

# Resettlement Planning Document

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Updated -Land Acquisition and Resettlement Plan (LARP) for Kasan Subproject

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

Prepared by Uzbekistan Communal Services Agency

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**KASAN SUBPROJECT UPDATED LAND ACQUISITION AND RESETTLEMENT  
PLAN (LARP), JUNE, 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

## 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**

The subproject located in the Kasan district of Kashkadarya Province will construct four Water Distribution Centers (WDC) and provide safe water supply on a continuous basis to households in 20 villages with a total population of 40,585.. Land acquisition and resettlement (LAR) impacts are minimized by locating all structures impacting land permanently in unused state reserve land. Land acquisition will not be required. There will be no physical displacement from housing. The laying of 14.45 km main trunk lines will temporarily impact 4.6 ha irrigated agricultural land leased by four farm enterprise households.

### **Affected Persons**

1. The four affected households comprise a total of 24 persons, 11 male and 13 female. These households will lose an insignificant portion of their total leased land, on an average no more than 1.42% of their holding, temporarily during an anticipated 6 month construction time. 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 41 employees hired and working in the affected farm enterprises 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 41 laborers will, along with 40,585 other persons, be 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 during the feasibility and detailed design phases in 2005 and 2008. The latest was a special meeting of APs and beneficiaries on March 2, 2009 confirming the implementation and execution of the entitlements and to address any grievances or concerns.

### **Compensation**

2. 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 hector of each farm in 2008. This compensation was made to the four affected household heads by the Order of the Hokim of Kasam District No 2488/04 dated April 27, 2009. PIU/PMU have confirmed that money was transferred to the bank account of the family farming enterprise in compliance with the Hokim's order within 5 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 updated plan and till after the commencement of civil works. The laying of trunk mains on impacted land will be scheduled to allow harvesting of standing crops.

## 1 INTRODUCTION

3. 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.

4. 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.

5. This short LARP is prepared for the Kasan Subproject (the Subproject), a core subproject of the KNRWSSP<sup>1</sup>. It is an updated version of the LARP originally prepared during the feasibility study of the Project in 2005. The notification of the land that will be temporarily impacted was made on April 27, 2009 by order of the Hokim of Kasan district. The implementation agency will not take possession of the temporarily required land, till after the approval of this updated plan and till after the commencement of civil works. The laying of trunk mains on impacted land will be scheduled to allow harvesting of standing crops.

6. The subproject located in the Kasan district of Kashkadarya Province will construct i) four Water Distribution Centers (WDC); (ii) 14.45 km main trunk lines off taking from the WDCs and (iii) 155.15 km of distribution water lines. This infrastructure will provide safe water supply on a continuous basis to households in 20 villages with a total population of 40,585.

7. The beneficiary communities will receive water in 4 clusters served by one WDC each. These are i) Kulbuka, Obdida, Khujakurgon, Boyterak, Kamandi, Bobirdok, Nekuz, Tayzan; ii), Pudina, Esaboy, Mudin; iii) Sayet, Sherbek, Uzbekdarcha, Darcha, Kozokli; and iv) Ushoktepa, Galla, Oksalla and Galabotir.

8. The LARP activities under the Kasan 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.

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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.

## **2 SCOPE OF LAND ACQUISITION AND RESETTLEMENT**

9. Land acquisition and resettlement (LAR) impacts are minimized in this subproject by locating all structures impacting land permanently in unused state reserve land. The LAR impact of this subproject is insignificant.

### **2.1 Permanent Loss of Productive Assets**

10. In the Kasan Subproject there will be no physical displacement from housing of any APs. The four Water Distribution Centers<sup>2</sup> (WDC), which require 0.9 ha of land each, will be constructed in state reserve land of the Tuman. These lands are free from any use by people in the area<sup>3</sup>. Land acquisition will not be required. This Tuman state reserve land was allocated for construction on May 3, 2008 under Order of the Hokim of Kasan District No 413/5.

### **2.2 Temporary Loss of Access to Productive Assets**

11. A total of 4.6 ha of land will be temporarily affected during construction for laying of trunk mains from WDCs to village settlements. This irrigated cultivated land is operated by four family farm 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.

