5 should be applied. This priority of WB norms over the national legislation is required for World Bank financed projects and provided for by the national legislation.

IV. 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 PIG Social Development Consultant in conjunction with the representatives of local self-government bodies 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 CARs-4 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 projects.

The design will not be completed until it is clearly established that all attempts have been made to minimize the impacts of land acquisition and 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.

IV.1. Census, socio-economic surveys, loss inventory

The census and socio-economic survey should be carried out using a structured questionnaire to record the details of the current land owners, their ownership status (primary land user or secondary land user), the amount of land required for the proposed improvements in order to: (i) assess the magnitude of the impact on private assets; and (ii) assess the degree of physical and / or economic displacement, as well as the standard of living, inventory of assets, sources of income, debt level, profile of household members, health and sanitation, the estimated benefits and consequences of the projects, and the relocation preferences of those who require relocation. This information will facilitate the preparation of a resettlement action plan to mitigate adverse effects.

The purpose of a basic socio-economic survey of affected individuals is to cover the socio-economic characteristics of the affected individuals and establish monitoring and evaluation parameters. The main socio-economic indicators will be used as a guideline for monitoring the socio-economic status of the persons affected by the project. The survey should cover all PAPs and also help to collect data disaggregated by sex to address gender issues during resettlement. As part of the socio-economic survey, a wide range of consultations will be held with various groups affected by the problem, as well as with other stakeholders, in order to find out their views and preferences. Based on the results of these consultations, design changes, if necessary, and mitigation measures will be introduced. Consultations will include women, their problems and reactions, in particular to land tenure, impact on livelihoods, compensation and resettlement planning will be addressed through appropriate mitigation.

During the census, a cut-off date will be set, which will be the date of the census and the listing of recognized PAPs, lands and assets going to be affected. After the census, the RAP will be developed based on the collected data on exposure and persons affected.

IV.2. Preparation of Resettlement Action Plans

The RAP will be prepared after the socio-economic census and identification of the parties affected by the project. The RAP will be prepared in consultation with the parties involved. In particular, consultations will be held on the provision of compensation, as well as on obstacles encountered in activities in the field of

economics and livelihoods, methods of assessment, compensation, possible assistance, the aspirations of the PAP, complaint mechanisms, and the timing of implementation. The final version of the RAP will include comments and comments by the PAP. Listed below are the key elements of the RAP identified in ESS 5. More detailed recommendations on the preparation of the RAP are available on the website of the ESF WB Methodological recommendations on ESS 5. The contents of the RAP are set out in Appendix 5. The level of impact of the Project on individual affected individuals is not expected to be significant (i.e., the PAP is unlikely to be physically displaced or lose its production assets). It is expected that the number of people affected under any one site-specific sub-project will be less than 200 people. In such cases, an abbreviated RAP may be prepared. If the number of affected people exceeds 200, a full RAP will be developed. However, given community-level sub-projects at the community level, no interventions will result in the physical or economic displacement of 200 or more people.

Where a full RAP needs to be developed, it should include the following at minimum: (i) Description of the sub-project; (ii) Potential impacts; (iii) Objectives of the RAP; (iv) Baseline census and socioeconomic survey information; (v) Legal framework incl. entitlements related to any additional impacts which are not identified in this RPF but which are identified through the census or survey during implementation; (vi) Institutional Framework; (vii) Eligibility; (viii) Valuation of and compensation rates and standards for losses; (incl. programs for improvement or restoration of livelihoods and standards of living; (ix) Community Participation; (x) Implementation schedule for resettlement activities; (xi) Cost and budget; (xii) Grievance redress mechanism; (xiii) Monitoring and evaluation;

IV.3. Disclosure and approval

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

- The draft RAP shall be subject to consultation with PAPs who will receive a copy of the RAP in language and format adequate and accessible to them a week before the discussion. PAPs' representatives, PIG MOT representatives, and NGO representatives shall attend public consultations.
- 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 Safeguards Specialists 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 ESS 5 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 PIG MOT websites 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.

V. 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.

V.1. Principles

Forced seizure of land leads to the displacement or loss of housing: Loss of assets or access to assets, or loss of sources of income or livelihoods, should the PAP move to another location. Therefore, meaningful

consultations with affected individuals, local authorities and community leaders will establish the criteria by which displaced persons will be deemed eligible for compensation and other relocation assistance.

V.2. Eligibility classification according to ESS 5

Affected persons are defined as follows: Individuals

- a) Having formal legal rights to land or property;
- b) Not having formal rights to land or property, but presenting a claim to land or property that is or may be recognized in accordance with national law; or
- c) Not having a legitimate recognized right or recognized claim for land or property that they occupy or use.

Those covered by points (a) and (b) above should be provided with compensation for land loss and other assistance in accordance with this RPF document.

Persons referred to in subparagraph (c) above should be provided with resettlement assistance instead of compensation for the land they occupy, and other assistance, if necessary, to achieve the goals set out in this RPF document if they occupy the project area before termination dates set by project authorities in close consultation with potential PAP, local community leaders and relevant local authorities and acceptable to the World Bank.

Persons who encroach on this site after the cut-off date are not entitled to compensation or any other relocation assistance. All persons included in paragraphs (a), (b) or (c) above shall be compensated for the loss of assets other than land. Therefore, it is clear that all persons affected by the project, regardless of their status or whether they have official titles, legal rights or not, persons who occupy land in violation of the law or otherwise encroach illegally on the land, are entitled to receive any assistance if they occupy land or use it, before the deadline.

Eligibility for assistance under World Bank ESS 5 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

V.3. Eligibility and Entitlement Criteria

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 ; 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 that are eligible for 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 the impact of the project. The table below shows the Matrix of rights under the project, 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.

