

# Resettlement Framework

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## UZB: Kashkadarya Regional Road Project

Prepared by the Road Fund under the Ministry of Finance of the Republic of Uzbekistan for the Asian Development Bank.

The 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.

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## ABBREVIATIONS

ADB	Asian Development Bank
AH	Affected household
APs	Affected Persons
CAREC	Central Asia Regional Economic Cooperation
EA	Executing Agency
GoU	Government of Uzbekistan
FGD	Focus Group Discussions
HH	Households
Km	Kilometer
LAR	Land Acquisition and Resettlement
LC	Land Code
MFF	Multi-Tranche Financing Facility
PMU	Project Management Unit
RRF / RF	Republican Road Fund under Ministry of Finance of Uzbekistan
RU	Republic of Uzbekistan
SCLRGCS	State Committee on Land Resources, Geodesy, Cartography and State Cadastre
SPS	Safeguard Policy Statement

## GLOSSARY OF TERMS

<b>Affected Persons</b>	Term used to describe all people that are affected by the project impacts. In the context of a LARP it refers to those that are economically or physically displaced by the project. It is increasingly being replaced by the term “Displaced Person” following ADB Safeguard Policy 2009 – but is still in common use in the field.
<b>Compensation</b>	Means payment in cash or kind for an asset to be acquired or affected by a project at replacement cost at current market value.
<b>Cut-off-date</b>	Means the date after which people will NOT be considered eligible for compensation i.e. they are not included in the list of APs as defined by the census. Normally, the cut-off date is the date of the detailed measurement survey.
<b>Displaced Persons</b>	Sometimes referred to as Affected Persons (APs). In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
<b>Economic Displacement</b>	Loss of land, assets, access to assets, income sources, or means of livelihoods as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
<b>Entitlement</b>	means the range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to APs, depending on the type and degree nature of their losses, to restore their social and economic base.
<b>Land acquisition</b>	Means the process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purposes, in return for fair compensation.
<b>Meaningful Consultation</b>	A process that (i) begins early in the project preparation stage and is carried out on an ongoing 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 tailored to the needs of disadvantaged and vulnerable groups; 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.
<b>Non-leased</b>	means those who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant i.e. those people without legal lease to land and/or structures occupied or used by them. ADB’s policy explicitly states that such people cannot be denied compensation.
<b>Poor</b>	Official government statistics for share of people living under poverty line is not available. The method used to determine poverty, was based on the World Bank’s under 2.15 \$ per person per month measure. This figure was calculated with respect to climate conditions and other set of factors. The local equivalent was calculated based on the official exchange rate.
<b>Physical Displacement</b>	Relocation, loss of residential land, or loss of shelter as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.
<b>Replacement cost</b>	Means the method of valuing assets to replace the loss at current market value, or its nearest equivalent, and is the amount of cash or kind needed to replace an asset in its existing condition, without deduction of transaction costs or for any material salvaged.
<b>Vulnerable</b>	means any people who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and includes; (i) female-headed households with dependents; (ii) disabled household heads; (iii) poor households (within the meaning given previously); (iv) landless; (v) elderly households with no means of support; (vi) households without security of tenure; (vii) ethnic minorities; and (viii) marginal farmers (with landholdings of five acres or less).

## I. INTRODUCTION

1. This is a stand-alone project in the Kashkadarya region, truncated from the proposed multitranchise financing facility (MFF) for the Third Central Asia Regional Economic Cooperation Corridor (CAREC) 2 Road Investment Program that will rehabilitate 364 km of international corridor highways in the Republic of Karakalpakstan (an autonomous region of Uzbekistan), Khorezm and Kashkadarya regions of Uzbekistan. The new title for this project road is Karshi–Shahrisabz–Kitab Regional Road Project (the Project).

2. A resettlement framework is not required for a stand-alone project. However, in the case of this project, the executing agency (EA) – the Republican Road Fund (RRF) had already initiated the land acquisition process in 2014 as part of their nationally funded road project before ADB agreed to fund the project in early 2016. Therefore, this resettlement framework is prepared with an entitlement matrix for a limited purpose of addressing unanticipated impacts during the project construction, should there be any, for preparing corrective action plan(s) or a resettlement plan that are “localized” or “miniature” resettlement plans. The outline of a resettlement framework provided in ADB’s Safeguard Policy Statement (SPS), Annex 2 to Appendix 4 has been used for guidance but, sections not relevant for the purpose have not been addressed.

### A. General Project Description

3. Uzbekistan is a key transit country in Central Asia for trade among themselves, as well as with the rest of Asia and Europe. Transport plays a key role in promoting regional and domestic trade.<sup>1</sup> The proposed investment program<sup>2</sup> (the investment program II) reconstructs the Uzbekistan section of CAREC Corridor 2, which connects Uzbekistan to Afghanistan, Kazakhstan, the Kyrgyz Republic, Tajikistan, and Turkmenistan. This reconstruction will improve connectivity, road safety, and boost domestic and international trade. The investment program II fits with Asian Development Bank (ADB)’s Strategy 2020,<sup>3</sup> is included in the country operations business plan (2011–2013), and is aligned to the UN Decade of Action for Road Safety 2011–2020.<sup>4</sup> The proposal is in line to the proposed Uzbekistan Transport Sector Strategy (2006–2020)<sup>5</sup> and road map, as well as the CAREC Transport and Trade Facilitation Strategy and Action Plan (footnote 1).

4. The entire length of 127 km of road construction in Kashkadarya province was originally (2014) a government-funded road project. Sometime after mid-2015, the government requested ADB to support 77 km of this road in two sections of 48 km and 29 km. The project will entail upgradation/construction of a regional road section connecting Karshi and Kitab to 4 lanes with cement concrete pavement and improved road safety, providing a shorter high capacity link between these two centers on 4R79 and M39. Under the Government plans, the city of Karshi and the areas along the corridor will be opened up for processing raw cotton, agricultural

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<sup>1</sup> ADB. 2008. *CAREC Transport and Trade Facilitation Strategy and Action Plan*. Manila.

