

# Social Compliance Audit Report

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Project Number: 44458-013  
May 2013

## UZB: Amu Bukhara Irrigation System Rehabilitation Project

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## **A. Introduction**

1. The Government of Uzbekistan requested the Asian Development Bank (ADB) to provide a loan to rehabilitate the Amu Bukhara Irrigation System (ABIS). A Project Preparatory Technical Assistance (PPTA) Feasibility Study (FS) has been provided by ADB, and the PPTA aims to design a proposed loan Project. The Minister of Agriculture and Water Resources (MAWR) is the Executing Agency (EA). The PPTA includes activities to prepare the project in compliance with ADB SPS 2009 on involuntary resettlement aspect. Therefore, this report is prepared to address involuntary resettlement categorization of the project impacts, and due diligence for project, which involves existing facilities.

2. For addressing involuntary categorization of the project impacts, due diligence works were undertaken with objective to observe whether the proposed project will need to acquire land, and whether the initial safeguard categorization for the project as a “C” project could be confirmed.

3. While due diligence works for existing facilities were undertaken to assess whether there has been past or present concerns related to involuntary resettlement and indigenous impacts related with the present facilities, pump stations, drainage and irrigation canals that will be rehabilitated by the proposed project.

4. The due diligence works were carried by employing the following approach: (i) review and assess the potential impacts from the initial design to check whether it will require land acquisition, (ii) field visit to check whether the proposed project work as per initial design involve only areas where the existing facilities located, and (iii) consult with different stakeholders to confirm whether the areas of existing facilities that will be rehabilitate by the proposed project have no past and present claim by other parties, and whether the documentation for using the land for the project have been formally granted. In addition, the field visit aims to observe whether the existing facilities and the proposed rehabilitation works will involve an impact to indigenous people as described by ADB SPS 2009.

5. The due diligence works were carried out from 24 September 2012 to 15 March 2013. Two stakeholders’ consultations were carried out in 25 September 2012, and 23 November 2012 involving (i) local government units, (ii) Amu Bukhara Irrigation System Authority (ABISA) officials, and with (iii) people living and owning agricultural land in surrounding project areas (detail information on stakeholders’ consultations is attached in Appendix 4). The purpose of the consultation were to share the plan about the proposed project and to gather information from people living around the project areas to ensure that the ABIS is the sole owner that possesses the land for pump stations and drainage channel. Particular attention was given to residents near the proposed site of the new Khamza Pump Station to confirm that proposed rehabilitation works are involved only land areas within the ABIS right of way (ROW)<sup>1</sup>. The consultation was also used to confirm with people living in surrounding project areas, and local officials that there has been no claim on land used by ABIS.

## **B. The Project**

6. The ABIS Rehabilitation Project is included in Uzbekistan Country Operation Business Plan for 2013-2014 as firm. The proposed Project will address irrigated agriculture and water resources

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<sup>1</sup> For the Main Canal the ROW is 500 m from either bank. For smaller canals, including inter-farm canals, the ROW includes a service / access road (3 to 4 m) and an additional 2 to 5 m depending on the canal’s capacity.

management issues in the ABIS. This will be achieved through implementation of four outputs as described below. The impact of the Project will be a sustainable economic and social welfare of communities dependent upon ABIS water supplies.

7. The investment components of the proposed Project are:

- (i) **One replaced and four modernized and rehabilitated pump stations in ABIS provide reliable and sustainable water supply to the ABIS.** This covers: (i) the replacement of Khamza 1 Pump Station, including its Auxiliary, with a new pump station; (ii) modernization / rehabilitation of Kuyu Mazar, Kizil Tapa, including its Auxiliary, and Khamza 2 Pump Stations.
- (ii) **Conveyance Efficiency in ABIS Main Canal is increased.** This covers: (i) the modernization and rehabilitation (M&R) of 22 critical regulation and/or diversion structures; (ii) installation of water measurement gauges; (iii) installation of wireless radio communication systems; and (iv) de-silting works around regulation and/or division structures, along the ABIS Main Canal.
- (iii) **Climate Change Adaptation Capacity of BISA, ISA, WCAs, and farmers is increased.** This covers: (i) M&R of inter- and on-farm canals and regulation structures in selected pilot areas; (ii) introduction of climate adaptive agronomic practices, cropping patterns, and water saving irrigation technologies in demonstration farms in selected areas; (iii) the development of modernized water operation and management planning based on the detailed water balance assessment; and (iv) capacity development of Basin Irrigation System Authority (BISA), Irrigation System Authority (ISA), and Water Consumers' Association (WCAs) in ABIS.
- (iv) **Project and ABIS are managed efficiently.** This covers project management, institutional and operational supports during project implementation for operation and maintenance (O&M) and management of pump stations and Main Canal.

8. The Project components that have potential for land acquisition and / or resettlement are (i), (ii), and (iii). However, with the exception of a new Khamza Pump Station, all the rehabilitation of existing infrastructure related to the operations and maintenance of the ABIS will be carried out in the existing location. The new Khamza Pump Station will be constructed within the fenced compound of the existing Khamza 1 and Khamza Auxiliary pump stations (see attached Figure in Appendix 1, which shows the two existing pump stations, the proposed location of the new Khamza Pump Station within the fenced area, and key features of the site)<sup>2</sup>.

## C. Government Regulation Related with Land Acquisition

### Land code (30 April 1998)

<sup>2</sup> The new Khamza Pump Station will include a new building (86 meters(m) X 28 m) with its construction area (320 m X 185 m); an intake channel with new fore bay (690 m); a rising main pipeline with support structures and facility for discharge from the rising main to new discharge canal (754 m); a discharge canal connected to the ABMC main canal (475 m); and a bridge for passage of vehicle traffic (two lanes) over the new discharge canal (40 m).

9. The Land Code (LC) is the main regulatory framework for land related matters in Uzbekistan. The LC regulates allocation, transfer and sale of land plots, defines ownership and rights on land. It describes responsibilities of different state authorities (Cabinet of Ministers, province, district, city Hokimiyat) in land management; rights and obligations of land possessor, user, tenant and owner; land category types, land acquisition and compensation, resolution of land disputes and land protection. The LC also defines the terms of rights termination on land plot, seizure and land acquisition of land plot for state and public needs, and terms of seizure of land plot in violation of land legislation.

### **Housing Code (24 December 1998)**

10. The Housing Code (HC) is a regulatory framework for housing related matters of individuals and legal entities. This law regulates seizure, compulsory purchase and compensation on housing matters. Housing Code defines ownership types of housing, rights and obligations of owners, terms of use, and maintenance of housing. The HC provides legal and regulatory framework in case of seizure and compulsory purchase of housing from individuals and legal entities.

### **Civil Code (29 August 1996)**

11. The Civil Code (CC) defines the legal status of participants of civil relations, the grounds and procedure of implementation of property rights and other proprietary rights, rights on intellectual property, regulates the contractual and other obligations, as well as other property and related personal non-property relations. The CC defines general rules of property seizure, determination of property cost and rights for compensation, terms of rights termination. The CC also provides the basis for the Government to granting permanent possession of land to government authorities or government agencies.

### **Resolution of Cabinet of Ministers № 146 (25 May 2011)**

12. This Resolution is aimed to improve the procedure of granting land plots, protect the rights of legal entities and individuals on land, and improve the architecture of settlements and the efficient use of their land for construction in accordance with the Land Code and the Town Planning Code.

13. This resolution has approved two Regulations: (i) Regulation on the procedure for granting land for urban development and other non-agricultural purposes, (ii) Regulation on the procedure of compensation for land possessors, users, tenants and owners, as well as losses of agriculture and forestry.

