

Resettlement Planning Document

Land Acquisition and Resettlement Framework
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UZB: CAREC Corridor 2 Road Investment Program

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The land acquisition and resettlement framework is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

ABBREVIATIONS

ADB	Asian Development Bank
APs	Affected Persons
CoM	Cabinet of Ministers
DI	Design Institute
EA	Executing Agency
EMA	External Monitoring Agency
FDEA	Farmers and Dehkan Association
GRC	Grievance Redress Committee
IMA	Internal Monitoring Agency
IPSA	Initial Poverty and Social Analysis
IP	Indigenous People
IR	Involuntary Resettlement
LC	Land Code
LAR	Land Acquisition and Resettlement
LARP	Land Acquisition and Resettlement Plan
LARF	Land Acquisition and Resettlement Framework
LAS	Land Acquisition Survey
MFF	Multi Financing Facility
NGO	Non-government Organization
PAC	Project Appraisal Consultant
PIP	Project information Pamphlet
PLARC	Provincial Land Acquisition and Resettlement Committee
PMU	Project Management Unit
RRF	Republican Road Fund under Ministry of Finance of Uzbekistan (Road Fund)
SES	Socio-Economic Survey
ST	Safeguard Team

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GLOSSARY

Affected persons (or business)	People (or business) affected by project-related changes in use of land, water or other natural resources
Compensation	Money or payment in kind to which the people affected are entitled in order to replace the lost asset, resource or income
Expropriation	Government's action in taking or modifying property rights in the exercise of sovereignty
Eminent domain	Regulatory measure by government to obtain land
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
Income restoration	Re-establishing income sources and livelihoods of people affected
Involuntary Resettlement	Development project results in unavoidable resettlement losses, that people affected have no option but to rebuild their lives, incomes and asset bases elsewhere
Relocation	Rebuilding housing, assets, including productive land, and public infrastructure in another location
Rehabilitation	Re-establishing incomes, livelihoods, living, and social system
Replacement rates	Cost of replacing lost assets and incomes, including cost of transactions
Resettlement effect	Loss of physical and non-physical assets, including homes, communities, productive land, income-earning assets and sources, subsistence, resources, cultural sites, social structures, networks and ties, cultural identity, and mutual help mechanisms
Resettlement plan	A time-bound action plan with budget setting out resettlement strategy, objectives, entitlement, actions, responsibilities, monitoring and evaluation
Social preparation	Process of consultation with affected people undertaken before key resettlement decisions are made, to build their capacity to deal with resettlement
Vulnerable groups	Distinct groups of people who might suffer disproportionately from resettlement effects

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I. INTRODUCTION

1. Highway 308 is the main highway between the northwest and southeast of Uzbekistan and covers 1,204 km running from Guzar to Dautata. It serves as an increasingly important international corridor between Afghanistan (via Termez), Tajikistan, and Turkmenistan, and Kazakhstan and Russian Federation. The Republic of Uzbekistan recognizes the importance of Highway 308 in promoting national development and is committed to reconstructing the road in order to meet future traffic requirements¹. All road sections within the present project will be up-graded to a four lane concrete highway.

2. CAREC Corridor 2 will cover approximately 222 km of Highway A380 in Khorezm and Karakapakalstan Oblasts (provinces). The project will be financed through ADB's Multitranchise Financing Facility (MFF) with 3 tranches being applied for the Investment Program. The first tranche (Project 1) will commence in 2010, with subsequent tranches to follow as they are ready. The Executing Agency (EA) for the Project is the Republican Road Fund (RRF/ Road Fund) under the Ministry of Finance.

3. Project 1 will have two major components: (i) road development component targeting reconstruction of about 50 km between Km 440 and 490 and (ii) road sector sustainability component which will (a) improve the road maintenance system (b) apply cost recovery principles and (c) minimize road externalities on gender and local communities through disseminating information on STDs to workers and local communities.

4. Project 1 will comprise civil works for 50 kms of highway A380 between Km 440 and km 490. Project 2 will also comprise civil works for 85 kms of highway A380 between Km 355 and km 440. Project 3 will comprise civil works for 40 kms of A380 between km 315 and km 355. Project 4 will comprise a by-pass beginning at Km 581 and bypassing the existing A380 until past Km 682. Civil works under Project 2 and 3 will involve involuntary resettlement and/or land acquisition.

5. The following impacts are anticipated:

Location	Land/structure affected	Type of Impact
Project 1: Km 440 – Km 490	Nil	
Project 2: Km 355 – Km 440	2 Cafes 2 Shops	▪ Parking lots or access road acquired or impeded
Project 3: Km 315 – Km 355	3 petrol/propane stations 8 roadside café/ business 1 wood storage shack	▪ Parking lots or access road acquired or impeded
Project 4: Km 581 – Km 628	Turtkul by-pass final alignment as yet undefined	

II. OBJECTIVES, POLICY FRAMEWORK AND ENTITLEMENTS

A. Objectives of Land Acquisition and Resettlement Framework (LARF)

6. This Land Acquisition & Resettlement Framework (LARF) expresses the Government's commitment to (1) avoid and (2) minimize negative third-party impacts in the

¹ With the existing traffic of about 5,500 passenger car equivalent (PCE) per day in the Khorezm section, the A-380 highway traffic is expected to reach 13,000 PCE per day in 2020.

investments to ensure that affected people (AP) are able to maintain or improve their well-being at the end of the project. The document incorporates the Resettlement Framework prepared by the Government to bridge any gaps between its own LAR policies and ADB's Safeguard Policy Statement (June 2009) and its Safeguard Requirement 2 Involuntary Resettlement and thereby to ensure uniformity of implementation.

7. This LARF is a government's document reflecting (i) Uzbekistan relevant laws and policies and (ii) ADB Policy specific requirements. The LARF provides a compensation/rehabilitation framework detailing agreed compensation/rehabilitation provisions which are shared by the government and the ADB. It also provides specific guidance on the particular ADB requirements for planning and implementing LAR under Multitranche Financing Facility (MFF) and uses ADB language and terminologies.

8. The LARF is intended to provide guidance for all aspects of land acquisition and identifies likely impacts of the investment, describes anticipated groups of AP, clarifies land and resettlement principles, assesses the legal framework for land acquisition and resettlement in Uzbekistan, describes standard procedures and methods of redress, and outlines steps that will be taken to plan, and to implement and monitor the impact of land acquisition and resettlement along the CAREC Corridor.

9. The LARF does not apply to negotiated settlements where both the government and the people agree to a fair price for land and other assets, unless expropriation would result upon the failure of negotiations. For assets acquired through negotiated settlements the EA will engage an independent external party to validate and document the negotiation and settlement processes to ensure application of fair and open transactions.

10. This LARF applies to all APs with land status affected permanently or temporarily due to the corridor's reconstruction, including purchase and temporary use during construction. It also applies to people whose use of state land, sanctioned or not, changes as the result of the investment. The LARF does not apply to State land that is transferred from one authority to another, or is used for the reconstruction, unless third parties are adversely affected by the transfer or use.

11. Once this document is approved by ADB and the Government, it will become an element of the respective financing agreements between the Government and ADB.