<sup>2</sup> The proposed investment program is an extension of the ongoing investment program (ADB. 2010. *Report and Recommendation of the President to the Board of Directors: Proposed Multitranchise Financing Facility to the Republic of Uzbekistan for the Central Asia Regional Economic Cooperation Corridor 2 Road Investment Program*. Manila).

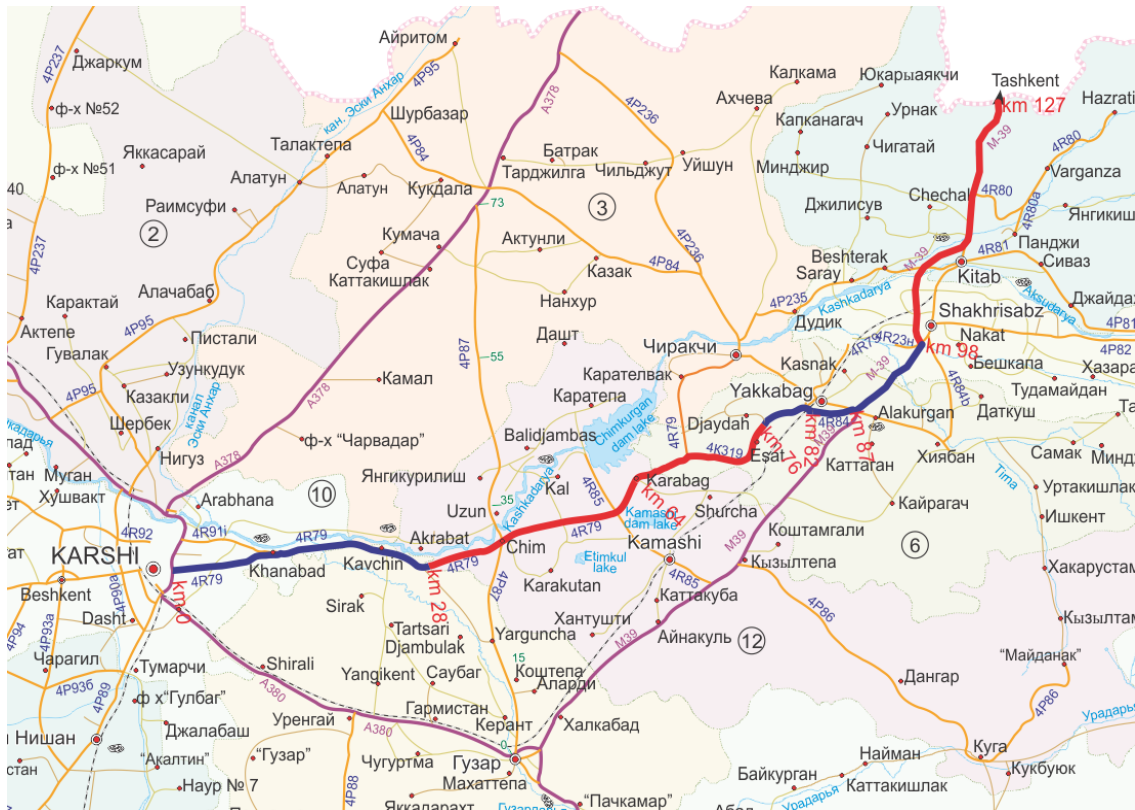
<sup>3</sup> ADB. 2008. *Strategy 2020: The Long-Term Strategic Framework of the Asian Development Bank, 2008–2020*. Manila.

<sup>4</sup> UN. 2011. *Decade of Action for Road Safety 2011–2020*.

<sup>5</sup> ADB. 2006. *Technical Assistance to the Republic of Uzbekistan for Transport Sector Strategy (2006–2020)* (TA 4659-UZB, consultant’s final report).

products, production of building materials, engineering products, etc. **Figure 1** shows the map of the project road.

**Figure 1: Map of the Project Road**



## B. Scope of the Project

5. The project will entail reconstruction of the existing highway, which is a major two-lane highway with partly four-lane highway<sup>6</sup>. The project is located about 300 km south of Tashkent with flat/rolling terrain in most sections. The existing highway was built between 1970s–1980s<sup>7</sup> which now has a deteriorated pavement. The project will include widening the existing two-lane highway into four lanes and reconstructing the existing four-lane highway sections with new cement concrete pavement and base course, constructing drainage, widening and repairing of existing bridges, and installing proper road safety facilities. The project will follow the existing alignment in most sections with minimum realignment in a few sections to improve the geometric alignment.

6. It is noted that the ADB section of the road comprising a total length of 77 km is not a contiguous length 77 km. Instead, it comprises two road sections in four districts from the entire corridor of 127 km. Table 1 shows the ADB sections of the road comprising 77 km. Section 1 comprises (i) Road 4R79 “Karshi city–Khanabad village–Chirokchi–Shakhrisabz city”, km 28–km 64 (36 km), and (ii) Road K319 “Railway station Tanhoz–Yakkabog city–Esat village–Kazak village”, km 18–km 30 (12 km), total 48 km, and Section 2 comprises Road M39 “Almaty–

<sup>6</sup> Existing four-lane sections were from km 0 to km 8 on 4 R79 and from km 1184 to km 1144 on M39.

<sup>7</sup> Exact dates are not available.

Bishkek–Tashkent–Shakhrisabz–Termez” km 1144–km 1173, 29 km. There was no worthwhile explanation for these disjointed ADB sections, except that there are reportedly less land acquisition and resettlement cases in these sections.

