

# Resettlement Planning Document

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Land Acquisition and Resettlement Plan (LARP) for Shahrissabz Subproject

Document Stage: Final

Project Number: UZB: 2208

July 2009

## UZB: Kashkadarya and Navoi Rural Water Supply and Sanitation Sector Project

Prepared by Uzbekistan Communal Services Agency

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**SHAH RISABZ SUBPROJECT LAND ACQUISITION AND RESETTLEMENT PLAN  
(LARP), JULY, 2009**

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## **Abbreviations**

ADB	Asian Development Bank
AP	Affected Person
CBO	Community-Based Organization
CRC	Council of Rural Communities
EA	Executing Agency
HH	Household
IMO	Impact Mitigation Officer
KNRWSSP	Kashkadarya and Navoi Rural Water Supply and Sanitation Sector P
LAR	Land Acquisition and Resettlement
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
M&E	Monitoring and evaluation
NGO	Non-Governmental Organization
PIU	Project Implementation Unit
PMS	Project Monitoring Section (PMU)
PMU	Project Management Unit
RCM	Resolution of Cabinet Ministers
RF	Resettlement Framework
SCLRGCS	State Committee on Land Resources, Geodesy, Cartography and State Cadastre
SCO	Safeguard Compliance Officer
UCSA	Uzbekistan Communal Services Agency
WDC	Water Distribution Center
WT	Water Tower

## Definitions of Terms

**Affected Persons:** All people affected by the project through land acquisition, relocation, loss of incomes, or any other impact and include any person, household (sometimes referred to as project affected family), firms, or public or private institutions.

**Affected Household:** All members of a subproject affected household residing together and operating as a single economic unit, who are adversely affected by the Project or any of its components; may consist of a single nuclear family or an extended family group.

**Affected People:** Any person affected by loss of assets or income due to Project-related changes in the use of land, water or other natural resources

**Compensation:** Cash or in-kind payment of the replacement cost of an asset lost due to Project-related impacts

**Entitlement:** Range of measures comprising compensation, income restoration, transfer assistance, income substitution, and relocation, which are due to affected people, depending on the nature of their losses, to restore their economic and social base

**Host Population:** Community residing near the area where the APs are relocated

**Income Restoration:** Reestablishment of income sources and livelihoods of APs

**Involuntary Resettlement:** Unavoidable resettlement losses as a consequence of development projects, compelling APs to rebuild their lives, incomes and asset bases elsewhere

**Land Acquisition:** The process whereby a person is compelled by a government agency to alienate all or part of the land a person owns or possesses to the ownership and possession of the government agency for public purpose in return for compensation

**Rehabilitation:** Compensatory measures provided under the ADB Policy Framework on Involuntary Resettlement other than payment of the replacement cost of acquired assets

**Relocation:** The physical resettlement of an AP from her/his pre-Project place of residence

**Replacement Cost:** The value determined to be fair compensation for various types of agricultural and residential land, crops, trees, and other commodities based on current market rates; the cost of rebuilding houses and structures at current market prices of building materials and labor, without depreciation or deductions for salvaged building material

**Social Preparation:** Process of consultation with APs undertaken before key resettlement decisions are made, to build their capacity to deal with resettlement

**Usufruct:** The right to use and profit from land belonging to others or a larger social entity, such as a tribe, community or collective

**Vulnerable Groups:** Distinct group of people who may suffer disproportionately from resettlement effects

## Glossary

<b>Hokim:</b>	Governor
<b>Hokimiyat:</b>	Office and administration of the governor, district or province
<b>Makhalla:</b>	Neighborhood
<b>Shirkat:</b>	Collective partnership
<b>Tuman:</b>	District
<b>Viloyat:</b>	Province

## **Executive Summary**

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

Five Water Distribution Centers (WDC) will be constructed by the subproject in Tudamaydon, Kutchi, Mominobod and Dukhchi Council of Rural Communities (CRC) of Kitob district. This infrastructure will supply safe and clean water to 10 villages with a population of 17, 415 people. No land acquisition will be required. The five WDCs that will be constructed by the subproject will be on land transferred to and in possession of the district water supply department from state reserve lands at different times since 1996. All five sites and land are not in any one's use in any manner. There will be no physical displacement from housing.

Two farm enterprises will lose temporary access altogether to 1.5 ha of cultivated irrigated land for laying trunk mains to the village settlements. The 1.5 ha will be restored to its original condition by the project. There will be no loss of trees.

### **Affected Persons**

Two households of the affected family farming enterprises will lose temporary access, for an estimated six months, to on an average, 1.51% of their total leased land. There are no female headed or vulnerable households amongst the APs, and no adverse impact specifically on women. The project and the provision of tap water house hold connections will primarily benefit women, who have to cart and carry water from stand pipes and unsafe sources under varying weather conditions. The 9 employees working on the lands of the Affected Households are not impacted in any manner whatsoever. They are not expected to lose their jobs, income earning opportunity, social and cultural networks or activities as a consequence of the subproject. The 12 agricultural workers will be part of the 17, 415 net beneficiaries of the water supply provided by the project.