12. These four family farm enterprises will lose access temporarily during the 6 months anticipated construction time, on an average, 1.42 % of their operated holding, which is very insignificant. (Table 1)

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

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<sup>2</sup> Each WDC will comprise a pavilion, concrete water storage tanks, a chlorination facility and a guard house within the 0.6 ha. The 0.9 ha are also inclusive of the access road from the existing road to the fenced WDC facility. These are located i) in Field No 301 of Kulbuka CRC; ii) Field No. 354 of Pudina CRC; iii) Field No. 318 of Sherbek CRC; and iv) Field No 44 of Ushoktepa CRC;

<sup>3</sup> Subsequent to a Cabinet of Ministers Resolution dated 8 January 2002 which called for reorganizing historical agricultural entities into efficient farm enterprises in a market economy, the districts have been gradually initiating reforms in this direction. This has mainly been by dissolving the pre-independence Kolkhoz and other large entities such as shirkats and reorganizing them into family farm enterprises, In Kasan this process in compliance with CMR of 2002 was initiated by the Hokimiyat in November 2008, and by December 2008 all existing agricultural entities were dissolved. During this period of reorganization of agricultural land, all land identified and required for public infrastructure, including colleges, water distribution centers and expansion of villages for which Architectural Project Orders existed where kept back in state balance. The rest was tendered out in lots through bidding processes to family farm enterprises.

No	Farm	Location	Total Land Leased/ operated (ha)	Area Temporarily Affected (ha)	Field Number	Type of Land	Temporarily Affected land as % of total Operated Land holding
1	Ostonbobo Hasanov AP: Ostonov Nodir (head)	Pudina CRC	55.8	0.2	355	Irrigated Cultivated	0.36%
2	Dilmurodova Mahbuba Ismiddin Qizi AP: Yuzboev Isomiddin (head)	Sherbek CRC	136.3	0.8	326	Irrigated Cultivated	0.58%
3	Kamron AP: Juraev Nuriddin (head)	Sherbek CRC	71.7	2.6.	556, 557 & 558	Irrigated Cultivated	3.62%
4	Boyeterak AP: Peimov Bahodir (head)	Boyeterak CRC	88.8	1.0	403 & 410	Irrigated Cultivated	1.13%
<b>Total land affected temporarily</b>				<b>4.6</b>			

### 2.3 Affected Persons

13. No one will lose productive assets permanently due to the subproject. Four households will lose access to an insignificant portion of their leased land temporarily: on an average no more than 1.42% of their total leased land during the 6 months anticipated construction time. However, these APs will directly benefit from the clean water supply the subproject will bring. None of these house holds are female- headed or vulnerable (Table 2).

14. According to the AP census and the socio economic information collected (Appendix 1) the four households comprise of a total of 24 persons. 11 are male and 13 female. There are 16 adults and 8 children in these households. All house holds are headed by men between the ages of 36 and 41. There are four people above the age of 65 in these households, parents of the household heads fully supported by and integrated into the household. 31% of the annual income of the AP households comes from sources other than agriculture. The per capita monthly income of these households ranges from 47,292 to 69,167 UZB soum, which is considerably more than UZB soum 28, 040, the minimum monthly wage in Uzbekistan.

**Table 2 – Affected Persons**

Households	4		Female headed: 0	Vulnerable 0
Persons	24	Female 13 Male 11	Adults: 18 Children: 6	Elderly 4
Permanent loss of land	0 ha			
Temporary loss of access to land	4..6 ha		4 households average 1.15 ha each	
Loss of > 10% of productive assets	0			
Displaced households	0			

15. The 41 employees hired and working in the affected farm enterprises 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 41 laborers will, together with 40,585 other persons, be net beneficiaries of the water supply provided by the project.

16. No trees will be impacted by any components of the subproject. There will be no resettlement impact of the 155.15 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.

17. 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**

18. 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 Kasan Subproject. 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 up-date for the Kizeltepa 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**

19. 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.

20. 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.

21. **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.

22. **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.

**23. 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.

**24. 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.

**3.2 ADB Involuntary Resettlement Policy**

25. 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**

26. 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	Crop and tree losses are compensated in all cases based on market rates

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

<b>Uzbekistan Land Code 1998</b>	<b>ADB Involuntary Resettlement Policy 1995</b>
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	
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

27. 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 Kasan 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.

28. 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

29. 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.

30. Cut off date for entitlements is March 2, 2009, the date on which the resettlement census survey was conducted after the final alignment was approved.

### 3.6 Entitlement Matrix

31. 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

32. 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

33. 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.

34. Representatives of households, farm enterprises or shirkats 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.

35. Initial 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, during a seminar on May 12, 2005. 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.

36. On June 18, 2005, focus group interviews were conducted in the subproject area with representatives of Makhalla Committees and members of subproject area CRCs to determine the appropriateness of the design and get input from them on the alignments. As a

consequence of these meetings with representatives of the beneficiaries and the APs, alternative options for locating WDCs, minimizing land acquisition and impact on land were explored, proposed and finalized.