**Table 1: Details of the Project road**

Name of the Road	Length	District covered	Road sections covered
Karshi – Kitab (ADB funded section)	77 kms	Kamashi	4P79 a/ў 28.5-35 km
			4P79 a/ў 35-42 km
			4P79 a/ў 42-58 km
		Yakkabog	4P79 a/ў 58-60 km
			4P79 a/ў 60-64 km
			4K319 a/ў 18-30 km
		Shahrisabz	M-39 a/ў 1164-1173 km
		Kitab	M-39 a/ў 1144-1154 km
			M-39 a/ў 1154-1173 km

7. The project will increase domestic and international trade along CAREC Corridors and contribute to economic growth along the project roads. The project will benefit local communities along the road through greater access to markets and social service facilities<sup>8</sup> and enhance their community networking, as well as the transport of goods across the region. The project is expected to initiate economic ripple effect, where local economy is developed through increased trade and employment generation.

### C. Resettlement Impacts

8. The project design is complete. As indicated before, the land acquisition process was initiated by the EA in 2014 for the entire 127 km project road. In the 77 km ADB road sections, an estimated 160 households are affected in three districts – Shahrisabz, Yakkabog, and Kamashi. The last district (Kitob) is not affected by land acquisition. This number includes 132 residential and 28 non-residential households. These numbers are still tentative in relation to Yakkabog district, as the authorities are working to separate the ADB sections from the government sections and determining/finalizing the correct numbers. Of the 160 affected households, 17 have been physically displaced and relocated while others are partially affected.

## II. OBJECTIVES, POLICY FRAMEWORK, AND ENTITLEMENTS

9. This section lays out the principles and objectives governing the preparation and implementation of a corrective action plan or a resettlement plan if need be, in case there are unanticipated impacts during the project construction and that this is consistent with the Asian Development Bank’s Safeguard Policy Statement, 2009 (SPS). It compares applicable national laws and regulations and the safeguard policy statement and delineates measures to fill gaps, if any.

<sup>8</sup> Mainly to health care facilities located in province or district centers and to educational facilities such as universities, colleges and schools.

## A. Objectives of the Resettlement Framework (RF)

10. This RF is a government document reflecting Uzbekistan's relevant laws and policies and ADB's specific requirements under ADB's SPS. The RF provides a compensation framework detailing compensation/rehabilitation provisions agreed by the EA and ADB.

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. National Land, Compensation, and Resettlement Policies

12. This section describes National and Local Laws and the gaps with ADB Policy.

### 1. Relevant Provisions for Involuntary Resettlement in Uzbekistan

13. There are no laws or legislation in Uzbekistan that specifically address matters related to involuntary resettlement. 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 28.08.1998 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) Cabinet of Minister Resolution "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) Cabinet of Minister Resolution "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;
- (x) Resolution of the Cabinet of Ministers of the Republic of Uzbekistan #97 dated 29.05.2006 "On order of **compensation of citizens' and legal entities' losses** due to land plots acquisition for state and public needs"

14. 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. They do not provide for cash compensation as land is a state owned asset. A brief account of legislation pertaining to compensation and the provision of land is given in Appendix 1.



## 2. ADB's Policy on Involuntary Resettlement

15. The ADB policy on involuntary resettlement is detailed as "Safeguard Requirements 2" in the SPS. The objectives of ADB's involuntary resettlement safeguards are to:

- (i) avoid involuntary resettlement wherever possible;
- (ii) minimize involuntary resettlement by exploring project and design alternatives;
- (iii) enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and
- (iv) improve the standards of living of the displaced poor and other vulnerable groups.

16. The key principles of ADB's Involuntary Resettlement Policy and procedures relevant to the LARP are:<sup>9</sup>

- (i) Assess past and current involuntary resettlement risks
- (ii) Undertake meaningful consultation and participation of all DP's
- (iii) Pay particular attention to vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous people, ethnic minorities, and those without legal title or lease to land.
- (iv) Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns.
- (v) Support the social and cultural institutions of displaced persons and their host population.
- (vi) Improve, or at least restore, the livelihoods of all displaced persons through
  - (a) land-based resettlement strategies when affected livelihoods are land based where possible
  - (b) prompt replacement of assets with access to assets of equal or higher value,
  - (c) prompt compensation at full replacement cost for assets that cannot be restored.
- (vii) Provide APs with
  - (a) secured tenure to relocation land,
  - (b) better housing at resettlement sites with comparable access to employment and production opportunities.
- (viii) Provide AP's with transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities;
- (ix) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards.
- (x) Ensure that displaced persons without leases to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (xi) Prepare a resettlement instrument elaborating the affected persons' entitlements, income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (xii) Disclose relevant information from a resettlement instrument, in an accessible place and a form and language(s) understandable to affected persons and other stakeholders.

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<sup>9</sup> These are paraphrased and summarised for discussion.

- (xiii) Pay compensation and provide other resettlement entitlements before physical or economic displacement.
- (xiv) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons.

### **3. Comparison of Uzbek and ADB IR Laws, Regulations and Procedures**

17. A comparison of the Uzbekistan land acquisition and compensation policy with the ADB Involuntary Resettlement Safeguard Policy indicates that key elements of the ADB Policy are present in the country regulations - particularly those related to valuation of immovable property. ADB's principle of avoidance or minimization of resettlement is reflected in the Uzbekistan legislation (Civil and Land codes, related governmental resolutions). The key policy difference relate to AP's 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 affected persons, and then transferred or compensated under the relevant entitlement. This RF ensures that compensation is provided at replacement cost for all items. A policy comparison between ADB's SPS and Uzbekistan's national legislation is presented in Appendix 2.

### **4. Actions Made to Address the Gaps**

18. The RF ensures that compensation is provided at replacement cost for houses and buildings and all other losses. Vulnerable APs comprising the low income households, elderly and female headed households, the landless and those without legal title to land are taken care of by the country's social security system, so not included to avoid duplication of benefits.