B. ADB Processing Requirements

12. Based on ADB policy/practice, appraisal of the MFF and each tranche and approval of the implementation of tranche projects will require the preparation of the following:

- (i) A LARF for the whole financial facility which is applicable to all projects. The LARF will be reviewed, if necessary updated, and submitted for ADB approval at the start of the preparation of each tranche.
- (ii) An Initial Poverty and Social Assessment (IPSA) indicating, for each tranche, whether LAR impacts are likely to occur, type of impacts, likely magnitude, and whether there may be Indigenous Peoples (IP), as defined by ADB's Safeguard Policy Statement (June 2009) and its Safeguard Requirement 3: Indigenous People, affected, and;
- (iii) If Land Acquisition and Resettlement (LAR) occur, prepare a Land Acquisition and Resettlement Plan (LARP) following the requirement and entitlement as stated in the approved LARF of the Investment Program for each project

under a tranche. The LARP(s) should be based on detailed design and commensurate to the severity of impacts. The LARP will include detailed compensation and administration budgets and implementation schedules linking LAR tasks to the initiation of civil works.

- (iv) Submit the LARP(s) for ADB review and approval prior implementation.

13. Based on ADB policy/practice, the appraisal of the MFF and each specific tranche and approval of project implementation will be based on the following LAR-related conditions:

- (i) **MFF/first tranche appraisal:** Conditional on preparation/disclosure of a LARF for the whole MFF acceptable to ADB and of LARPs for the first tranche project activities requiring LAR.
- (ii) **Following tranches appraisal:** Conditional on review/update/disclosure of the LARF, and preparation/disclosure of LARPs consistent with the revised LARF for projects with LAR.
- (iii) **Contract awards signing:** Conditional to the preparation/disclosure of relevant LARP approved by ADB and reflecting final impacts, AP lists and compensation rates.
- (iv) **Provision of notice to proceed to contractors:** Conditional on full implementation of LARP (all compensation has been paid, all relocation is completed and livelihood rehabilitation measures are in place) for the relevant project and submission of compliance report on LARP implementation. Such a condition will be clearly spelled out in the text of the civil works contract.

14. LARP preparation will be carried out by the resettlement specialist from Safeguard Team of Program Management Unit (PMU) with support from the Project Appraisal Consultants (PACs). The PACs will have international and local LAR capacity sufficient to cover all LAR planning and implementation needs throughout the Program implementation. The LARPs will be first approved by Road Fund and then will be endorsed by the Oblast and Rayon LAR Commissions of the project areas.

III. NATIONAL LAND, COMPENSATION AND RESETTLEMENT POLICIES

15. There are no laws or legislation in Uzbekistan that specifically address matters related to involuntary resettlement (IR). Rather land acquisition is governed by the following laws and resolutions:

- (i) The Land Code; approved by the Law of the Republic of Uzbekistan from 30.04.1998, taking the changes of 2003-2004 into account;
- (ii) The Civil Code of Republic of Uzbekistan from 1996, taking the changes of 2004-2008 into account;
- (iii) Law of the Republic of Uzbekistan on "State Cadastre" N171-II from 15.12.2000
- (iv) Law of the Republic of Uzbekistan on "State land cadastre" N666-I from 28.08.1998r taking the changes of 2002-2004 into account

- (v) Cabinet of Ministers Resolution on “Approval of Regulation on the order of legalization of seizure and allocation of land plots for non-agricultural needs in the Republic of Uzbekistan” No. 248, 27 May 1992
- (vi) Cabinet of Ministers Resolution on “Approval of the Regulation on the order of adjudication of land disputes in the Republic of Uzbekistan” №246 from 25.05.1992;
- (vii) Cabinet of Minister Resolution on “Order of realization into private property of objects of trade and public services together with land plots, where they are located, and land plots into life inheritance tenure” №126 from 11.04.1995, taking the changes of CoM Resolution № 202 from 30.04.1999 into account;
- (viii) Resolution of CoM “On approval of the sizes of agricultural production losses compensation, relating to land acquisition, for needs not connected with farming or forestry management” № 223 from 16.06.1995;
- (ix) Resolution of CoM “On approval of the regulation on the order of identification of the sizes of agricultural production losses compensation, relating to land acquisition, for needs not connected with farming or forestry management” № 282 from 15.06.1992;

16. Collectively, these regulations provide a sound basis for acquiring land for public purposes and for compensating land users according to the registered use of the land (i.e. for cultivation, business, residence etc). A brief account of legislation pertaining to compensation and the provision of land is given below.

A. Land Code of Republic of Uzbekistan (2003).

- (i) According to the **Article 16** of the Land Code of the Republic of Uzbekistan, land is a state property, and considered to be national wealth and protected by the state.
- (ii) **Article 17** provides rights of legal entities and individuals for land plots on the basis of constant possession, constant and temporary use, lease and property.
- (iii) **Article 23** regulates the assignment of the land plots. Assignment (realization) of land plots is only made after the specific issuance of a legislative order by the Cabinet of Ministers, provincial, Tashkent, districts and cities hokimiats via a recognized legislative order.

17. Lands which are not suitable for agricultural purposes or are of low-quality are assigned for construction of industrial enterprises, housing projects, railway, automobile, water and air transport, electric transmission lines, communications and pipelines and for other nonagricultural purposes.

18. It is forbidden to take possession of or use the given (realized) land plots before appropriate the land surveying authority has defined the plot borders and issued documents identifying rights for this plot.

- (iv) **Article 35** establishes that the right of entities and individuals for land plots is subject to state registration by local authority and that the appropriate

documentation must to be completed within 10 days of the appropriate documents being submitted.

- (v) **Article 37** defines conditions for reclaiming/acquiring land for public needs. Such land acquisition should be carried out with the agreement of landowners or with the concurrence of land user and lease holder after consultation with the district or province hokim or CoM. In case of disagreement with landowner, landuser and leaseholder, the decision can be appealed in court.
- (vi) **Article 41** ensures the rights for land plots and establishes, that removed rights of land owners, landusers, leaseholders and owners of land plots are subject to reinstating in legislative order. Losses caused by the infringement of rights of landowners, landusers, leaseholders and owners of plots (including lost profits) are subject to full compensation. Compensation for land acquisition for state and public needs is regulated by Article 86.
- (vii) **Article 80** defines environmental requirements regarding location, design, construction and operation of objects, buildings and constructions with reference to environmental protection legislation. Where new construction or rehabilitation and/or the introduction of new of new technologies have a negative impact to the condition of land, land protection activities shall be provided and carried out (as defined by reputable environmental experts). The construction/rehabilitation of buildings or the introduction of new technologies without appropriate environmental safeguards is forbidden.
- (viii) **Article 86** defines procedures of compensation to landowners, landusers, leaseholders and owners of plots. Landowners, landusers, leaseholders and owners of plots will be compensated in full (including lost profits) in the following cases:
 - Acquisition, reclamation or temporary occupation of lands;
 - Limitation of land use rights in connection with assignment of conservation, sanitary and protection zones around state reservations, wildlife preserves, national recreation areas, natural monuments, cultural-historical monuments, water reservoirs, water supply sources, resorts, along rivers, canals, water escapes, roads, transmission lines, communication and electrical lines;
 - Deterioration of lands caused by construction and operation of reservoirs, canals, ponds and other objects; the remittance of harmful or noxious substances by legal entities or individuals which cause crop damage and/or decreases in crop yields.
 - Compensation allocated under such circumstances will be paid by the offending enterprises, organizations and agencies, to the owners/users who use the affected plots.
- (ix) **Article 91** provides for the requisition of illegally occupied lands. State acquisition of such lands will be done without compensation and the cost of returning the land to its original condition will be borne by the occupier. Such reclamation will be conducted after agreement between the occupiers and the local authority or under a court order.