14. The *Regulation on the procedure for granting land for urban development* and other non-agricultural purposes contains the following provisions:

- i. Order of land plot location, preparation and approval of site selection and land allocation documents without approved planning documentation;
- ii. Order of placement, selection and land allocation with approved planning documentation,
- iii. Order for rejection in the selection and land allocation for construction;
- iv. Provision(sale) of land plots for individual housing construction;
- v. Elements of urban planning documents and development regulation lines.

15. The *Regulation on the procedure of compensation for possessors, users, tenants and land owners, as well as losses of agriculture and forestry* includes the following:

- i. Compensation for losses of owners, users, tenants and land owners;
- ii. Compensation for losses of agriculture and forestry;
- iii. cost of irrigation and developing equal new land plot in return for seized irrigated agricultural land;
- iv. Cost of fundamental improvement of grassland and pasture;
- v. Scheme for determination of losses of land possessors, users, tenants and owners, as well as losses of agriculture and forestry;
- vi. Coefficients on location of seized land plots.

16. The losses of land possessors, users, tenants and owners, as well as losses of agriculture and forestry should be compensated before granting of documents certifying rights on land plot.

17. The regulation also orders that demolition of house, or building shall be done only after agreeing on compensation and providing replacement premises. The regulation orders that compensation has to be paid before starting any construction work.

18. The land possessors, users, tenants and owners, whose land plots are seized and to whom land plots are granted, in case of disagreement with defined amount of losses, can appeal to court.

19. In case of acquisition and temporary occupation of land plot or part thereof, the following would be subject to compensation:

- i. Cost of land plot, owned by individuals and legal entities;
- ii. Cost of residential houses, constructions and installations, including incomplete constructions, and also located outside of allocated plot, if its further utilization is impossible due to seize of land plot.
- iii. Cost of fruits and berries, protection and other perennial plants;
- iv. Cost of incomplete agricultural production;
- v. Lost profit.

20. 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 in Uzbekistan.

#### **KMK 2.10.03-97**

21. Instruction that regulates construction norms for temporary and permanent allocation of land plot to magisterial water and sewerage pipelines. This construction norm is issued by State Committee on Architecture and Construction of Uzbekistan which is the controlling authority for all type of constructions within Uzbekistan. According to this KMK permanent land acquisition will be allowed for on ground pipelines only and in case there will be underground pipeline laying down then temporary land acquisition will be applied only.

## **Comparison of Uzbek Laws, Regulations and Procedures and ADB SPS**

22. Comparison of the Uzbekistan LAR Policy with the ADB Involuntary Resettlement Safeguard Policy indicates that key elements of the ADB Policy are present - particularly those related to valuation of immovable property. The ADB's principle of avoidance or minimization of resettlement is reflected in Uzbekistan Legislation.

23. The key policy differences are related to APs without title, or registration (businesses and structures). In order to remedy this, Uzbekistan has ensured that all land, businesses and structures will be registered prior to resettlement, at no cost to the AP, and then transferred or compensated under the relevant entitlement.

24. Some of the other areas of difference between ADB Policy and National Laws are issue of information dissemination and consultation with displaced households, lack of clarity on land compensation, lack of compensation for businesses that lose income as a result of the Project, and no provision for severely affected households.

25. A summary comparison between the Uzbekistan Law and Regulation and ADB policies, and reconciliation provisions to fill the gaps is presented in Appendix 5.

## **D. Findings**

### **Involuntary Resettlement Categorization**

26. The land required for the construction of the pump station is located entirely within the fenced area under the ownership of Amu Bukhara Main Canal (ABMC, is part of the ABIS),, and no land outside the fenced area will be affected.

27. The area required for rehabilitation and re-construction of the new discharge canal are partially located within the fenced area and partly located within the ROW of the Main Canal; no land acquisition will be required for re-construction of the discharge canal. The field visit in February 2013 was confirmed that the construction of new Khamza 1 Pump Station and new discharge canals will be carried out inside fence areas and ROW managed by the ABIS.

28. It was found that within the fence areas of ABISA, there are 14 houses belong to ABISA that located near the existing Khamza I Pump Station (300 m). These houses were built in the 1960's for ABMC construction workers; currently, pump stations' personnel for Khamza 1 and its Auxiliary live there. The areas with fruit orchards within the fenced area (see Appendix 1) are used for household consumption by the ABMC employees who reside within the fenced area. It was confirmed by the design team that construction works would not affect use of or access to the orchard area.

29. To confirm information from ABIS management that land required for new Khamza pump station will be in its areas, the letter confirmation from local government was requested by due diligence team. Attached is local government letter confirming their agreement to allowing construction of New Khamza Pump Station within the fenced area of the existing pump station, and confirming that required land is under the control of ABISA (see Appendix 2, the letter issued by the Alat District Khokim, where new Khamza Pump Station is to be constructed, dated 12 February 2013, № 69). The letter is also approved allocation of land for construction of the new pump station within the Khamza - 1 Pump Station area in accordance to Land Code that was translated into Resolution of the President of Uzbekistan RP-1455 of 29 December 2010.

30. The 22 critical regulation and / or diversion structures along Main Canal will be rehabilitated with all works executed within the existing Main Canal ROW. The design team and engineer confirmed that the existing areas with its ROWs are to accommodate all works, access to sites, and follow-on maintenance operations.

31. For the inter- and on-farm canals that are within the Project's proposed water conservation demonstrations areas for the ABIS will be rehabilitated and modernized. Again, all these works will be undertaken within ROW of existing canals, for which ROW is sufficient to undertake construction works, access to sites, and follow-on maintenance activities (Appendix 3 shows location of demonstration areas).

### **Impacts Audit of the Existing Facilities**

32. The local Khokim, and local cadastre officer confirmed during the consultations that all those areas for main canal, secondary and tertiary canal as part of inter and on-farm canals and the pump station areas have been in the permanent possession of ABMC since its construction in 1960, and was managed by ABIS under the Land Code since 1998. The local Khokim and Cadastre also confirmed that there has been no claimed from other parties on those areas that managed by ANMC. However, there is no document available to be used as reference,

33. From consultations with people living around project areas, and from field visit, it was observed that there have been no claims in the past on the land used by ABIS for pump stations as well as for discharge and irrigation canals. In this regard, the local Khokim and cadastre confirm that with letter issued by local Government described above (attached in the Appendix 2) will ensure that there will be no claim in the future. The consultation with people living around the project areas also showed that there has been no claim from the third party or other party on the land for irrigation canals as well as pumping station areas. There are no known records of claim found from government record, internet or print media.

34. From the consultations with people living around project, it shows that all people living around project areas are Uzbek. It was also observed that there are also no habitats, territories, or natural resources, owned, or used by particular socio-cultural groups. There is no a socio-cultural group present in or living around the project, who may be considered as ethnic minorities, or "indigenous communities" as describe in the ADB SPS 2009.

### **E. Conclusion**

35. The construction of Khamza 1 pump station to replace the existing pump will be located within the fence areas, which permanent right was given to ABIS,. All construction works and activities related to rehabilitation and modernization of ABIS canals and water regulation structures will be performed within ROW areas of the existing canals. There will be no land acquired, either permanent or temporary, resulting from the proposed project works. Consequently, there will be no social impacts with land acquisition as described in accordance to both Republic of Uzbekistan legal requirements for land acquisition and ADB Safeguard Policy Statement, 2009 on Involuntary Resettlement (no physical or economic displacement would occur as a result of the Project).