### **5. Principles and Policies to be Followed**

19. The RF sets eligibility and entitlement provisions establishing compensation rates in accordance with guidelines from the Land Code of the Republic of Uzbekistan.

20. The following principles for the compensation/rehabilitation of households affected by the Project during construction should be followed, and communicated to all stakeholders:

- (i) The cut-off date for identifying affected lands and households should be identified very early in the project. This should be when the construction begins in a given area and documented.
- (ii) The route of the road minimizes the need for acquisition of houses or agricultural land.
- (iii) Where there will be permanent acquisition of land and buildings, identification, compensation and assistance will be provided prior to any construction in that area.
- (iv) All affected persons will receive compensation, even if they are without lease or formal recognition. This includes any temporary residential structures, informal agricultural activities or temporary business use.
- (v) All construction through agricultural land will be timed to minimize any impacts on the income and activities of adjoining land parcels.
- (vi) All construction over public rights of way – footpaths, canals, driveways and roads will be undertaken rapidly and without undue delay to avoid inconvenience to business and residences.

- (vii) Consultations and information disclosure will be carried out with all affected households to keep them informed of the process. Representatives of affected households will be invited to participate in the Hokimiyat valuation meetings.
- (viii) A grievance redress procedure defined by the country's law is in place. When a land leaseholder or user does not agree with a decision regarding compensation or change of the land use (lease), it may not be exercised before the dispute is resolved judicially.
- (ix) If a land plot becomes unviable due to acquisition then the entire land plot will be compensated.

## **C. Compensation and Valuation Of Assets**

### **1. Entitlements to Compensation**

21. The following groups of affected persons are included in the RF:

- (i) All APs losing land either with legal lease, lease holding land rights or without legal status;
- (ii) Owners of buildings, crops, plants, or other objects attached to the land; and,
- (iii) APs losing business, income, and salaries.

### **2. Formalization of Lease/Registration**

22. To enable the Project to compensate unregistered land users under Uzbekistan laws, representatives from the District Cadastral Offices will advise affected land users to register or update the registration of their lands and structures. Those APs who have unregistered land or structures will be registered free of charge prior to compensation. This will be facilitated by the RRF.

23. The assets/structures on the affected plots of land users without leases have been evaluated by exactly the same criteria as those with leases.

### **3. Calculation of Compensation**

24. This section details the entitlements for compensation and the details of the calculations used.

#### **a. Land**

25. Compensation for land will be on a "land for land" basis, with land being provided to owners by the District Hokimiyat following assessment by the valuation commission. Such land will be of equal value/productivity in a nearby location and with comparable associated services/facilities, or compensation to provide such services. Transaction cost, registration fees, if any, will be borne by the relevant authority.

#### **b. Structures**

26. Buildings (registered or not) will be valued through calculating the real replacement cost based on cost of materials, type of construction, labor, transport and other construction costs. No deductions will be applied for depreciation or transaction costs. The cost of reconnection to

lost water, electricity, gas and telephone connections will be included in the compensation (the new land sites are assumed to have similar services available).

27. In the case of new sites, the full land preparation costs will be calculated to ensure the full cost for providing services and leases is understood by the relevant agencies.

28. For partial impacts (structure wall, fences etc.), cash compensation at replacement rates will be paid to restore the remaining structure to its original state. Unaffected portions of a structure will also be compensated if they become unviable after impact occurs.

### **c. Agriculture**

29. Agricultural production will be calculated for all farms and subsistence households and provide values for crops, trees, orchards and gardens. For businesses and households calculations will be made for gardens and trees. Calculations will be made based on historical production combined with prevailing market rates. Where that is not available, average district values will be utilized.

30. Annual crops (whether or not on titled land) that cannot be harvested will be valued at full market rate as determined by purchase prices in the local market. Assessment will take account of more than 1 crop on a particular parcel in a year.

31. Compensation for trees will be done based on type and productivity. Fruit non-productive trees (young trees) will be compensated for seedlings and for plantation costs of the seedlings. Compensation for productive trees will be calculated based on the age of the tree and future loss of profit till the end of the tree's productivity period. Compensation for trees used for production of merchantable wood will be based on the price difference between the current status of the tree and the age when it reaches the merchantable wood period i.e. loss of future profit from this tree is compensated.

### **d. Businesses**

32. Compensation for the loss of business/income will be calculated based on estimated income - on the basis of tax declarations, imputed earnings or average income in this area – multiplied by the amount of time an independent valuator determines the business will be interrupted. The valuator will be appointed and paid for by the relevant authorities. The owner has the right to alter this amount if delay or hardship is encountered, through formal application to the grievance process.

33. Compensation for workers will be based on regular wage rates (including fixed by oral agreement with employer) multiplied by the amount of time an independent valuator determines the business will be interrupted. The valuator will be appointed and paid for by the relevant authorities.

34. Unregistered businesses will be first registered by the relevant authority at no cost to the AP. They will then be subject to compensation as per registered businesses.