B. Civil Code (1996/1997)

- (i) **Section II** states the right of ownership is the right of a person to possess, to use and to dispose of the property belonging to him at his discretion and in his interest, and also demand elimination of any violations of his right of ownership from whom the come.
- (ii) **Article 167** states that private and public forms of ownership are recognized in the Republic of Uzbekistan.
- (iii) **Article 170** specifies that right of ownership and other things in right in land and other natural resources shall be regulated by the present Code and other laws.
- (iv) **Article 187** states that a person who is not the owner of property but who has in good faith, openly, and uninterruptedly possessed as his own immovable property for fifteen years shall acquire ownership of this property.
- (v) **Article 199** states that the alienation of property from an owner shall only be allowed by the procedure provided by legislative acts. If property is possessed by a person who is prohibited from owning this property under law, the right of ownership for this property shall be terminated by the procedure of a court with compensation.
- (vi) **Article 206** states that termination of the right of ownership in connection with a decision of state body to acquire land and chattels shall only be conducted with due accord to the appropriate legislative acts and the owner shall be provided with property of equal value or be given full compensation for lost assets. In case of disagreement with a decision entailing termination of the right of ownership, acquisition shall not be made before a court decision on the dispute.
- (iv) **Article 212** pertains to illegal construction on land not allocated for this purpose and/or without the necessary permits. Anyone erecting structures under such circumstances does not have the right of ownership or the right to dispose of the building.
- (v) An unauthorized building must be demolished at the constructor's expense following a legal petition by a person whose rights have been violated. The right of ownership to an unauthorized building on land not belonging to the constructor may be recognized by a court on the condition that the given parcel shall be granted to this person under established procedures for both the land and the construction. The right of ownership to an unauthorized building will not be recognized if the granting of such rights violates the rights and interests of other persons or creates a threat to the life and health of citizens.

C. Compensation Valuation Methods in Uzbekistan

19. If the land is alienated for public needs, land of equal value should be provided to individuals who have right of ownership/use. Where such land allocation is not possible, the land owner/land user will be paid the value of the plot. The value of land plots is calculated according to market value in accordance with Resolution of the CoM "On realization procedure to private property of trade and public services objects along with land plots, where they are located and land plots in lifelong inheritable tenure" № 126 from 11.04.1995"

and temporal instruction of calculation of normative value of agricultural lands of agricultural manufactures in the Republic of Uzbekistan (Decree of the Chairman of Uzbekistan State Committee for land resources, geodesy, cartography and state cadastre, approved by the Order of Chairman of the Committee №19 from 16.02.2006 and registered in Ministry of Justice on 19.04.2006 №1563). These acts allow for cost estimation of prevailing market values (appendix 3 to the Resolution of CoM “On realization procedure to private property of trade and public services objects along with land plots, where they are located and land plots in lifelong inheritable tenure” № 126 from 11.04.1995).

20. In cases of land alienation for state and public needs, enterprises, agencies and organizations whose the land is acquired shall be provided with the new structures for living, production and other purposes on new lands in compensation for impounded structures and shall receive full compensation for all other losses (including lost profit), according to article 37, 41, 86 of the land code.

21. Cost estimation of compensation for immovable property (buildings, constructions, perennial and annual planting) is undertaken by the valuation committee of hokimiyat, with all juridical and individual persons whose property was alienated during Project implementation being involved. The amount of compensation should be mutually agreed with all effected persons and households. Information on land and asset values is provided by the Rayon Land and Cadastre Committee and is based on Bonitet (formula for determining soil fertility).

D. ADB's Involuntary Resettlement Policy

22. ADB's Involuntary Resettlement, Safeguards Requirements 2 (Safeguard Policy Statement, June 2009) is based on the following objectives: To avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. The following principles are applied to achieve these objectives:

- a. Early screening to identify past, present and future involuntary resettlement impacts and risks.
- b. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks. This is done through a Social Impact Assessment (SIA), which entails a census, DMS with inventory of assets and a socio-economic sample survey, among others.
- c. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.
- d. Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive,

compensation and resettlement decisions should be preceded by a social preparation phase.

- e. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- f. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- g. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- h. Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- i. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- j. Prepare a resettlement plan elaborating displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- k. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- l. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- m. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.

- n. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

E. Comparison of Uzbek LAR Laws/Regulations and ADB Involuntary Resettlement Safeguards

23. Comparison of Land Code of Republic of Uzbekistan with the ADB Involuntary Resettlement Safeguards indicates that key elements of the ADB Policy are to a certain extent present especially in the context of valuation of immovable property. There is however no provision of compensation for non-registered occupation of land.

24. The ADB's principle of avoidance or minimization of resettlement is reflected in Uzbekistan Legislation. According to Article 23 of the Land Code (1998), construction of industrial enterprises, railway, automobile roads, communication and electrical lines, transmission pipelines, and for other non-agricultural purposes, such state activities should wherever possible use lands of non-agricultural or poor soil quality.

25. The main variations between Uzbek laws/regulation and ADB policy are outlined in Table 1 below.

Table 1: Comparison of LAR-related Laws under Land Code of Republic of Uzbekistan and Regulations and ADB Involuntary Resettlement Safeguards

Uzbekistan Land Laws and Regulations	ADB Involuntary Resettlement Safeguards
Land code of Republic of Uzbekistan stipulates and land is the property of state. People apply for registration for particular of use land and are granted for specific possession against fixed rate of taxes along with provision of all documents related to land details, quality, area, which give evidence for occupancy right in the court of law.	Lack of title should not be a bar to compensation and/or rehabilitation. Non-titled landowners receive rehabilitation assistance.
Under Land Code of Uzbekistan Republic all land, houses, buildings, shops have to be registered at the respective province / district level. Unlicensed occupation of land and unlicensed structures are illegal and their expropriation is not compensated	All houses/buildings are compensated for damage or demolition caused by a project irrespective of the status of formal title.
No compensation for crop loss/loss of trees/forest farming on illegally occupied land parcels.	Crop losses compensation provided to landowners and sharecroppers/lease tenants whether registered or not
No provision for compensation of income/livelihood loss or expenses incurred during relocation under State Land Code	The ADB policy requires compensation for income/livelihood losses and for expenses incurred by the APs during the relocation process.

F. Remedial Measures to Bridge the Gap

26. The LARF is intended to clarify these issues and to reconcile the gaps between the Land Code of Republic of Uzbekistan and the ADB Policy. The LARF ensures compensation at replacement cost for all acquired assets, rehabilitation benefits to informal/unregistered settlers/dwellers/land users and provision of subsidies or allowances for APs who suffer income losses or are required to be relocated.

27. To bridge the gap between current legal principles and practices and policy requirements of ADB Safeguard Policy Statement SR 2: Involuntary Resettlement, the Resettlement Framework will apply the following principles:

- i. The Road Fund will ensure that all assets which are to be acquired have sufficient legal status to allow them to qualify for compensation under Uzbekistan law.
- ii. Compensation for land and assets will be paid to APs in full prior to the project acquiring such land and assets
- iii. Lack of legal title will not be a barrier to obtaining compensation for land either on land for land basis or cash compensation.
- iv. APs not holding legal title will receive the same consideration in the allocation of new land as legal title owners.
- v. Compensation will be provided for all house/shops/other buildings affected by the project irrespective of legal title.
- vi. Compensation will be provided for standing crops and trees on both legally and illegally occupied land which is affected under the project.
- vii. Compensation will be provided to APs who lose income or whose livelihood is affected under the project.
- viii. All APs will be entitled to relocation support if required to move.

