

Ethnic Minority Development Framework

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Uzbekistan: Water Supply and Sanitation Services

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I. INTRODUCTION

A. Background and Context

1. The Water Supply and Sanitation Investment Program (the Program) involves rehabilitation, improvement or construction of water supply and sanitation systems in the country's urban settlements. The program will be financed by ADB through a Multi-tranche Financial Facility (MFF). There will be three tranches associated with the Program. Tranche 1 will comprise investments in three provinces (Oblasts) of Navoi, Bukhara and Surkhandarya.

2. The sub-projects in tranche 1 will not affect any indigenous peoples defined as such in ADB's *Policy on Indigenous Peoples* (1998). The program areas are fairly homogeneous in ethnic composition. Eighty percent of the residents are Uzbek. The major ethnic groups in the Program areas other than Uzbeks, include the Tajiks. A few other ethnic minorities such as the Karakalpaks, Kazakhs and Russians are present but their numbers are small. All will benefit directly from piped water supply, sanitation improvements, and better hygiene.

3. For this reason an Ethnic Minorities Development Plan (EMDP) is not required and instead an Ethnic Minorities Development Framework has been developed to guide the preparation of future sub-projects which may have positive or adverse impacts on ethnic minorities located in any other sub-project area.

B. Minorities-related Legislation

4. The minorities-related legislation of the Republic of Uzbekistan (RU) comprises relevant non-discrimination and human rights provisions contained in, as follows:

- (i) the Constitutional Law of Uzbekistan;
- (ii) the international documents ratified or signed by the RU; and
- (iii) the national laws emanating from constitutional law and international documents.

5. The 1992 Constitution proclaims the equality of all Uzbekistani national irrespectively to their ethnic origin and language they speak (Art. 8).

6. The State undertakes the duty 'to guarantee the respectful attitude towards the languages, customs, and traditions of the nationalities (natsii) and ethnicities (narodnosti), which dwell on its territory, and to provide conditions for their development'. Those laws ban the establishment and activities of the entities propagating religious and ethnic hatred, including social organizations (Art. 3 of the Law on Social Organizations), religious communities (Art. 5 of the Law on the Freedom of Conscience and Religious Organizations), and mass media (Art. 6 of the Law on Mass Media). The most important are the relevant articles of the Law on the State Language, Law on Education, Law on Religion, Labor Code, and the provisions of the Criminal, Criminal Procedural, and Administrative codes, qualifying the legal responsibility for violation of the provisions of the above laws.

C. EMDF Policy Framework

7. This Ethnic Minority Development Framework (EMDF) is intended to guide the preparation of future sub-projects and future tranches in the event of any positive or/and adverse impacts on ethnic minorities under the Program. The Framework presents the policy and procedures for the preparation of an Ethnic Minority Development Plan (EMDP) in accordance with the ADB's *Indigenous Peoples Policy* (1998).

8. The need for an EMDP will depend on the nature and scale of the project impacts and sensitivity of ethnic minority issues. Based on the Initial Poverty and Social Assessment prepared in every project a requirement for preparing Ethnic Minority Development Plan will be identified. An EMDP would be required if the impact is "significant" which means (i) adverse impacts on customary rights of use and access to land and natural resources; (ii) negative effects on the socioeconomic and cultural integrity; (iii) effects on health, education, livelihood, access to the project benefits, and social security status; and (iv) other impacts that may alter or undermine indigenous knowledge and customary institutions. An Ethnic Minority categorization checklist to be used in the EM screening exercise during the project preparation stage is provided (section H in this document).

9. If the impacts are 'insignificant' and limited and specific actions in favor of ethnic minorities can ensure appropriate mitigations and benefits, it can be integrated in the resettlement plan for the sub-project and/or some measures which are compatible with project implementation such as involving EM in scheme selection, provide opportunities to engage in community-based construction and management schemes, and training for operation and maintenance of the water supply and sanitation facilities.

10. The framework is based on the overall national development strategies and ADB's policy on indigenous peoples. The principal objectives are mainly to:

- (i) Ensure that EM populations affected by any sub-projects benefit from the investment program;
- (ii) Ensure EM inclusion in the entire process of preparation, implementation and monitoring of sub-project activities;
- (iii) Ensure that the benefits of the sub-projects are available to EM more than or at least at par with the rest of the affected groups; this may require preference to ethnic minority people as vulnerable groups over others on certain benefits under the program; and
- (iv) Provide a base for the EM to receive adequate development attention.