### **Consultation and Information Dissemination**

Representatives of households affected by permanent or temporary loss of land are members in the officially constituted Tuman Evaluation Commission. This enables the APs to have a clear picture of all matters and to express their point of view throughout the land acquisition and resettlement (LAR) process. Several public and focus group meetings were held with APs and other stakeholders in 2008 and 2009 during the feasibility and detailed design phases to confirm the adequacy of compensation and explain the grievance redress mechanism. The latest was on July 3, 2009 when PMU, PIU and Tuman staff visited the project area to confirm with APs the receipt of compensations, and to ensure that state reserve land where construction will take place is not in any ones use in any way.

### **Compensation**

The temporary loss of access to cultivated irrigated land has been compensated through cash compensation for loss of income potential on the basis of actual average revenue per hectore of each farm in 2008. This compensation was made to the two affected family farm enterprise heads by the Order of the Hokim of Sharisabz District No X- 2224/6 dated June 24, 2009. PIU/PMU have confirmed that money was transferred to the bank account of respective family farm enterprises in compliance with the Hokim's order within 10 working days after the issuance of the order. The implementation agency will not take possession of the temporarily required land, till after the approval of this plan and till after the commencement of civil works.

## 1 INTRODUCTION

1. The Kashkadarya and Navoi Rural Water Supply and Sanitation Sector Project (the Project) follows a sector lending approach and supports the Government's objectives of decentralization, poverty reduction, and human development by providing (i) improved rural water supply and sanitation infrastructure services, and (ii) training programs to strengthen institutional capacity.
2. The executing agency of the project is Uzbekistan Communal Services Agency (UCSA). Project implementation will be managed by the Project Management Unit (PMU) and at the subproject level by respective provincial Project Implementation Units (PIU) in close collaboration with Viloyat (province/oblast) and Tuman (district/rayon) administrations.
3. This short LARP is prepared for the Shahrisabz Subproject (subproject), of the KNRWSSP<sup>1</sup>. The subproject will require no land acquisition since the land required for the construction of the infrastructure is already in the inventory of the water supply department<sup>2</sup>. However the subproject will require temporary use of 2.2 ha irrigated agricultural land, operated by two farms for laying of a segment of the trunk main. These households have already been paid cash compensation. Nevertheless, the implementing agency will not proceed with construction works before the approval of this plan.
4. The subproject located in the Shahrisabz district of Kashkadarya Province will construct (i) five WDCs; (ii) 10.1 km main trunk lines off-taking from the WDC and, (iii) 83.1 km of distribution water lines. This infrastructure will provide safe water supply on a continuous basis to households in 10 villages with a total population of 17, 415.
5. The beneficiary communities will be supplied water in five clusters. These are the villages i) Tudamaydon, Suvstulton, Okoltin, Anday, Jarboshi; and ii) Ustoy, and Tepar, in the Tudamaydon CRC; iii) Chakar in Kutchi CRC; iv) Avazmailk in Mominobod CRC; and v) Dukhchi Village in the Dukhchi CRC..
6. The LARP activities under the Shahrisabz Subproject are designed and implemented according to the Resettlement Framework (RF) of KNRWSSP (October, 2005) approved by and agreed between the Government of Uzbekistan and ADB. In accordance with the ADB Policy on Involuntary Resettlement of 1995 and the applicable laws and regulations of Uzbekistan, the RF provides the policy and operational guidelines for the subprojects of the Project, including (i) land acquisition, (ii) Loss of livelihoods due to temporary or permanent loss of access to land or other productive assets, and (iii) loss of trees. Special provisions for vulnerable affected people and women are made as well. It defines the legal, institutional and implementation framework for the compensation of lost assets, livelihoods, and the resettlement and rehabilitation of project affected people.

## 2 SCOPE OF LAND ACQUISITION AND RESETTLEMENT

7. Land acquisition and resettlement (LAR) impacts are minimized in this subproject by i) locating all infrastructure in land existing on the district water supply department's inventory on state reserve land and ii) by restricting most of the trunk mains to within the right of way of the main road. The LAR impact is insignificant.
8. In the Shahrisabz Subproject there will be no physical displacement from housing of any APs. No land acquisition will be required. The five WDCs that will be constructed by the subproject will be on land transferred to and in possession of the district water supply

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<sup>1</sup> In accordance with ADB Policy, since there is no major impact and the number of people impacted is less than 200, the Subproject is classified as Category B with a resettlement impact that is not significant. Category B projects require a "short" resettlement plan. When 200 or more people experience major impacts, and major impacts are defined as physical displacement from housing or loss of 10 % or more of their productive assets, a project is classified as Category A with significant resettlement impacts and requires a "full" resettlement plan. Where there is no loss of assets and income or displacement the project is deemed to have no resettlement impact it is classified as Category C and no resettlement plan is required.