37. Information disclosure on the subproject alignments and resettlement impact was again provided as PIU and design institute staff conducted the renewed surveys and finalization of alignments in the field.

38. Consultations were conducted on March 20, 2008 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 land replacements and compensations on May 3, 2008.

39. A special meeting for the APs was held on March 2, 2009 confirming the implementation and execution of the entitlements and to address any grievances or concerns.

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

40. 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 Permanent Loss of Land

41. Land Acquisition is not required for the construction of 4 WDC. They are being built in Tuman state reserve land. This land will be internally transferred by the Tuman to the Vodokannal (water supply) Division of the Tuman<sup>5</sup>. Once the water supply system is completed by the project it will be handed over to Vodokannal who are responsible for its operation and maintenance.

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

42. 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 hectare of each farm in 2008. This is based on the actual net income per hectare of irrigated land with the CRC in 2008. This compensation was made to the four affected household heads as hereunder (Table 5) by the Order of the Hokim of Kasam District No 2488/04 dated April 27, 2009. PIU/PMU have confirmed that money was transferred to the bank account of the family farming enterprise in compliance with the Hokim's order within 5 working days after the issuance of the order. (Appendix 3).

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

No.	Head of AP Household Paid	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	Ostanov Nodir	Oston Bobo Hasanov	Pudina PRC	0.2	1.10	0.220
2	Yuzboev Isomiddin	Dilmurodova Mahbuba Isomiddin Qizi	Sherbek PRC	0.8	0.88	0.704
3	Juraev Nuriddin	Kamron	Sherbek PRC	2.6	1.02	2.652
4	Primov Bahtiyor	Boyterak	Boyterak PRC	1.0	0.83	0.830
				<b>4.6 ha</b>		<b>4.406 million UZB soum</b>

<sup>5</sup> The head of the relevant CRC and PIU staff have confirmed to the PMU that this state land is not in any ones use informally, and the construction of the WDC will not result in a negative impact on any one.

## **6 INSTITUTIONAL ARRANGEMENTS**

### **6.1 Roles and Responsibilities of Agencies and Institutions**

43. 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**

44. 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**

45. The land required permanently for the WDC structures is being transferred from the Kasan Tuman state reserve for Kasan Tuman's own Vodakanal Division to whom the Project will hand over the water supply infrastructure after construction. The Tuman as the eventual client of the project is providing cash compensation to four AP households for temporary loss of access to land totaling 4.406 million UZB soums. The break-down of the budget is given below (Table 6). Cost of LARP monitoring is provided in the Project Implementation Consultant's budget.

**Table 6: Kasam Subproject - LAR activity budget**

Range of Average 2008 Annual Revenue per ha of land (mln UZB soums)	Area of land impacted in the range (ha)	Compensation for 1 year's temporary use (mln UZB soums)
1.10	0.2	0.220
1.02	2.6	2.652
0.88	0.8	0.704
0.83	1.0	0.830
<b>Total</b>	<b>4.6 ha</b>	<b>4.406 mln UZB soums</b>

## 8 MONITORING AND EVALUATION

46. 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 LAR implementation. The monthly reports will be consolidated in quarterly project reports for ADB.

### 8.1 External Monitoring

47. 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.



**Appendix 1: Affected Persons Basic Socio-economic Information- Kasan**

Affected Person		Gender M/F	Age	Household Head Y/N	Education (Secondary school, Institute)	Household size			Age Group			Annual Household Income (mln. UZB soum)			
						Total	M	F	0-15	16-65	65+	Agriculture	Other source	Total	Per capita (monthly, thousand UZB soum)
1.	Ostanov Nodir	M	38	Y		5	2	3	1	4		2,95	1,20	4,15	69, 167
2.	Yuzobev Isomiddin,	M	39	Y		6	3	3	2	3	1	2,85	1,30	4,15	57, 639
3.	Juarev Nuriddin	M	41	Y		5	2	3	1	3	1	2,90	0,90	3,80	63, 333
4.	Primov Bahodir	M	36	Y		8	4	4	4	4	2	2,74	1,80	4,54	47, 292

## Appendix 2: Order Hokim of Kasan District No 2488/04 dated April 27, 2009



KOSON TUMAN HOKIMINING

### QARORI

№ 2488/04н 27 апрел 2009 йил

Koson shahri

Осиё тараккиёт банки иштирокида «Кашкадарё ва Навоий вилоят кишлоқ аҳоли пунктлари тоза ичимлик сув таъминоти ва санитарияси» лойҳаси бўйича қурилиш ишларини бажариш учун ер ажратиб бериш тўғрисида