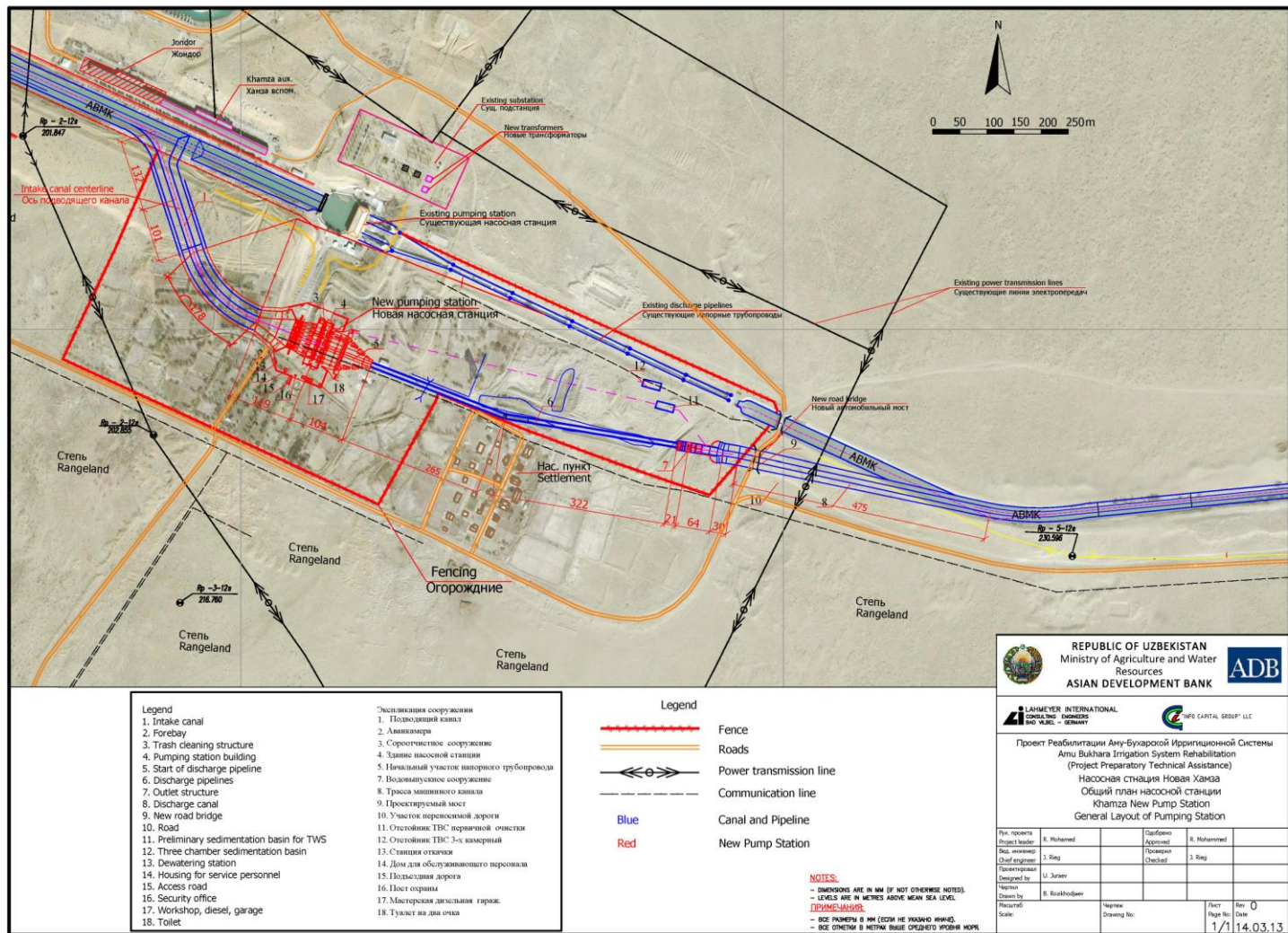
36. On this basis, the initial categorization as "C" project based on ADB SPS 2009 for involuntary resettlement (IR), and impact to indigenous people (IP) is confirmed, and no further study to prepare LARP and IPP is required. However, when detail design completed, further due diligence works need to be carried to ensure whether categorization will still be valid.



37. The due diligence works also confirmed that there is no indigenous people or ethnic minority as described in ADB SPS 2009 present in the project areas, or will be affected by the proposed project. It was also observed by the due diligence team that the project is not involved any areas that manage or possessed or managed by particular community group. Therefore, the proposed project could be categorized as a “C” based on ADB SPS 2009.

38. From compliance audit review, it was noted that there has been no claim by other parties in the past and present time, on land used by ABIS for pump stations and discharge and irrigation canals. The letter from local Khokim issued in 12 February 2013 reinstate the granting of permanent possession under the land code 1998 to ABIS for areas, where the pump stations are located as well as canals and their ROWs. Therefore, it is not expected that there will be a future claim by other parties on land that will be used by the project. Accordingly, there is no arrangement for corrective action is necessary as there is no outstanding issue related to the land to be used for the project.

## LAYOUT MAP OF KHAMZA NEW PUMP STATION



## LETTER FROM ALAT DISTRICT LOCAL GOVERNMENT

FROM :

FAX NO. :

Feb. 20 2013 02:57PM P1

Ўзбекистон Республикаси

БУХОРО ВИЛОЯТИ  
ОЛОТ ТУМАНИ ҲОКИМИ

ҚАРОРИ



O'zbekiston Respublikasi

BUXORO VILOYATI  
OLOT TUMANI HOKIMI

QARORI

2013 йил "12" феврал. Олот тумани

№ 69

Ўзбекистон Республикаси Президентининг 2010 йил 29 декабр ПП-1455-сонли қарорига асосан Олот туманидаги "Аму-Бухоро" машина канали бошқармасига қарашли Ҳамза-1 Насос станциясининг фойдаланиб келаётган ер майдонларидан янгидан насос станцияси қурилиши учун ер майдонини белгилаб бериш тўғрисида

Ўзбекистон Республикаси Ер кодексининг 6-моддасини, Ўзбекистон Республикаси Президентининг 2010 йил 29 декабр ПП-1455-сонли қарорига, Олот "Аму-Бухоро" машина каналининг 2013 йил 5 феврал 23-сонли хати ва туман ер участкаларини ажратиб бериш (реализация қилиш) масалаларини кўриб чиқувчи комиссиясининг 2013 йил 11 феврал 10-сонли далолатномасига ҳамда тақдим қилинган ҳужжатларга асосланиб

## ҚАРОР ҚИЛАМАН:

1. Ўзбекистон Республикаси Президентининг 2010 йил 29 декабр ПП-1455-сонли қарорига асосан Олот "Аму-Бухоро" машина канали бошқармасига қарашли Ҳамза-1 Насос станцияси фойдаланиб келаётган жами 41,28 гектар шундан 18,74 гектар боғзор, 9,82 гектар кўҳаламзор, 0,77 гектар қурилиш ости ва 11,95 гектар қишлоқ ҳўжалигида фойдаланилмайдиган ер майдонлари ҳисобидан 1,0 гектар янгидан Ҳамза-1 Насос станцияси қурилиши учун жойида ер майдонини белгилаб бериш тўғрисидаги ер участкаларини ажратиб бериш (реализация қилиш) масалаларини кўриб чиқувчи туман комиссиясининг 2013 йил 11 феврал 10-сонли далолатномаси (илова қилинади) тасдиқлансин.

2. Туман ер ресурслари ва Давлат кадастри бўлими бошлиғи (Ҳ.Маматов) га, янгидан Ҳамза-1 Насос станцияси қурилиши учун жойида ер майдонини белгилаб бериш топширилсин.

