

Land Acquisition and Resettlement Plan

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TAJ: Reconnection to Central Asian Power System Project

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ABBREVIATIONS AND ACRONYMS

Abbreviations	Description
ADB	Asian Development Bank
AF	Affected Family
agric.	Agricultural
AP	Affected Person
BT	Barqi Tojik
CBO	Community Based Organization
CC	Civil Code
DMS	Detailed Measurement Survey
DP	Displaced Person
ECD	Europe and Central Asia
ESD	Barqi Tojik PMU Environment and Social Department (now Monitoring Department)
GRC	Grievance Redress Committee
IOL	Inventory of losses
IR	Involuntary Resettlement
ha	hectare/s
hh	household/s
HVTL	High Voltage Transmission Line
kg	Kilogram
LA	land Acquisition
LARP	Land Acquisition and Resettlement Plan
LC	Land Code
MEWR	Ministry of Energy and Water Resources
NGO	Non-Governmental Organization
p.y.	per year
p.p.	per person
p.m.	per month
PAP	Project Affected Persons
PMU	Project Management Unit
ROW	Right Of Way
RT	Republic of Tajikistan
SME	Small and Medium-sized Enterprise/s
t	Tower
TJS	Tajik Somoni
TL	Transmission Line
USD	United States Dollars
ZOI	Zone of Influence

Local Terms

Aryk	Irrigation channel
Dekhan farm	Farm under private management organized either individually, by a family or collectively
Hakim	Chairperson of District
Hukumat	District Administration
Jamoat	Sub-District, Sub-District Administration
Kolkhoz	Soviet time collective farm
Land committee	Responsible body of District for all land related questions
Mahalla	Village / Neighborhood
Mahalla committee	Board of Mahalla Organization (with all citizens in the Mahalla area as members)
Oblast	Region
Rais	Chairperson (Tajik term, e.g. Raisi Mahalla)
Rayon	District
Sotih	100 m ²
Sovkhoz	Soviet time state owned farm

GLOSSARY

Displaced Persons (DP)	'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.' (ADB SPS 2009)
Detailed Measurement Survey (DMS)	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs. The final cost of resettlement can be determined following completion of the DMS.
Compensation	Payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is a method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off Date	The date after which people will not be considered eligible for compensation.
Dekhan Farm	Midsized land, which is legally and physically distinct from household plots, for which full land use rights, but not ownership, is allocated to either individuals or groups. Regulations concerning Dekhan farms in Tajikistan are laid out in Law No. 48 on Dekhan Farms, from 2002.
Encroachers	People who move into the Project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the Project.
Entitlements	The range of measures comprising cash or in-kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution/business restoration, which are due to DPs, depending on the type, extent and nature of their losses, and which suffice to restore their social and economic base.
Eligibility	Any person who resided in the Project area before the cut-off date that suffers from (i) loss of house, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, will be entitled to compensation and/or assistance.
Hukumat	District administration in Tajikistan
Income restoration	This is the re-establishment of sources of income and livelihood of the affected households.
Income Restoration Program	A program designed with various activities that aim to support displaced persons to recover their income / livelihood to the pre-Project levels. The program is designed to address the specific needs of the affected persons based on the Socioeconomic (SES) survey and consultations.
Inventory of Losses (IOL)	This is a process in which all fixed assets (i.e. lands used for residence, commerce, agriculture; houses; kiosks, stalls and shops; ancillary structures, such as fences, gates, paved areas and wells, affected trees and crops etc.) with commercial value and sources of income and livelihood inside the Project right-of-way (Project area) are identified, measured, their owners identified, their exact location determined, and their replacement costs calculated.
Jamoat	A sub-district level administration

Land Acquisition	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land/assets for public purposes in return for in-kind replacement or compensation at replacement costs.
Land Acquisition and Resettlement Plan (LARP)	A time-bound action plan with budget setting out compensation for affected land/assets and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Non-titled	Means those who have no recognizable rights or claims to the land that they are occupying.
Poor	Means households whose combined monthly income falls below TJS 1020/- ¹ . WB poverty line (standard) is used by different government and non-government institutions. On regular bases, WB conducts monitoring (assessment) through interviewing HHs. The data is reflected in WB reports, which is represented to relevant government institutions. Also this data is used to identify % of poverty for the given period.
Presidential Land	Means land for which use rights have been allocated by a Presidential Decree but ownership remains with the state.
Rehabilitation	This refers to additional support provided to DPs losing productive assets, income, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Replacement cost	The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.
Reserve Fund Land	Means land owned by the state and controlled by the district administration that may be rented, mainly for agricultural use.
Resettlement	This includes all measures taken to mitigate all adverse impacts of the Project on DP's property and/or livelihood. It includes compensation, relocation (where relevant), and rehabilitation as needed.
Severely Affected	This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.
Sharecropper	A person who cultivates land s/he does not own for an agreed proportion of the crop or harvest.
Significant impact	Means 200 or more people will experience major impacts, which are defined as; (i) being physically relocated from a house, or (ii) losing 10% or more of their income generating assets.
Vulnerable	Anyone 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 heads of household; (iii) poor households; (iv) landless; (v) elderly households with no means of support; (vi) households without security of tenure; (vii) ethnic minorities; and (viii) small farmers (with landholdings of two hectares or less).

¹The poverty line is taken as TJS 448 per month, based on the poverty line published by World Bank for Tajikistan in October 2015 of \$ 57 per month, and an exchange rate of TJS 7,8696 per USD.

EXECUTIVE SUMMARY

I. Project Background

1. The Republic of Tajikistan has received a grant from the Asian Development Bank (ADB) towards the cost of the Wholesale Metering and Transmission Reinforcement Project. Parts of this financing are being used for the interconnection of the Tajik Sughd 500/220 Substation with the Uzbekistan 500 kV line that is passing next to the substation (please refer to Figure 1 below), by the construction of two short overhead transmission lines sections and the installation of the required equipment at the substation plus the dismantling of 4 towers and the conductors at the relevant stretch of the current route of the Uzbekistan 500 kV.

2. The project aims to improve the regional energy resource utilization among CAPS countries. To achieve this, the project will: (i) Synchronize Tajikistan grid with Uzbekistan grid through installation of modern relay protection equipment; (ii) Expand Tajikistan interconnection with Uzbekistan through establishing 2 new 500kV interconnections; and (iii) Improve capacity for stable parallel operation through training of Barqi Tojik staff on stability and protection management operation. Expanding interconnection and synchronization of Tajikistan grid with that of Uzbekistan will facilitate the export of surplus electricity not only to Uzbekistan but to other neighboring countries such as Kazakhstan and Kyrgyz Republic. It will also help improve energy efficiency and reliability within the country, as well as efficiency of regional energy resource utilization. These will benefit the citizens in the form of increased gross domestic income, more employment opportunities, and better access to basic services. Improving the capacity of staff on stability and protection management operation will decrease system losses and enhance service provision, which will benefit end consumers. This will also inform the upcoming reorganization of Barqi Tojik to streamline its functions and provide more efficient energy services.

3. The objective of the project is to enable power exchange between Tajikistan and Uzbekistan at 500 kV. Expected exports are 100-120MW November to April by Uzbekistan and similar volume May to October by Tajikistan. Power exchange at 220kV between the two countries is happening since April 2018.

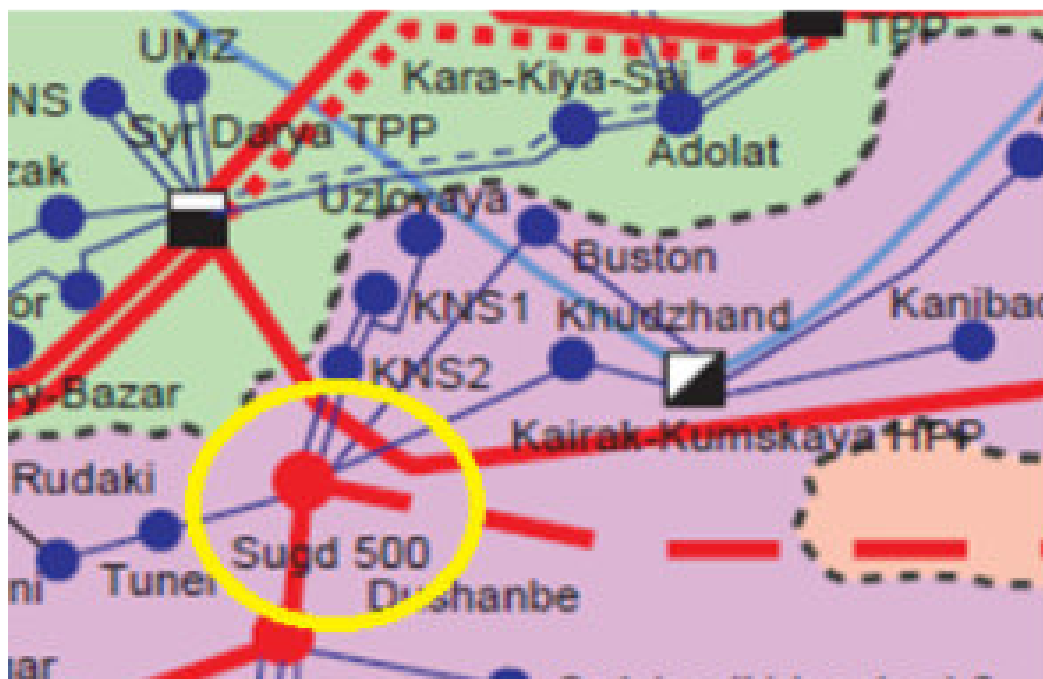


Figure 1. Diagram of the electric grid that shows the current setting where the Uzbekistan 500 kV OHTL passes 300m away of Tajikistan's Sughd SS but do not connect to it.

4. Looking at the development objective of the project, the project will improve power reliability and quality of supply in nearby regions of Tajikistan and Uzbekistan, improving the living conditions as well for citizens and the business climate. The project will mean as well an economic opportunity for the Government of Tajikistan for increased revenues. An increase in the national revenues could translate into a rise of the national budget for investments that could improve the quality of life of Tajikistan's citizens.

5. Substation Sughd 500/220 kV was built in 2010 in the scope of a project financed by the Exim Bank of China. The substation has 2 groups of single phase autotransformers with 167x3 MVA capacities. 500 kV switchyard has one and a half configuration only with one connected transmission line dispatch #518 which is coming from Substation Dushanbe 500 kV.

6. Transmission line from Syrdarinskaya SS (Uzbekistan) crosses the territory of the Republic of Tajikistan and it is owned by the Uzbekistan power utility Uzbekenergo. Current route of the existing Uzbekistan line is going 300m West of Sughd SS.