IV. COMPENSATION AND VALUATION OF ASSETS

28. Compensation for the land will be based on The Land Code of the Republic of Uzbekistan and Addendum to Resolution of the Cabinet of Ministers of the Republic of Uzbekistan № 97 of 29.05.2006. This compensation will be based on “like for like”, with land being provided to owners by the Hokimiyat (local authority). Such land will be of equal value/productivity in a comparable location and with comparable associated services/facilities, or compensation to provide such services, to plots lost; or cash compensation at full replacement cost with, registration and transfer charges if any to be borne by the project.

29. Compensation for loss of business/income will be calculated based on estimated loss of income after demolition of structure and the time required for rebuilding the new business in the relocation area. Compensation for the workers will be based on regular wage rate multiply with the numbers of months that the business will stop operating due to relocation and reconstruction of business in the new site.

30. Annual crops will be valued at full market rate as determined by purchase prices in the local market.

31. Fruit trees will be valued based on age of the trees, such as seedling, not yet productive or productive. Productive trees will be valued at market price of 1 year produce multiplied by the number of years until the end of fruiting period: or in case of granting the land plot instead of alienated one, the compensation of full cost of seedling, cost of preparing a garden and lost profit at annual income multiplied the number of years till the trees come to fruiting period will be paid.

32. Assets valuation and compensation disbursement will be performed through calculating values at real replacement cost and compensation disbursed through the Provincial/District Authorities (Hokimiyat); with support and monitoring being conducted by Safeguard Team to ensure they follow the requirements as stated in this LARF.

33. Rehabilitation measures for the affected families below the poverty lines will be informs of additional livelihood allowance, and priority for employment in project-related jobs, training opportunities, self-employment and wage employment assistance. The Safeguard Team of the Road Fund, supported by the local government and the relevant Makhalas representatives will identify the best and appropriate provisions and delivery measures.

A. Assessment of Compensation Unit Values

34. The methodology for assessing minimum compensation rates of different items is as follows:

- (i) Land will be valued at replacement cost according to prices prevailing in the local area. Transaction cost, registration fees, if any, to be borne by the project.
- (ii) Houses/buildings will be valued at replacement cost based on cost of materials, type of construction, labor, transport and other construction costs. No deductions will be applied for depreciation and transaction costs. Salvaged materials will be allowed to be taken away by the APs.
- (iii) Annual crops will be valued according to rates paid in the local market.
- (iv) Fruit trees will be valued based on age of the trees, such as seedling, not yet productive or productive. Productive trees will be valued at market price of 1 year produce multiplied by the number of years until the end of fruiting period: or in case of granting the land plot instead of alienated one, the compensation of full cost of seedling, cost of preparing a garden and lost profit at annual income multiplied the number of years till the trees come to fruiting period will be paid.

35. Initial asset valuation will be done by the Safeguard Team (ST), with support from the resettlement specialist of Project Appraisal Consultant (PAC) in coordination with the Design Institute (DI), and the evaluation committee of the Provincial Land Acquisition and Resettlement Committee (PLARC). It will be verified and certified first by the PMU Director and then by the Rayon LAR Commission. If the land/property is being acquired with the owners consent, this valuation will be used as the basis of negotiation between the owners and the local authorities. Compensation rates should be based on current market rates as proven through demonstrable survey information.

B. Provision of “Land for Land” Compensation

36. The district/province hokimiyats decide on the assignment of alternative land plots . If “land for land” is the chosen as the compensation option, the ST/PAC will locate on the town map the possible relocation site / replacement plots from which the APs can choose. They will also identify the associated infrastructure requirements (service roads, drainage, sanitation, water supply, and irrigation and electricity facilities) and provided with site-preparation costs. All relocation activities will be carried out with the consent and cooperation of the affected people and local authority can be instrumental in carrying out resettlement activities as scheduled.

Table 2: Entitlement Matrix

Type of Loss	Specification	Affected People	Compensation Entitlements
Permanent loss of Arable Land	All land losses independent of impact severity	Farmer/Titleholder	Land for land compensation with plots of equal value/productivity, comparable location and services (or compensation to provide such services) to plots lost; or cash compensation at full replacement cost with, registration and transfer charges if any to be borne by the project:. Auction costs paid if the land plot is obtained at auction Unaffected portions of a plot will also be compensated if they become unviable after impact occurs.
		Leaseholder (registered or not)	Transfer of lease to other plots of equal value/productivity of plots lost, or Cash equivalent to the net income from the land calculated on the basis of the market value of annual production of affected land for the remaining lease years (up to maximum 10 years).
		Sharecroppers (registered or not)	Cash compensation equal to market value of the lost harvest share once (temporary impact) or twice (permanent impact)
		Agricultural workers losing their contract	Cash indemnity corresponding to their salary in cash and in kind for the remaining part of the agricultural year/or contractual period.
		Non-titled cultivators	1 rehabilitation allowance equal to 1 year's net income from the affected land (in addition to lost crop compensation) for land use loss.
		Farmer/Titleholder Leaseholder	1 severe impact allowance equal to the net income from annual crop production (inclusive of winter and summer crop in addition to standing crop compensation) and the waiving of taxes and fees
	Additional provisions for severe impacts (> 10% of land loss)	Sharecroppers (registered or not)	1 severe impact allowance equal to the net income from their annual share of harvest lost (additional to standard crop compensation)
Temporary Land Acquisition		All APs (including those, who has right of use)	Affected land/communal infrastructure will be restored or reconstructed to pre-project conditions. Rent shall be agreed between landowner and contractor equal to the revenue lost at market value (e.g. compensation for harvests lost at average yield/hectare).

Type of Loss	Specification	Affected People	Compensation Entitlements
			Payment of such compensation to be assured by the Project.
Residential/ Commercial Land		Titleholder	Land for land compensation through provision of a plot comparable in value/location to the plot lost; or Cash compensation for affected land at full replacement cost. Registration and transfer costs, if any, to be borne by the project. Auction costs paid by project if the land plot is obtained at auction Unaffected portions of a plot will also be compensated if they become unviable after impact occurs
		Non-titled land owners	Provision of a new plot or a plot to lease
Housing and structures	Full/partial loss of structures	Owners (<i>with/without house or building registration</i>)	Cash compensation at replacement rate for affected structure/fixed assets and labor, and free of salvageable materials, depreciation and transaction costs. Salvageable material will be allowed to be taken away. For partial impacts, cash compensation at replacement rates to restore remaining structure. Cost of lost/ rehabilitation of water and electricity connections will be included in the compensation. Unaffected portions of the structure will also be compensated if they become unviable after impact occurs
		Tenant/Leaseholder	Compensation of income lost as a result of the loss of the tenancy of houses, buildings and structures plus new lease or cash compensation for the remaining period of the lease.
Standing Crops	Crops affected	All APs (<i>including non-titled land owners</i>)	Cash compensation equivalent to the gross income from the crop calculated at the market value of the total annual produce from affected land. To be paid both to landowners and tenants based on their specific sharecropping agreements.
Trees	Trees affected	All APs (<i>including non-titled land owners</i>)	Cash compensation shall reflect income replacement. Fruit trees will be valued at market value multiplied on the number of years until the end of fruiting period; or in case of granting the land plot ,the compensation of full cost of seedling, cost of preparation of a garden and lost profit at annual income multiplied the number of years till the trees gain fruiting period will be paid
Business/ Employment	Temporary/ permanent loss of business or employment	All APs (<i>including non-titled land owners</i>)	Business owner: (i) Cash compensation equal to 6 month's income, if loss is permanent; (ii) cash compensation for the period of business interruption, if loss is temporary. Compensation is estimated on the basis of tax declarations, imputed earnings or average income in this area. Worker/employees: Indemnity for lost wages for the period of business interruption (including fixed by oral agreement with employer) up to a maximum of 6 months. Tenants of affected buildings: compensation for lost rent paid in advance plus cash compensation equal to 6 month's income if loss is permanent. Compensation is estimated on the basis of tax declarations, imputed earnings or average income