<sup>2</sup> Details on this departmental land are provided in paragraph 8 and related footnote below

department from state reserve lands at different times since 1996. All five sites and land are not in any one's use in any manner.<sup>3</sup>

## 2.1 Temporary Loss of Access to Productive Assets

9. A total of 1.5 ha of cultivated irrigated land will be temporarily affected during construction for laying of the trunk main from one WDC up to the point from where it will run within the right of way of the road (Table 1). This land is leased by two farm family enterprises. The temporary strip of land required during construction will be 20 meters wide (10 m from each side of the center axis) to enable the excavator to move on one side and allow space to store the dug up earth and top soil on the other side. This strip of land would be restored, inclusive of the top soil, by the project after the pipe is laid. On the other four WDCs there is a direct access to the right of way of the road within which the trunk main will be buried.

**Table 1 – Temporary Loss of Access to Land affected by Trunk Mains**

No	Name of Farm	Location	Total Land Leased/ operated (ha)	Temporarily Affected Area (ha)	Field Number	Type of Land Affected	Temporary Affected land as % of total Operated Land holding	Temporary Affected land as % of total irrigated holding
1	Boboyorov Bekzad Komolovich  AP: Boboyorov Bekzad (head)	Tudamaydon CRC	81.1	0.8	169, 174 & 261	Irrigated Cultivated	0.99%	1.16%
2	Boboyorov Shuhrat Ganievich  AP: Boboyorov Shuhrat (head)	Tudamaydon CRC	85.2	1.4	298, 299	Irrigated Cultivated	1.64%	1.85%
<b>Total land affected temporarily</b>				<b>2.2 ha</b>				

<sup>3</sup> The WDCs are located in i) 1 ha of Field No. 90/A of Tudamaydon CRC; ii) 0.9 ha of Field No. 375 also of Tudamaydon CRC; iii) 0.9 ha of Field No 691 of Kutchshi CRC; iv) 0.5 ha of Field No. 183 of Mominobad CRC; and v) 1ha of Field 285 in Dukchi CRC. PIU Qarshi jointly with the Hokimiyat of Sharisabz Tuman has confirmed to PMU that this land is not in any ones use informally, and construction will not impact any one.

Two WDCs will be constructed on land transferred to the water supply department for some other schemes in 1996 and 2006 respectively that were subsequently abandoned without completion. The other three were allotted to the water supply on May 14, 2008 vide Hokim of Sharisabz Order No 496/5. The land transferred had become available after the dissolution of large shirkat farms in the district. During this dissolution process most shirkat land was re-allotted to family farm enterprises through a tender process. The balance was kept in reserve for allocation to public purposes, including water supply.

**2.2 Affected Persons**

10. Two households will lose temporary access, for an estimated six months, to only an insignificant portion of their irrigated holding: on an average, 1.51 % of their total leased irrigated land. None of these households are female- headed or vulnerable (Table 2).

11. According to the AP census and the socio economic information collected the two AP households comprise a total of 10 persons (Appendix 1). Six are male and four females. There are eight adults and two children in these households. The households are headed by men aged 28 and 53. The two household heads have college level education. On an average 40% of the AP household’s annual incomes come from sources other than agriculture. The per capita monthly income of these households is 58,333 and 97, 222 UZB soum, respectively, which is considerably more than 28, 040 UZB soum, the official minimum monthly wage in Uzbekistan.

**Table 2 – Affected Persons**

Households	2		Female headed: 0	Vulnerable 0
Persons	10	Female 4 Males 6	Adults: 8 Children: 2	Elderly 0
Permanent loss of land	0			
Temporary loss of access to land	2.2 ha		0.8 ha and 1.4 ha of two households respectively h	
Loss of > 10% of productive assets	0			
Displaced households	0			

12. The nine employees hired and working on the two farms are not impacted in any manner whatsoever. They are not expected to lose their jobs, income earning opportunity, social and cultural networks or activities as a consequence of the subproject. The nine farm workers will, along with 17, 415 other persons, be net beneficiaries of the water supply provided by the project.

13. No trees will be impacted by any components of the subproject. There will be no resettlement impact of the 83.1 km distribution net-work since it will be laid in the right of way of streets within the settlements. No commercial activity will be affected, and any damage due to normal installation activity of the distribution network to community and private infrastructure such as pavement or driveway will be restored by the project for which there is a budgetary provision in the construction contract.

14. There is no adverse impact specifically on women. The project and the provision of tap water house hold connections will primarily benefit women, who have to cart and carry water from stand pipes and unsafe sources under varying weather conditions.