II. Scope of Land Acquisition and Resettlement and Impact Summary

7. The main objective of this LARP is to identify persons affected by the Project and to assist them to restore their livelihoods. The LARP complies with Republic of Tajikistan legislations and the requirements of ADB's Safeguard Policy Statement (SPS 2009).

8. The scope of the LARP includes: (i) description of the Project, (ii) profile of the DPs and affected communities, (iii) impact, (iv) information disclosure and public consultations with DPs, (v) grievance redress mechanism, (vi) legal framework, (vii) entitlements, assistance and benefits, (viii) resettlement budget and financing plan, (ix) institutional arrangements (x) LARP implementation schedule, and (xi) monitoring of LARP implementation.

9. In the course of the preliminary technical survey, it was revealed that the area near the substation is heavily occupied by other power transmission towers. The construction of new transmission towers will involve the following stages, which will have to be performed with strict safety, project quality and environmental protection practices. Envisaged project works are; 1. Transporting materials to the tower sites, 2. Building the foundations and anchors 3. Assembling the towers 4. Raising the towers 5. Unreeling and installing the conductors 6. Installing the counterpoise wires 7. Restoring the site.

10. The scope of the project is limited and it will be implemented in a high density Energy sector infrastructure area. Physical observation of the project location and investigations on the above-mentioned options of line routes showed that the project do not cross any residential area and/or lands heavily engaged with agricultural activities. The area around the substation can be described as unfit for neither housing nor farming and is not being used for any income generation activity. The land around the substation has no water available for irrigation.

11. The standard angle tower designs used in other OHTLs in Tajikistan have a foundation area of 100-144 m². As indicated by Barki Tojik, Right of Way (RoW) for a 500 kV line should be 50m from the centre of the line towers, which will result in a line corridor of 100m free from any constructions.

12. The EA has the obligation to finalize the land acquisition and resettlement plan (LARP), based on final project design to ensure that the livelihoods and standards of living of displaced persons are improved, or at least restored to pre-project levels and that the standards of living of the displaced poor and other vulnerable groups are improved by providing adequate security of land tenure and steady income and livelihood sources. The resettlement plan will address all relevant requirements specified in Safeguard Requirements 2 of ADB SPS (2009), and the

level of detail and comprehensiveness of the LARP will be corresponding to the significance of involuntary resettlement impacts.

III. Profile of the Project area

13. The population of Yakhtan Jamoat where Sghud Substation is located is 16,389 people and number of households is 3,678, in year 2018. The percentage of the population who are women is 51.34%. Number of children under age of 15 is 5,977. All interviewed households depend on wages and income from agricultural activities (68%). In the meantime 32% of interviewed households depend on the income from trading and service activities. All the interviewed households have 2 or more income-earning members having 2 and more sources of income. Each household at average possesses at average 0.1ha irrigated households' plots and from 10 to 15 ha rain-fed agricultural lands.

IV. Gender Aspect

14. This project with a limited scope has very limited gender elements. Saved time by women on the traditionally household chores assigned to them due to access to more reliable energy will mean higher availability of time that could be devoted by them to paid work, improving then their access to resources and opportunities, and therefore becoming more empowered. Reduced energy shortages will have a positive impact on businesses. The types of businesses that women typically engage in, such as tailoring and sewing, and baking and food production, are associated with high electricity consumption.²

V. Public Consultations

15. The objectives of the stakeholder consultation process are to disseminate information on the project and its expected impact and outcome among primary and secondary stakeholders and to gather information on relevant issues so that the feedback received can be used to address prevailing issues at early stages of the project design. Another important objective is to determine the extent of the concerns amongst the community, to address these in the project level and to suggest appropriate mitigation measures of any adverse impacts at early stages of the project design.

16. The first round of Public Consultation with the key stakeholders was held on 23rd of August at Jamoat Lolazor, in Devashtich District, in the surroundings of Sughd SS where the new stretches of the transmission line will be built. Local government representatives such as head of Jamoat, mahalla reader, PMU representatives, land committee specialists and two farmers whose lands might be affected by the project, participated in the stakeholders consultation meeting. Another round of public consultations were held in jamoat Lolazor of Devashtich district on 29th September 2018. Affected farmers, representatives of local land department, environmental specialist other representatives from relevant government departments participated in the discussions.

VI. Information Disclosure

17. Information related to different stages of the project needs to be disclosed, when it is relevant. Each project cycle contains information relevant to that project stage. The following paragraphs briefly outline the information disclosure throughout project cycles.

18. The Draft LARP and final, implementation-ready LARP, reviewed and approved by the EA/PIU and ADB, must be translated into Russian/Tajik languages and disseminated transparently to the local authorities' offices to which displaced people, other stakeholders, and the public in general have an easy access. This document must be posted on the EA's and ADB's websites.

² Source: ADB Tajikistan Gender Country Assessment, 2016.

VII. Grievance Resolution Process

19. The Grievance Redress Committee (GRC) is established in order to assist the affected people in resolving queries and complaints. DPs are enabled to voice their concerns or disagreements with the compensation procedure and/or negative impact of the civil works, through Grievance Redress Mechanism (GRM).

20. The DPs will have the right to file complaints and/or queries on any aspect of the Project, including land acquisition and resettlement. Under the adopted grievance mechanism, the DPs may appeal any decision, practice or activity related to the Project. All possible avenues will be made available to the DPs to voice their grievances. The PMU will ensure that grievances and complaints on any aspect of the Project are addressed in a timely and effective manner.

VIII. Institutional Arrangements

21. BT, with assistance of the contractor (who will be responsible for assessing the land plots required and identifying the land usage title owners) and the Hukumat, will finalize agreements with the AFs on the compensation amounts due to them. Barqi Tojik will physically deliver compensation to the AFs by its cash desk. BT will monitor the timely payment of compensation and its proper documentation and will not approve construction commencement until compensation is completed and land area is appropriately “vacated” or compensated for. An account of this process, including amounts disbursed and verification of receipt by APs, will be an integral part of the PMU’s internal monitoring report.

IX. Legal Framework of the Republic of Tajikistan

22. The Constitution, Land Code and Civil Code of the Republic of Tajikistan are the fundamental laws on which the legislation is based. The framework for the Project is based on the ADB SPS 2009 requirements and applicable laws, regulations and policies. The three important elements of ADB’s involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. Where differences exist between local law and ADB policies and practices, the resettlement for this Project will be resolved in favor of the later.

23. The following core involuntary resettlement principles were adopted for this Project:

- Land acquisition, and other involuntary resettlement impacts will be avoided or minimized by exploring all viable alternatives in the Project design;
- Consultations with DPs on compensation, disclosure of resettlement information to DPs, and participation of DPs in the planning and implementation of rehabilitation measures will be ensured;
- Vulnerable groups will be provided with special assistance;
- Payment of compensation to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets (except for illegally used land) at replacement rates;
- Payment of compensation and resettlement assistance prior to the contractor taking physical possession of the land and prior to the commencement of any construction activities;
- Provision of income restoration and rehabilitation; and
- Establishment of appropriate grievance redress mechanisms.

X. Entitlements, Assistance and Benefits

24. All DPs in the Project are entitled to compensation and resettlement assistance, irrespective of their land ownership status, to help the restoration of their livelihoods to pre-Project levels. The combination of compensation measures and resettlement assistance offered to them depends on the nature of the lost assets and the magnitude of the Project's impact as well as the social and economic vulnerability of the displaced persons. The compensation packages must reflect replacement costs for all losses (such as land, crops, trees, structures, businesses, incomes, etc.).

25. According to the adopted Project Specific Entitlement Matrix, which is based on the Republic of Tajikistan's Laws and the requirements of ADB's SPS (2009), DPs eligible for compensation and/or at least rehabilitation are: (i) all DPs losing land covered by legal title; (ii) owners of buildings, crops, plants, or other structures attached to the land, regardless of their legal title, and (iii) DPs losing their businesses, income, and salaries, regardless of their legal status. The Project-specific Entitlement Matrix, relevant to the Project impacts is provided in Table E-1 below.

Table E: Project-Specific Entitlement Matrix

No	Asset	Displaced Person	Compensation Entitlements
Permanent Loss			
1	Agricultural land (all losses irrespective of severity)	Individual rights holders land-use	Cash allowance for loss of land use rights equal to net income in the last 5 years generated from the affected land area at market rate at the time of taking; or Provision of alternative land plot of equal value / productivity to plot lost. If the remaining portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Collective rights holders land-use	Cash allowance for loss of land use rights equal to net income for the last 5-years generated from the affected land area at market rate at a time of revocation; or Provision of alternative land plot of equal value / productivity to plot lost. If the remaining part of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Renters and leaseholders	Rental allowance in accordance with the conditions of the rent agreement, but not less than the cost of rent for 3 months; or Continuation of rental agreement on alternative land plot or cash allowance for the lost income equivalent to 1 year of average crop productivity.
		Informal (if any) ³	Provision of opportunity to lease a plot on state land. Relocation allowances.
2	Residential and commercial land	Owners	Cash allowance for loss of land use rights in cash equal to current annual land lease rates at the time of acquisition multiplied by 25; or Provision of alternative land plot of equal value / productivity (similar conditions and facilities) to plot lost. If the residual portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.

³ Landless DPs without any rights-to-use land living on income from the illegally used land plot. The DPs owning land adjacent to the illegally used parcel will be compensated for losses from the illegally used part as per the entitlement matrix.

No	Asset	Displaced Person	Compensation Entitlements
		Renters	Rental allowance in accordance with the conditions of the rent agreement, but no less than the cost of rent for 3 months, or Continuation of the rental agreement on an alternative land plot.
		Informal (if any)	Provision of opportunity to lease a plot on state land. Relocation allowance if applicable.
3	Buildings and structures	Owners of structures including “informal” and encroaching	Cash compensation at replacement rate for affected structure / other fixed assets (without deduction of depreciation, taxes, costs for salvageable materials and other transaction costs). All buildings and structures will be compensated in their entirety; or According to the owner's choice, if feasible, a building for building / structure for structure exchange.
		Renters	Rental allowance in accordance with the conditions of the rent agreement, but not less than cost of rent for 3 months; or Continuation of the rental agreement for an alternative building/structure.
4	Crops	All DPs, including and “informal” encroaching	Crops affected by the towers and by stringing or tower transport will be compensated by default at market rate.
5	Trees	All DPs, including and “informal” encroaching	<ul style="list-style-type: none"> • Fruit-bearing trees: Compensation in cash based on one year yield x the number of years needed to re-grow the tree at productive stage. • Not yet productive fruit trees: Compensation in cash based on inputs x average age of trees. • Seedlings: Based on seedlings cost plus inputs x 1 year. • Wood trees: cash compensation based on wood volume x market value of the wood
6.	Business and employment (temporary and permanent)	All DPs (including workers of affected businesses)	Owners of shops / commercial establishments: In case of permanent loss, compensation equal to 1 year net income (lost profits) plus cost of lost certificates / licenses / patents. The income is based on the official tax declaration, or (if tax declaration is unavailable) it is accepted as the official monthly average wage ⁴ multiplied by 12. In case of the temporary loss of a business, compensation equal to the net income for the period of disruption (<1 year). The income is based on the tax declaration, (or it is calculated based on the monthly average wage multiplied by the number of months since the operation was disrupted (less than 12 months)).
			Workers indemnity for lost wages equal to 3 months' income.
7.	Relocation	Physically displaced households	Transportation allowance (cost of labor and vehicle rent to transport materials of the house/business structures to a new location). Communal and site preparation cost for the alternative land plot (including connection to power grid, water supply system, installation of latrine etc). Severity /livelihood rehabilitation allowance in the form of cash compensation equal to the official monthly average wage for 3 months.