Table 2. Entitlement Matrix

Asset Affected	PAP Category	Compensation Entitlements
Permanent Loss		
Agricultural land	Land Owners (-use rights holders)	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 subsidy. If the remainder of the plot is not economically viable the entire plot will be compensated or replaced.
	Renters and leaseholders	Re-imburement of rent for remainder of contract period, plus 3 months of rent or 3 months of market price of sharecropping produce as disturbance allowance.
	Informal users	Assistance to identify replacement land/resources for use prior to land entry. The informal users will be given an opportunity to harvest the crop or compensation for the crop will be provided.
Residential and commercial land	Land Owners (-use rights holders)	Provision of alternative land plot of equal value (similar conditions and facilities) to plot lost. If the residual portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
	Renters and leaseholders	The renter will be reimbursed the rent for the remainder of the contract. Further, an additional payment equivalent to three months' income will be paid to restart the business in the new location and assistance to find suitable alternative business location
Buildings and business structures	Owners	Cash compensation at replacement rate for affected structure/other fixed assets (without deduction of depreciation, taxes, costs for salvageable materials and other transaction costs). All buildings and structures will be compensated in their entirety; In addition to land compensation, owner of the business structure will be also paid for the lost income during the 3-

		month transition period, calculated on the basis of monthly income to restart the business in a new location
	Renters	The renter will be reimbursed the rent for the remainder of the contract. Renters of business structures will receive an additional payment equivalent to 3-month income to restart their business in a new location and assistance to find suitable alternative business location.
	Illegal structure owners	Any structure including house, fence, or sanitation structure etc. will be replaced or compensated at the replacement cost. Affected buildings/ structures should be compensated in their entirety.
	Informal business structures along the road	The users will be offered a mechanism for the use of land plots to do business legally in other territories. If necessary, in line with lenders requirements, assistance will be provided for business relocation. These users will be able to get an assistance for relocation to the other place. The owner of informal structure for business will be notified in advance (no later than 6 months) for ensuring the opportunity to find a new location for business.
Crops	Land owners (-use rights holders)	In addition to land compensation, they will be allowed to take standing crop and cash compensation for 2 seasons or annual crop yield depending on the crops.
	Renters and leaseholders, including informal users	They are allowed take standing crops and cash compensation for 2 seasons or annual crop yield depending on the crops.
Trees	Fruit trees	Affected owners are allowed take logged trees. 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
	Decorative trees	Price of a sapling and cash compensation for the market value of the decorative tree. Any costs associated with planting of saplings in a new plot. Trees logged will be handed over owners
Temporary Loss		
Land	Land Owners (-use rights holders)	If private assets are damaged or removed as a result of temporary acquisition of 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.
	Renters and leaseholders, including	Rental 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.
Private assets/buildings, fences, business structures	Owner	If private assets are damaged or removed as a result of temporary acquisition of land, restoration, replacement or compensation of all assets damaged or removed. In addition, business owner will be paid for the lost income during the temporary impact period, calculated on the basis of average daily income.
	Renter	If private assets are damaged or removed as a result of temporary acquisition of land, restoration, replacement or compensation of all assets damaged or removed. In addition to the reimbursement of rent, the renter will be paid for the lost income during the temporary impact period, calculated on the basis of average daily income.
Entitlements for Vulnerable Groups		

PAPs with vulnerabilities	Land and structures owners/tenants/informal users	The RAP will define vulnerability criteria and identify affected vulnerable persons. Identified PAPs with vulnerabilities will receive additional assistance (assistance in registration of title deeds, searching alternative location for business, moving assistance, etc). In addition to compensation for assets lost, a lump-sum equivalent to one year of average salary payments will be paid.
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In none of these cases will the PAP be liable for any taxes and possible transaction fees; they will be paid by the implementing agency from the resettlement budget, which will be contributed by the government of Tajikistan. In addition, the amount to cover fees for banking services will be added to the amount of cash compensation received by the PAP in banks.

V.4. Methods to Determine the Cut-Off Date

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.

VI. Methods of Valuating Affected Assets

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

VI.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. *At the time of detailed RAP preparation, the then market values and replacement cost values will be measured to establish the applicable compensation rates for respective impacts.* All cash amounts will be adjusted to reflect any economic changes and buying power of currency since the preparation of this RPF. The MoT/PIG 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 ESS 5.

VI.2. Preparation of Inventory of Assets

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.

VI.3. Valuation Methods

VI.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 share cropper). 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.

VI.3.2. Calculation of Crops and Fruit Trees Compensation Rate

The current prices for the crops will be determined considering 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 labour 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

VI.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.

VI.3.4. Compensation for Community Assets

Compensation will be provided for community assets identified in the course of social economic survey. In all cases, they will be provided in kind and new facilities will be provided, even if existing facilities are in the new location.

VI.3.5. Assets Compensation for Sacred Sites

Sacred and genocide war memorial sites include but not restricted only to museums, altars, initiation centres 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.

VI.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 3-month 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.

VII. RPF and RAP Implementation Arrangements and Procedures

VII.1. Overview of the project management procedures

In order to ensure that the proposed aim of project is achieved, diversified nature, strict coordination will be required between various stakeholders, including between the Ministry of Transport and the Customs Service. During the previous mission, an agreement was reached to create a Steering / Coordinating Committee at the highest government level, which will ensure coordination of stakeholders and supervision of implementation. Such a committee has yet to be created. The overall responsibility for the implementation of Component-1 of the project will be assigned to the Ministry of Transport, and for the implementation of Component-2 of the project to the Customs Service. This responsibility includes fiduciary responsibility for the implementation of the project. The proposed PIG in the structure of the relevant line ministries and departments will include the following: a) management of special accounts, b) financial management and project reporting in general, c) ensuring the audit of the project, d) preparation of quarterly financial reports and semi-annual reports on the progress of the project, e) management of aspects related to the protection of the environment and social environment; e) implementation of all procurement and contract management activities within all components.