**3 OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS**

15. The objective of this LARP is to reiterate the procedures and compensation entitlements for the acquisition of land, and temporary loss of access to land in the ShahrizabzSubproject. These procedures and compensation entitlements are enumerated in the Resettlement Framework (RF) for the NKRWSSP. The policy frame work and entitlements in the RF are based on the Uzbekistan Land Code 1998 (Land Code) and successive amendments; and ADB Policy on Involuntary Resettlement of 1995. This LARP for the Shahrizabz subproject has been prepared by the Government of Uzbekistan. The compensation and rehabilitation entitlements of APs are drawn from the relevant sections of the Project’s RP.

### 3.1 Land Code of the Republic of Uzbekistan

16. The acquisition and provision of land for other than agriculture and forest use and ensuing procedures for compensation are governed in Uzbekistan under the overall legal umbrella of the Land Code and its subsequent amendments.

17. The Land Code is read in conjunction with several Resolutions of Cabinet Ministers (RCMs), related to land acquisition and compensation of which three are of particular relevance i) RCM No. 248, May 27, 1992, providing for the Instruction of Registration of Materials on Seizure and Allocation of Land for Non-agricultural Needs; (ii) RCM No. 282, June 15, 1992, providing for Approval of Regulations on Classification and Compensation of Losses of Agricultural and Forestry Production Resulting from Occupation of Land for Purposes Not Related to Agricultural and Forestry Activities (including amendments from RCM 126 dated April 11, 1995 and RCM 223 dated June 16, 1995) ; and (iii) RCM No. 246, May 25, 1992 providing for the Procedures on Settlement of Land Disputes.

18. **Eminent Domain:** Article 37 of the Land Code lays down provision for acquiring land for state and public needs. Public need is determined by the Hokims of Viloyats, Tumans and towns or of the Cabinet of Ministers of the Republic of Uzbekistan, who subsequently issue orders to that effect. The affected person, in case of disagreement, may appeal in the court of law.

19. **Consultations with and Consent of Affected Persons:** The actual withdrawal of right of use from the current user of the land has to be carried out only with the consent and agreement of the landowners<sup>4</sup>, land user or lessee and only after land users or owners of a structure or housing have been provided an equal land parcel, construction of housing or other productive structure at the latter's "wish". This is guaranteed by law through Article 41 and highlights the principle of consultation with Affected Persons.

20. **Compensation for Permanent and Temporary Loss of Land:** Article 86 of the Land Code specifically relates to compensation of losses incurred by land users, lessees and landowners and owners of land lots, both in cases of permanent and temporary occupation of land; or when rights of use are being restricted by cordoning off state reserves, national parks, sources of water supply and roads etc. Article 86 stipulates that indemnification has to be paid in full amount including "loss of profits". The Land Code through Article 86 reads as providing a broad coverage to compensate land users in the case of appropriation, and provides a legal foundation for adequately safeguarding and rehabilitating the livelihoods of all affected people.

21. **Compensation for Loss of Crops and Trees:** Article 87 of the Land Code supplements the full compensation of permanent and temporary loss of access to land, including full compensation of loss of profit provided through Article 86 by establishing provision of compensation in addition to land, for loss of agricultural and forestry products – i.e. crops and trees. However, this compensation for crops and trees is due only when land is being acquired for needs that are not related to agriculture. Article 87 explicitly excludes compensation for trees and crops when land is being acquired for individual housing, schools and health care establishments or when land is being acquired for water management and the construction of irrigation and hydro technical facilities.

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<sup>4</sup> Landowners here mean any natural or juridical persons entitled to use agricultural land under a lease contract.

**3.2 ADB Involuntary Resettlement Policy**

22. ADB’s Involuntary Resettlement Policy requires the consultation and full compensation and rehabilitation of all adversely affected people as an integral part of ADB financed projects. In particular it recognizes the usufruct rights of non-titled people by stating that “the absence of a formal legal title is no bar to ADB policy entitlements”. Assets lost should be compensated at the full replacement cost in addition to assistance and allowances for relocation and maintaining and restoring livelihoods. Moreover, to prevent the further impoverishment of affected vulnerable groups, the landless, sick, disabled, elderly and poor female-headed households must be assisted to improve their socio-economic status through livelihood restoration or substitution, as well as subsistence allowances. Compensation procedures will equally consider the rights and entitlements of women and men. Furthermore, APs and their representative committees will be closely consulted about compensation and rehabilitation options, fully informed about choices, plans and implementation options, involved in negotiations, planning and implementation, and provided with grievance redress mechanisms. Finally, physical project implementation works can only commence upon completion of compensation and rehabilitation measures.