⁴ Official average monthly wage for October 2017 is 1152,9 TJS/month and reported within macroeconomic indicators by the Agency on Statistics under President of the Republic of Tajikistan. Available via: <http://stat.tj/en/macroeconomic-indicators/> and <http://www.tradingeconomics.com/tajikistan/wages>

No	Asset	Displaced Person	Compensation Entitlements
8.	Public common assets /		Rehabilitation / substitution in kind or in cash at replacement cost of affected items and rehabilitation of their functions. Alternative service supplied, if cut off temporarily.
9.	Vulnerable households	DPs receiving government assistance for poor, single women-headed HH below poverty line, elderly households with no means for living, households with disabled head or other HH members.	One additional compensation for the crops in the affected plots to be set at 25% of the ascertained value.; Enrolment in Government social assistance, if not yet enrolled; Priority in project-related employment for members of vulnerable households (if at legal working age).
Severity of Impact			
10.		Permanent losses exceeding 10% of the total land per AF	Additional cash allowance equal to market value of 25% of the gross produce of affected land x 5 years
Temporary Loss			
11.	Temporary impacts	All relevant DPs	For other unforeseen and temporary impacts other than stated above, ADB SPS (2009) general principles and objectives will be used as the minimum benchmarks and appropriate impact mitigation measures will be sought to meet them. The payment for rented land during the construction, will be based on the market price under negotiated agreement. After discontinuation of land use, the land must be restored to the original status, or as per the agreement with the land rights holder ⁵ .
Unanticipated impacts			
12.	Other unanticipated assets loss or impact on livelihood	All DPs residing in the project corridor before the cut-off-date.	Compensated as per the Project specific entitlement matrix.

XI. Compensation Budget

26. Funds for the implementation of the LARP are part of the overall project budget. The budget indicated in this LARP is based on a preliminary calculation of the number and type of transmission towers to be constructed and on the estimated market price rates in 2018 of major crops grown in the project region. During the assessment of losses, rates are adapted to market levels in 2018, compensation calculations are made to determine the Commissions and compensation with appropriate Hukumats rayons.

27. The total budget of compensation, with unforeseen expenses amount to approximately 30,600 TJS. The table below provides a breakdown of this amount. Barqi Tojik will ensure that the compensation funds for land acquisition and resettlement are allocated in time for implementation of this LARP. The LARP budget also includes 20% of contingencies and 5% miscellaneous expenses for administrative costs that might incur during the implementation of the LARP. This expense has been estimated and included in the budget as a single lump sum.

⁵ In the case that the Contractor and Land-use rights holder both agree in writing to leave the land area in a state precisely described in the agreement.

XII. Implementation Schedule

28. Barqi Tojik will not allow construction activities in specific sites of the alignment to begin until land acquisition and payment of compensation and cash assistance have been satisfactorily completed, and the site is free from encumbrances.

XIII. Monitoring and Reporting Requirements

29. While effective institutional arrangements can facilitate implementation, effective monitoring ensures that the course and pace of implementation continues as originally planned. The implementation of this LARP will be subjected to internal monitoring as the Project will not trigger a significant amount of involuntary resettlement. The ADB SPS 2009 considers involuntary resettlement impacts significant if 200 or more persons will be physically displaced from their home or lose 10% or more of their productive or income-generating assets. Internal monitoring will be conducted by the PMU Barqi Tojik, assisted by the resettlement specialist of the Construction Supervision Consultant. Monitoring is vital for ensuring that the LARP is effectively implemented, unforeseen impacts related to land acquisition and resettlement activities are identified and appropriate measures to address the same can be taken in a timely manner.

30. The PMU will monitor performance (physical progress of the LARP implementation against milestones set in the LARP), impact (whether the objectives to restore the living standards of the affected population have been properly considered and executed), and LARP compliance, indicating whether the compensation program has been carried out in accordance with the provisions of Tajikistan's laws and ADB policies, and to the satisfaction of the DPs.

31. Impact monitoring will be supplemented by the assessment of the DPs satisfaction with the resettlement initiatives and the adequacy of measures applied for restoration of DPs' livelihoods. This will be done through direct consultations with the affected population and face-to-face meetings with the DPs.

PROJECT DESCRIPTION

I. Description and Location of the Project

32. The Republic of Tajikistan has received a grant from the Asian Development Bank (ADB) towards the cost of the Wholesale Metering and Transmission Reinforcement Project. Parts of this financing are being used for the interconnection of the Tajik Sughd 500/220 Substation with the Uzbekistan 500 kV line that is passing next to the substation (please refer to Figure 1 below), by the construction of two short overhead transmission lines sections and the installation of the required equipment at the substation plus the dismantling of 4 towers and the conductors at the relevant stretch of the current route of the Uzbekistan 500 kV.

33. The project aims to improve the regional energy resource utilization among CAPS countries. To achieve this, the project will: (i) Synchronize Tajikistan grid with Uzbekistan grid through installation of modern relay protection equipment; (ii) Expand Tajikistan interconnection with Uzbekistan through establishing 2 new 500kV interconnections; and (iii) Improve capacity for stable parallel operation through training of Barqi Tojik staff on stability and protection management operation. Expanding interconnection and synchronization of Tajikistan grid with that of Uzbekistan will facilitate the export of surplus electricity not only to Uzbekistan but to other neighboring countries such as Kazakhstan and Kyrgyz Republic. It will also help improve energy efficiency and reliability within the country, as well as efficiency of regional energy resource utilization. These will benefit the citizens in the form of increased gross domestic income, more employment opportunities, and better access to basic services. Improving the capacity of staff on stability and protection management operation will decrease system losses and enhance service provision, which will benefit end consumers. This will also inform the upcoming reorganization of Barqi Tojik to streamline its functions and provide more efficient energy services.

34. Looking at the development objective of the Project, the Project will improve power reliability and quality of supply in nearby regions of Tajikistan and Uzbekistan, improving the living conditions and the business climate. The Project will mean as well an economic opportunity for the Government of Tajikistan for increased revenues. An increase in the national revenues could translate into a rise of the national budget for investments that may improve the quality of life of Tajikistan's citizens.

35. Three possible routes for the OHTL sections that will be built have been considered. The chosen route option is number 3. Barqi Tojik has indicated that a 50 m wide right-of-way (RoW) should be implemented for the OHTL based on technical considerations. "Sughd" substation is located in Sughd province, Jukumat Devashtich (district), Jamoat Lolazor (sub-district), at 1,600 m from the town Kurkat.

36. Substation Sughd 500/220 kV was built in 2010 in the scope of a project financed by the Exim Bank of China. The substation has 2 groups of single phase autotransformers with 167x3 MVA capacities. 500 kV switchyard has a one and a half configuration only with one connected transmission line dispatch #518 which is coming from Substation Dushanbe 500 kV.

37. Transmission line from Syrdarinskaya SS (Uzbekistan) crosses the territory of the Republic of Tajikistan and it is owned by the Uzbekistan power utility Uzbekenergo. Current route of the existing Uzbekistan line is going 300m West of Sughd SS.



Figure 2. Location of Sughd substation

38. The technical characteristics of the existing 500 kV transmission line are,

- Suspension tower type: P500-1 (PUE towers)
 - o Maximum weight span: 520m
 - o Maximum wind span: 590m
 - o Conductor width: 3*400/51 mm (same with 3*ACSR Zebra)
- Tension tower type U1: (PUE towers)
 - o Maximum weight span: 610m
 - o Maximum wind span: 645m
 - o Conductor width: 3*400/51 mm (Same with 3*ACSR Zebra)
 - o Insulator type (Glass type 150 kN)
- Optical ground wire: none
- Arrester wire: 90 mm

39. During the technical surveys it was revealed that the area near the substation is heavily occupied by other power transmission towers. Three route options were analysed for the opening of the existing 500 kV overhead line. The three of them cross existing transmission lines.

40. Option #1. In accordance with this second proposal, 5 towers of the current 500 kV line (Uzbekistan) would be dismantled and 3 pcs of 45-90 degrees (LAT and HAT) and 2 terminal towers (DET) would be installed. The new line would be crossing the existing 500 kV line #518 one time. Option #1 is marked in green color in Figure 3.

Summary,

- Dismantle 1,375m (+-5m) of the current overhead line
- New towers:
 - o LAT-HAT 45-90 degree (single circuit) towers – 3 pcs.
 - o DET towers (terminal towers) – 2 pcs.
- Total length of new OTL 500 kV – 1,910 m.

41. Option #2. In accordance with this proposal 3 towers of the current 500 kV line (Uzbekistan) would be dismantled and 4 towers of 45-90 degrees (LAT and HAT) and 2

terminal towers (DET) would be installed. The new line would be crossing the existing 220 kV line two times. Option 1 is marked in yellow color in Figure 3.