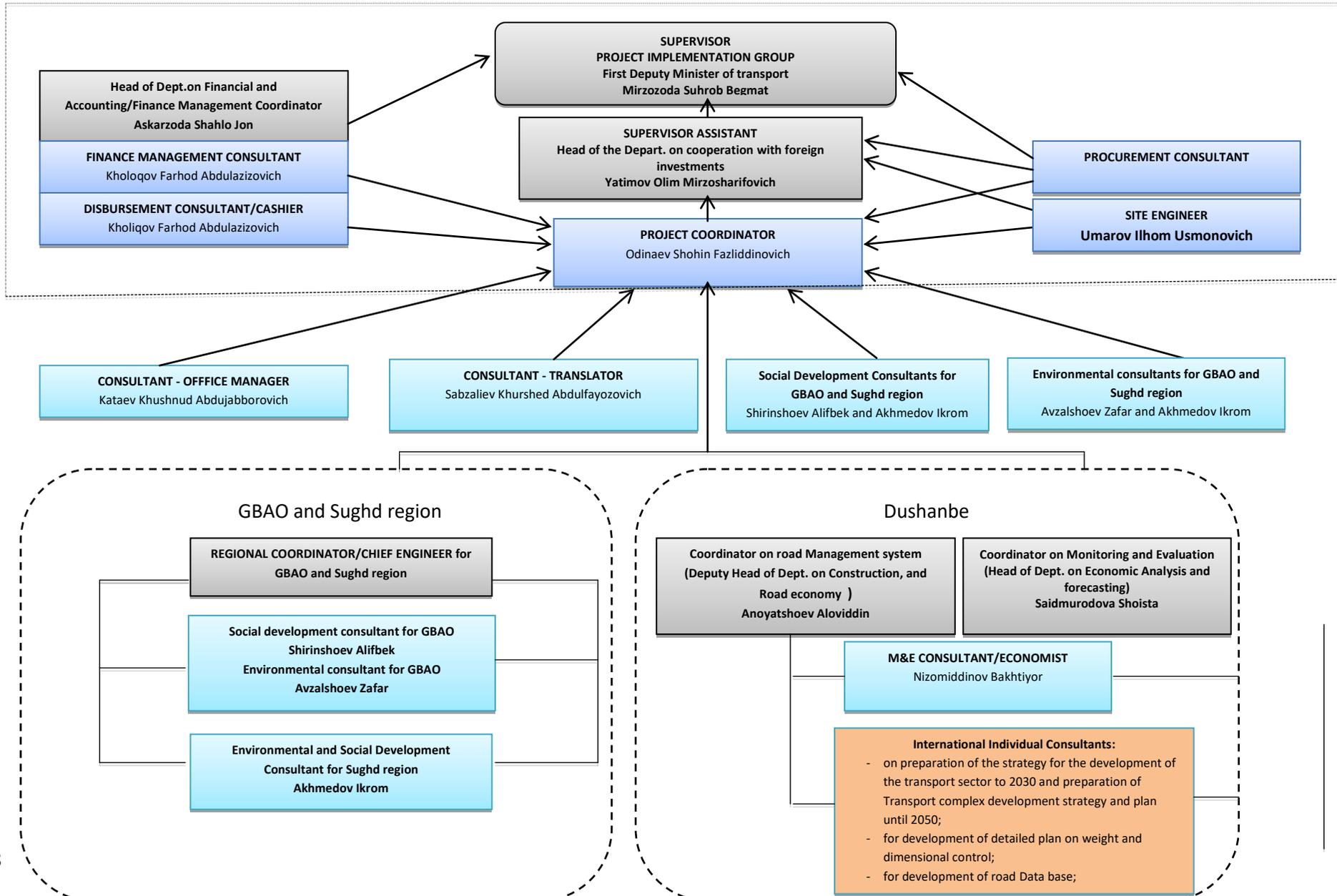
The Ministry of Transport will serve as the implementation agency. Since the implementation of the, the government coordination center, the Ministry of Transport is a key player that can bring together all interested ministries and departments to achieve the results of the project. The Ministry of Transport will be responsible for the overall implementation, coordination, monitoring of results and communication with the WB for the implementation of all activities related to the project. The Minister of Transport will appoint the First Deputy Minister as the project supervisor, who will lead the implementation and monitoring of the project. The Ministry of Transport will hire a group of consultants who will provide technical and operational assistance for the implementation of the project.

Project Implementation Group (PIG) under the Ministry of Transport. The most important role of PIG is to provide technical and operational assistance to the project target areas in the implementation of project activities, including procurement responsibilities, FM, and environmental and social risk management. The project coordinator will be hired by the Ministry of Transport to manage PIG based on terms of reference acceptable to the World Bank. The project coordinator will work closely with consultants, TA positions, representing two specialized bodies, the Ministry of Transport and the Customs Service, to work closely with the management and all relevant departments of industry structures in order to: (i) ensure the consistency of planning, budgeting and implementation and monitoring; (ii) preparing a technical proposal and providing technical supervision of project activities with a view to institutionalization and sustainability; (iii) implement selected project activities and oversee other activities. In addition, the will also include other international and local consultants and experts in various technical areas necessary for the implementation of the project, including procurement, FM and environmental and social expertise, and a M&E consultant. At the level, a **regional coordinator/engineer** will be located in each target region to provide technical and operational support and ensure uninterrupted coordination, implementation and control at the district and *makhalla* level.

PIG under Customs Service: In accordance to the agreement, the Government of Tajikistan and the World Bank group agreed that one part of this project CARs-4 will funding to improve the IT system of the Customs Service and component 4 of the CARs-4 Project will funded for improving of IT system of the Customs. This component will not affect to the Environmental and Social part.

The project will be implemented in targeted areas. In each district, the First Deputy Chairmen of the Regions will keep in touch and jointly resolve problems with consultants from the PIG of the Ministry of Transport. To coordinate, facilitate and monitor the implementation of project activities, he will jointly supervise with the deputy chairman of the local executive authority and include key departments related to the Project: finance, social protection, road services, communications, water supply, sanitation and hygiene, construction. The hydraulic fracturing will be supported by a regional coordinator hired by the Ministry of Transport, which will be based at the regional level.

Project Organigram



With regard to the implementation of the RAP, the local Jamoats will support the PIG MOT in:

- (i) Conducting social screening and assessing the project's suitability for protective measures;
- (ii) Liaising and coordinating with relevant government agencies (Land Administration Agency and its branches);
- (iii) Ensuring the proper implementation of IT, requirements, and social screening tasks during project implementation;
- (iv) Handling complaints and feedback from project affected peoples, stakeholders and the public, including complaints regarding the environmental / social impacts of projects;
- (v) Monitoring mitigation measures;

Monitor social impacts as part of overall monitoring of project implementation;, incl.social impacts that have occurred during project implementation and analyze the effectiveness of mitigation measures used to minimize negative consequences. Together with the local governments and contractors, the PIG MOT is responsible for the implementation of the above safeguards measures.

For the successful implementation of the RFP, the following project and structure personnel will be required:

- Social Development and Environmental Specialists in both regions will conduct environmental and social assessments and resettlement planning work.
- Local Administrations – Districts and Jamoats level in each district will assist in preparing compensation, including provision of alternate lands for people who may lost agriculture and pasture lands. The representatives of local authorities also act as GRM resolution committees in each district

For implementation, the project team will follow the process cycle described below.