Ўзбекистон Республикаси Президентининг 2007 йил 8 январдаги ПҚ-555-сонли ва 2009 йил 20 январдаги ПП-1041-сонли қарорлари талабларини ўз вақтида ва бекам кутилган бажарилишини таъминлаш мақсадида Ўзбекистон Республикаси Ер кодексининг 19-20-моддаларига асосан, Косон туман ер танлаш ваколатли турухнинг 2009 йил 20 мартдаги далолатномасини қуриб чиқиб, Ўзбекистон Республикаси Конституциясининг 104-моддасига, Ўзбекистон Республикаси «Маҳаллий Давлат ҳокимияти тўғрисида»ги Қонуннинг 6-моддасига асосланиб,

### Қ А Р О Р   К И Л А М А Н :

1. Косон туман Обидида кишлоқ фуқаролар йиғини, Ушқотпа, Пудина, Шербек маҳалла фуқаролар йиғини ҳудудларидаги туман захира ерлари ҳисобидан Осиё тараккиёт банки иштирокида «Кашкадарё ва Навоий вилоят кишлоқ аҳоли пунктлари тоза ичимлик сув таъминоти ва санитарияси» лойҳаси бўйича қурилиш ишларини бажариш учун 3,6 гектар. Косон туман ҳокимининг 2008 йил 3 майдаги 413/5-сонли қарори билан ажратилганлиги инобатга олинсин.

2. Сув қувурлари ётқизиш учун 4,6 гектар ер шундан «Остон бобо Хасанов» фермер хўжалигидан 0,2 гектар, «Дилмуродова Махбуба Исомиддин кизи» фермер хўжалигидан 0,8 гектар, «Камрон» фермер хўжалигидан 2,6 гектар ва «Бойтерак» фермер хўжалигидан 1 гектар ер вақтинчалик бир йил муддатга олинishi муносабати билан компенсация туман маҳаллий бюджети захира маблағлари ҳисобидан пул ўтказиш йули билан иловага асосан амалга оширилсин.

3. Ажратилган маблағларни ўз вақтида молиялаштириб бериш туман молия бўлими (М.Иштурдиева) зиммасига юклатилсин.

5. Ушбу қарорни бажарилишини назорат қилиш туман ҳокимининг биринчи уринбосари Н.Баҳромов зиммасига юклатилсин.



С. АЗИЗОВ

**ORDER**  
**of Hokim of Kasan district**

**No.: 2482/04**

**Date: 27 April, 2009**

About allocation of land for execution  
of construction works under “Kashkadarya  
and Navoi Rural Water Supply and Sanitation  
Sector Project”.

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In order to perform the Decrees of the President of Uzbekistan No. PP – 555 dated 8 January 2008 and No. PP – 1041 dated 20 January 2009 and basing of clauses 19 – 20 of the Land Code of the Republic of Uzbekistan, and basing on act of Kasan district authorized unit for land selection dated 20 March, 2009, Article 104 of the Constitution of the Republic and Article 6 of the Law of the Republic of Uzbekistan “About municipal administration” hereby I:

**ORDER to:**

1. Take into account that according to the Order of Hokim of Kasan district No. 413/5 dated 3 May 2008, 3.6 hectares of district state reserve lands which located in CRC Obidida and Councils of Mahallya Communities (CMC) Ushoktepa, Pudina, Sherbek, Kasan district were allocated for execution of construction works under the “Kashkadarya and Navoi Rural Water Supply and Sanitation Sector Project”.
  
2. Temporarily allocate for 1 year 4.6 hectares of lands for laying pipes, including 0.2 ha of land of the farm “Oston Bobo Hasanov”, 0,8 ha of land of the farm “Dilmurodova Mahbuba Isomiddin Qizi”, 2.6 ha of land of the farm “Kamron” and 1 ha of land of the farm “Boyterak”. Compensate these farms with cash money from district reserve funds as it is shown in the Appendix.
  
3. Charge the district financial department (Mrs. M.Ishturdieva) to provide in time the allocated funds.
  
5. Charge Mr. N.Bahromov, First deputy of Hokim of the district to control execution of this Order.

**Hokim of the District**

**S.Azizov**

  
 2009 йил 28 февральдаги  
 2482/06-сонли қарорига илова

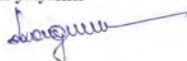
Осиё тараккиёт банки иштирокида «Кашкадарё ва Навоий вилоят кишлоқ аҳоли пунктлари тоза ичимлик сув таъминоти ва санитария» лойиҳаси Қосон туманида амалга ошириш бўйича туман захира ҳер фонди ҳисобидан вақтинча фойдаланиш учун ажратилган ер майдонларига компенсация