Summary,

- Dismantle 703 m (+5m) of the current overhead line – 4 pcs.
- Install new towers:
 - o Single circuit (LAT-HAT 45-90 degree) towers – 4 pcs.
 - o Terminal towers (DET) – 2 pcs.
- Total length of new OHTL: 1230 m

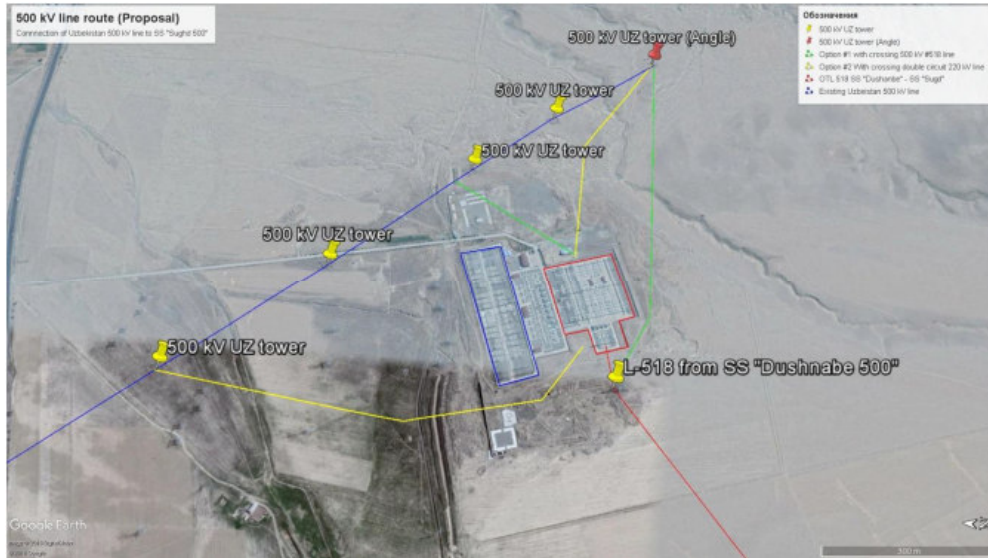


Figure 3. Possible line routes for the new OHTL sections.

42. Option #3. In accordance with this proposal 4 towers of the current 500 kV line (Uzbekistan) would be dismantled and 8 angle towers of 45-90 degrees (LAT and HAT) would be installed. The new towers are marked with red dots in Figure 4.

Summary,

- Dismantle 703 m (+5m) of the current overhead line – 4 pcs.
- Install new towers:
 - o Single circuit (LAT-HAT 45-90 degree) angle towers – 8 pcs.
- Total length of new OHTL: 1442 m

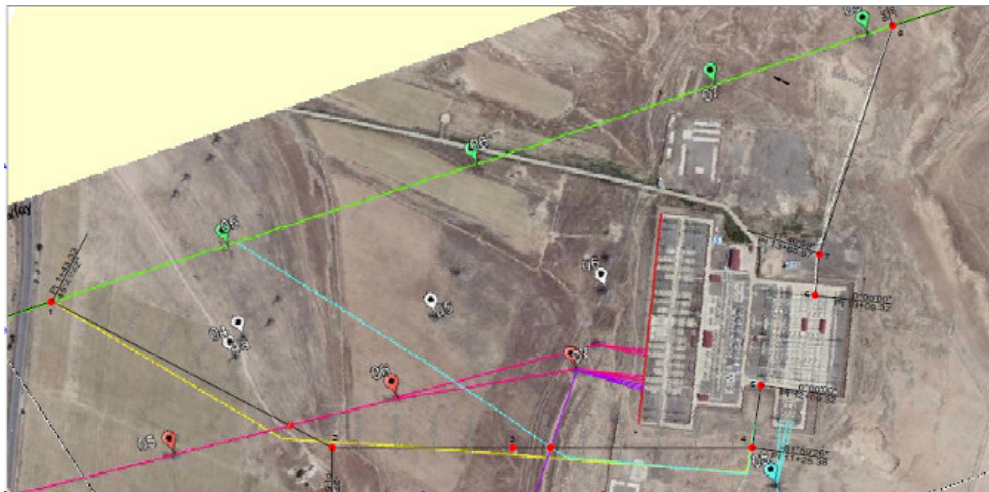


Figure 4. Location of the new towers for route option 3 (red dots).



Figure 5. Conductors of route option 3 for the new stretches of the OHTL (red arrows).

43. Route option 3 has been chosen since it is the one that involves the least crossings with existing lines. Best construction practices advise to reduce the number of crossings with existing lines and the accumulation of towers as much as possible.

44. The scope of the construction of the two new OHTL sections is limited and it will happen in a high density infrastructure area. During the visit all above mentioned options of line routes did not cross any houses. Therefore, no resettlement is needed. The area around the substation can be described as unfit for neither housing nor farming and is not being used for any income generation activity. The land around the substation has no water available for irrigation. It was only used for growing forage grass for cattle once a year 50 years ago during the Soviet era.



Figure 6. Land around the Sughd Substation, non-arable.



Figure 7. Land around the Sughd Substation, no irrigation system.

45. The standard angle tower designs used in other OHTLs in Tajikistan have a foundation area of 100-144 m². As indicated by Barqi Tojik, Right of Way (RoW) for a 500 kV line should be 50m from the center of the line towers which results in a line corridor of 100m free from of any constructions.

46. The construction of the new transmission towers will involve the following stages, that will have to be performed with strict safety, project quality and environmental protection practices,

1. Transporting materials to the tower sites
2. Building the foundations and anchors
3. Assembling the towers
4. Raising the towers
5. Unreeling and installing the conductors
6. Installing the counterpoise wires
7. Restoring the site

47. Other activities under the Project are the installation of the required equipment at the Sughd and Regar Substations for allowing the power exchange at 500kV between the two countries. Those upgrades in the electrical equipment will be done within the boundaries of the two substations, no extensions will be needed.

48. Substation Regar 500/220/10 kV is located in Karategin Province, around 50km west from Dushanbe, not very far from the border with Uzbekistan, and it covers an area of 21.2 ha. It was built in 1974 and the oldest auto-transformer dates from 1987.

II. Objective and Scope of the Land Acquisition and Resettlement Plan

49. The main objective of the Draft LARP is to identify persons economically and/or physically displaced (DPs) due to the Project and to assist them to restore their livelihoods. The LARP complies with the relevant laws of the Republic of Tajikistan and the requirements of ADB's Safeguard Policy Statement (SPS) 2009. The LARP has been prepared to: (i) address and mitigate impacts caused by the project; (ii) ensure compliance with ADB's SPS (2009) requirements and (c) determine compensation, resettlement and rehabilitation assistance for the affected households.

50. The scope of the LARP includes: (i) a profile of the affected communities and DPs; (ii) impact determined by the Detailed Measurement Survey (DMS) of all affected assets; (iii) information disclosure and public consultations with DPs; (iv) the policy and framework for compensation payments and rehabilitation; (v) complaints and grievance redress mechanism;

(vi) resettlement budget; (vii) institutional framework; (viii) LARP implementation schedule, and (ix) monitoring of LARP implementation.

51. This LARP is based on the preliminary Project design and therefore, considered as the Draft LARP. The corridor of the Project is not fixed and considers 3 options for transmission line connecting to Sughd sub-station. The following steps were taken for the completion of this LARP:

- (i) disclosure of Project information and consultations with DPs;
- (ii) completion of the socioeconomic survey (SES) and census of DPs;
- (iii) inventory of losses for all AHs;
- (iv) completion of detailed measurement surveys (DMS), description and valuation of the affected lands and other assets;
- (v) preparation of the compensation budget for identified losses.

SCOPE OF LAND ACQUISITION AND RESETTLEMENT

III. Survey Methodology

52. One of the key principles adopted for the preparation of this Draft LARP is that all compensation payments and livelihood restoration assistance must be based on a detailed understanding of the Project impacts on displaced people. For preparation of this LARP several visits to project location were conducted between May to August 2018.

53. This preliminary LARP has been prepared considering the findings of a preliminary technical survey that was performed on June 14-15, 2018, a field visit of the International Social and Environmental Expert and a meeting with a Land Committee representative in the project area in July 10-11, 2018 and meetings with the PMU and the ADB counterparts during July 3-12, 2018. A detailed technical site inspection happened on the second fortnight of July 2018 and the public consultation meeting took place on 23 August, 2018. Secondary data was also analyzed on the preparation of this LARP.

The following tasks were performed,

- i. Interaction in the form of joint field visits and meetings with the affected land committee;
- ii. Analysis of data provided by local authorities;
- iii. Valuation;
- iv. Design of the complaints and redress mechanism;
- v. Performance of the public consultation.

54. The key objective of this LARP is to provide an assessment of the social concerns that need to be taken into account in processing and implementation of the opening of the Uzbekistan 500kv transmission line in order to connect it with the Tajikistan Sughd Substation and the upgrades at Sghud and Regar substations that will allow the exchange of power between the two countries at 500kV.

55. The LARP provides an initial screening of the activities to be carried out under the proposed component of the project, with the intention of identifying potentially significant social & resettlement impacts, determining appropriate mitigation measures and identifying if any further assessment is required. The basic objective is to ensure that nobody is made worse off as a result of such construction and upgrade activities. In order to achieve this objective all negative impacts have to be mitigated for and the costs of doing this included in the financial and economic analysis of the project. Even more, the DD will try to put the needed measures in place for everyone being better off after the implementation of the project, which is the final development objective of the proposed activities.

56. The scope of work includes the following,

- Description of the baseline: general social settings including population living in the closest communities to the OHTL opening and the two substations. Their socio-economic profile, land ownership, assessment on actual use of land, etc.
- Description of nature of potential impacts of the project on settlements, land, structures, income sources, physical and/or economical displacement. Social impacts (both positive and negative) have been considered for activities to be carried out during pre-construction, construction and operation phases of the Project.
- Assessment of social impact of the project components: duration and spatial distribution of impacts; identification of affected groups; etc.
- Information on potential mitigation measures to minimize the impact including mitigation costs;
- Assess the best alternative project with most benefits and least costs in terms of financial and social consideration;

- Basic information for formulating management and monitoring plan; and
- Disclosure of Project information and consultations with the affected stakeholders and other interested stakeholders.

57. The Detailed Measurement Survey (DMS) of affected assets was conducted by the PMC IR consultant, PMU social safeguards team and representatives of the local government with the participation of the DPs.

IV. Preliminary Land Assessment

58. Prior to the final design of the line by the building contractor it will not be possible either: (i.) to identify the final plots required for construction of towers and those pieces of land which would possibly be affected by the construction work and stringing or, (ii.) to know exactly which land owners would be affected by the foundation of the new towers. Therefore, the current land assessment is preliminary.

59. The interconnection of the Tajik Sughd 500/220 kV Substation with the Uzbekistan 500 kV line that is passing next to the substation requires construction of two short overhead transmission lines. Construction works at Sughd sub-station requires installation of 6-8 towers and dismantling of 4 transmission line towers and the conductors at the current route of the Uzbekistan 500 kV OHTL. As there are some construction works envisaged outside the sub-station designated territory, the project might have impact on agricultural lands of the local community. These are the key points of the preliminary land assessment in the table below.

Table 1: Preliminary assumptions for land Acquisition based on proposed TL route options.