Type of Loss	Specification	Affected People	Compensation Entitlements
			in this area.
Livelihood		Vulnerable AP: AP below poverty line	1 additional allowance equal to 3 months at \$35 per family member per month. ² Priority for employment in project-related jobs, training opportunities, self-employment and wage employment assistance
Relocation	Transport Cost /transitional livelihood costs	All APs affected by relocation House owners and tenants	Provision of cash compensation to cover transport expenses to the new locations. Livelihood expenses for up to three months when the impacts are severe on the basis of documents, confirming the income of household members, but no less than 1 minimum salary per member
Community assets	Loss/damage to public infrastructure/ utilities Loss/damage to grazing land		Rehabilitation/replacement of affected structures/utilities (i.e. mosques, footbridges, roads, schools, health centres, etc.) to pre-Program level Rehabilitation/ replacement to the new grazing areas

V. GENDER IMPACT AND MITIGATION MEASURES

37. Women have important economic roles and engage in a very wide range of income generating activities in the agricultural, small scale industry and marketing sector. The Program will pay particular attention to ensure that women are the recipients of the compensation pertaining to their activities and to ensure that women who are de-facto household heads are clearly listed as beneficiaries of compensation and rehabilitation proceedings under the loan. In order to ensure the above the following actions will be considered:

- (i) Impact assessment will disaggregate the APs by gender and will indicate the number of affected women-headed households and their pre-Program socio-economic status.
- (ii) Women will be encouraged to actively participate in all LAR-related consultations and negotiations about compensation for loss of productive assets.
- (iii) The LARP monitoring/evaluation team, both internal and external, will pay special attention on the impact of resettlement on women and other vulnerable groups and will documents such impacts.
- (iv) Female heads of households will be the sole recipient of any compensation due.

VI. SOCIO-ECONOMIC INFORMATION

38. LARP preparation must be based on data collected through the following methods.

² This is the equivalent of the minimum threshold level below which people qualify for Mahalla economic assistance.

- (i) **Screen LAR impact.** Using the LAR checklist screen the LAR impacts of the project activity to determine impact and required actions.
- (ii) **Census of Affected Persons.** Complete enumeration of all affected households to prepare a complete list of 100% of APs, to identify entitled and non-entitled persons, and vulnerable households.
- (iii) **Review of Land Records and Ownership Deeds of 100% of APs** to prepare land compensation award papers in consultation with APs.
- (vii) **Inventory of Land and Non-Land Assets.** Inventory and detailed measurement of all affected assets (land and non-land) and remaining fixed assets of 100% of APs.
- (viii) **Socioeconomic Survey.** 20 – 25% sample of APs using a household questionnaire with the purpose of preparing a profile of APs, assessing incomes, identifying productive activities of all APs and preparing a plan for income restoration, relocation options, and special measures for vulnerable groups. All data is to be disaggregated by gender.
- (ix) **Independent assessment of Market Value of Affected Assets.** This activity should be done by Independent Valuation agents and provided the reports to the Government Valuation Committee.

39. The inventory of assets to be acquired and the census of affected people and their households serve several purposes: (a) to identify who is eligible for compensation and resettlement entitlements; (b) to establish a cut-off date for eligibility; (c) determine categories of entitlements; (d) to provide a basis for valuation and compensation; and (e) to supply an important part of the land acquisition and resettlement database to be used for project monitoring. The census and inventory of assets can be done separately. However, since each requires visits to all affected households, doing them together is more efficient.

VII. CONSULTATION, PARTICIPATION AND DISCLOSURE

40. RRF will adopt a mechanism to ensure meaningful consultation with APs and the informed participation of APs in preparing, implementing and monitoring LARPs. Meaningful consultation is a process that:

- (i) begins early in the project preparation cycle and is carried out on an on-going basis throughout the project cycle;
- (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people;
- (iii) is undertaken in an atmosphere free of intimidation or coercion;
- (iv) is gender-inclusive and responsive and will pay particular attention to the needs of disadvantaged or vulnerable groups, especially those below the poverty line, the landless, the elderly, female headed households, women and children, indigenous peoples, and those without legal title to land; and

- (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

41. A Project Information Pamphlet will be prepared for each of the four sub-projects (Projects 1-4) and translated into Uzbek and other local languages/dialects as appropriate. The pamphlet will describe the following:

- Description of the Project
- Land Acquisition and Resettlement Impact
- Eligibility for Entitlements for Compensation
- Valuation of Assets
- Compensation Entitlements
- Grievance and Redress Mechanism
- Timing of Payment
- Project implementation Schedule

42. **Disclosure:** This LARF, endorsed by RRF, will be translated into Uzbek and disclosed to APs in Provincial and Rayon offices in a form understandable to APs and other stakeholders. The LARF will also be disclosed in English and Russian/Uzbek on ADB's website.

43. A summary of the important information in the draft LARPs will be translated into Uzbek and disclosed to APs in Provincial and Rayon Offices in a form understandable to APs and other stakeholders. After disclosure to APs, draft LARPs, endorsed by RRF, will be disclosed in English and Uzbek on ADB's website. A summary of the important information in the final LARPs will be translated into Uzbek/Russian and distributed to all APs. The final LARP will also be translated and displayed in Rayon and Municipal offices. After disclosure to APs, the final LARPs, endorsed by RRF will be disclosed in English and Russian/Uzbek on ADB's website.

44. Any corrective action plan prepared during project implementation will also be disclosed to APs and on ADB's website

45. LARP monitoring reports will be disclosed to APs and on ADB's website.

VIII. INSTITUTIONAL ARRANGEMENTS

46. The main institutions that will be involved in LAR activities are Republican Road Fund/ Road Fund as executing agency (EA), Safeguard Team, Design Institute (DI), Project Consultants (PC), Provincial (Oblast) and District (Rayon) and municipal towns authorities, Goskomzemgeocadastre (State Committee on Land Resources, Geodesy, Cartography and State cadastre (SCLRGCS) at central as well as at district level.

A. Republican Road Fund (Road Fund) – PMU

47. Road Fund will have overall responsibility for all aspects of the program. The Program Management Unit (PMU) within Road Fund will be responsible for the day to day

management of the Program including cross-agency coordination, and via Safeguard Team (ST) for LARP implementation and monitoring the compensation and disbursement.