D. Procedures for Ethnic Minority Development Plan (EMDP) Preparation

11. An EMDP will be prepared as follows:

- (i) the EA will conduct social assessment surveys and develop baseline data of the affected groups, their subsistence sources, employment patterns, and community network and integrity;
- (ii) review policy/guidelines regarding EM; and
- (iii) prepare an integrated EMDP if the impacts are considered significant.

12. In the case of future tranches with significant impact on indigenous people/ethnic minorities, a satisfactory EMDP will be prepared and posted on ADB website prior the appraisal of the respective Project Financing Requests (PFRs). The EMDP policy and measures must comply with ADB's policy on Indigenous Peoples (1998).

E. Consultation, Disclosure and Institutional Framework

13. For the preparation of a sub-project EMDP, the EA through the Social and Environmental Sub-Unit (SESU) under the PPMU will have overall coordination, planning, implementation and financing responsibilities. Since EM issues are sensitive, the social

development specialist of SESU-PPMU will work with local community organizations such as Makhalla Committees or planning and implementation of the EMDP.

14. The EMDP will be prepared in consultation with the affected ethnic minority groups. The mitigation measures and strategies will be presented to them in community level workshops for their inputs before being finalized. The EMDP will be translated into the local/EM language(s) prior to implementation.

15. The existing EM development institutions and organizations will be involved in the implementation of EMDP and resolution of any dispute arising out of the implementation process. The EA/PPMU will further ensure that an adequate budget will be available to implement the EMDP.

F. Monitoring and Evaluation

16. The implementation of the EMDP will be monitored. The EA will establish a monitoring system involving EA staff, Councils of Rural Communities, makhalla committees, and EM groups, to ensure participatory monitoring arrangements. A set of monitoring indicators will be determined during EMDP implementation. Project supervision and monitoring consultants will carry out external monitoring. Appropriate monitoring formats will be prepared for internal and external monitoring and reporting requirements.

G. Financial Requirements

17. Costs related to the implementation of the EMDP will include the costs of any compensation for temporary and permanent land use as addressed in the Resettlement Framework. Other costs include the salaries and travel costs of the SESU social development expert, the PIUs' community development specialist, as well as of other sector experts such as the gender specialist and the resettlement monitor who will monitor the implementation of the Gender Action Plan and of the Resettlement Plans, and are included in the provision of services for PPMU/SESU and PIU staffing and supporting advisory services.

18. Detailed surveys will be carried out at the design stage of sub-projects and the profile of the affected persons will be known with more accuracy.

19. In the case of future tranches with significant impact on indigenous peoples/ ethnic minorities, the respective future Project Financing Requests (PFRs) will include the cost for implementing an EMDP.

H. IP/EM Categorization/Checklist (screening)

20. Annex 1 shows the initial screening/checklist for impact on indigenous peoples/ethnic minority.

ANNEX 1
Initial Screening for Impact on Ethnic Minority
At Project Preparation Stage

Project Title:

Subproject Name:

Location:

Screening questions	Not Known	Yes	No	Any other comments/ Required Action
Aside from the mainstream population, are there population groups who have been living in the project location before modern states or territories were created and before modern borders were defined?				
Are there population groups who maintain cultural and social identities separate from mainstream or dominant societies and cultures?				
Are there population of tribal groups or cultural minorities who have migrated into the project areas to which they are not indigenous, but have established a presence and separate social cultural identity?				
Are there population groups that self-identify themselves, or are identified by others and the mainstream population or by the Law, as being part of a distinct indigenous cultural group or ethnic minority?				
Are there population groups with a linguistic identity different from that of the mainstream society?				
Are there population groups with social, cultural, economic and political traditions and institutions distinct from the mainstream culture?				
Are there population groups with economic systems oriented more toward traditional systems of production than the mainstream systems?				
Are there population groups who maintain attachments to traditional habitats and ancestral territories and the natural resources in these habitats and territories?				

Decision on Screening

After reviewing the answer above, the PPMU/SESU Social Development Specialist agree that the project:

- Should be categorized as an A project, an Indigenous Peoples Development Plan (IPDP) or Ethnic Minority Development Plan (EMDP) is required.
- Should be categorized as a B project, a specific action favorable to indigenous peoples/ethnic minority is required and addressed through a specific provision in RRP and in related plans such as a Resettlement Action Plan, a Gender Action Plan or a general Community Participatory Plan
- Should be categorized as a C project, no IPDP/IPDF or specific action required

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