Towers	Route 1	Route 2	Route 3
Total length of the new OHTL sections	1910m	1230m	1442m
Required towers	6 towers (5 new foundations)	5 towers (4 new foundations)	8 towers (8 new foundations)
Single circuit towers	4	3	6
Terminal towers	2	2	2
Length of new OHTL sections on agricultural land	0 km	0 km	0 km
Land required for new towers foundation	500- 720 m ² (approx. 0.05 ha)	400-576 m ² (approx. 0.04 ha)	600-864 m ² (approx. 0.06 ha)
Land required for new OHTLs RoW	142,800 m ² (14.28 ha)	<142,800 m ² (14.28 ha)	144,200 m ² (14.42 ha)
Required access paths for construction	Around 2,400 m ²	Around 2,000 m ²	Around 2,200 m ²
Required site for construction and area	Around 1,350 m ²	Around 1,125 m ²	Around 1,300 m ²

60. Route option 3 has been chosen since it is the one that involves the least crossings with existing lines. Best construction practices advise to reduce the number of crossings with existing lines and the accumulation of towers as much as possible. The construction of the foundations and footing of the 8 TL towers will be done in barren land, therefore it will not cause any direct social impact. The affected land has not been used for any productive use for more than 2 years, therefore following the Tajikistan's Land Code, the land use rights holders are not entitled for compensation.

61. The Land Committee of the Jamoat provided the PMU with information on who are the land use rights owners of the area where the foundations of the new OHTL towers are expected to be built. The details can be found below,

Table 2: Preliminary list of landowners near Sughd 500 SS territory

Item #	Name of the farm*	Name of owner	Area (m ²)	Location (# of tower)
1.	Tursunzoda	Tursunzoda R.	12,400	Should be clarified after tower pegging and preparation of detail design by the contractor
2.	Kuronboev	Kuronboev	6,200	
3.	Shukurali-bobo	Shukurov M.	6,200	
4.	Bogdori	Khojaev S.	9,600	
5.	Kishgir	Ikromov F.	12,100	
6.	Mamrov	Mamrov D.	6,100	
7.	Zarteppa	Khushvaktov M.	8,900	

*Note: even when the plots of land are referred to as farms, they are former farms that have not been used for agricultural purposes in more than 50 years.

62. Rehabilitation works in Regar sub-station consist of installation of required equipment in the sub-station. There will be no activities envisaged outside of the territory of sub-station such as widening activities and installation of new towers and transmission line. The result of the study suggests that the proposed rehabilitation activities in Regar sub-station will not have impact on people and communities lands, structures and properties as the construction works will be carried out within existing facilities of the SS. Moreover, planned construction works are selected for repairing and rehabilitations and not for new constructions.

63. Project does not envisage economic and/or physical relocation impact. Existing territory of the switchyard is wide enough and have not been encroached by hawkers, informal users, etc. Therefore, there will be no foreseen loss of income or assets. Mitigation measures will be taken following the ADB SPS 2009 for smooth implementation of the project work in Regar SS.

64. The proposed project works will not have any negative impacts and consequences on public facilities (schools, hospitals cemeteries, mosques and other sites of religious, cultural and historical values).

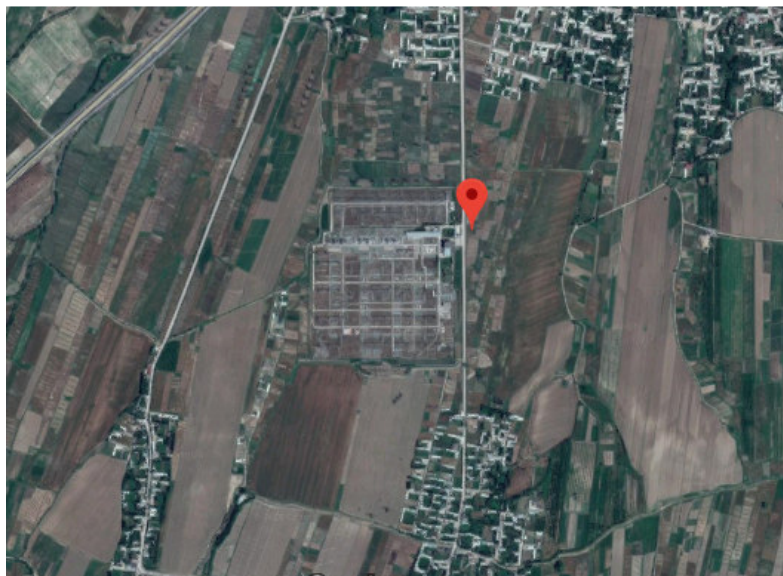


Figure 8. Location of Regar substation

65. Hereby based on the above-stated and the results of the social safeguards assessment, the proposed rehabilitation works at Regar sub-station has Not Resettlement Impact considering the following:

1. Construction activities does not require new camp and or machinery parking area and additional space for heavy machinery movement;

2. There is no widening of the switchyard (construction of additional infrastructure outside of the boundaries) activities in the proposed rehabilitation works. Construction area is limited within existing facilities.
3. There no any tenants or persons who use land unofficially, etc.

66. In case any claims or complaints are submitted during the construction period, an effective and efficient Grievance Redress Committee being in place, will enhance provision of timely and sensible hearings and facilitate solutions.

V. Temporary Impacts during Construction

67. Communities in the site area may suffer from temporary impacts during construction such as dust, noise, movement restriction, etc. Civil works constructors will establish site camps and access paths as well as stockyards requiring temporary used of land. Taking measures to mitigate such temporary impacts will be the responsibility of the civil works contractor.

68. To eliminate such impacts the civil works contractors will undertake the following measures:

- a) Informing all local communities about the nature and duration of work well in advance so that they can make necessary preparations;
- b) Always keeping clean of construction materials and provide full access to houses, business places. Ensure vehicle and pedestrian access is not disturbed all the time;
- c) Increasing the workforce and using appropriate equipment to complete the work in a minimum timeframe with least impact on livelihoods and economic resources;
- d) Continuing accessibility to all types of facilities including communication lines, water systems, electricity, etc. that are available in the construction zone, should be ensured;
- e) Measures for minimizing dust and noise pollution as per the environmental management plan.

69. The status, timing and duration of construction works as well as possible disruptions and inconveniences (e.g. noise) will be informed regularly and well in advance before any actual nuisance as follows:

- Notice at the concerned substation/s information board
- Notices at the closest houses to the substations, and at central venues such as convenience stores as well as at the entrance of the substations.

70. Some short blackouts are expected. The preliminary assessment is to have 5 blackouts, 5 hours long each. They will be partially mitigated by supplying power from other substations. Information on the expected blackouts will be publicly disclosed at least two weeks prior to the expected blackout as follows:

- Local newspapers advertisements
- Radio announcements at local radio stations
- Notice at the concerned substation/s information board
- Notices at the closest houses to the substations, and at central venues such as convenience stores as well as at the entrance of the substations.
- Notice published at the Ukrenergo website

SOCIOECONOMIC PROFILE OF THE AFFECTED POPULATION

I. Background

71. This Chapter presents the findings on the major socio-economic characteristics of the affected Project communities. The chapter is based on information from the jamoats' Key-Informants, country statistical data and data collected through the socio-economic surveys and census undertaken in the Project area. The main objectives of the SES and census surveys are to understand the existing socio-economic environment and vulnerability of affected people in the Project area, to use the data for preparation of the LARP budget and to identify groups and persons who may need additional support due to the Project's impact.

72. Tajikistan is a Central Asian country bordering Afghanistan, China, Kyrgyzstan and Uzbekistan. According to the 2008 census, the country's population was 7,373,800. However, the population in 2015 is estimated to be 8,610,000 people. Tajikistan is divided into four regions: Sughd, Khatlon, Gorno-Badakhshan and Region of Republican Subordination, while the capital Dushanbe is administratively separate. Each region is divided into several districts (rayons) which are subdivided into village level self-governing administrative units – jamoats. There are 58 rayons and 368 jamoats in Tajikistan

73. 31.3% of the population lived below the national poverty line in 2015. The proportion of employed population below USD 1.90 purchasing power parity a day in 2015 was 4.8%. For every 1,000 babies born in Tajikistan in 2016, 43 died before their fifth birthday.

74. Tajikistan's GDP is expected to grow by 6.0% in 2018 and 6.5% in 2019. Per capita GDP growth is expected at 3.3% in 2018 and 5.4% in 2019. Inflation rates are forecasted at 7.5% in 2018 and 7.0% in 2019.

75. With some of the world's highest mountains covering 93% of its territory, Tajikistan faces obvious obstacles to its development. These include unstable food security, limited transport connectivity, and low levels of private investment. Due to its narrow economic base and reliance on remittances by labor migrants, Tajikistan's economy remains vulnerable to external shocks.

II. Profile of the Project area

76. The population of Yakhtan Jamoat where Sghud Substation is located is 16,389 people and number of households is 3,678, in year 2018. The percentage of the population who are women is 51.34%. Number of children under age of 15 is 5,977. See table below for more detailed information. The population of jamoat Yakhtan is reportedly composed of several ethnic groups (nationalities). According to the 2018 Census, Uzbeks are the largest permanent population (93%), followed by Tajiks (7%) and very few other nationalities. All ethnicities are fully integrated and having the same access to land and natural resources, health, education, livelihood systems, and social security status. None of these ethnic groups may be classified as indigenous people or as vulnerable ethnic groups, as defined in ADB SPS 2009.

Table 3: Gender and age segregated demographic data

Gender	Men under age of 15	Women under age of 15	Men age of 15 to 62	Women age of 15 to 57	Men above age of 63	Women above age of 58
Number	2866	3111	4717	4621	455	619
Total	5977		9338		1074	

77. Number of people capable for working is 8,777 person where number of people on pension is 1,207 person. Main sources of income are agriculture and cattle rising, and few

industries and official jobs. There are 3,597 farms in the jamoat territory. Average monthly salary is 400 TJS for farmers, 717 TJS for workers in industry sector and 550 TJS other sectors such as education, services and official jobs. 1660 persons are in labor migration in Russian federation.

III. Profile of the affected population

78. Socioeconomic Data surveys were conducted on DPs along with the process of community consultations September 2018. There were no major changes observed on livelihoods since the economic activities and habits remain the same with the rest of population in jamoat. Livelihoods depend on agriculture produces, official jobs, few industries and remittances from labor migration. To obtain information on the socio-economic profile and living conditions of the affected households and further assess the impacts of land acquisition on the DPs, secondary data obtained from state institutions and the socio-economic survey of 7 households (100%) of DPs was conducted in Lolazor village. To obtain households profile information a special questionnaire for socio-economic survey as well as census forms were used. These will be used as a baseline for Internal Monitoring during implementation to ensure DPs are not made worse off by the LARP implementation and further mitigation measures implemented (if required).