48. The Safeguard Team (ST) under PMU will be directly involved in all LAR related planning, implementation, inter-agency coordination, monitoring and reporting. They will receive supports from the Project Appraisal Consultants (PAC) of the Program and benefit from inputs from the Design Institute (DI), district/municipal executive powers and SCLRGCS as appropriate. The Safeguard Team in collaboration with the DI will review the LARPs.

49. If required, an NGO or impact assessment or valuation teams will be hired for on-site impact surveys or monitoring assistance.

B. Design Institute (DI)

50. The Design Institute will be in charge of elaborating the design and construction documents for the project. It will collaborate and work closely with the PMU/ Safeguard Team and PAC to: (i) look for measures and alternatives to avoid and minimize land acquisition and resettlement impacts; (ii) assemble all documents required for compensation; (iii) carry out topographic surveys of the expropriated land and replacement lands; (iv) elaborate layouts indicating the location of the worksites and the permanent infrastructures and the perimeter of the required surfaces differentiating the land use patterns in the areas being occupied to serve as a base for the selection of compensation land; (v) conduct land marking and pegging of the land assigned for temporary use and permanent occupation and of acquired land.

C. Regional SCLRGCS

51. i) identifying land losses incurred by land owners and land users plus agricultural output losses; ii) determining the degree and area of land restitution, including removal and temporary storage of productive soil layer; iii) determining the need for protective sanitary and water protection zones around constructions; (iv) preparing proposals on allocation of land plots of equal value under land for land; (v) investigating alternatives to acquiring currently used land through developing unused land; (vi) approving the Implementation Act and the attached plan; (vii) amending government edicts on land use and land ownership as well as other cadastre documents.

D. Project Appraisal Consultant (PAC)

52. The Project Appraisal Consultants (PAC) will be engaged assist in the preparation of safeguard documents for the projects under the Program and strengthen the capacity of Safeguard Team of the PMU through close collaboration during project's safeguard document preparation. The PAC will have sufficient in-house expertise on resettlement consisting of international and national resettlement specialists. Together with the Design Institute, and ST, they will analyze the cadastral maps, carry out DMS, and prepare project LARPs and collaborate with local Hokimyat Valuation Committee to ensure compliance with ADB policy and requirements. The LARPs will be submitted to the Road Fund for approval and to the respective Oblast LAR Commission.

53. It is mandatory for the social development/resettlement consultant of the Project Appraisal Consultant to work together during the project preparation documents and provide technical assistance for the Safeguard Team on LAR issues.

E. Province/District Governments

54. Local government agencies involved in LARP review and implementation are Province (Oblast) and District (Rayon) Executive Authorities who will form the Province Commission on Land Acquisition and District Evaluation Commissions. These will form a provincial land acquisition and resettlement committee (PLARC) which will undertake the following: (i) outline locations of constructions and structures affected by the project; (ii) select land for construction sites; (iii) prepare and approve legislation for the right (title) to use land plots and; (iv) approves the Act for the right to use the land plot.

55. In addition to permanent members, the Commission may include representatives of Road Fund, as well as affected legal entities and individuals.

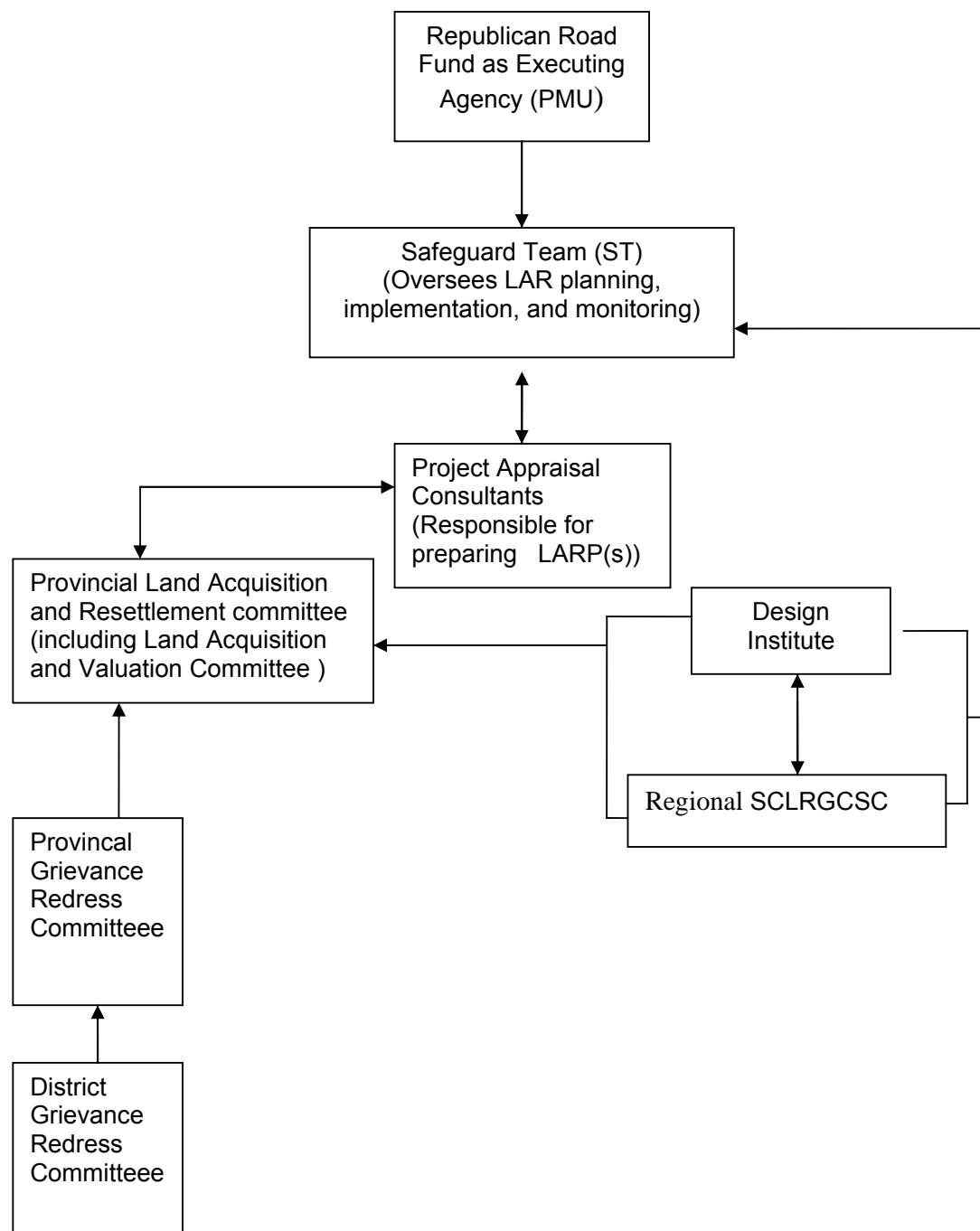
56. The PLARC will also estimate losses of land owners and land users in accordance with ADB specifications in addition to losses resulting from land acquisition based on data provided by the Design institute. The Commission will prepare Acts for the right to specific plots of land specifying the acquired land area and losses and allowances as determined under the LARF entitlement matrix.