## **4. Entitlements Matrix**

35. Table 2 outlines the complete entitlements matrix for the project.

**Table 2: Entitlement Matrix**

<b>Type of Loss</b>	<b>Specification</b>	<b>Eligibility</b>	<b>Entitlement</b>
Loss of land	All land losses independent of impact severity	Leaseholders /Land user having user permit	<ul style="list-style-type: none"> <li>Land for land compensation with plots of equal value/productivity class, comparable location, and agricultural support services which includes land development cost to provide such services.</li> <li>Transaction cost, registration fee, related to the new plot allotted, to be borne by the RRF.</li> </ul>
		Informal RoW users for crop cultivation	Allowed to harvest the crops.
Structures	Full or partial loss of structures	All affected households irrespective of title and irrespective of nature of impact	<ul style="list-style-type: none"> <li>Compensation at full replacement cost for affected structure/fixed assets free of depreciation and transaction cost</li> <li>Households losing structures which need to relocate will each be provided with a shifting allowance to the temporary relocation sites (rented premises).</li> </ul>
Loss of crops	Loss of crops for permanent land acquisition	All affected households	<ul style="list-style-type: none"> <li>Compensation at replacement cost for crops on affected land based on 1 year of production costs (inputs) plus an allowance equivalent to 1 year average net income based on the average income over the past 3 years.</li> <li>Advance notice to harvest the crops</li> </ul>
Loss of fruit Trees		All affected households (including non-leased land owner)	Compensation for fruit trees will be based on the average annual income for past 3 years multiplied by 4 times (years) to reflect the duration from planting to reach the productive stage.
Loss of timber trees		All affected households	Compensation for timber trees will be based on the market value of dry wood volume.
Income loss		Business owners and employees	Indemnity for lost wages.
Community structures and assets	Loss or damage to public infrastructure	Community owned assets	Rehabilitation/replacement of affected structures/utilities to pre-project level.
Temporary impacts due to construction		All affected households and assets	RRF shall ensure that any kind of temporary impact on private and public assets during project implementation for civil work purposes will be compensated by contractor based on replacement value for structures, rentals for

Type of Loss	Specification	Eligibility	Entitlement
			land use, and replacement value for crop and tree loss as stated above.

### III. SOCIO-ECONOMIC INFORMATION

36. This section describes the methodologies to be used for socioeconomic survey, census, inventories of losses, and assessments of land losses. The aim of the surveys is to conduct the social safeguards due-diligence activities for the projects including social and poverty impacts assessment.

#### A. Survey Approach

37. The survey approach will include all relevant information that will be collected and the methodology and expected outputs. Questionnaires and survey methods will be fully defined.

#### B. Surveys to be conducted

38. The following surveys will be undertaken for preparing a corrective action plan(s) or a resettlement plan.

##### 1. Household Survey

39. The households that are affected by unanticipated impact due to design change or any other contingency will be identified and surveyed to assess socio-economic information, health and gender issues, and their potential use of the proposed project.

##### 2. Affected Household Census and Assets Inventory

40. The census of the affected persons will include the same questions as the household survey, with additional detailed questions regarding income, production and assets. Questions will also relate to gender (female-headed households, elderly and disability), and education.

41. The survey will be undertaken primarily by the social safeguards specialist in the PMU with assistance from local surveyors.

##### 3. In-depth Interviews

42. In order to quickly gather additional data and information to supplement the household surveys, groups of affected persons will be invited to attend in-depth group interviews.

##### 4. Focus Group Discussions

43. Following the analysis of the survey data, specific issues may require further assessment. Focus Group Discussions (FGD's) will be formed of representatives of households that are poor, female headed or include disabled members, in order to undertake more detailed discussions

#### **IV. CONSULTATION, PARTICIPATION, AND DISCLOSURE**

44. This section outlines the mechanisms that will be adopted for conducting meaningful consultation with affected persons and for enabling their informed participation in preparing, implementing, and monitoring a corrective action plan or a resettlement plan. It will outline institutional responsibilities and describe disclosure arrangements, such as the information to be disseminated and the method of dissemination.

##### **A. Consultation and Participation**

45. The Project will promote meaningful public and stakeholders' participation in consultations and focus groups. It should begin early in the project cycle and continue throughout the LARP preparation. Plans should be in place for it to continue through the LARP update and implementation. The process should provide timely disclosure of relevant information to stakeholders through a project brochure, with follow up through Focus Group Discussions (FGD's) and face to face meetings to ensure it is fully understood.

46. The key objectives of the consultations are to: (a) identify and help address AP's concerns related to the preparation and implementation of a corrective action plan or a resettlement plan; (b) determine the AP's preferences for the type and delivery of compensation; and, (c) help avoid unnecessary and costly project implementation delays.

##### **B. Information Dissemination**

47. Consultations with the project affected persons are not a requirement under the expropriation law of the country. Nevertheless, the respective district khokimiyats notify and consult with the proposed affected households about the project and about their land to be taken for the project. The land acquisition process is initiated by the RRF by requesting the respective district khokimiyat, who forms a working commission for land acquisition comprising an architect, a cadastral official, and finance personnel and this commission is chaired by the deputy khokimiyat. The proposed affected persons are given 6 months advance notice that is personally delivered by a khokimiyat official, thus triggering information disclosure and consultation.

##### **C. Further Information Disclosure**

48. A corrective action plan or a resettlement plan will be disclosed on the ADB website and relevant information from it, translated into Uzbek, will be disclosed to the affected households.

#### **V. COMPENSATION, INCOME RESTORATION, AND RELOCATION**

49. This RF is specific to preparing a corrective action plan(s) or a resettlement plan during project construction. It is very unlikely that the newly affected persons will lose their livelihoods. For any income loss that may be temporary, the entitlement matrix includes indemnity for lost wages.

50. Compensation offered for land and other assets acquisition is in accordance with the Government of Uzbekistan's national laws and procedures. The compensation include:

- (i) Compensation for the loss of residential and non-residential land (land for land);

- (ii) Compensation for the loss of affected houses, buildings, trees and other developments on the land at replacement cost.

51. The existing practice of payment procedures is based on the “Regulations on procedures for compensation citizens and legal persons for losses in connection with withdrawal of land plots for the state and public needs” approved by the governmental resolution #97 dated 29 May, 2006.

#### **A. Assistance to Vulnerable Groups**

52. The country’s social security system – a legacy of the former Soviet system, takes adequate care of the vulnerable groups. Such things are not duplicated in the entitlement matrix.