79. Most of the surveyed households (57%) have 6-7 members, while households including 4-6 members comprise 43%. None of the affected households comprised on 3 and less members. The average household size is 6 persons.

IV. Age, Marital Status and Education Level of Household Head

80. Heads of the surveyed households have a mean age of 50 years, between 40-59 years old. Households with the age of the heads within 50-69 comprised 75%. In terms of marital status, all heads of the household are married with children. With respect to education, household heads (about 17%) have secondary education, while over 45% obtained specialized secondary education and 43% have higher education.

V. Household Income

81. All interviewed households depend on wages and income from agricultural activities (68%). In the meantime 32% of interviewed households depend on the income from trading and service activities. All the interviewed households have 2 or more income-earning members having 2 and more sources of income. Each household at average possesses at average 0.1ha irrigated households' plots and from 10 to 15 ha rain-fed agricultural lands. One household reported of having 130 ha of agricultural lands.

82. Incomes reported vary greatly. Almost all the surveyed households earn TJS 1000 or more per month. Majority of households (74%) earns TJS 1000.0 – 1999.0 per month. The next group (26%) is represented by the households that earn TJS 2000 and more per month. Out of 7 interviewed households 2 members of 2 households are in labor migration in Russia. Households' receive average 2500 TJS remittances from a member in migration. Income of the affected households considered to be above average compared to the overall earning capacity and sources of the rest of households in the jamoat.

VI. Living Conditions

83. All interviewed households are living in the houses made of concrete and bricks, which are considered above average living conditions in good quality houses. All houses reported to be of single floor with 4 rooms at average. All houses connected to the power grid and use electricity for lightening, cooking. In winter for heating and cooking coal and wood is used. All households are connected to potable water from the centralized water supply system

available in the village. None of the houses is connected to the centralized sewerage system and all the households are using the out-of-the-house latrines. None of the households is equipped with the landline phone. None of the households is connected to the natural gas supply system. Affected people have all necessary households' utilities and devices. Out of 7 affected households 5 have private vehicles. Among 7 affected households, none were considered as vulnerable as per the vulnerability criterion identified for the projects. Also none of the affected households are included in any government program of supporting vulnerable households.

VII. Gender Aspect

84. This project with a limited scope has very limited gender elements. Saved time by women on the traditionally household chores assigned to them due to access to more reliable energy will mean higher availability of time that could be devoted by them to paid work, improving then their access to resources and opportunities, and therefore becoming more empowered.

85. Reduced energy shortages will have a positive impact on businesses. The types of businesses that women typically engage in, such as tailoring and sewing, and baking and food production, are associated with high electricity consumption.⁶

VIII. Indigenous Peoples or Ethnic Minority Groups

86. The population in Sughd and Karategin provinces is largely Tajik, with few Uzbeks and others. All nationalities are very similar to each other in cultural, historical and religious lifestyles. They use common public facilities (mosques, cemeteries and holy places of worship) with the mainstream Tajiks. The families of Uzbeks, Kyrgyzes and other minorities do not live in isolation and there are mixed marriages and families. All ethnic minorities have the same and equal access to all types of resources alike the mainstream Tajiks, including the land, irrigation, drinking water, and other resources. Therefore, there are no indigenous peoples in the province and there are no indigenous peoples affected by the project.

⁶ Source: ADB Tajikistan Gender Country Assessment, 2016.

INFORMATION DISCLOSURE, CONSULTATIONS AND PARTICIPATION

I. Public Consultations

87. According to ADB SPS (2009), the DPs must be meaningfully consulted and provided with opportunities to participate in the planning and implementation of LARP. Under the same principles, the DPs must be informed in an appropriate and timely manner of the planning process outcomes, as well as the schedules and procedures for the preparation and implementation of the LARP, including entitlements, payment procedure and relocation.

88. The objectives of the stakeholder consultation process are to disseminate information on the project and its expected impact and outcome among primary and secondary stakeholders and to gather information on relevant issues so that the feedback received can be used to address prevailing issues at early stages of the project design. Another important objective is to determine the extent of the concerns amongst the community, to address these in the project level and to suggest appropriate mitigation measures of any adverse impacts at early stages of the project design

89. Communities consultation processes should be interwoven in all stages of the project and last, at minimum, for the duration of the project. They encompass involvement of the primary stakeholders as well as other stakeholders groups. Consultation and participation goes closely with information disclosure. The flow of information is a two-way communication between the borrower/client and APs, and a platform where all relevant information is taken into consideration in project planning and implementation phases.

90. The first round of Public Consultation with the key stakeholders was held on 23rd of August at Jamoat Lolazor, in Devashtich District, in the surroundings of Sughd SS where the new stretches of the transmission line will be built. Local government representatives such as head of Jamoat, mahalla reader, PMU representatives, land committee specialists and two farmers whose lands might be affected by the project, participated in the stakeholders consultation meeting.

91. Another round of public consultations were held in jamoat Lolazor of Devashtich district on 29th September 2018. Affected farmers, representatives of local land department, environmental specialist other representatives from relevant government departments participated in the discussions.

92. Public consultations regarding the proposed Project were carried out during preliminary design preparation. Two round of public consultations were held in August and September. The meetings were organized and conducted in Devashtich and Regar districts to communicate information on the proposed project related to reconnection of Tajikistan power system to the Central Asian power system with a special focus on social, resettlement and environmental issues. The announcement on the public consultation was distributed through local governments of sub-district level (Jamoats) in both project districts.

93. The aim of the consultations was to explore measures necessary to safeguard the concerns of affected people and the people in the Project area. The main objectives of consultations were to

- disseminate information to the people about the Project in terms of its activities and the scope of the works
- understand the views and perceptions of the people affected and local communities with reference to acquisition of land or loss of property and its due compensation
- evaluate the transmission line alignment
- understand views of displaced people on LAR options and to understand their expectations

- identify and assess major economic and social information and characteristics of the Project area to enable effective social and resettlement planning and its implementation
- examine DPs' opinions on health safety issues during the construction period and on potential areas of concern such as the handling of construction waste and other pollution issues.
- identify levels and extent of community participation in Project implementation and monitoring
- establish an understanding for identification of overall developmental goals and benefits of the Project
- disseminate information to government, non-government and public private sector stakeholders and develop an approach for co-ordination, to ensure their participation in the process for the successful planning and implementation of the Project
- assess the local people's willingness to get involved with the Project and enumerate the measures to be taken during the implementation of the Project.
- discuss entitlements and procedure for compensation
- discuss grievance mechanisms available to the affected people during the resettlement and during the Project implementation phase
- discuss the method for establishing the loss of land use price and get affected persons' opinions
- discuss evaluation of acquired land and assets and get affected people's opinions and preferences

94. Overall, more than 25 participants attended the public consultations in two communities, including owners of affected lands and representatives from different state entities and civil society. Participants were provided detail information on the Project, ADB social safeguards approaches, details of entitlements and compensation, grievance redress mechanism.

Table 4: Summary Consultation Matrix in the process of Draft LARP preparation

Date	Location	Participants	Key Issues Discussed
29.09.2018	Jamoat Yakhtan, Lolazor village of Devashtich district	Representatives of the Jamoat, people residing in project area, land owners, interested public.	Presentation of detailed information regarding the Project activities, ADB resettlement requirements, RP development details, description of impacts, entitlements for compensation, grievance procedures, environmental aspects, monitoring activities.
31.09.2018	Regar sub-station meeting room	Representatives of the Jamoat, people residing in project area, land owners, interested public.	Presentation of detailed information regarding the Project activities, ADB resettlement requirements, RP development details, description of impacts, entitlements for compensation, grievance procedures, environmental aspects, monitoring activities.

95. The participants were briefed on the project scope, the expected timeframe and the ADB social and environmental protection policy, as well the possible social and environmental impacts and proposed mitigation measures. In addition, the grievance redress mechanism was described.

96. DPs and interested stakeholders participated actively in the discussion. Questions and comments revolved around details of the project activities, including schedule of construction activities, supervision over the quality of works, eligibilities and entitlements, information availability, safety issues during construction, etc. Responses and clarifications were provided to the questions and concerns raised by participants. They were also informed that the Resettlement Plan to be developed for the Project will be disclosed at local level and they will be duly consulted throughout all the process.

97. Then the floor was open for a question and answer session. Please see details below.

Question 1: When is it expected the construction phase and how it will take place?

Answer: At the moment, a feasibility study and tender documents are being developed, then a tender will happen and a contractor will be awarded. In any case, local residents will be notified on date of project start through local media and a meeting.

Question 2: What is the procedure for submitting complaints and who are the members of the grievance and redress committee?

Answer:

- First step: one joint Project Grievance Redress Committee is formed at the Jamoat formed by the Land Committee representative, the PMU Social Specialist and a community member. A Complaints Registration Book will be kept available at the Jamoat.
- Second Step: If the Project Level Grievance Redress Committee is not able to resolve the grievance within a 14-day period, the complaints should be presented to the BT Rayon representative.
- Third Step: If the BT Rayon is not able to resolve the grievance within a 14-day period, the complaints should be presented to the BT PMU at the central level, Dushanbe.
- The APs can submit their case to the appropriate court of law at any point of the process if they will to. Anyway, the APs are suggested to follow the instances above.
- Timeframe: the Grievance Mechanism will be active from the preparation phase until 1 year after the conclusion of the works
- Complaints can be submitted in verbal or written form.

Question 3: What is the methodology for the eventual damage assessment?

Answer: In sum, no household will be affected and no resettlement is expected. The land is non-productive. Only grass cultivation for cattle once a year was happening during the Soviet Era. Thus, no entitlement for compensation in line with the Land Code of the Republic of Tajikistan. However, short blackout 5 times, 5 hours long each are expected and local population will be informed ahead and partial or full supply might be possible from other SSs.

98. Wider community consultation meetings will be continued at the different stages of project preparation and implementation. This will include wider representation of the community, specific groups of affected persons and face to face meetings with affected persons. Focus group discussions will be conducted with representatives of local authorities, civil society organizations, representatives of communities, community groups such as women groups to discuss specific project related issues and gather participants suggestions and concerns.

II. Information Disclosure

99. Information related to different stages of the project needs to be disclosed, when it is relevant. Each project cycle contains information relevant to that project stage. The following paragraphs briefly outline the information disclosure throughout project cycles.

100. At project preparation stage of the project, consultations and involvement of the affected communities and other stakeholders are very intensive. The SES, census, DMS, valuation and other LAR activities are conducted during preparation stage of the project cycle. Consequently, information disclosure is of vital importance. For this purpose, a comprehensive project information brochure will be prepared and distributed to the affected persons and communities.