	Activity	Primary	Secondary	Associates
1.	Creation of GRM at district and national levels	PIG MOT	District authorities	
2.	Project environmental and social risk screening	PIG Engineers for protective measures and E&S consultants		
3.	Development of the RAP for specific sites, if necessary	PIG MOT	External experts / firms	
4.	Public consultation and disclosure of RAP	PIG MOT		
5.	Review and approval of the RAP or the ARAP for specific sections	WB		
6.	Implementation of the RAP	PIG MOT	Contractors	Local khukumats
7.	Monitoring of the RAP implementation	PIG MOT	Supervision Contractor	Civil works contractors
8.	Monitoring and supervision of the project	PIG MOT	Supervision Contractor	WB

VII.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 regional coordinator, contracted to design the construction of under the supervision, who is given the responsibility to oversee the construction process under Component 1. Screening will be also undertaken in accordance with established screening criteria and procedures, by consultants, who is given the responsibility to oversee the construction process both Components. No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts.

Table 3: Screening of Road Sections

<ul style="list-style-type: none">a) The PIG MoT (engineer and social development specialist) conducts screening of the project for prohibited/excluded activities;b) The PIG MoT social safeguards consultant will check for prohibited activities during the social screening, and a social screening table;c) Based on the Social Checklist, the risk category of the project and the type of Social Assessment to be carried out are determined — either RAP or RFP;d) Screening results, including potential negative impacts and possible mitigation measures, are presented to community representatives during public meetings held by the PIG at the district and / or jamoat level.
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VII.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 socioeconomic 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 PIG MOT representatives and officials from the Jamoat (sub-district), mahalla (village) and District Administration (or Mayor / Municipal Corporation 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.

VII.4. Due Diligence Review of Linked Activities

The local community 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 reveal 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 projects to be supported under the CARs-4 Project and the WB ESF team members. Due diligence review report will be prepared to assess the associated social and reputation risks and to propose mitigation measures.

VII.5. Assessment 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 structures facilities, which will be identified through the joint development of The extent to which any temporary or permanent acquisition of land is required, or the restriction of access and use of land on a temporary or permanent basis, is still unknown and can only be fully determined after the completion of the feasibility study.

VII.6. Functions and Responsibilities

This section describes the roles and responsibilities for implementing resettlement plans aimed at physical and / or economic displacement, as described in ESS 5. The scope of requirements and the level of detail of the resettlement plan vary depending on the size and complexity of the resettlement. The plan is based on updated and reliable information about: (a) the proposed project and its potential impact on displaced people and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) legal and institutional mechanisms necessary for effective implementation resettlement measures. The outline for resettlement action plan is enclosed in Annex 6.

The assessment of a specific site will be carried out in accordance with WB ESS 5, and as a result of this assessment, a plan for the relocation of a specific site will be prepared. PIG MOT or contract consultants will be responsible for this. Table 7 shows the progress of the developing resettlement action plans:

Table 7: Process of Preparation of Resettlement Action Plans for Investments in Road Infrastructure

Step 1	<ul style="list-style-type: none"> a) The PIG MOT consultants complete the social screening checklist; b) Based on the social screening checklist, a risk category will be determined; c) The social development consultant provide consultation with population in project area,
Step 2	<ul style="list-style-type: none"> a) The social development consultant will assess potential negative impacts and possible mitigation measures, and presents them to the community representatives during open meetings. b) If the project requires a complete socio-economic profiling / census of the people affected by the project (PAP) and an inventory of loses, it is completed by the PIG MOT social consultants.
Step 3	The MoT PIG Social Development Consultant will prepare Resettlement Action Plans (RAPs)
Step 4	The MoT PIG will ensure the publication of draft resettlement plans and will organize public consultations for CSOs, community representatives, affected groups, etc. Formal protocols will be prepared to record material provided by participants.
Step 5	The MoT PIG can begin implementation after the final Resettlement Action Plan is ready, updated in consultation with the community, approved and made public prior to project evaluation.
Step 6	The MoT PIG upon completion of the RAP implementation, the civil works contractor can start construction works on the specific site.

The mechanisms for the implementation of the RPF are based on the implementation mechanisms for resettlement and compensation activities in accordance with ESS 5 of the World Bank, as set out in this document. The distribution of responsibilities of all parties involved in the implementation of resettlement plans is shown in Table 8.

Table 8: Roles and Responsibilities on Implementing RAPs

Responsible Party	Responsibilities
PIG MoT	<ul style="list-style-type: none"> • Approve resettlement action plans (RAPs) in the WB and disclose them on the website of the PIG MoT; • Organize approval of government funding and payments for the implementation of the RAP; • Implement RAPs in the field and regularly submit reports on implementation to the WB; • Summarize the resettlement issues related to the implementation of the project in the WB in regular progress reports; • Be open to comments from affected groups and local authorities regarding resettlement issues for the project. Meet with these groups while visiting the site, if necessary. • Development and conduct of trainings and tools for capacity building in the field of social screening; • Provide guidance to the construction contractor and the technical supervision firm to meet the requirements of the on-site relocation plans together. • Coordinate and liaise with WB observation missions regarding environmental and social protection aspects of the project implementation. • Conduct regular monitoring activities to implement specific resettlement plans; • Create a multi-level GRM, track and deal with complaints related to the project on time; and • Manage the GRM discusses and provide regular reports on the number and content of complaints.
Social and Environmental Specialists	<ul style="list-style-type: none"> • Hold consultation meetings, as well as prepare and distribute leaflets or other informational documents to inform the communities, as well as its consequences and construction schedule, as well as the rights and rights of the PAP; • Create GRM at the district level, track and consider complaints related to the project within the established time frame; • Manage the grievance redress mechanism at the district level and write a regularly report on complaints from the affected groups (PAPs) the PIG MoT through monitoring reports on the implementation of the RFP / Resettlement Action Plans; • Prepare reports on the implementation of resettlement plans for consideration by the PIG MOT; • Regularly monitor events at sites. • Organize the disclosure of final resettlement plans and public meetings involving NGOs, community representatives, affected groups, etc. Formal protocols, photos will be prepared to record material provided by participants; • Carry out social screening of project sites during project implementation; and • Facilitate community-based monitoring;
Contractors	<ul style="list-style-type: none"> • Comply with the requirements of resettlement action plans; • Compensate or repair damage caused during construction (that is, damage to crops, infrastructure), as indicated in the RPF / RAP and in coordination with the PIG; • Manage GRM and Labour Management Procedures at contractor level.
World Bank	<ul style="list-style-type: none"> • Review RAPs at specific sites and agree with the PIG MoT; • Unveil the final resettlement action plans on the WB official website; • Conduct implementation support and monitoring missions to ensure compliance of the Project with the social and environmental standards of World Bank ESS 5.