**3.3 Comparison of Key Uzbekistan Land Code and ADB Policy Principles and Practices**

23. Table 3 indicates differences in key principles under the Land Code and ADB policy.

**Table 3: Comparison of Uzbekistan Land Code and ADB Involuntary Resettlement Policy**

<b>Uzbekistan Land Code 1998</b>	<b>ADB Involuntary Resettlement Policy 1995</b>
Land compensation for land users*, lessees, and landowners.	Lack of title should not be a bar to compensation and/or rehabilitation, and non-title-holders are to be rehabilitated.
Crop and tree losses compensation provided only in cases where land being acquired for needs not related to agriculture. But no compensation is provided when land is being acquired for schools, health establishments , for water management and construction of irrigation and hydro technical facilities	Crop and tree losses are compensated in all cases based on market rates
No specific provision for income/livelihood rehabilitation measure, allowances for severely affected APs and vulnerable groups, or resettlement expenses	ADB policy requires rehabilitation for income/livelihood, for severe losses, and for expenses incurred by the APs during the relocation process.

\*Require certificate of land use right

**3.4 LAR Principles Applicable to the Subproject**

24. To bridge the gap between current legal principles and practices and policy requirements of ADB, and to avoid differential *ad hoc* arrangements by local governments for the various KNRWSSP subprojects, the Resettlement Framework governing the Project and also the Shahrizabz Subproject sets out the following principles:

- i. Temporary losses of crops will be avoided or minimized by adopting appropriate design alternatives;
- ii. Compensation and entitlements provided must be adequate to allow the farmers households to at least maintain their pre project standard of living;
- iii. Occupation of land for temporary works during construction works will not exceed 6 months in each subproject construction site;
- iv. Compensation is to be provided to all affected persons or households gaining a revenue from the affected lands, irrespective of whether said families have a legal concession or not, provided they can prove that one of their source of income was temporarily or permanently affected;

- v. Preferential policies will be provided to vulnerable groups (including elderly, infirm or disabled, widower and single parents);
- vi. The compensation process will be transparent and conducted by eligible social experts or NGOs, which will inform the affected persons about their rights, compensation procedures and standard rates, as well as on rights to post compensation training for improvement of living standards;
- vii. Monitoring of the compensation plan in order to identify and timely solve any misinterpretation of the compensation plan and any other problem arising; and
- viii. Ensuring that in the process of establishing and implementing the resettlement plan, ethnical minorities shall be treated equally.

25. In addition, the following gender provisions govern the implementation of LAR activities:

- i. Women will receive compensation pertaining to their economic activities in their name.
- ii. Land titles for and use rights of replacement land will be registered in the name of women, when land lost to the project was legally owned by women.
- iii. Women APs will be included in the participation process through women meetings and, if culturally feasible, in all consultation meetings alongside male APs.
- iv. The impact of LAR on women during and after project implementation will be highlighted during monitoring and evaluation.
- v. Due consideration is to be given to complaints and grievances lodged by women APs in the LAR process.
- vi. Access for women APs to project related employment opportunities will be guaranteed.
- vii. Women, especially those from vulnerable households, will be targeted for needs based special assistance and provision of alternative livelihoods, including training and micro-credit facilities.

### 3.5 Entitlements

26. The entitlement framework stipulated in Chapter II section J of the Resettlement Framework of KNRWSSP provides a comprehensive and detailed framework for the compensation and rehabilitation of all APs under the Subproject and reflects the principles and commitments made under the Project.

27. Cut off date for entitlements is January 16, 2009, the date on which the resettlement census survey was conducted.

### 3.6 Entitlement Matrix

28. The following entitlement matrix governs all land acquisition and resettlement activities under this LARP:

**Table 4: Entitlement Matrix**

Type of Loss	Entitled Persons	Compensation and rehabilitation measures	Implementation Issue
<b>I. Loss of Agricultural Land</b>			

Temporarily affected arable land and pasture land	Shirkhats Family farms and dekhans	Cash compensation for loss of income potential (one AACEV). Compensation for green crops and trees. Compensation for temporary loss of pasture land. Temporary relocation of livestock. Restoration of land to its previous condition.	Compensation in equivalent cash, according to National procedures and standard costs. According to construction contract technical specifications.
Permanently affected arable land and pasture land	Households with land use rights (family farms and Dekhans)  Shirkhats and sovkhoses	The oblast administration will provide compensation according to national regulations as follows: a) the equivalent of the revenue of one crop seasons for loss of crop; and b) replacement farmland of equivalent productive capacity possibly adjacent to existing land plot. No compensation in equivalent money foreseen.	Free from taxes, registration and land transfer. Entitlement to an equivalent plot of land at the borders of the existing entitlement. Training to be provided if compensation includes replacement of farmland.
<b>II. Loss of Trees</b>			
Trees on private gardens	Households	Affected households will be compensated for the loss of the trees based on the average production life of the tree.  Compensation based on type and age of tree and current market value of the fruits.	Compensation includes costs of planting new tree plus loss of production equivalent to period of maturation of new tree.
<b>III. Rehabilitation Measures</b>			
Special assistance for vulnerable households	Households categorized as vulnerable (very poor, elderly, disabled, woman head of family)	Households will be given priority for employment for at least one member of the family.  Households will be given priority in Project-related job opportunities or in other social and poverty reduction programs.	Identification of affected persons, mobilization, information and training to be provided by PIUs. Social Survey.