3. Мазкур қарорнинг бажарилишини назорат қилиб боришни туман ҳокимининг биринчи ўринбасари С.Қодиров зиммасига юклатилсин.



ASLIGA TO'G'RI  
IMZO

III. Саломов

FROM :

FAX NO. :

Feb. 20 2013 02:58PM P2

**Туман ҳокимлиги ҳузуридаги ер участкаларини ажратиб бериш  
(реализация қилиш) масалаларни кўриб чиқувчи комиссиясининг  
ДАЛОЛАТНОМАСИ**

«11» февраль 2013 йил

Олот шаҳри

№10

Ўзбекистон Республикаси Президентининг  
2010 йил 29 декабр ПП-1455-сонли қарорига  
асосан Олот туманидаги “Аму-Бухоро” машина  
канали бошқармасига қарашли Ҳамза-1 Насос  
станциясининг фойдаланиб келаётган ер  
майdonларидан янгидан насос станцияси  
қурилиши учун ер майдонини белгилаб бериш  
тўғрисида

**Биз қуйида имзо қилувчилар:**

Ш.Саломов:-	Туман ҳокими, комиссия раиси
С.Қодиров:-	Туман ҳокимининг 1-ўринбосари, комиссия раисининг ўринбосари
Ў.Маматов	Туман Ер ресурслари ва давлат кадастр бўлими бошлиғи, комиссия котиби

**Аъзолари:**

З.Рахимов	Туман ҳокимлиги иқтисодиёт бўлими бошлиғи
А.Рахимов	Туман Ер тузиш ва қўчмас мулк кадастр хизмати ДУК бошлиғи
Н.Жумаев	Туман статистика бўлими бошлиғи
Т.Тўраев	Туман ҳокимлиги аппарати ҳуқуқшуноси
Б.Атамуродов	Туман бош меъмори
У.Қулиев	Туман қишлоқ ва сув хўжалиги бўлими бошлиғи
К.Маматов	Туманлараро табиатни муҳофаза қилиш қўмитаси раиси
Э.Набиев	Туман электр тармоқлари корхонаси бошлиғи
Й.Ёриев	Туман давлат санитария-эпидемиология назорати маркази бош врач
Д.Янгиев	Туман ИИБ ЁХБ бошлиғи
К.Чориев	Олот АБМК бошқармаси бошлиғи

Тузамиз ушбу далолатномани шул ҳақдаким “Аму-Бухоро” машина канали бошқармаси бошлиғи К. Чориев 2013 йил 5 феврал 23-сонли хат билан мурожаат қилиб Ҳамза-1 Насос станцияси янгидан қурилиши муносабати билан ўзининг фойдаланиб келаётган ер майдонлари ҳисобидан янги насос станцияси қурилиши учун ер майдонини жойида белгилаб беришни сўраган.

Туман ер участкаларини ажратиб бериш (реализация қилиш) масалаларини кўриб чиқувчи комиссия аъзолари томонидан хат юзасидан жойида ўрганиб чиққанамизда “Аму-Бухоро” машина канали бошқармасига қарашли Ҳамза-1 Насос станцияси фойдаланиб келаётган жами 41,28 гектар шундан, 18,74 гектар боғзор, 9,82 гектар қўқаламзор 0,77 гектар қурилиш ости ва 11,95 гектар қишлоқ хўжалигида фойдаланилмайдиган ер майдонни борлиги аниқланди.

FROM :

FAX NO. :

Feb. 20 2013 02:59PM P3

Юқоридагиларни инобатга олиб, "Аму-Бухоро" машина канали бошкармасига қарашли Ҳамза-1 Насос станциясининг янги қурилатганлиги муносабати билан ўзининг фойдаланиб келаётган жами 41,28 гектар шундан, 18,74 гектар боғзор, 9,82 гектар кўкаламзор, 0,77 гектар қурилиш ости ва 11,95 гектар кишлоқ хўжалигида фойдаланилмайдиган ер майдонлари ҳисобидан 1,0 гектар янгидан Насос станцияси қурилиши учун жойида ер майдони белгилаб берилди.

Белгилаб берилган ер майдони тўртала томони Ҳамза-1 Насос станциясига қарашли ер майдонлари билан чегараланади.

Шу ёрдамчиликнинг тасдиғи туман ҳокимидан сўралсин.

Ш. Саломов:

Б. Атамуродов:

С. Кодиров:

У. Қудлиев:

У. Маматов:

К. Маматов:

З. Раҳимов:

Э. Набиев:

А. Раҳимов:

Й. Ёриев:

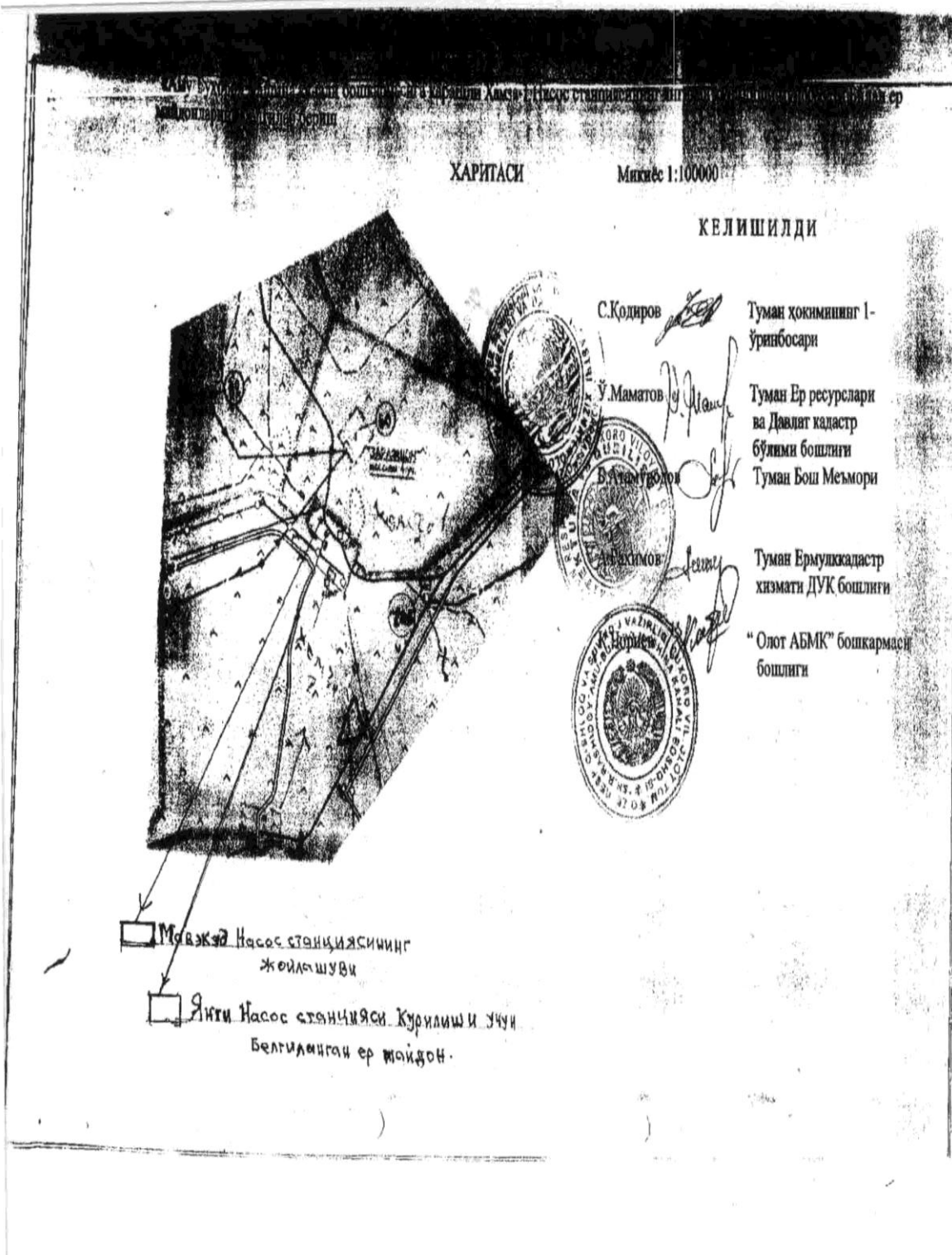
Н. Ҳасанов:

К. Чориев:

Д. Янгиев:

Т. Тўраев:







**Decree of the Khakim of Alat district in Bukhara region**

**12 February 2013. Alat District  
№ 69**

According to the Resolution of the President of the Republic of Uzbekistan from 29 December 2010 RP-1455 about allocation of area for the new PS construction in the territory of Khamza -1 PS under the command of ABMK Operational Agency in Alat district.

According to Land Code of the Republic of Uzbekistan article – 6, Resolution of the President RP – 1455 from 29 December 2010, letter from ABMK in Alat district №23 on 5<sup>th</sup> February 2013, Commission considering issues related to allocation of the district lands, Act No. 10 issued on 11 February 2013 and submitted documents

**I hereby resolve**

1. Confirm District Commission` s Act (attached) No.10 dated 11 February 2013 about allocation of 1,0 ha for construction new pump station from total area 41,28 ha thereof 18,74 ha garden, 9,82 ha plantings, 0,77 ha intended for constructions and 11,95 ha used for agricultural needs which belongs to Khamza -1 PS under the command Alat district ABMK Operational Agency according to Resolution of the President of Uzbekistan RP-1455 from 29 December 2010.
2. Assign District Land Resources and State Cadaster Department chief (U. Mamatov) to allocate area for the construction new pump station Khamza-1.
3. Assign first deputy Khakim of the district S. Kodirov to be responsible for inspection of the resolution adherence/implementation.

**Act**

**of the Commission considering land allocation issues under the district  
Khakimiyat**

**11. February 2013**

**Alat №10**

According to the Resolution of the President of the Republic of Uzbekistan from 29 December 2010 RP-1455 about allocation of area for the new PS construction in the territory of Khamza -1 PS under the command of ABMK Operational Agency in Alat district.

**We are below signed officials:**

Salomov Sh.	District Khokim, Chairman of the commission
Kodirov S.	First deputy Khakim of the district, deputy Chairman of the commission
Mamatov U.	District land resources and State cadaster department chief, Commission secretary

**Members**

Rahimov Z.	Economics department chief in District Khokimiyat
Rahimov A.	Head of "Land and real estate cadaster services" State Unitary Enterprise
Jumaev N.	District Statistics department chief
Turaev T.	Lawyer of the District Khakimiyat
Atamuradov B.	District senior architect
Kulliev U.	District agriculture and water resources Department chief
Mamatov K.	District State Environmental Committee Chairman
Nabiev E.	Director of the enterprise "District electric network"
Yoriev E.	Senior doctor of the State sanitary and epidemiology supervision Centre
Yangiev D.	Chief of the District Department of Internal Affairs Fire Safety
Choriev K.	Head of the Alat ABMK Operational Agency

The Act was prepared based on the letter No. 23 on 5 February 2013 received from Head of the Alat ABMK Operational Agency, in which he kindly asks for the construction of new pump station Khamza 1 allocate area from the land which is currently used and belongs to station.

During the surveys delivered by Commission members considering issues of District lands allocation defined total area 41,28 ha thereof 18,74 ha garden, 9,82 ha plantings, 0,77 ha intended for construction and 11,95 ha used for agricultural needs which belongs to Khamza -1 PS lands under the Alat district ABMK Operational Agency.

Considering abovementioned for the construction new pump station Khamza 1 under the command of ABMK Operational Agency, allocated 1, 0 ha area from total area 41,28ha thereof 18,74 ha garden, 9,82 ha plantings, 0,77 ha intended for construction and 11,95 ha used for agricultural needs.

Allocated area is surrounded by lands that belong to Khamza 1 PS.



Confirmation of this Act should be asked from District Khakim.