The table above describes the best practices that are based on existing responsibilities to ensure that the requirements of this RFP document are met for each project activity. They are based on the institutional structure existing at the time of writing the RFP. If these institutional structures change, this should be reflected in the summary of activities.

VII.7. Monitoring and Evaluation Mechanisms

Component 4 will support Monitoring and Evaluation (M&E) activities to track, document and communicate project progress and results. The monitoring and evaluation specialist in the PIG MoT will be responsible for the overall synthesis of progress and results. This component will finance the PIG MoT in preparing project reports - semi-annual reports and quarterly unverified financial reports that will be submitted to the World Bank.

The MoT/PIG monitoring and evaluation specialist will be responsible for monitoring community mobilization and other community engagement, expression and support activities. The monitoring and evaluation specialist of MoT will compare and analyze these semi-annual evaluations of the results and based on the presentation of the results and will include them in the semi-annual reports of the World Bank.

VII.8. Monitoring Plans

The social issues included within the mitigation measures are monitored and supervised by the local social consultants appointed in each region by the MoT/PIG. 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 Client 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 MoT/PIG regional social and environmental consultants 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.

VII.9. Monitoring and Reporting Responsibilities

Through its regional project coordinators, MoT/PIG will oversee all projects that it finances to ensure compliance with protective measures during construction, operation, and maintenance. They will ensure full compliance with the terms of the RAP / resettlement contract. The final payment to the contractor should depend on the final inspection, with particular attention to the requirement to restore the site to its original state after the completion of restoration work.

The PIG social development specialist (SDS) will visit project sites as needed. Based on the implementation of security measures in various projects, he / she will advise on further payments to be made to contractors concluding contracts for the implementation of projects under the framework of CARs-4. If it is determined that there is no compliance with the requirements of the RFP and / or protective measures, further payments will be terminated until the requirements of protective measures are met.

In addition, SDS will be responsible for the social monitoring activities identified above as part of preventive and mitigation measures to address potential adverse effects. This monitoring will be included in the overall project monitoring plan required by the World Bank as part of the project.

As part of its environmental and social monitoring activities, the MoT PIG will conduct random inspections of the project sites to determine the effectiveness of the measures taken and the environmental impact of the project activities. MoT PIG is also responsible for processing, reviewing and monitoring complaints and other feedback, including on environmental and social issues.

The MoT PIG will be responsible for reporting on RFP / Resettlement Action Plans 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 safeguards aspects of subprojects on a semi-annual basis to the World Bank;
- Prepare biannual 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 biannual 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; and
- Present the impact of mitigation and environmental and social protection measures for general public via specific publications or/and by annual public seminars.

VII.10. Implementation schedule, linking relocation implementation with construction work

Prior to the commencement of construction work on specific project sites, it will be necessary to provide compensation to the PAP in accordance with the provisions of the publicly announced and approved Resettlement Action Plan, which is based on this Resettlement Policy Framework document. Activities related to alienation or loss of land, denial of access or restriction of access requires that these measures include compensation and other assistance necessary for relocation prior to relocation. Land and related assets may be acquired only after compensation has been paid and, where applicable, after the provision of places and funds for resettlement to displaced persons. PAP, who must be physically relocated, have to be provided with the opportunity to completely build their houses on the replaced land plots, or to pay rent for temporary accommodation in an alternative housing / apartment, which will be covered by the compensation budget. A written agreement must be signed between the parties that governs specific conditions.

Measures to ensure compliance with the RFP document will be included in the RAP, which will be prepared for each type of activity that includes relocation or compensation. The schedule for the implementation of measures should be agreed with the MoT/PIG, and PAP. It includes planned dates for the start and completion of construction work, schedules for the transfer of land plots to completed construction work, as well as the dates of ownership of land / structures / services that are used by the land plots. Dates should be after the dates of the transfer of the finished construction works and all payments. Parties should also agree on how these activities will be related to the implementation of a common project. The screening process should ensure that the RAP contains appropriate measures that relate resettlement activities to construction work in accordance with this policy.

An interim mechanism for these measures will ensure that no individual or affected household is relocated (economically or physically) in connection with construction work until compensation, preparation and provision of land with appropriate conditions to each affected individual or household is paid. Once the RAP has been approved by the authorized body, the RAP should be sent to the World Bank for final review and approval.

Compensation will be paid to the individual PAPs only after the written consent of the PAPs, including both husband and wife.

VII.11. RFP Implementation Budget

At this stage, it is not possible to estimate the exact number of people who may be affected because technical designs and details have not yet been developed. Therefore, it is impossible to imagine an approximate budget for the total cost of relocation, which may be associated with the implementation of this project. However, when these locations become known, and after the completion of a specific local socio-economic study, information will be provided on the specific impacts, incomes of individuals and households, the number of affected people and other demographic data, detailed and accurate budgets for each RAP will be prepared. Each RAP will contain a detailed budget, which will include the following costs:

- Compensation may include, for example: land costs, facilities, crops; restoration of the structure; community facilities and services.
- Relocation costs may include, for example: relocation costs of the PAP, administrative costs of relocating the PAP.
- Revenues for income recovery may include, for example: temporary income support for the PAP.
- Administrative expenses may include, for example, staff costs, training and capacity-building costs, monitoring and evaluation.

MOT/PIG 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.

VIII. PUBLIC CONSULTATIONS AND DISCLOSURE

VIII.1. RFP Disclosure

The draft RFP is available on the MoT website (www.mintrans.tj) and submitted to the World Bank for disclosure in English on the WB external web page. The English and Russian versions will also be posted on the MoT webpage. The final version of this document will be used by the relevant government authorities and other stakeholders of the Project during the implementation of the project.

VIII.2. Public consultations

The MoT PIG conducted public consultations on the ground on this draft of the RFP and invited all interested organizations from 4 target districts, including representatives of local authorities, such as local Environmental Protection departments, local Hukumats and local NGOs from target sites in Khorog city, in Shugnan district from 26th August to 4th September 2019 and in the areas of Spitamen, Gafurov and Kayrokum districts from 14th June to 20th June 2019. During consultations with the PIG, MoT provided a summary of the draft ESMF and RPF. In particular, the audience was informed about screening procedures, 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.

VIII.3. Grievance redress mechanism

Project stakeholders and citizens can submit complaints regarding the project through the project specific Grievance Redress Mechanism (GRM). The World Bank Grievance Redress Service (GRS) could be used as the last resort option to file complaints which have not been resolved at the national level.