AACEV: Average Annual Crop Equivalent Value

## 4 PUBLIC PARTICIPATION AND INFORMATION DISCLOSURE PLAN

### 4.1 Project Stakeholders

29. The key project stakeholders involved in LAR implementation are the APs, the Council of Rural Communities, the concerned local government officers, including Hokims of the Viloyat

and Tuman, the Tuman's Evaluation Commission, the head of state cadastre (SCLRGCS) in the Tuman and staff of PMU and PIU. Makhalla Committees organized on the level of the neighborhood by the residents have support, liaison and facilitation functions.

#### **4.2 Participation and Consultations**

30. In accordance with the consultation and participation framework elaborated in Annex 8 of the RF public consultation and information disclosure for anticipated resettlement impact, extent and entitlements, was closely connected to resettlement planning: marking of alignments of impacting infrastructure and census surveys of project affected family farm enterprises and APs during feasibility and detailed design.

31. Representatives of households, or shirkats and farm enterprises affected by permanent or temporary loss of land are integral members in the officially constituted Tuman Evaluation Commission led by SCLRGCS office in the Tuman as specified in the Project RF section IV A. 1. Also included in this commission are representatives of the Tuman's concerned administrative departments, PMU and PIU staff and representatives of local government, the relevant CRC. This enables the APs to have a clear picture of all matters and to express their point of view throughout the process.

32. , Consultations were conducted with members of the Council of Rural Communities (CRC) that are beneficiaries of the subproject and where impacted land and APs are located and the APs themselves on July 14, 2008. The Resettlement Framework and the policies and entitlements therein were shared with them. All participants were invited to provide their opinion on the compensation plan.

33. Information disclosure on the subproject alignments and resettlement impact was again provided as PIU, Tuman Architects office and design institute staff finalized alignments in the field. Consultations were also held during the census survey on January 16, 2009 and the grievance redress mechanism explained.

34. Consultations were conducted on June 24, 2009 with CRC representatives of subproject beneficiaries and the APs on the resettlement plan and compensation entitlements and to solicit their preferences for compensation for loss of temporary access. Focus group meetings were also held with Makhalla Committees and APs to confirm the adequacy of the compensation for loss of temporary access.

35. PMU and PIU Kashkadarya staff visited the subproject on July 2, 2009 to meet with beneficiaries, to confirm with APs the receipt of compensations, and to ensure that the state reserve and vodakanal land where construction will take place are not in any ones use in any way.

#### **4.3 Information Disclosure Plan**

36. As required by the ADB policy the following Disclosure Plan will be followed during the process of LARP implementation:

- (i) This LARP and associated LAR documents will be translated into Uzbek and disclosed to affected persons in various locations in Subproject areas including the offices of the Project Implementation Unit (PIU), the Tuman, and relevant CRCs. It will be posted in English on the ADB website.
- (ii) In addition, PIU will send to all APs a pamphlet in Uzbek summarizing the LARP content and the entitlement matrix. The summary LARP will also be posted in major gathering places, such as markets, bus stops and main government offices.
- (iii) The Impact Mitigation Officer (IMO) of the PIU will keep the APs informed about the implementation process of this LARP and will continue the consultation process so as to ensure that the APs can give proper feed-back on the implementation of the compensation and rehabilitation program.

- (iv) Furthermore, the Makhalla Committee will be the primary communication partner with and conduit of information to the APs in each subproject and will receive a draft of the LARP first. Public meetings will be organized jointly by the Makhalla Committee and PIU, with participation of associated NGOs and CBOs if any, during which the key provisions of the LARP are explained and discussed.
- (v) Moreover, construction plans with dates, and schedules for compensation will be provided to the Makhalla Committee and all APs before commencement of construction.
- (vi) Finally, grievance redress mechanisms will be publicized and made accessible in local public offices.

## 5 COMPENSATION

### 5.1 Compensation for Temporary Loss of Access to Land

37. Compensation for temporary loss of access to irrigated land has been made in cash. The payment has been calculated at the rate of the average annual revenue of 1 ha irrigated land. This rate is based on the actual net income from the irrigated holding of the AP in 2008. The cash compensation has been awarded by the Hokim of Shahrissabz District vide Order No X-2224/6 dated June 24, 2009. The compensation is to be transferred to the accounts of the impacted entities within 10 days from the issuance of the order.