#### **B. Relocation**

53. The District Khokimiyat is responsible for assessing options for relocation of land plots, structures and farmland. The project support includes developing the replacement land, and the country’s law requires relocation (shifting) support as well as rental support up to two years, if need be.

54. The over-riding principle of the process is that the AP’s will remain near their pre-affected location, so that they retain their systems of social capital.

### **VI. GRIEVANCE REDRESS MECHANISMS**

55. This section describes mechanisms to receive and facilitate the resolution of affected persons’ concerns and grievances.

#### **A. General Principles**

56. ADB requires that a grievance redress mechanism is established and maintained. It should be designed to efficiently receive and facilitate the resolution of affected peoples’ concerns and grievances about project levels social and environmental issues. The grievance redress mechanism should be scaled to the risks and impacts of the project. It should address affected people’s concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the affected people.

57. The existing GRM in Uzbekistan does not reflect a policy gap. The country has an established GRM based on law. ADB encourages co-opting the existing or local GRM, which is more efficient and useful as the people are aware of the national GRM’s existence. According to the Resolution 97 (29 May 2006) the Khokimiyats of the respective rayons (cities) are obliged to notify owners of residential, production and other buildings, constructions and plantings on the made decision in writing for signature not later than six months prior to demolition, attaching to the notice copies of the relevant decisions of the khokims of rayons (cities) and regions on the basis of the decision of the Cabinet of Ministers of the Republic of Uzbekistan on any land acquisition, demolition of residential, production and other buildings, constructions and plantings located in the land.



58. Also, according to the Law on the Appeals of Individuals and Legal Entities (#378, 03 December 2014), the application or complaint shall be considered within fifteen days from the date of receipt in the state authority, which is obliged to resolve the issue on the merits, as well as require additional study and (or) check, a request for additional documents - up to one month.

## **B. Grievance Procedures**

59. Displaced persons should be informed that they should ask any questions or discuss grievances with their community head or the District Khokimiyat by phone or in person; or to project staff visiting the area. If these questions/grievances are not answered within 15 days, an AP should submit his grievance in writing.

60. Written complaints can be faxed, sent or delivered to the District Khokimiyat where they will be registered as being received and who will have 15 days to deliver a resolution to the AP.

61. An aggrieved person will have the right to take the dispute to a district court of law at any stage of the grievance redress process.

## **VII. INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION**

62. This section provides a comprehensive assessment of institutional capacity and resource capability for preparing, implementing, and monitoring resettlement activities, and describes additional measures necessary to enhance institutional capacity. It describes the organizational procedures for delivering entitlements; and describes the implementation process.

63. The main institutions that will be involved in LAR activities are Republican Road Fund/Road Fund as executing agency (EA), the Resettlement Officer in the PMU, Project Consultants (PC), District and municipal authorities, and Goskomzemgeocadastre – State Committee on Land Resources, Geodesy, Cartography and State Cadastre (SCLRGCS) at district level.

### **A. Institutional Arrangement**

#### **1. Republican Road Fund (Road Fund) – PMU**

64. The 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 the Resettlement Officer for the corrective action plan or a resettlement plan implementation and monitoring.

65. The Resettlement Officer in the PMU will be directly involved in all LAR related planning, implementation, inter-agency coordination, monitoring and reporting. He will receive support from the Project Consultants of the Program and benefit from inputs from the district/municipal officials and SCLRGCS as appropriate.

#### **2. Regional and District State Committee on Land Resources, Geodesy, Cartography and State Cadastre**

66. This is a permanent committee at Provincial and District level. However it plays an enhanced role throughout implementation. It is responsible for:

- (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.

### **3. District Khokimiyat**

67. The district khokimiyat constitutes a special district commission for land and other assets acquisition with the following members:

- (i) Deputy district khokim (chair);
- (ii) District architecture department;
- (iii) “Yermulkkadastr” DUK (“Land management and real property cadaster service” State Sanitary Enterprise);
- (iv) District finance department;
- (v) District housing construction coordination department;
- (vi) Chair of makhalla;
- (vii) Affected property owner.

68. This Commission is responsible for the following:

- (i) Facilitate documentation on land acquisition, e.g. prepares decree of khokim, protocols, minutes;
- (ii) Consolidates compensation information;
- (iii) Confirms impact, listing of affected assets;
- (iv) Preparation stage, initial agreement on land acquisition, compensation method, before it goes legal as decree of khokim.

69. The district khokimiyat provides the following documents to the EA for payment of compensation:

- (i) Valuation appraisal report;
- (ii) Decree of district khokim;
- (iii) Decree of provincial khokim.

70. Based on the above, the EA transfers to 50% of the assessed compensation prior to demolition of the affected property. The remaining 50% of the compensation is transferred to the affected household head’s account when the demolition of the structures is completed.

## **B. Capacity Enhancement**

71. Although the EA has experience of executing ADB projects, it is proposed to further strengthen the capacity of EA to mitigate social risks through ADB's RETA 7433: Mainstreaming Land Acquisition and Resettlement Safeguards in the Central and West Asia Region.

## **C. Implementation Activities**

72. A corrective action plan or a resettlement plan will include full details of all land and resettlement arrangements, including verification of asset viability by the AP's. The AP's will sign a document signifying their satisfaction on the compensation offered. The PMU Resettlement Officer will guide the RRF in preparing a pro-forma document to be used for the settlement of obligation in the purchase of affected land and/or materials for all structures.

73. Disbursement of cash will follow the approval of budgets for cash compensation. The PMU Resettlement Officer will inform the APs of the schedule of fund release. They will also advise the APs to produce acceptable legal documents pertaining to their identification for claiming the compensation. It is the main responsibility of RRF to ensure that all the compensation and entitlements have been paid to and settled with the APs prior to taking possession of their assets.

74. As agreed, the ADB project team will carry out a compliance monitoring of compensation payment, land for land exchange, and completion of the resettlement exercise to ensure that there are no adverse involuntary resettlement effects.