VIII.3.1. Goals of the project-based GRM

The GRM in CARs-4 Project is incorporated into a broader beneficiary feedback mechanism to be established by MoT/PIG at the central and local levels. The project-based GRM is intended to serve as a mechanism to:

- Allow for the identification and impartial, timely and effective resolution of issues affecting the project;
- Strengthen accountability to beneficiaries, including project affected people, and provide channels for project stakeholders and citizens at all levels to provide feedback and raise concerns.

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; strengthen transparency, 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.

VIII.3.2. GRM overview and structure

The GRM will be accessible to a broad range of Project stakeholders who are likely to be affected directly or indirectly by the project. These will include PAPs, community members, project implementers/contractors, civil society, media—all of who will be encouraged to refer their grievances and feedback to the GRM.

The GRM can be used to submit complaints, feedback, queries, suggestions or compliments related to the overall project management and implementation, as well as issues pertaining to sub projects that are being financed and supported by the project, including:

- Violation of Project policies, guidelines, or procedures, including those related to procurement, labor procedures, child labor, health and safety of community/contract workers and gender violence;
- Disputes relating to resource use restrictions that may arise between or among targeted districts and communities;
- Grievances that may arise from members of communities who are dissatisfied with the project planning measures, or actual implementation of project investments;
- Issues with land donations, asset acquisition or resettlement specifically for project related activities.

GRM structure. PIG MOT will implement an effective GRM, with the objective of helping third parties to avoid resorting to the judicial system as far as possible. PIG MOT's GRM includes three successive tiers of extra-judicial grievance review and resolution:

- (i) the first tier is at local level of Jamoat and/or PIG Social Development Specialist based in the region;
- (ii) if for the first tier the local Jamoat cannot solve on the second tier PAP complaint will be sent to the local government/khukumat at the district level,
- (iii) finally, as the third tier, complainants can seek redress from the MOT/PIG at any time.

The project based GRM will be comprised of different channels. Consideration of applications received from stakeholders begins with the contact of representatives of local government bodies (jamoat / mahalla) and/or a Social development consultant of the Project. Social development specialist places the complaint in the register of complaints and suggestions. If the problem cannot be resolved to the satisfaction of the complainant within 5 days, then it is transferred to the next level. In the register of complaints and suggestions, a record is made about the status of resolving the problem or the decision to transfer it to the next level.

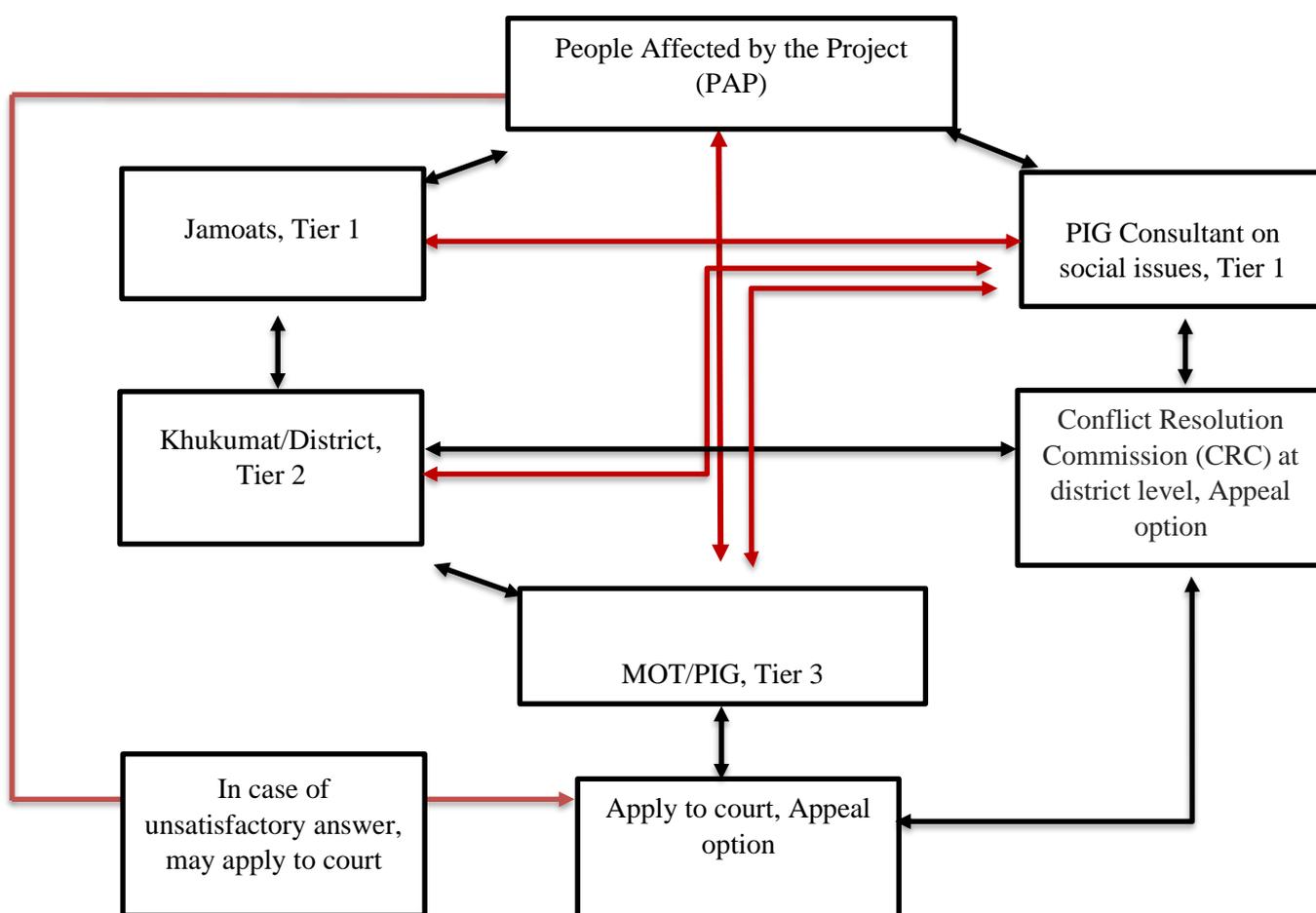
Further, the complainant addresses his written complaint to the PIG. A statement of complaint is signed and dated by the injured party. The responsible person (Social development specialist) of the PIG will act as a contact person, which is a direct channel of communication with the complainant. If the latter is not able to file a written complaint, the social development consultant writes a complaint on behalf of the injured party, as well as documents informal complaints and suggestions. The injured party puts a sign and thumbprint on the statement.