101. The information to be disclosed includes:

- Project information brochure
- Community consultations plan
- Compensation entitlements

- Grievance mechanisms with contact details of the focal persons
- Final LARP endorsed by the government
- LARP compliance monitoring reports (ADB/EA sites)
- Bi-annual and annual Monitoring reports on the LARP and GRM (ADB/EA sites)

102. The Draft LARP and final, implementation-ready LARP, reviewed and approved by the EA/PIU and ADB, must be translated into Russian/Tajik languages and disseminated transparently to the local authorities' offices to which displaced people, other stakeholders, and the public in general have an easy access. This document must be posted on the EA's and ADB's websites.

GRIEVANCE REDRESS MECHANISM

I. Objectives

103. The Grievance Redress Committee (GRC) is established in order to assist the affected people in resolving queries and complaints. DPs are enabled to voice their concerns or disagreements with the compensation procedure and/or negative impact of the civil works, through Grievance Redress Mechanism (GRM).

104. The DPs will have the right to file complaints and/or queries on any aspect of the Project, including land acquisition and resettlement. Under the adopted grievance mechanism, the DPs may appeal any decision, practice or activity related to the Project. All possible avenues will be made available to the DPs to voice their grievances. The PMU will ensure that grievances and complaints on any aspect of the Project are addressed in a timely and effective manner.

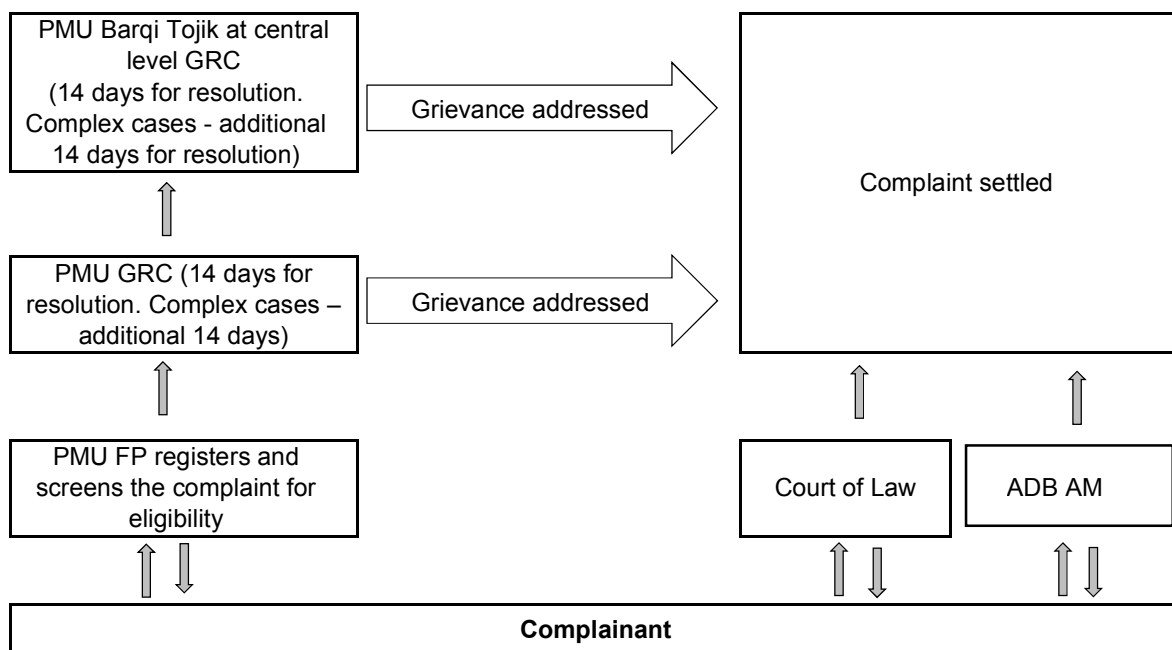
105. DPs will be fully informed about their rights and responsibilities, the procedures of submitting written or verbal complaints and grievances. Based on the experience and lessons learnt from other ADB projects in the country, DPs will also be informed about the GRM at the time of compensation payment. Affected communities and DPs will be continuously consulted through effective communication and coordination between the affected communities, PMU and local authorities. This approach will aim at minimizing grievances and/or ensure prompt addressing of grievances.

II. Grievance Resolution Process

106. During the broader consultation meeting, it will be explained that in case of occurrence of any damage created by machinery work, affected people can submit their grievance to the GRC representative in jamoat and seek compensation for the damages. These are the key characteristics of the Grievance and Redress Mechanism for the project,

- First step: one joint Project Grievance Redress Committee will be established at the Jamoat formed by the Land Committee representative, the PMU representative and a community member. A Complaints Registration Book will be kept available at the Jamoat.
- Second Step: If the Project Level Grievance Redress Committee is not able to resolve the grievance within a 14-day period, the complaints should be presented to the BT Rayon representative
- Third Step: If the BT Rayon is not able to resolve the grievance within a 14-day period, the complaints should be presented to the BT PMU at the central level, Dushanbe.
- The affected peoples can submit their case to the appropriate court of law at any point of the process if they will to. Anyway, the APs are suggested to follow the instances above.
- Timeframe: the Grievance Mechanism will be active from the preparation phase until 1 year after the conclusion of the works.
- Complaints can be submitted in verbal or written form.

Figure 10: Grievance Redress Process



III. Duties of GRC Members

Land Committee representative

107. He is the focal point and chairperson of the GRC. Once he receives a written notification of a complaint he will:

- based on the simple screening procedure, assess the grievance and determine if the grievance is eligible for the GRM; if eligible, register the grievance in the complaints logbook;
- write a grievance summary to be signed by the complainant and the FP indicating name of the complainant, date and place of presentation of complaint, description of complaint and supporting documents, if any;
- send the complaint summary to all members of the GRC;
- organize a grievance redress meeting (can be through phone calls);
- maintain records of each meeting and each communication between the FP/GRC and the complainants;
- participate at appeal cases at all levels;
- ensure administrative and organizational support for GRC members.

PMU representative

108. Once notified that a complainant has lodged, the representatives of the PMU safeguard and technical unit will:

- participate in GRC meetings at local and central level;
- prepare the chronology of events to understand the sequence of developments prompting the complaint;
- provide opinion on impacts claimed by the claimant;
- request that the chairperson organizes meetings, as necessary;
- maintain communication between the GRC and the complainants.

Community member

109. Once notified that a complainant has lodged, the community member will:

- participate in GRC meetings at local and central level;
- provide opinion on impacts claimed by the claimant;
- request that the chairperson organizes meetings, as necessary.

IV. GRC Complaint Register, Records and Documentation

110. The PMU of Barqi Tojik will maintain the complaint register. This will include a record of all complaints for regular monitoring of grievances and results of services performed by the GRC for periodic review by the ADB.

111. The following persons at the Projects Management Unit of Barqi Tojik can be contacted for inquiries and grievances:

<p>Karimov Sirojiddin Head of Safeguards Monitoring Unit of PMU Barqi Tojik , Project Management Unit, Barqi Tojik Tel: +992 919 60 27 24 Email: pmu_tj@mail.ru</p>	<p>National Social and Environmental Safeguards Focal Points Resident Mission of Asian Development Bank in Republic of Tajikistan 45 Sovetskaya Street, Dushanbe. Tajikistan Tel: 992 372 210558</p>
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INSTITUTIONAL FRAMEWORK

I. Institutional Arrangements

112. The ME will be responsible overall for further LARP updating, implementation and financing and will exercise its functions through the Project Management Unit (PMU) at BT. Within the PMU, LARP tasks are handled by the resettlement representative, BT's Monitoring Department (formerly known as the Environment and Social Department – ESD), in consultation with concerned Hukumats and Jamoats, which will plan and manage all land acquisition, compensation and rehabilitation action detailed in this LARP. Close cooperation is required with the State Committee on Land, which has the ultimate authority in the decision making process on land transfers in Tajikistan. To carry out activities in the field the resettlement representative of the Monitoring Department will also liaise with BT's district offices and mobilize their personnel as needed. In the implementation of the compensation/rehabilitation program at the local level, the Monitoring Department will also coordinate with the district (Hukumat) governments (mainly the Hukumat Land Management Council), which have the ultimate authority on local land acquisition matters in consultation with the State Land Committee.

113. During project implementation, the project management consultants will include in their team an international and a local resettlement specialist. They will assist the Monitoring Department in updating, based on detailed design, and implementing the LARP. Due to the large number of AFs, the project organization for resettlement requires close cooperation between the PMU, the Rayon "Commissions on Assessment of Damages and Losses" and the local District Barqi Tojik offices. The AFs will be represented in the process and two representatives will become full members of the three Rayon based Commissions for the Ayni - Rudaki project.

114. BT, with assistance of the contractor (who will be responsible for assessing the land plots required and identifying the land usage title owners) and the Hukumat, will finalize agreements with the AFs on the compensation amounts due to them. Barqi Tojik will physically deliver compensation to the AFs by its cash desk. BT will monitor the timely payment of compensation and its proper documentation and will not approve construction commencement until compensation is completed and land area is appropriately “vacated” or compensated for. An account of this process, including amounts disbursed and verification of receipt by APs, will be an integral part of the PMU’s internal monitoring report.

II. Commission on Assessment of Damages and Losses

115. The assessment of all damages and losses will be done and valuation of compensation decided by the Commission on Assessment of Damages and Losses. According to the Decree No. 641 of 30th December 2011, the Commission consists of the following members:

- Deputy chair person of the Rayon (as chairperson of the commission),
- Chairperson of the Rayon committee of land resources and usage (incl. construction),
- Rayon architect,
- Representatives of the Department for Water Usage,
- Representatives of the District Environment Committee,
- Representatives of the Department for Sanitation and Fire Control,
- Representatives of the land users where lands are taken permanently or temporarily,
- Representatives of organizations, which have a stake in land distribution and other representatives of organizations according to the local authority’s decision.

116. In accordance with the ADB and BT/PMU agreements on land acquisition, there would also be the local BT representative and the responsible person for resettlement issues of BT/PMU in the Commission. Considering the large number of affected land plots and their owners, this commission cannot do all of the work. Therefore, a working commission as a sub-group of the Rayon Commission has to be established with the following members:

- one representative of the Rayon Land Commission,
- one representative of the Jamoat administration concerned,
- one representative of a Community Based Organization (CBO) from one of the Jamoats concerned (preferably from a farmer’s organization) or a representative of the affected farmers themselves (could be difficult to organize),
- one representative of BT/PMU land acquisition and resettlement team.