**Table 5 - Cash Compensation for Temporary Loss of Access to Land**

No.	Head of Compensated Entity	Name of Farm	Location	Area Impacted Temporarily (ha)	Average Annual Revenue of Affected Farm - per ha in 2008 (mln UZB soum)	Total Compensation Paid (mln UZB soum)
1	Boboyorov Bekzod	Boboyorov Bekzod Komolovich	Tudamaydon CRC	0.8	1.05	0.840
2	Yuldashev Ya	Odil	Tudamayadon CRC	1.4	1.05	1.470
				<b>2.2 ha</b>		<b>2.31 million UZB soum</b>

## 6 INSTITUTIONAL ARRANGEMENTS

### 6.1 Roles and Responsibilities of Agencies and Institutions

38. The following institutional actors are tasked with LAR related activities of the Subproject:

- (i) UCSA as the EA has overall responsibility for the preparation and implementation of the Project.
  - UCSA carries out its LAR related functions through the Project Management Unit (PMU); where the Project Deputy Director is also designated as Safeguard Compliance Officer (SCO) for LAR aspects of the Project.
  - PMU will appoint the Water Supply and Design Specialist, located at the Project Implementation Unit (PIU) who will represent UCSA on site for the execution of the construction of the Subproject, as Impact Mitigation Officer (IMO) to liaise with the APs and the community on LAR activities and any unforeseen issues arising for the community or individuals from construction.

- The SCO and IMO will be supported in their LAR functions by the Monitoring & Construction Specialist at the PMU.
- (ii) The CRC and Makhallah Committees participate in the planning, implementation and monitoring of all LAR related activities and issues in a consultative role.
- (iii) The Viloyat and Tuman Hokimiyats have jurisdiction and carry out functions for land administration, valuation and acquisition, including the
- SCLRGCS
  - Office of the Chief Architect of the District
  - Viloyat Permanent Commission on Allocation of Land
  - Tuman Evaluation Commission
- (iv) ADB has approval functions for the LARP under the loan facility it provides for the Project.

## 6.2 Grievance Redress Mechanism

39. An aggrieved AP can appeal against any disagreeable LAR related decision, practice or activity through the following grievance redress mechanism:

- Initially, complaints will be lodged verbally or in writing with and recorded by the Makhalla Committee and IMO/ SCO. Resolution is sought within 10 days at the village level through the involvement of the IMO and the Makhalla Committee.
- If the complaint cannot be settled, a grievance regarding land and crop compensation issues can be lodged with the Tuman Hokim who will seek to resolve the grievance within 30 days. A grievance regarding compensation of other types of assets and income losses etc. can be re-lodged with the PIU through IMO who will respond within 30 days.
- If the complaint still remains unresolved, it can be lodged by the AP with the PMU within 1 month of the original complaint to the Tuman Hokim or PIU. The AP must produce all relevant documents supporting her/his claim. The PMU will table the complaint with the Viloyat Permanent Commission for Allocation of Land for review and rule on the issue(s) within 21 days. The PMU decision must be in compliance with the provisions of the LARF.
- If the grievance redress mechanism fails to satisfy the aggrieved AP, he/she can submit the case to the appropriate court of law.
- The APs will be fully informed of their rights and the grievance redress mechanism during consultations, the surveys and at the time of compensation.

## 7 BUDGET AND FINANCING

40. The land for the permanent structures if not already transferred, will be transferred from the Tuman state reserve land to Shahrizabz Tuman's own Vodakanal Division to whom the Project will hand over the water supply infrastructure after construction. The LAR budget below (Table 6) is for compensation paid to APs impacted by temporary loss of access to their leased irrigated land.

41. Cost of LARP monitoring is provided in the Project Implementation Consultant's budget.

**42. Table 6: Shahrisabz Subproject - LAR activity budget**

Average 2008 Annual Revenue per ha of land (mln UZB soums)	Area of land impacted in (ha)	Compensation for 1 year's temporary use (mln UZB soums)
1.05	2.2	1.197
<b>Total</b>		<b>2.31 mln UZB soums</b>

## **8 MONITORING AND EVALUATION**

43. The LAR process of the Subproject will be monitored by the Monitoring and Construction Specialist (M&CS) within PMU, routinely through a LAR monitoring procedure for the Project as a whole, with input, output and process indicators, field level data collection and computerized data entry in the project's data base, developed by the M&CS with the support of the project implementation domestic Resettlement Consultant to be recruited for external monitoring. LAR data generated will be included in the monthly M&E reports to all relevant officers of the PMU to facilitate, supervise and adapt LARP implementation. The monthly reports will be consolidated in quarterly project reports for ADB.