A social development specialist deals with investigation and documentation to determine the legitimacy of complaints and suggestions. If complaints or proposals fall within the mandate of the Project, the PIG will inform the submitters of this and they will be assisted. The answer is given within 14 days, during this period, meetings and discussions with the responsible parties are held with the injured party. If the complaint is related to the assessment of the property, then a second or even third assessment is carried out in order to satisfy both parties. A social development consultant provides assistance to the affected party at all stages to help resolve her complaints and provide the best possible way to resolve problems.

If, after receiving a response from the PIG, the complainant is not satisfied, the Project will use the Conflict Resolution Commission (CRC). CRC consists of at least 5 members, 2 of whom are members of the PIG. The other 3 members should be: generally recognized NGOs working in Tajikistan; respected persons with an appropriate reputation (for example, a respected lawyer or professor), if available; representatives of the participating city; The Conflict Resolution Commission is created at the request of the beneficiary, by the PIG or by the local Hukumats (in the Project implementation area). Decisions made by the commission and agreed between all parties are legalized in the form of an order of participating Hukumats.

If the beneficiary has any objections to the decision of the Conflict Resolution Commission (CRC), the case may be referred by the affected party to the court.

Structure of the Project-based GRM



Sample application (complaints, requests and suggestions) of the Project beneficiary

Position _____
(Director of department)

Name _____
(Name)

From _____
(Resident district)

Living _____
(Address applicant)

Appeal

I'm _____
(The name and surname of appellant)

Purpose of the appeal _____
(Information on the existing problem and its causes)

Ways to fix the problem _____

(I ask ... about this or that action / inaction, I complain ..., I suggest)

Applicant's signature _____
(Name) _____ date _____

Phone _____ Email (if any) _____

Location: Dushanbe city, 14 Aini Street, 734042

Project Implementation Group: "Fourth Phase of Central Asia Regional Connectivity Program" under the Ministry of Transport of the Republic of Tajikistan

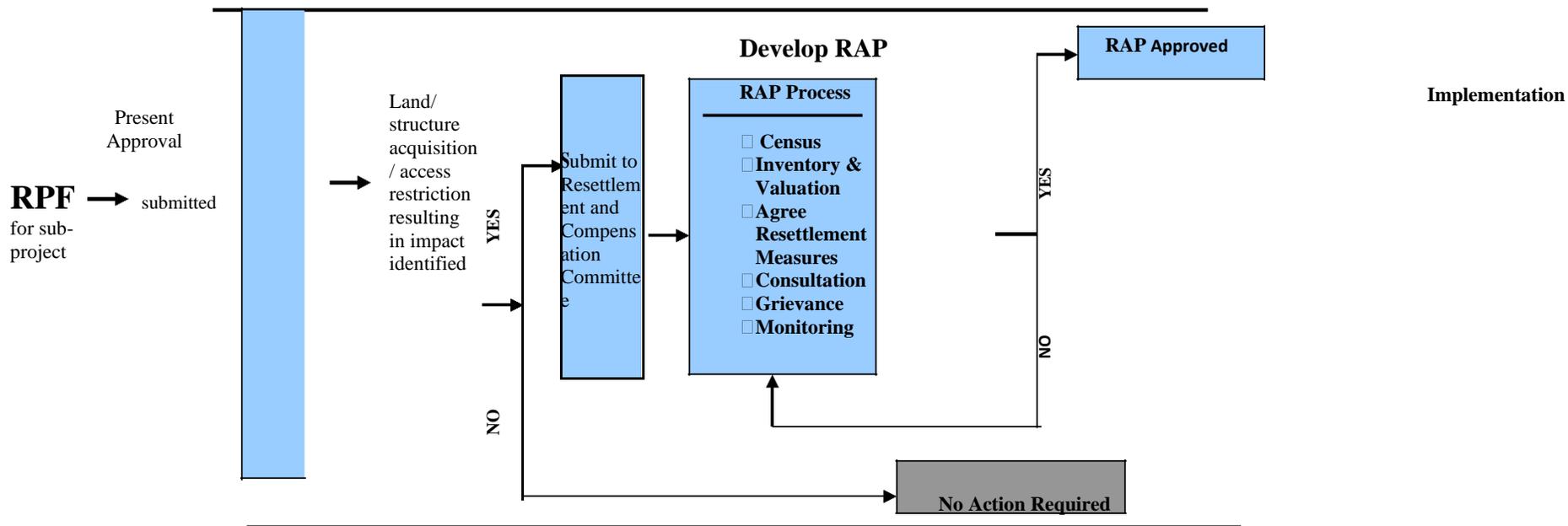
Contact Number (992 37) 222 22 21 Fax: (992 37) 222 22 21

Address of the project representatives in the regions: _____

VIII.3.3. 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.

Annex 1. Outline of the RAP process



Annex 2: Screening Report Form of Expected Social Impacts

(The report should be brief)

Sub-section _____

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: _____

Below is the screening for involuntary resettlement impacts. Both permanent and temporary impacts were considered and reported in the screening process.

A. Screening Questions for Involuntary Resettlement Impact

#	Possible Involuntary Resettlement Effects	Yes	No	Remarks
1	Will the project include any physical construction work?			
2	Does the proposed activity include upgrading or rehabilitation of existing physical facilities?			
3	Will it require permanent and/or temporary land acquisition?			
4	Is the ownership status and current usage of the land known?			
5	Are there any non-titled people who live or earn their livelihood at the project site?			
6	Will there be loss of housing?			
7	Will there be loss of fixed assets (i.e. fences, pumps, etc.)?			
8	Will there be losses of crops and trees?			
9	Will there be loss of businesses or enterprises?			
10	Will there be loss of incomes and livelihoods?			
11	Will people lose access to facilities, services, or natural resources?			
12	Will any social or economic activities be affected by land use-related changes?			
13	Were there any people being displaced from the assigned land / project site in anticipation of the subproject activity?			

B. Possible Involuntary Resettlement Effects

Quantification of private land require to be acquired:
Any preliminary estimate of the likely affected land that will be required by the Project? [] No [] Yes If yes, approximately how much? ____ hectares
Information on displaced persons
Any estimate of the likely number of persons that will be displaced (economically and physically) by the Project? [] No [] Yes If yes, approximately how many?
Any estimate of the likely number of persons that will be physically displaced (relocated) by the Project? [] No [] Yes If yes, approximately how many?
Any estimate of the likely number of persons that will experience loss of more than 10% of productive assets? [] No [] Yes If yes, approximately how many?
Are any of them poor, female-heads of households, or vulnerable to property risks? [] No [] Yes If yes, approximately how many?.....
Are any displaced persons from indigenous or ethnic minority groups? [] No [] Yes If yes, how many?