57. It is proposed that Land Acquisition and Valuation Committee as part of the PLARC composed of the following members:

- (i) Provincial/District Road Fund
- (ii) Provincial/District Department of Uzavtoyul
- (iii) Provincial/District Department f SCLRGCS
- (iv) Provincial/District Department of Agriculture and Water Resources
- (v) Provincial/District of Environmental Protection
- (vi) Organisations to whom the alienated land has been transferred for use (Road Fund as EA, PMU/ST and DI).
- (vii) Makhalas leaders, NGO, Dehkan Association (as relevant)
- (viii) Representatives of the affected people

58. All affected legal parties and individual persons (or their legal representatives) will have representation on the committee. Besides state organizations and structures, NGO's, Farmer's and Dehkan Associations (FDEA) and Mahalla authorities will be involved in resettlement activities to ensure the legal rights and interests of land users who are subject to land acquisition and resettlement.

59. Some members of the PLARC will form a Grievance Redress Committees (GRC) and will be established at provincial and district level. It comprises members of the PMU/ ST, leaders of affected Mahallas and local government/ Hokimiyat.

Figure 1: Project Implementation Diagram

IX. SAFEGUARD TEAM (ST)

60. The Road Fund has not yet developed a significant capacity to effectively prepare and implement social and environmental planning and monitoring as required by ADB policy and requirements. To address this problem establishing a Safeguard Team under the PMU structure of the Road Fund is needed to facilitate effective preparation and implantation of LARP(s) under the Program and as part of capacity building and development for the LAR issues within Road Fund. The EA/ PMU will retain the Safeguard Team for the duration of the Investment Program.

61. The Safeguard Team will have an office at PMU and will consist of a local Social Development Specialist and a local Environmentalist. Their major responsibilities would be ensuring the effective implementation of the LARPs, submission of compliance report and monitoring reports, manage compliance and redresses response, and LAR data management and development. The safeguard team will work closely with the Project Appraisal Consultants, DI, and district Hokimiyat.

62. **Land Acquisition and Resettlement Training:** All the concerned staff of PMU/ST, Road Fund, LAR committees and local NGO involved in LAR activities will be provided with two days of orientation and training course in ADB resettlement policy and LARP preparation and implementation. The initial LAR training for Trance 2 project will be provided by the Project Appraisal Consultant Social Development/Resettlement Specialist who will support the ST. For the subsequence Tranches the ST will be responsible for the LAR training.

63. The course will cover:

- (i) Orientation on ADB's Safeguard Policy Statement (2009) on Involuntary Resettlement and Indigenous People;
- (ii) approaches in public consultation and project disclosure;
- (iii) participatory consultation process;
- (iii) procedures and considerations of land acquisition as determined in LARF;
- (iv) determination of compensation and assistance measures to APs;
- (v) approval and release of budget for LARPs;
- (vi) grievance and redress; and
- (viii) monitoring and evaluation.

X. GRIEVANCE AND REDRESS MECHANISM

64. A grievance redress mechanism will be developed for addressing the grievances/decisions not agreeable to APs. APs will be fully informed of their entitlements and the procedures for addressing complaints/ grievances during public consultation, census survey, and during the verification of measurement survey at the time of implementation.

65. The procedure of grievance redress will be incorporated in the Project Information Pamphlet to be distributed prior to implementation. In order to prevent grievances rather than to redress these through a process to avoid lengthy redress process, participatory consultation with affected households will be undertaken during LAR planning and implementation stages. This will involve the following steps:

1. Resolution of complaints will be attempted at the representative project office with the involvement of the ST, leaders of the affected Mahallas or the local executive body
2. In absence of a settlement, APs may lodge a complaint with the grievance redress committee (GRC) as part of the PLARC of the District/Oblast Khokimiyat and receive a reply within 15 days.
3. APs will have the right to take the dispute to an appropriate court of law if they do not accept the District/Oblast Khokimiyat's decision.

Table 3: Grievance Resolution Process

1. First, complaints resolution will be attempted at town/district (Rayon) level of grievance and redress committee with the involvement of the PC, leaders of the affected Mahallas and Khokimiyat (the local executive body)
2. In absence of a settlement, APs may lodge a complaint to District/Oblast Khokimiyate of grievance redress committee (GRC) as part of provincial land acquisition and resettlement committee (PLARC) and get a reply within 15 days.
3. If the GRC's District/Oblast Khokimiyate. decision is unacceptable to the APs, then the AP may approach the appropriate court of law for its resolution.

XI. BUDGET AND FINANCING

66. All LAR preparation/implementation costs, including compensation and all other entitlements, and administration costs, will be considered an integral part of Project budgets. The LARPs will include sections detailing (i) all affected items/allowances compensation rates, (ii) relative valuation methodology so that compensation for all assets will be at current market value in the year of compensation and will be sufficient to replace the lost asset, and (iii) a budget for all expenses including compensation, administration costs and contingencies

67. All costs of land acquisition, compensation, resettlement, rehabilitation and monitoring can be allocated under the loan.

68. In order to ensure that sufficient funds are available for LAR tasks, the local governments will have to allocate 100% of the cost of compensation at replacement cost and expected allowances estimated in each LARP plus contingencies before LARP implementation. As the EA, Road Fund will be responsible for timely allocating the funds to implement the LARPs. Allocations will be reviewed bi-annually based on budget requirements indicated in the LARPs.

69. The EA will be responsible for including LAR funds for project activities in each fiscal years government budget. The budget for LARPs will be disbursed by RRF via the Oblast LAR committee to the Rayon LAR Committee which will in turn distribute the compensation to APs.

70. The EA will be responsible to allocate adequate budget for the Safeguard Team to conduct their tasks and responsibilities during the Program's activities. This will be funded via Procurement and Safeguard Support package.

XII. MONITORING AND REPORTING ARRANGEMENTS

71. LAR tasks will be monitored internally and externally. Internal monitoring (IM) will be carried out by the PMU. For project with significant LAR impacts external monitoring (EM) will be assigned to an Independent Monitoring Agency (IMA) hired by RRF and approved by ADB from among local consultants or NGOs. The IMA will be mobilized prior to LARP implementation.

72. Resettlement monitoring activity has three main objectives; (1) to verify that resettlement activities have been effectively completed including quantity, quality, and timeliness and comply with the LARF and the LARP; (2) to assess whether APs have been able to restore, or improve, their livelihoods to their pre-project status; and (3) to identify the necessary corrective actions, when required.

A. Internal Monitoring

73. Internal monitoring (IM) will be carried out by the PMU. IM indicators will relate to process outputs and results, will be collected directly from the field, and will be reported quarterly to the PMU to assess the LARP implementation progress and adjust the work plan if necessary. These reports will be consolidated in the semiannual supervision reports for ADB. Specific IM benchmarks will be:

- a. Information campaign and consultation with APs;
- b. Status of land acquisition and payments on land compensation;
- c. Compensation for affected structures and other assets;
- d. Relocation of APs;
- e. Payments for loss of income;
- f. Selection and distribution of replacement land areas;
- g. Income restoration activities; and
- h. Ensure the gender mitigation measures G are adhered to during the internal monitoring and reporting process.

74. The above information will be collected by the PMU which will monitor the day-to-day resettlement activities of the project through the following instruments:

- a) review of census information for all APs;
- b) consultation and informal interviews with APs;
- c) key informant interviews; and
- f) community public meetings.