Sh. Salomov

B. Atamurodov

S. Kodirov

U. Kulliev

U Mamatov

K. Mamatov

Z. Rahimov

E. Nabiev

A. Rahimov

E. Yoriev

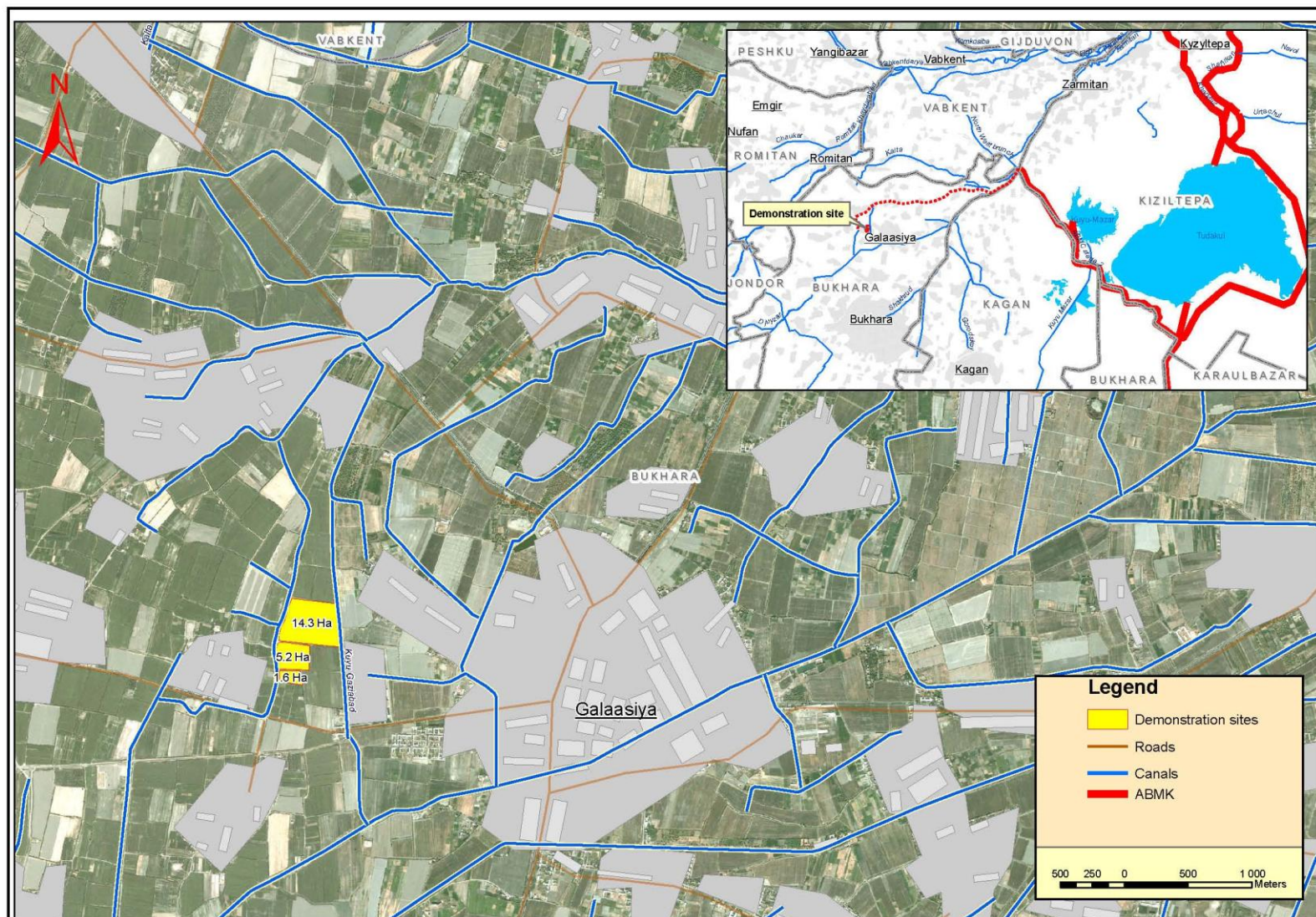
N. Jumaev

K. Choriev

D. Yangiev

T. Turaev

# LAYOUT MAP SHOWING PROPOSED WATER CONSERVATION DEMONSTRATION AREA







## Appendix 4 Public Consultation

# **PUBLIC CONSULTATION**



## SLIDES, WHICH WERE DEMONSTRATED ON PUBLIC CONSULTATIONS

  <p style="text-align: center;"><b>Social Safeguard Policy: Resettlement of population</b></p> <p style="text-align: center;">23 November 2012</p> <p style="text-align: center;">TA 7917-UZB «Amu-Bukhara Irrigation System Rehabilitation» project</p>	<p style="text-align: center;"><small>PPTA Amu Bukhara Irrigation System Rehabilitation</small></p>   <p style="text-align: center;"><b>«Amu-Bukhara Irrigation System Rehabilitation» project</b></p> <ul style="list-style-type: none"> <li>• Project considers new construction of pumping station “Khamza-1”.</li> <li>• Construction will not impact residential areas and physical resettlement of the population is not envisaged.</li> </ul>
<p style="text-align: center;"><small>PPTA Amu Bukhara Irrigation System Rehabilitation</small></p>   <p style="text-align: center;"><b>Resettlement plan</b></p> <ul style="list-style-type: none"> <li>• Cases of temporal loss of agricultural lands, field crops, trees are possible.</li> <li>• In a purpose to eliminate these cases ADB developed Safeguard policies.</li> <li>• In case if construction causes assets and livelihood loss, according to ADB policy, resettlement plan should be developed.</li> </ul>	<p style="text-align: center;"><small>PPTA Amu Bukhara Irrigation System Rehabilitation</small></p>   <p style="text-align: center;"><b>Asian Development Bank Safeguard Policy</b></p> <ul style="list-style-type: none"> <li>• One of the main policy developed by Asian Development Bank is applying other approaches: – <b>decrease resettlement cases and its prevention.</b></li> <li>• In case if there is not enough land for the compensation, alternatives are introduction of programs on income generation and retraining population.</li> </ul>

<p>PPTA Amu Bukhara Irrigation System Rehabilitation</p> <p> </p> <h3>Objectives of Resettlement Plan</h3> <ul style="list-style-type: none"><li>• Improve welfare of population in project area and provide with enhanced living standards, at least restore physical and economic level prior to project;</li><li>• Compensation at full resettlement cost and compensation shall be made prior the project;</li><li>• Credit mechanism, educate population, implement programs on employment.</li></ul>	<p>PPTA Amu Bukhara Irrigation System Rehabilitation</p> <p> </p> <h2>THANK YOU FOR YOUR ATTENTION!</h2> <p>16.08.2012</p>
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I.



**PUBLIC CONSULTATION IN ALAT DISTRICT ON SEPTEMBER 25, 2012**

**PUBLIC CONSULTATION II IN ROMITAN DISTRICT WITH PARTICIPATIONS OF TWO DISTRICTS (ROMITAN AND BUKHARA), NOVEMBER 23, 2012**





## **PUBLIC CONSULTATIONS IN ROMITAN SETTLEMENT OF BUKHARA PROVINCE**

### **A. Introduction**

1. Preliminary work on Public Consultations was started on November 15, 2012 in close collaboration with Romitan and Bukhara District Hokimiyats, Regional Committee for Nature Protection (RCNP), ABISOA, Lahmeyer International Company and Info Capital Group LLC. Brief information about the project activities and the announcement on the intention for conducting the Public Consultation was prepared and forwarded to Romitan and Bukhara District Hokimiyats. Various community groups were informed about the Public Consultation to be conducted under the ABIS Rehabilitation Project by distribution of an announcement in public places, through the Hokimiyats.
2. Moreover, official invitation letters were forwarded via the District Hokimiyats about this activity to the following groups: farmers whose lands are within or near to the Project Areas, Province Departments of RCNP, Makhalla Committees of Bukhara and Romitan Districts and Women Committees.
3. Public Consultations were conducted on November 23, 2012 at 10.00 am in the Deputy Hall of Romitan District Hokimiyat building. Representatives of all above mentioned groups, as well as ABIS District Pump Station Management representatives, participated in Public Consultations. Public Consultation Minutes are presented in Attachment 2.

## **ATTENDANCE**

### **Representative of Rehabilitation of Amu-Bukhara Irrigation System**

Polvanov B. – O&M Engineer of ABMK

### **Representatives of Women's Committee of Bukhara Province**

Head of women committee of Bukhara province – Tueva Zulfiya-hanum

### **Representatives of Romitan District Hokimiyat**

Head of Romitan District – Olimov Khoshim

Deputy Head of Romitan district of women committee – Safarova Robiya Tuhtaevna

Deputy Head of Bukhara district of women committee – Razzakova Zulhumor

### **Representatives of "Rehabilitation of Amu-Bukhara Irrigation System" Project**

Robert Mohammed – Team Leader

Khamzin Saleh – Agronomist

Timirova M. – Environmental Consultant, Engineer

Azizova N. – Sociologist

Tadjibaeva L. – Sociologist

Tadjibaeva R. – Resettlement Specialist

## PUBLIC DISCUSSIONS

### A. Minutes of Meeting

4. The announcement of Public Consultations was displayed on a public notice board of Romitan District Hokimiyat of Bukhara Province on November 20, 2012 (refer to Appendix 1). Before conducting the Public Consultation, the project manager and project representatives arranged an orientation meeting with the representatives of District Hokimiyat.

5. During the Public Consultation meeting on November 23, 2012, the participants were introduced to the project objectives, goals, and proposed activities. Fifty-two participants attended the Public Consultation. Among participants were representatives of Makhalla (Village) Committees of Romitan and Bukhara Districts, as well as representatives of District Hokimiyats, Representatives of the Natural Protection Committee, Pump Station Management of ABIS, WUA leaders and farmers from within the two districts, and representatives of the Women's Committees. There were 40 women at the meeting. The list of the participants is enclosed in the Appendix 2.

6. The Public Consultation started at 10.00 am and lasted about three hours. The meeting was opened by Chairman of the Women's Committee of Bukhara Province Tueva Z. She briefly introduced to the "Rehabilitation of ABIS Project," which includes rehabilitation of ABMK (the main conveyance canal) and six (6) main pump stations.

7. Then Azizova N. made a speech informing all participants about the program, and introducing the project experts. After her presentation, Mr. Robert Mohammed made a presentation. Mr. Robert Mohammed, the PPTA Team Leader, informed which activities are expected to be carried out under the project. He mentioned that the project experts have already carried out other Public Consultations in Bukhara province and social assessments in Bukhara and Romitan Districts. He emphasized that this project is being developed for the people sitting in this room and other like them, and, hence, it will depend on participants' active involvement and willingness, and in what extent the project can take into account all problems and concerns of the people. He added that after departure of the experts local people will stay, and everything will depend on them.