C. Involuntary Resettlement Impact

The Safeguard Team confirm that the assigned land / proposed subproject

- Has Involuntary Resettlement (IR) impact, a Resettlement Action Plan is required
- Will not have IR impact

Completed by (full name and contacts): _____

Signature: _____ Date: _____

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

Table 9 Household Interviews

#	Name	Sex		age	Marital Status and Level of Education	Support		Employment		Level of income families	Leased or own housing	Does the family get social support?
		Male	Female			yes	no	yes	no			
1.												
2.												
3.												

Consultant name: _____ Signature _____ Date: _____

Annex 4. Inventory of PAP's Land Assets

Location _____ Date: _____

Table 10 Inventory of PAP's Land Assets

# 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 m2 / ha	Total loss %	% Loss of assets, (m ² , m, pcs, etc.) (specify type and number of assets: structures, fences, wells, etc.)		Loss of housing stock, (m ²)	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.												

Name of Interviewer _____

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 ² or hectares)	Unit price per (m ² or ha)	Land Title (Yes/ No)	Number (m ² or ha)	Unit price per (m ² or ha)	Title (Yes/ No)	Number (m ² or ha)	Unit price per (m ² or ha)	Title (Yes/ No)	Number (m ² or ha)	Unit price per (m ² 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 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. Will establish baseline conditions for monitoring and evaluation purposes;

- (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 resettlement³ 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 individual 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 submitting complaints and settlement of disputes arising from resettlement; such grievance mechanisms should take into account the project specifics and traditional dispute settlement mechanisms, as well as appeal mechanism through the court.

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 elements³:

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and 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.

Annex 7. Minutes of Public Consultations with Stakeholders on draft RPF

From March 17 to 26, 2020, the consultants of CARs-4 project, PIG MoT (social development specialist and gender specialist) conducted short public consultations and focus groups with

³ 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.

communities in Sughd region and GBAO. It was carried out to discuss issues of gender, road safety, transportation, and local roads in Tajikistan. Public Consultations and focus groups were discussed separately with men and women. In total more than 110 people were participated in 3 district of Sughd region (Spitamen, Gafurov and Kanibadam districts) and more than 40 people were participated in 2 district of GBAO region (Khorog and BArsem (Shugnan)). Duration of the public consultation and focus groups in each Jamoat, district and city was 70-90 minutes (separately with man and with women).

The main questions that were discussed in public consultation and focus group with participants are provided below:

Questions, Answers and Suggestions

1 Question: What happens if the trees have to be cut during the project construction?

Answer: The social development consultant of PIG provided explanation with respect to the questioner and clarified that in case of resettlement the compensation is envisaged not only for the lost land , houses, other structures but also for the lost assets , such as crops and trees will be also compensated.

2 Question: What happens if the project affect to the water lines, which is near the road?

Answer: If project will affect to the water line the Constructors will build for people the temporary water lines and after project implementation will do it better in order as previous.

3 Question: Who will be affected by the project?

Answer: In Sugd region we don't have PAP (People Affected by Project) because the roads are wide enough for reconstruction and implementation of the CARs-4. In GBAO we don't know who will be affected by CARs-4 project because the CARs-4 for GBAO region is on the Feasibility study;

4 Question: How many years is the implementation period?

Answer: The implementation of the project will be 1or 2 years. The engineer of the project can answer this question in detail.

5 Question: The bypass road inside the mahalla is not suitable for large trucks in Shahraki Gafurov jamoat of the Gafurov district. Will you repaired this bypass road after implementation?

Answer: If during the implementation of the Project will spoil the asphalt of the bypass road inside road of the Mahalla, then probably will be restored your road as before. This issue is being addressed at the district level.

6 Question: If during the construction of the tunnel in Barsem there will be an explosion and during the explosion in Barsem on the other side of the Gund River is a village and as we know the explosion is very dangerous for the village. What mitigation measures will be taken in this case?

Fourth Phase of the Central Asia Regional Links Program (CARs-4)

Answer: First of all, we don't know will be a tunnel or not but we hope that the Tunnel builders will be professionals in the road construction, and we hope they use other safe methods.

7 Question: Is it possible to employ local population with relevant qualifications and education in the road construction?

Answer: Sure, this is one of the important positive effects of the project the PIG MOT will ask construction companies to hire local people for works.

8 Question: Will the old roads be functional after the project is over?

Answer: For now we do not know how the old and new roads will be connected.

9 Question: If my land plot will be affected by the project, I would like to know who will evaluate the price of this land plot and how?

Answer: There is a methodology that will evaluate the price of a square meter of the land in market prices. On this stage we are presenting only general principles, we do not have exact prices. As you know during the RAP preparation stage an independent auditor will visit the area and will assess the impacts in detail.

Suggestion: Resident of Gafurov district: To ensure the road safety and the safety of the population of the Gafurov district, an underground entrance is very necessary in the Isfissor jamoat.

Suggestion: In Gafurov district, it is necessary to build a traffic light or an underground passage near schools or center of villages.

Suggestion: Along the road where are located the villages would be very good if build a car stop and a pedestrian path for the safety of the population.

Suggestion: Resident of Spitamen district - Along the road, we have a lot of dehqan Farms and Dehqans who use the lands and it would be very good if you build under the road water pipes for the people so that in the future they would not ruin the roads for their own interests.

Suggestion: Resident of Barsem village - during avalanche in 2014, our village suffered very much, and our bridge also deteriorated, and now we use this temporary bridge. For us it's the most important bridge, unfortunately it is very dangerous in the summer time, when the river is filled with water, people are afraid to use this bridge. It would be very useful and important if during the construction you made this small bridge in order. At least strengthen it to tokens.

Suggestion: Resident of Khorog city – The new bridge for residents of Khorog and for GBAO is very important, but compared to other streets of Khorog, as you know Sharifstroy mahalla which is near to the New (300m bridge) the road is very bad without asphalt, and people simply suffer from dust, especially children and it would be great if as a result of the construction of bridge the constructors or administration of city or MoT made asphalt our roads, only in Sharifstroy mahalla.