**Ж А Д В А Л И**

Т/Р	Фермер хужаликлари номи	Жойлашган манзил	Майдон (га)	2008 йилда 1 гектардан олинадиган ургача даромад (минг сум)	Компенсация микдори (минг сум)	ҚФЙ ва МФЙ раиси Ф.И.О
1	«Остон бобо Хасанов»	Пудина МФЙ	0,2	1100,0	220,0	Остонов Нодир
2	«Дилмуродова Махбуба Исомиддин кизи»	Шербек МФЙ	0,8	880,0	704,0	Юзбоев Исомиддин
3	«Камрон»	Шербек МФЙ	2,6	1020,0	2652,0	Жураев Нуриддин
4	«Бойтерак»	Бойтерак МФЙ	1,0	830,0	830,0	Примов Бахтиёр
	<b>Жами</b>		<b>4,6</b>		<b>4406,0</b>	

Турт миллион турт юз олти минг сум

Қосон туман ҳокимлиги умумий  
булими мудири



А.Кузибоев

**Appendix to the Order of Hokim of Kasan  
district # 2482/04 dated 27 april 2009**

**List of compensations for lands temporary acquired for execution of construction works in Kasan district under the “Kashkadarya and Navoi Rural Water Supply and SanitationSector Project”**

#	Farm	Location	Area, ha	Average revenue from 1 ha in 2008 (thousand soums)	Compensation amount (thousand soums)	Name of head of farm
1	Oston Bobo Hasanov	Pudina CMC	0.2	1100.0	220.0	Ostonov Nodir
2	Dilmurodova Mahbuba Isomiddin qizi	Sherbek CMC	0.8	880.0	704.0	Yuzboev Isomiddin
3	Kamron	Sherbek CMC	2.6	1020.0	2652.0	Juraev Nuriddin
4	Boyterak	Boyterak CMC	1.0	830.0	830.0	Primov Bahtiyor
<b>Total</b>			<b>4.6</b>		<b>4406.0</b>	

**Four millions four hundred six thousand soums**

**Head of General department of Kasan  
District Hokimiyat  
A.Kuziboyev**



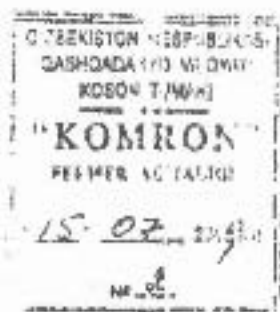
Date: 15.07.2009

To: ADB PIU in the city of Karshi

This is to certify that the compensation mentioned in order of Hokim of Koson district dated 27 April 2009 in the amount of 2 652.0 thnd. soum was received by Kamron farm in the mentioned time.

The Kamron farm

Z.Orolov



Qashqadaryo viloyatining Karpis  
shahrida do'bo'xona jumhumiya shirkati  
g'rafiya rahbari N. Muxitiddin

Qashqadaryo viloyatining Karpis shahrida do'bo'xona jumhumiya shirkati  
2009 yil 27 apreldagi qarori bilan belgilangan 2052.0 ming summiq kompensatsiyani  
kelishilgan tartibda oldim.

Komron fermer jumhumiya shirkati



Z. Orinov

Date: 15.07.2009

To: ADB PIU in the city of Karshi

This is to certify that due to execution of water supply works our “Dilmurodova Mahbuba Isomiddin Qizi” farm received from district Hokimiyat the compensation equal to 704.0 thnd soums.

Head of Dilmurodova Mahbuba Isomiddin Qizi farm

Yuzboev Isomiddin

Witness:

Head of Sherbek Makhallya

Bozorova Oygul

UZBEKISTON  
 RESPUBLIKASI  
 QASHI QADARLIQ VILoyATI  
 KOSON TASHKILI  
 "DILMUSOBCHA  
 MAKTUBA  
 ISHITIB QIZ"  
 PEKINER XOKIMLIGI  
 № 17  
 15.04.2005

Одво" торафидан бахоналик  
 берилди мах. режа. қўйиб қана  
 асосан ескирилган уюшма раҳбари  
 И. Махмуровга.

Одво" жисдида маъруза бўлишидан  
 бундан И. Махмуровга Махмуров Исмомовдан  
 бундан 4 фарис бўлишидан. Булардан бундан  
 қўйиб қана. И. Махмуровга. Булардан бундан  
 бундан маърузада бундан бундан  
 маърузада бундан қисбатдан 704,0  
 қўйиб бундан қўйиб қана маърузада  
 бундан.

4 Дурамажуровга  
 Махмуровга  
 бундан раҳбар



Махмуровга  
 бундан

Тосқон, қўйиб қана  
 Махмуровга  
 бундан.



Махмуровга  
 бундан