8. Then Mr. Polvanov B., (former O&M Engineer and PPTA Coordinator) presented the information on key project activities. He briefly gave the information about ABMK, and its pump stations. Palvanov B. emphasized that technical condition of the pump stations is not good. The problems related to ABMK and pumps stations have negative impacts on farmers, and therefore all of the system needs to be rehabilitated. ABMK system provides the irrigation water to 70% of lands in Navoi Province and 90% in Bukhara Province. Further, Palvanov B. said that this project will help to resolve many water problems in this region. He added that rehabilitation will considerably improve water supply to the farmers.

9. Then Mr. Khamzin S, Agronomist, made a presentation. He informed the group about the project tasks, condition of ABMK system and pump stations, and existing situation with water consumption. He also presented new methods of the best practice in water and soil management. Khamzin S. told about efficient water use; necessity to increase the productivity of water; importance of correct application of mineral fertilizers and crop rotation. He also mentioned that for better functioning of the entire irrigation system, adequate drainage is necessary, and in this line, a bio-drainage may be effective. Khamzin S. emphasized that the correct implementation of land reclamation measures and introduction of water- and soil saving technologies will allow more effective using of these resources and receiving crop yields much higher against to current level.

10. The Project Environmental Specialist, Timirova M.N., introduced her Environment Impact Assessment Report. She provided background information on the comparative characteristics of ADB and GoU legislation. She mentioned how the works scheduled under the project may have an impact on environment, including noise, waste, forming of polluting substances. In addition, Timirova M. spoke about conditions of the employees working at the pump stations, specifying that current working conditions do not comply with the requirements, while the people work here for 24 hours a day. Mitigation measures to reduce the negative impact also were presented. Timirova M.N. highlighted that along with preparation of the Feasibility Study Report, an Initial Environmental Assessment Report is being prepared, which will be submitted to the State Committee for Nature Protection for their review, as this project falls under the 1<sup>st</sup> Category and may have significant impact. At the end of presentation she provided contact telephone numbers, where the stakeholders can enquire about infringements during the implementation the environmental management plan.

11. Then R. Tadjibaeva, Resettlement Specialist, introduced her report. She said that rehabilitation of ABMK will result in increased incomes and living standards of the rural population, who depend on ABMK water supply. Taking into account that 61.5% of population in Bukhara province lives in rural area, implementation of the project first of all will have a positive impact on households, dekhans and farms. A new pump station “Khamza-I” is expected to be constructed under the project. The construction activities will not affect inhabited areas and physical transferring of the population is not expected. But there may be cases related to temporary loss of agricultural lands, crops, trees, lands etc. For these cases ADB has prepared a Safeguard Policy (2009). If the assets and livelihood are lost, then, according to ADB’s policy, this is equated to consequences resulting in resettlement. In that case Resettlement Plan will be required, the purpose of which is to improve the living standards the AP, or restore them up to a pre-project level. All expenditures on resettlement will completely compensated before the expected resettlement; and it is envisaged granting of credit mechanisms, training of the population, and employment program.

12. Further L. Tadjibaeva, Sociologist, presented her report on social investigation under the project. She explained how affected areas and peoples were selected for investigation (two districts – Bukhara and Romitan), 340 households, and representatives of 13 makhallya committees were interviewed using a questionnaire. Also she informed about socioeconomic structure of communities, which may be affected by the project, and social analysis necessary for informing and determining of welfare quality, gender issues and vulnerable group of the population. During the investigations, socio-economic data were collected and comparative analysis on householders in the project areas was conducted. She explained

how the socio-economic research was conducted, focus groups were selected, and the information was collected. Focus groups included the representatives of farms, small business heads, pupils of Lyceums and colleges.

13. At the beginning of Public Consultation the participations were given brochures about project.

## **B. Public Questions**

14. During the Public Consultations the following questions were raised (refer to Table 1).

**Table 1: Public Questions and PPTA Responses (ABIS Rehabilitation)**

No.	Participants' Questions / Comments	PPTA Consultant's Response
1	Proposal: To collect a group of the enthusiasts, who will review the initial condition of pump stations and then will follow up the changes and thus carry out monitoring.	The progress of the project will be simultaneously monitored. The monitoring plan and evaluation criteria for qualitative and quantitative changes will be prepared. The monitoring results report will be submitted to the ADB. The report will include the information on crop yield, water used, how many women are involved in the project and other measures. The Project Management Unit will be established, which will monitor progress and a report will be prepared. And you, as the main stakeholders have the right to receive the information.
2	How long will the construction and rehabilitation of pump stations take?	The construction will be carried out during 3 years, as the pump station is large, and plus about a half-year the period of operation. Other activities may require more time, so entire project may be for six years.
3	During construction where the workers will be hired from?	According to the requirements of ADB the companies undertaking the works maybe international and/or national, contracts will be awarded after an open bidding. Contractors will be requested to give priority to hiring workers from the local community.
4	In our district drinking water has poor quality. Will this issue be considered under the project?	The project will have basic impact on irrigation water, but some portion of water is supplied for drinking purposes. The drinking water in your region has big problems with turbidity and mineralization. The salinity problem could be reduced, but maybe not completely.

No.	Participants' Questions / Comments	PPTA Consultant's Response
5	What will the operational life of the pump stations be after rehabilitation?	At present Khamza-I PS is almost 50 years in operation, and we hope, that after rehabilitation they will work at least 50 years more. The high quality engineers and technicians of the existing PSs have and will ensure long-term operation of the PSs.
6	Today drinking water in the district is provided 2 hours per day. Is it possible to increase the period of drinking water supply?	We cannot promise you that after rehabilitation water will be supplied for 24 hours a day, but water supply will be improved.
7	In our district the canals were not repaired and cleaned for a long time. When will their reconstruction be carried out?	The project will provide rehabilitation of main machine canal and secondary and tertiary canals are to be improved in a demonstration pilot area, but not the entire project.
8	Regarding water saving issues. It is necessary to carry out discussions with the people about the careful attitude to water. For example, our teachers at schools explain to children how water can and should be saved.	Thank you for your understanding of today's problems concerned to water resources.

15. Participants repeatedly suggested that this project is important for the region because it will provide farmers with water resources and improve the water management in the region.

16. Consultants informed participants that if they have any questions, complaints and suggestions concerning the Project, they can address them to following project contact persons: Mr. Muradov A. as well as Mr. Palvanov B., Olimov Kh. (Head of Romitan district), Safarova R. (Deputy Hokim of Romitan District on Women Questions), Niyazov A.B. (Head of Bukhara Province Natural Protection Committee). All suggestions, questions, and complaints will be registered in the registration book and delivered to experts for feedback.