B. External Monitoring Agency (EMA)

75. For project with significant³ LAR impacts an external monitoring (EM) will be carried out by an independent agency on an ongoing basis, and its results communicated to the PMU and ADB by quarterly, semi-annual or annual reports whichever more efficient and practical. Indicators for EM tasks include:

- a) Review and verify internal monitoring reports prepared by PMU,
- b) Review of the socio-economic and census and inventory of losses baseline information of pre-displaced persons;
- c) Identification and selection of impact indicators;
- d) Impact assessment through formal and informal surveys with the affected persons;
- e) Consult APs, officials, community leaders for preparing review report;
- f) Assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement policy formulation and planning;
- g) Ensure the gender mitigation measures are implemented.

76. The External Monitoring Agency (EMA) will also assess the situation of affected vulnerable groups such as female-headed households, disabled/elderly, the landless and families below the poverty line. The following will be considered as the basic indicators in monitoring and evaluating the project:

- a) Socio-economic conditions of APs in the post-resettlement period;
- b) Communications and reactions from APs on entitlements, compensation, options, alternative developments and relocation timetables etc.;
- c) Changes in housing and income levels;
- d) Rehabilitation of squatters, severely affected people, and different vulnerable groups;
- e) Valuation of property;
- f) Ability to replace lost assets;
- g) Disbursement of compensation and other entitlements;
- h) Level of satisfaction of APs in the post resettlement period;
- i) Quality and frequency of consultation and disclosure; and
- j) Conduct of grievance procedures.

77. Internal and external monitoring and reporting will continue until all LAR activities have been completed. External monitoring reports will be disclosed on the Project/ADB website.

³ The Involuntary resettlement impacts of ADB-supported project are considered significant if 200 or more persons will experience major impacts, which are defined as (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). (ADB OM section F1/OP, January 2010).

ANNEX A: OUTLINE OF A RESETTLEMENT PLAN

This outline is part of the Safeguard Requirements 2. A resettlement plan is required for all projects with involuntary resettlement impacts. Its level of detail and comprehensiveness is commensurate with the significance of potential involuntary resettlement impacts and risks. The substantive aspects of the outline will guide the preparation of the resettlement plans, although not necessarily in the order shown.

A. Executive Summary: This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description: This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement, or both and identify the project area. It also describes the alternatives considered to avoid or minimize resettlement. Include a table with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement: This section:

- (i) discusses the project's potential impacts, and includes maps of the areas or zone of impact of project components or activities;
- (ii) describes the scope of land acquisition (provide maps) and explains why it is necessary for the main investment project;
- (iii) summarizes the key effects in terms of assets acquired and displaced persons; and
- (iv) provides details of any common property resources that will be acquired.

D. Socioeconomic Information and Profile: This section outlines the results of the social impact assessment, the census survey, and other studies, with information and/or data disaggregated by gender, vulnerability, and other social groupings, including:

- (i) define, identify, and enumerate the people and communities to be affected;
- (ii) describe the likely impacts of land and asset acquisition on the people and communities affected taking social, cultural, and economic parameters into account;
- (iii) discuss the project's impacts on the poor, indigenous and/or ethnic minorities, and other vulnerable groups; and
- (iv) identify gender and resettlement impacts, and the socioeconomic situation, impacts, needs, and priorities of women.

E. Information Disclosure, Consultation, and Participation: This section:

- (i) identifies project stakeholders, especially primary stakeholders;
- (ii) describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- (iii) describes the activities undertaken to disseminate project and resettlement information during project design and preparation for engaging stakeholders;

- (iv) summarizes the results of consultations with affected persons (including host communities), and discusses how concerns raised and recommendations made were addressed in the resettlement plan;
- (iv) confirms disclosure of the draft resettlement plan to affected persons and includes arrangements to disclose any subsequent plans; and
- (vi) describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with affected persons during project implementation.

F. Grievance Redress Mechanisms: This section describes mechanisms to receive and facilitate the resolution of affected persons' concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

G. Legal Framework: This section:

- (i) describes national and local laws and regulations that apply to the project and identify gaps between local laws and ADB's policy requirements; and discuss how any gaps will be addressed.
- (ii) describes the legal and policy commitments from the executing agency for all types of displaced persons;
- (iii) outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, and livelihoods; and set out the compensation and assistance eligibility criteria and how and when compensation and assistance will be provided.
- (iv) describes the land acquisition process and prepare a schedule for meeting key procedural requirements.

H. Entitlements, Assistance and Benefits: This section:

- (i) defines displaced persons' entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- (ii) specifies all assistance to vulnerable groups, including women, and other special groups; and
- (iii) outlines opportunities for affected persons to derive appropriate development benefits from the project.

I. Relocation of Housing and Settlements: This section:

- (i) describes options for relocating housing and other structures, including replacement housing, replacement cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- (ii) describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about location, environmental assessment of sites, and development needs;
- (iii) provides timetables for site preparation and transfer;

- (iv) describes the legal arrangements to regularize tenure and transfer titles to resettled persons;
- (v) outlines measures to assist displaced persons with their transfer and establishment at new sites;
- (vi) describes plans to provide civic infrastructure; and
- (vii) explains how integration with host populations will be carried out.

J. Income Restoration and Rehabilitation: This section:

- (i) identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- (ii) describes income restoration programs, including multiple options for restoring all types of livelihoods (examples include project benefit sharing, revenue sharing arrangements, joint stock for equity contributions such as land, discuss sustainability and safety nets);
- (iii) outlines measures to provide social safety net through social insurance and/or project special funds;
- (iv) describes special measures to support vulnerable groups;
- (iv) explains gender considerations; and
- (vi) describes training programs.

K. Resettlement Budget and Financing Plan: This section:

- (i) provides an itemized budget for all resettlement activities, including for the resettlement unit, staff training, monitoring and evaluation, and preparation of resettlement plans during loan implementation.
- (ii) describes the flow of funds (the annual resettlement budget should show the budget-scheduled expenditure for key items).
- (iii) includes a justification for all assumptions made in calculating compensation rates and other cost estimates (taking into account both physical and cost contingencies), plus replacement costs.
- (iv) includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements: This section:

- (i) describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the resettlement plan;
- (ii) includes institutional capacity building program, including technical assistance, if required;
- (iii) describes role of NGOs, if involved, and organizations of affected persons in resettlement planning and management; and
- (iv) describes how women's groups will be involved in resettlement planning and management,

M. Implementation Schedule: This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works construction, and provide land acquisition process and timeline.

N. Monitoring and Reporting: This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the resettlement plan. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

ANNEX B

**Involuntary Land Acquisition & Resettlement Impact
Screening Checklist**

Project Location:**Section No/ Area:**

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Permanent/ Temporary Involuntary Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known? (If the answer is NO go to question no 4)				
3. Is the ownership status and current usage of land to be acquired known? (If the answer is YES go to question no 5)				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources (agricultural lands, water sources, etc.), communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				

Information on Affected Households:
<p>Any estimate of the likely number of persons that will be affected by the Project?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>If yes, approximately how many? _____</p>
<p>Are any of them poor, female-heads of households, or vulnerable to poverty risks?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p>
<p>Are any displaced persons from indigenous or ethnic minority groups?</p> <p><input type="checkbox"/> No <input type="checkbox"/> Yes</p>

INSTRUCTIONS:

- (I) The Project Team conduct detail screening on any LAR impact (both permanent and temporary) in each section in each project component using the above form as references. The screening should be conducted as detail as possible by walking through and visiting **all proposed** project alignments and sites.
- (II) Compile the result of the screening activity in one form for each location and component for further actions to the PMU resettlement specialist and consultant.