## **VIII. BUDGET AND FINANCING**

75. In order to ensure that sufficient funds are available for implementing a corrective action plan or a resettlement plan, the Road Fund will allocate funds for compensation at replacement cost as well as for the allowances. As the EA, Road Fund will be responsible for timely allocating the funds to implement the corrective action plan(s) or a resettlement plan.

76. The RRF will transfer funds to the respective district khokimiyats and the latter will make the compensation payment, as is the practice in the country.

## **IX. MONITORING AND REPORTING**

77. The corrective action plan or a resettlement plan implementation will be monitored by the Resettlement Officer of the PMU and the Supervision Consultant (SC), in conjunction with the District Hokimiyat.

78. Specific monitoring benchmarks are:

- (i) Information campaign and consultation with APs;
- (ii) Status of land acquisition and replacement land;
- (iii) Compensation for affected structures and other assets;
- (iv) Relocation of APs;
- (v) Payments for loss of income;
- (vi) Selection and distribution of replacement land areas;
- (vii) Income restoration activities, if any

79. Such information generated will be compiled into semi-annual monitoring reports and submitted to ADB for their review and posting to the ADB website. Relevant information from these will be disclosed to the APs.

80. Upon the completion of civil works, the PMU will prepare a post-corrective action plan or a resettlement plan implementation evaluation report that will assess both the permanent and temporary land acquisition activities and impacts of the Project focusing on the restoration of impacted lands and conditions of APs especially those who were identified as vulnerable.

## APPENDIX 1

### A BRIEF ON THE APPLICABLE NATIONAL LAWS AND PROVISIONS REGULATING LAND ACQUISITION AND COMPENSATION

1. The relevant laws and provisions followed by the government to acquire land and to guide payment of compensation on the ADB and government funded sections are summarized below.

#### Land code

2. The Land Code is the main regulatory framework for land related matters in Uzbekistan. The land code regulates allocation, transfer and sale of land plots, defines ownership and rights on land. It describes the responsibilities of different state authorities (Cabinet of Ministers, province, district, city khokimiyat) 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 land code defines 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. The specific articles dealing with land acquisition and land rights are as follows:

- (i) Article 37. Land acquisition for state and public needs
- (ii) Article 41. Land rights guarantees
- (iii) Article 86. Compensation for losses to land possessors, land users, tenants and landowners.

#### Civil code

3. The civil code 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 civil code defines general rules of property seizure, determination of property cost and rights for compensation, terms of rights termination.

#### Housing Code

4. 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.

#### Resolution of Cabinet of Ministers № 97 (29 May 2006)

5. The resolution adopts Regulation on compensation for losses to individuals and legal entities due to land acquisition of land plots for state and public needs. This regulation is mainly dealing with land plots, houses, building and structures of individuals and legal entities.

6. The resolution determines the procedure for land acquisition or part thereof, as well as the procedure for calculating the amount of compensation to individuals and legal entities for the demolished residential, industrial and other buildings, structures and plantings in due to land acquisition for state and public needs.

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

7. The resolution is aimed to improve the procedure of granting land plots, to protect the rights of legal entities and individuals on land, improving the architecture of the settlements and the efficient use of their land for construction in accordance with the Land Code and the Town Planning Code. This resolution adopts Regulation on the procedure of compensation for land possessors, users, tenants and owners, as well as losses of agriculture and forestry.

8. 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.

9. The Regulation on the procedure of compensation for possessors, users, tenants and landowners, 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.

10. 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.

11. Above described Laws and Regulations mention that non-titled and squatters on land and building/structures are ineligible for any compensation.

12. Collectively, these regulations provided a basis for acquiring land for public purposes and for compensating land users according to the registered use of the land in Uzbekistan on the two road sections.

**Evaluation of assets:**

13. The evaluation of the assets, including real estate property, business is carried out according to the Law of the Republic of Uzbekistan N 811-I "On evaluation activity" as for 19.08.1999 and the National standards of property evaluation of the Republic of Uzbekistan NSOI No. 1-11 approved by the Resolution of the State Property Committee as for 14.06.2006 developed on the basis of this Law.

14. The national standard provides the general definitions and methods of evaluation. The evaluator applies one or number of evaluation approaches to determine the cost of any type of object of evaluation, both market value, and non-market types of costs. Approach to evaluation is understood as the standard analytical methodology. The key principle of evaluation is the principle of replacement based on of the relevant market data.

**Labor code:**

15. According to the Labor Code of the Republic of Uzbekistan there are measures, which provide safety net programs.

16. Article 59. State assistance to employment: Assistance to employment of the population is maintained by the appropriate authorities of the system of the Ministry of Labor and Social Protection of the Population of the Republic of Uzbekistan. For financing of actions on realization of employment policy and effective activity of labor authorities the State fund for assistance of employment in the order established by the Government of the Republic of Uzbekistan is created.

17. Article 60. Recognition of the unemployed: The unemployed – the able-bodied persons of the age from sixteen years to their entitlement for pensions who do not have paid work or income-generated occupation, seeking for a job and ready to start it as soon as it is offered to them or who should attend vocational training, retraining or professional development (except for the attendees of educational institutions). The persons specified in the part one of the present article, addressed to the local labor authorities for receiving assistance in employment and registered by them as seeking for job, are recognized unemployed.

18. Article 68. Additional guarantees of employment to separate categories of the population The Government provides additional guarantees to:

- (i) the persons requiring social protection, experiencing difficulties in seeking for a job and not capable to equally compete in labor market, including to the lonely and parents having many children at the age till fourteen years old and disabled children;
- (ii) the youth graduated from secondary special vocational educational institutions, and also to the graduates of higher educational institutions studied under the state grants;
- (iii) the disabled and persons of pre-retirement age.