17. Public Consultations were ended at 12:40 am after discussion of all questions.

## I. AGENDA

### A. Public Consultation Plan

18. The agenda of public consultation events is summarized below.

Time	Activity	Facilitator
9:00-9:30 am	Registration procedures. Introduction by District Khokim	
9:30-10:00 am	Technical Description of Project	B. Palvanov
10:30-11:00 am	Technical Description of Project	S. Khamzin
11:00-11:30 am	Environmental issues	M. Timirova, Environmental Specialist
11:30-12:00 am	Resettlement issues	R. Tajibaeva, Resettlement Specialist
12:00-12:30 pm	Project social impact	L. Tajibaeva, Social & Gender Specialist
12:30-1:00 pm	Discussions	
1:00-2:00 pm	Lunch	





## List of Participants, Romitan District (November 23, 2012)

МИНИСТЕРСТВО СЕЛЬСКОГО И ВОДНОГО ХОЗЯЙСТВА

АЗИАТСКИЙ БАНК РАЗВИТИЯ

ADB

Регистрационный лист участников Общественных Консультаций

Бухаровский район  
по проекту «Реабилитация Аму Бухарской ирригационной системы»

	Ф.И.О	Должность/Сфера деятельности	Название организации	Подпись
1	Нисозова Зейно	б.д.т.м.с.и.	Бух.тум. 4-макт.	Нисозова
2	Отмурсоева Аюмкан	директор махалатги	Бух.тум. Работак мар.	Отмурсоева
3	Назгулло Зайнаб	таджирлар	Бух.тум. Работак мар.	Назгулло
4	Хайитова Рамил	директор	Бух.тум. 11-макт.	Хайитова
5	Мирзаева Лол	х.т.б. водичи	Бух.тум. х.т.б.	Мирзаева
6	Файзуллоева Солима	директор	Бух.тум. 16-макт.	Файзуллоева
7	Гулиева Дилрабо	директор	Бух.тум. 12-макт.	Гулиева
8	Назиева Рамилхон	"Дуслар" м.б.и. мас-чи	Бух.тум. "Дуслар"	Назиева
9	Бурбокова Маннот	"Эри бекаси, махалатги"	Бух.тум. "Дуслар"	Бурбокова
10	Байтаева Лилан	Директор мар. колхоз	Дуслар мар.	Байтаева
11	Имнатова Асломат	4-макт. директор	Бух.тум. директор	Имнатова
12	Зафарова Саломат	директор мас-чи	Бух.тум. "Дуслар"	Зафарова
13	Мирикова Саodat	набаватхор	Бух.тум. "Дуслар"	Мирикова
14	Назрутова Шариф	таджирлар	Бух.тум. "Дуслар"	Назрутова
15	Хорова Зокира	набаватхор	Бух.тум. "Дуслар"	Хорова
16	Зафарова Кайрат	директор махалатги	Бух.тум. "Дуслар"	Зафарова
17	Шеропа Нилора	директор мас-чи	Бух.тум. "Дуслар"	Шеропа
18	Гитанова Дилрабо	тавад	Бух.тум. "Дуслар"	Гитанова
19	Шарипова Кабирхон	тавад	Бух.тум. "Дуслар"	Шарипова
20	Талипова Зарина	тавад	Бух.тум. "Дуслар"	Талипова
21	Исхонкина Минина	тавад	Бух.тум. "Дуслар"	Исхонкина
22	Нисозов Фаро	куга бакис Нархана	Наврӯз	Нисозов
23	Хаммаев Ширин	"Наврӯз" м.б.и. куга бакис	Наврӯз	Хаммаев
24	Возуллаев Эрох	Бух.тум. Работак мар.	Бух.тум. Работак мар.	Возуллаев
25	Арифов Хошим	Директор Нархана м.б.и.	Директор Нархана м.б.и.	Арифов
26	Назиева Зокира	директор махалатги	Бух.тум. "Дуслар"	Назиева
27	Абдуллаева Лилан	директор махалатги	Бух.тум. "Дуслар"	Абдуллаева
28	Рахмонова Лилан	директор махалатги	Бух.тум. "Дуслар"	Рахмонова



### Comparison of ADB SPS and Uzbekistan Law and Regulation for Land Acquisition and Resettlement

ADB Safeguards Requirements	UZBEKISTAN Laws and Regulations for Land Acquisition and Resettlement
<p>Apart from AH with formal rights to land the ADB recognizes AH without formal rights but who are recognized or recognizable under national laws and AH who have lost the land they occupy in its entirety or in part or who have no formal legal rights or recognizable claims to such lands.</p>	<p>Compensation is provided only to titled and registered landholders.</p>
<p>Borrower is required to provide adequate and appropriate replacement land and structures at full replacement cost for lost land and structures, an adequate level of compensation for partially damaged structures, and relocation assistance, if applicable, to all eligible AH. Eligible AH are defined as those who occupied the land or structures in the Project area prior to the cutoff date for resettlement assistance.</p>	<p>Provide compensation for buildings, crops, trees and other assets. However, land compensation is not fully defined for those that lease land only for those that have the right to use the land.</p>
<p>Preference will be given to land-based resettlement strategies for AH whose livelihoods are land-based. Where replacement land is offered AH are provided for land for which there is a combination of productive potential, favorable location advantages, and other factors at least equivalent to the advantages of the land acquired. If land is not the preferred option of AH, or sufficient land is not available at a reasonable price, non-land based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost.</p>	<p>Land compensation at market rate is specifically indicated for land ownership only. For permanent loss of land use right or leasehold is compensated as land to land, However it is unclear how compensation should be for permanent loss of land use right if land to land is not applicable.</p>
<p>Rate of compensation for acquired housing and other assets will be calculated at full replacement cost. Where market conditions are absent or in a formative stage, the borrower will consult with AH to obtain adequate information about recent house sale transactions and other related information</p>	<p>There is a formal market for houses in Uzbekistan but not in the rural areas of Namangan where some parts of this Project is located. Nevertheless, it has been possible to calculate full replacement cost for acquired housing and other physical assets. Compensation for land of housing will be provided by the Government in the same administration area. The replacement of land</p>

ADB Safeguards Requirements	UZBEKISTAN Laws and Regulations for Land Acquisition and Resettlement
	plot for housing will be located in the area with all necessary communal services (access road, water supply, electricity and gas).
For economically AH, regardless of whether or not they are physically displaced, the borrower will promptly compensate for loss of income or livelihood sources at full replacement cost. The borrower will also provide assistance such as credit facilities, training, and employment opportunities so that they can improve, or at least restore their income-earning capacity, production levels, and standards of living to pre-displacement levels.	Provision exists for the prompt payment of compensation for loss of income or livelihood sources at full replacement cost but not for other forms of assistance.
Affected business owners are entitled to (i) the costs of reestablishing commercial activities elsewhere; (ii) net income lost during the transition period; and (iii) costs of transferring and reinstalling plant, machinery, or other equipment. Business owners with legal rights or recognized or recognizable claims to land where they carry out commercial activities are entitled to replacement property of equal or greater value or cash compensation at full replacement cost.	Affected Business will be compensated for losing the structure at the market value and for land plot the Government will provide replacement land plot in the same administrative area. However, AH who derive their income from businesses and who incur losses as a result of a project are not compensated for such losses.
Where AH are physically displaced the borrower will provide (i) relocation assistance; (ii) secured tenure to relocation land; (iii) better housing at resettlement sites with comparable access to employment and production opportunities, and civic infrastructure and community services as required; (iv) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and, (v) opportunities to derive appropriate benefits from the Project.	Provision exists to meet the requirements of (i) and (ii) but not (iii) to (v) inclusive.
Involuntary resettlement should be conceived of and executed as part of a development project. The best strategy is to share project	No provision or mention of such developmental outcomes.

ADB Safeguards Requirements	UZBEKISTAN Laws and Regulations for Land Acquisition and Resettlement
benefits in addition to providing compensation and resettlement opportunities.	
The borrower will ensure that no physical or economic displacement will occur until: (i) compensation at full replacement cost has been paid to each AP for project components or sections that are ready to be constructed; (ii) other entitlements listed in the RP (LARP) have been provided to AH; and (iii) a comprehensive income and livelihood rehabilitation program, supported by an adequate budget, is in place to assist AH improve, or at least restore, their incomes and livelihoods.	Provision exists for (i) and (ii) but not (iii).