### **8.1 External Monitoring**

44. An external resettlement monitoring specialist will be deployed through the project implementation consultants at regular intervals during 2009-2011 to ensure the effectiveness of RP implementation of the subprojects. The monitor will set criteria and procedures for monitoring resettlement plan performance.

## 9 IMPLEMENTATION SCHEDULE

45. The following implementation schedule outlines the expected time framework for the implementation of this LARP.

**Table 7: LARP Implementation Schedule**

Activity	Year 1												Year 2												Year 3											
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
Assignment of specialist for preparing resettlement plan	■																																			
Forming district and regional evaluation committees		■																																		
Consultation with affected families and land users			■	■	■																															
Collection of documents and maps for selection of lands for the project and implementation of compensations			■	■	■																															
Filing request by PIU/PMU to district regional administration for selection lands			■	■	■																															
Determination of losses and damages by district evaluation committee			■	■	■	■																														
Agree selection of lands with land users and interested district and regional organizations			■	■	■	■																														
Consultative discussions among land users, PIU, district commissions and local administration			■	■	■	■																														
Approval of selected land and resettlement by head of district administration			■	■	■	■	■																													
Approval of RP by EA			■	■	■	■	■																													
PIU submits application to regional administration for assigning land for construction			■	■	■	■	■																													
Agreeing attribution of land with land users and interested districts and province organizations			■	■	■	■	■																													
Approval of attribution of land by district local governor and issuance of documents entitling land occupation			■	■	■	■	■																													
Survey of area and determination, development of schemes and detailed maps			■	■	■	■	■																													
Pegging of the allotment and compensation lands			■	■	■	■	■																													
Transfer rights land users for land cash compensation			■	■	■	■	■																													
Making changes into land-cadastral documentation because of land compensations			■	■	■	■	■																													
Approval of LARP by ADB			■	■	■	■	■																													
Subproject construction																																				
Restoration of temporary used lands																																				
Internal monitoring, evaluation and reporting PIU	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Monitoring by External Monitoring Specialist	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

**Appendix 1- Affected Persons Basic Socio-economic Information-Shahrisabz**

Affected Person		Gender M/F	Age	Household Head Y/N	Education (Secondary school, Institute)	Household size			Age Group			Annual Household Income (mln UZB soums)		
						Total	M	F	0-15	16-65	65+	Agriculture	Other source	Total
1.	Boboyorov Bekzod Komolovich	M	28	Y	Institute	4	2	2	2	2		2.0	0.8	2.8
2.	Boboyorov Shurat Ganievich	M	53	Y	Institute	6	4	2		6		5.0	2.0	7.0

**Appendix 2: Order Hokim of Shahrissabz District No X-2224/6 dated June 24, 2009**

**МАЪЛУМОТНОМА**

Бобоёров Бекзод Камолович фермер хужалиги маъмурияти Ушбу хат оркали ёзиб маълум килади Туман хокимлигининг 24.06.2009 йил №х-2224/6-сонли қарорининг 1-илоvasида курсатилган компенсация суммаси 840,0 минг сумни белгиланган вақтида фермер хужалигимиз хисобига олдик. Маълумотнома суралган жойга курсатиш учун берилди.

Бобоёров Бекзод  
Камолович фермер  
хужалиги раҳбари:

Б.К.Бобоёров.

Date:  
06.07.2009

### Certification

The Boboyorov Bekzod Kamolovich farm enterprise certifies by this Certification that the compensation mentioned in Appendix 1 to the Hokim Order of the District # 2224/6 dated 24.06.2009 in amount of 840.0 thnd soums was received by our farm in time.  
This Certification is for whom it may concern.

Head of farm enterprise  
Boboyorov Bekzod Kamolovich

B. K. Boboyorov



## МАЪЛУМОТНОМА

Бобоёров Шухрат Ганиевич фермер хужалиги маъмурияти Ушбу хат орқали ёзиб маълум қилади Туман ҳокимлигининг 24.06.2009 йил №х-2224/6-сонли қарорининг 1-илоvasида курсатилган компенсация суммаси 1470,0 минг сумми белгиланган вақтида фермер хужалигимиз ҳисобига олдик.

Маълумотнома курсатилган жойга курсатиш учун берилди.

Бобоёров Шухрат  
Ганиевич фермер  
Хужалиги раҳбари:

A handwritten signature in black ink, appearing to be 'Sh. Boboev'.

Ш.Бобоёров.

Date:  
06.07.2009

### Certification

The Boboyorov Shuhrat Ganievich farm enterprise certifies by this Certification that the compensation mentioned in Appendix 1 to the Hokim Order of the District # 2224/6 dated 24.06.2009 in amount of 1470.0 thnd soums was received by our farm in time.  
This Certification is for whom it may concern.

Head of farm enterprise  
Boboyorov Shuhrat Ganievich

Sh. Boboyorov