19. Additional guarantees are provided by creation of additional workplaces, the specialized enterprises, including the enterprises for work of disabled people, organization of special programs of training, establishment in the enterprises of the minimum quantity of workplaces for employment of the categories of citizens specified in the part one of the present article, as well as other measures provided by the legislation. The employer is obliged to employ the persons specified in the part one of the present article, assigned by local labor authorities and other bodies in the order established by the legislation for employment to the workplaces against the established minimum quantity of workplaces. The employer and the persons authorized by him who unreasonably refused employment of these persons bear responsibility in accordance with the established procedure. In cases of impossibility of provision guarantees to the employees the local labor authority provides for employment, and if necessary - their free vocational education.

20. Article 282. Cover of all employees by the state social insurance: All employees are subject to the state social insurance.

#### **Law on the appeals of individuals and legal entities (#378, 03 December 2014)**

21. The government of Uzbekistan has its own requirements to address appeals from individuals and legal entities. These requirements are detailed in following the law #378, 03.12.2014) on the appeals of individuals and legal entities. In this law grievance is recognized as one of three forms of appeals, the other two are: request and proposal. The law guarantees right to appeal by individuals and legal entities. This law also regulates the procedure to, address and review appeals, the period of review, eligibility of appeals.

#### **Law on the principles and guarantees of freedom of information (#439, 12 December 2002)**

22. The government of Uzbekistan protects the right of individuals for searching, accessing, investigating, disseminating, using and storing information. Organizations and officials are required to provide for everyone possibility to acquire information affecting their rights, freedom and legitimate interest. For this purpose, it is required to create accessible information resources, implement disclosure by providing information on rights, freedom and responsibilities of citizen, their security and other issues of public interest.

#### **Livelihood Restoration**

23. There are no special laws or regulations for livelihood restoration due to land acquisition and involuntary resettlement impact. However, there are a number of legislative documents related to social support and livelihood improvement measures considered by the government of Uzbekistan. Therefore, livelihood restoration measures in the resettlement planning instruments of APs are mainly based on the following legislation: To consider social allowances and needy families through these two Cabinet of Ministers resolutions: (Resolution on measures to improve the procedure for appointment and payment of social allowances #350, 12 December 2012 and (ii)Resolution adopting Procedure for appointment and payments of social benefits and financial support to needy families #44, 15 December 2013. To consider disabled people through the Law on social protection of disabled people #422-XII, 18 November 1991.



## APPENDIX 2

### Detailed Comparison of Uzbekistan and ADB Policy Pertaining to Land Acquisition and Resettlement

ADB Resettlement Policy	Uzbekistan Law	Remarks/Resolution
DP's should be involved in meaningful consultations	DP's are involved in discussions with Oblast and Government officials but the Laws do not exactly require a meaningful public consultation	This LARP provides for meaningful consultation and extensive information dissemination.
Preference will be given to land-based compensation strategies for displaced persons whose livelihoods are land-based.	Since the Land is owned by state, Land code does not recognize individual ownership of land, therefore the practice is land to land compensation.	No different/conform
Lack of title should not be a bar to compensation or rehabilitation. secured tenure to relocation land.  Untitled land owners are eligible for compensation for improvements to the land, at full replacement cost.	People apply for registration for a particular land use.  Untitled land use is ineligible for compensation.	Land users without lease will receive either rehabilitation assistance equal to the land improvements they have undertaken after they register it accordingly at Project cost.
All houses/buildings are compensated for damage or demolition caused by a project irrespective of the status of formal title.	All houses/buildings/shops which are registered under Land Code are valued at the respective regional / district level.  Unregistered buildings are not liable for compensation	All buildings compensated at replacement cost.  Unregistered buildings will be registered by the relevant authority at no cost to the AP, prior to compensation as long as the building had been built prior to the cut off date
Prompt replacement of assets with better housing at resettlement sites with comparable access to employment and production opportunities.  Pay compensation and provide other resettlement entitlements before physical or economic displacement.	Buildings are compensated at replacement cost. Initial payment of 50% is followed by remaining 50% immediately after the demolition of the structures. The law provides for rental payment for up to two years when the replacement house is built.	No difference – replacement cost is provided.  The safeguard requirements are fulfilled by the legal provision of rental up to two years.
DPs should be compensated for all their losses at replacement cost. .	A commission will assess value of agricultural land; loss of crop/tree income; and market value for lands appropriated	All losses are at replacement cost – in the case of crops, trees, it will be based on prevailing market rates.
DPs should be timely compensated.	Compensation will occur prior to construction of works	In compliance.

ADB Resettlement Policy	Uzbekistan Law	Remarks/Resolution
The DPs should be compensated and/or assisted, so that their economic or social future is generally as favorable as it would have been without the Project.	RU law has social policies for all citizens. No specific policy directed at AP's	ADB Policy is followed using livelihood allowances and income/social restoration activities.
Pay particular attention to 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	All AP's are treated equally under Uzbek Law and the low income households are provided special benefits.	No additional measures required.
Establish a grievance redress mechanism to receive and facilitate resolution of the affected persons' concerns.	Resettlement has a standard mechanism to address grievances.	Conforms.
Support the social and cultural institutions of displaced persons and their host population. Provide civic infrastructure and community services, as required.	Social and cultural institutions are provided for under RU planning	Conforms.
Provide AP's with transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities.	No specific policy. Covered under RU social policies	Conforms.
Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards.	RU policy relates to compensation only. Living standard improvement applies to all citizens. DP's are not specifically targeted.	No additional measures required.
Develop procedures in a transparent, consistent, and equitable manner.	Uzbekistan policy ensures that all negotiations are conducted in an equitable and transparent manner	Conforms.
Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons.	No monitoring of livelihoods of DP is undertaken	LARP includes a detailed monitoring plan