117. The representative of the contractor, responsible for the identification of losses, is a member of the sub-commission without right to vote.

118. The work procedures of the sub-commission and the Rayon Commission will be explained in detail in the Operational Manual. Work details will also be part of the training of the three commissions by BT/PMU and the consultant.

III. Barqi Tojik’s Institutional Capacity Building in Resettlement

119. BT has a Project Management Unit (PMU) to deal with the implementation of projects funded by ADB and other donors. To date, the PMU has been responsible inter alia for the Power Rehabilitation II project and various CAREC-Projects. Resettlement activities are the responsibility of the PMU, with particular assistance of the Monitoring Department, which belongs to BT’s PMU. Key capabilities and activities of the Department are social impact assessments, environmental impact assessments, initial social and environmental examinations, and other monitoring, auditing, and associated project studies.

120. Although some of the members of the Monitoring Department formerly received some training and the department manager participated in the implementation of an earlier LARP, theoretical and practical experience in socio-economic investigations and surveys is limited. Department and other PMU staff members have only limited experience in carrying out land acquisition and impact compensation/rehabilitation programs based on international standards. For this reason, the Project Management Consultant will carry out on-the-job capacity building training sessions for the responsible PMU staff members in preparation for LARP implementation. The on-the-job capacity building training will include:

- a. Definitions, principles and procedures of land acquisition;
- b. Public consultation and participation methods (including data collection requirements);
- c. Liaising with Hukumat and Jamoat level representatives; and
- d. Compensation and assistance disbursement mechanisms.

121. Other local stakeholders such as the members of the Commission for Valuation of Losses and Compensation will also receive training prior to the start of their work. Training sessions will take place with the acceptance of the engineering design of the final HVTL by the contractor, i.e. one to three months before the assessment of losses and compensation requirements.

IV. Resettlement Database

122. The PMU office in Dushanbe will computerize all information concerning land acquisition, socio-economic information of affected land and other assets structures, inventory of losses of individual APs, compensation and entitlements, payments and relocation. This database will form the basis of information for implementation, monitoring and reporting purposes and facilitate efficient resettlement management.

LEGAL FRAMEWORK AND COMPENSATION POLICY

I. Policy and Legal Framework for Land Acquisition and Resettlement

123. The policy framework for the Project is based on the ADB Involuntary Resettlement Policy (1995) as amended in the ADB's Safeguards Policy Update (2009) and Operations Manual (OM) Section F1/BP (2010), the Constitution of the Republic of Tajikistan, and the Land Code of the Republic of Tajikistan. Where differences exist between local law and ADB practices, the policy difference will be resolved in the favor of the latter.

124. The policy framework for the Project is based on the Law of the Republic of Tajikistan and the ADB Safeguards Policy Statement of 2009. In the legislation of Tajikistan, there is no special law or policy, which regulates the issues of resettlement and/or land acquisition or expropriation of rights to land and immovable property for state or public needs. Moreover, there is no separate law that completely provides norms and mechanisms for the determination of the full and fair, market value of land. The key legislative acts regulating land management relations and the ownership rights to immovable properties in the Republic of Tajikistan are the following:

- Constitution of the Republic of Tajikistan (1994, as amended in 2003)⁷

⁷Constitution, November 6, 1994, as amended on 22 June 2003.

- Land Code (amended in 2012)⁸
- Land Code (amended in 2008)⁹
- Civil Code (amended in 2007)¹⁰
- Regulation “about compensation of losses to the land users and losses of agricultural products” (approved by the Decree of Government of Republic of Tajikistan, 30 December 2011. № 641)¹¹

125. The Constitution of the Republic of Tajikistan, Land Code and the Civil Code of the Republic of Tajikistan are the fundamental laws on which the legislation is based. The framework for the Project is based on the ADB SPS 2009 requirements and applicable laws, regulations and policies. Where differences exist between local law and ADB policies and practices, the resettlement for this Project will be resolved in favor of the later.

II. Types of land ownership and land use rights allocation

126. In Tajikistan land is the State property, which is responsible for its effective use. Several tenure options for agricultural land are defined by the Land Code. There are primary use rights and secondary use rights. Primary use rights include the following:

- Perpetual use which has no fixed term. It is granted to legal entities such as state and cooperative agricultural enterprises, public and religious organizations and charities, industrial and transportation needs, public enterprises, defense and joint ventures that include foreign entities.
- Limited or fixed-term use may be granted to legal or physical persons for either a short-term (up to 3 years) or long-term (3 to 20 years).
- Life-long inheritable tenure which may be assigned to physical persons or collectives. Physical persons must re-register the right in the case of inheritance. This right applies to land-shares used to organize a Dekhan farm, as well as household (garden) plots.

127. The only secondary use-right recognized under the Land Code is the right to lease. According to the Code, primary rights holders may lease out their plots for a term not exceeding 20 years. The land is used in accordance with the state-established land-use standards. The right to use land may be terminated for various reasons such as termination of activities by the land user, non-use for two years and use of the land differing from the use established in the use-rights document. (Land Code Article 37)

III. Tajikistan Constitution, Law and Regulation on Land Acquisition, Resettlement, and Compensation for Expropriation

128. The Constitution of the Republic of Tajikistan is the main legal document, which guarantees citizens’ rights. Article 13 states “Land, bowels of the earth, water, airspace, animal and vegetable kingdoms, and other natural resources are owned by the state, and the state guarantees their effective use in the interests of the people”. Further, Article 12 states “The economy of Tajikistan is based on various forms of ownership. The state will guarantee freedom of economic activity, entrepreneurship, equality of rights, and the protection of all forms of ownership, including private ownership”. The legal basis for state acquisition of private property for public works is outlined in Article 32 which states “[...] The property of an individual

⁸Land Code of the Republic of Tajikistan as amended on 01 August 2012

⁹ Land Code, as amended by N 498 from December 12, 1997., N 746 from May 14, 1999, N 15 from May 12 2001, N 23 from February 28, 2004. From 28.07.2006 №199, from 5.01.2008 №357, from 18.06.2008 №405.

¹⁰ Civil Code, as amended by August 6, 2001, N 41; May 3 2002 №5, March 1 2005, N 85; April 29, 2006 №180, May 12, 2007.№247).

¹¹ Approved by the Decree of Government of Republic of Tajikistan, December 30, 2011. №641.

is taken away only on the basis of the law, with the consent of the owner and to meet the requirements of the state and society, and with the state paying full compensation”.

129. Compensation for Land withdrawal and other impacts as a consequence of public interest projects are also regulated by other legislative acts governing land withdrawal, land allotment and impact compensation to citizens. Based on these laws the withdrawal/ allotment of lands and resettlement is based on the following applicable principles: Land users have a right to be reimbursed for losses due to withdrawal of right of land use for state and public needs (LC Articles 41 and 43).

130. At termination of the rights of property, property will be assessed on the basis of its market value (CC Article 265).

IV. Provisions regulated by the Land Code

131. In August 2012 amendments to the Land Code that enable legal sales and lease transactions for land use rights were approved.¹² The Land Code also includes changes to the provisions related to land acquisition.¹³

132. The revocation/allotment of lands and resettlement envisages compensation for losses incurred by land users or those with other registered rights to the land when the land plot is revoked for state and public needs.

133. The state may revoke land plots for state and public needs from land users after:

- allocating a land plot of equal value;
- constructing housing and other buildings with the same purpose and value, in a new location for the natural persons and legal entities to whom the land plot had been allocated, in accordance with established procedures
- fully compensating for all other losses, including lost profits, in accordance with the legislation of the Republic of Tajikistan.

134. Upon the revocation of land plots for state and public needs, all losses shall be calculated according to the market price, which shall be defined by taking into consideration the location of the land plot, and compensation shall be paid to the persons/legal entity whose land has been taken away. Termination of the right to use a land plot, for state and public needs, can be carried out after allocation of an equal land plot and compensation of other expenses is provided by part one of the present article. (L.C. Article 41; In the Republic of Tajikistan Law edition dated 1 August 2012, No. 891).

135. The procedure for the compensation of losses to land users and losses arising from the removal of land from circulation is regulated by Article 43 of the Land Code edition dated 1 August 2012, No. 891:

- In the event of revocation of a land plot for state and public needs, compensation for losses to land users and others with registered rights to the land, and losses connected to the removal of land from circulation, shall be made by the natural/legal persons whose activity led to the revocation.
- In the event of withdrawal of a land plot for state and public needs, the procedure for compensation of losses to land users and others with registered rights to the land, and losses connected to the removal of land from circulation, shall be defined by the

¹² Law 891, dated August 2012, article 19.

¹³ Articles 37-45

Government of the Republic of Tajikistan (In RT Law edition dated 5 January 2008, No. 357).

- Upon termination of the rights to a property, the property will be assessed based on its market value (Article 265 Civil Code).
- Land users should be notified in writing about land revocation by the local executive government body no later than one year before the pending withdrawal of the land (Article

136. If according to International agreements, which are recognized by the Republic of Tajikistan, other rules are established than those specified in the Land Code of the Republic of Tajikistan, the rules of international agreements will be accepted (LC Article 105).

137. The LC of 1997 is the core legal document with regards to land acquisition. It has been updated a few times since then, most recently in 2004. Article 2 of the LC states that there is no “private ownership of Land”, that “Land is an exclusive ownership of the State”, but the state guarantees its effective use in the interests of its citizens. In Articles 10-14, the LC outlines that land titles are provided to the citizens on a long-term and short-term basis and that land use rights can be inherited.

138. Article 24 of the LC describes the allocation of land for non-agricultural purposes and provides that when choosing a suitable location for such purposes mainly land not suitable for agriculture should be favored. The same principle is stressed by Article 29 of the LC which discourages the use of high-yielding agricultural lands for non-agricultural use. However, Article 29 also allows for the allocation and sequestering of agricultural land for “other very important State objects”.

For non-agricultural purposes is provided the land, unsuitable for agricultural production or agricultural land inferior quality, with the cadastral evaluation, not exceed the average level of the district.

139. Article 31 of the LC provides that land acquisition for non-agricultural public purposes is the subject to the awarding of compensation. “Terms of allocating land plots to new land users for non-agricultural needs must envisage compensation of all losses related to confiscation of land plots from former land users, as well as compensation of losses in agricultural production”. Article 19 of the LC states the rights of land users, including clauses allowing a land use rights holder the “waiving voluntarily land plot” or “indemnifying for [compensating for] losses” as mentioned in Article 41 of the LC. This article sets out the basis for compensation: “Full reimbursement shall be provided for losses, including loss of profit, caused by: sequestering of land for non-agricultural purposes, restriction of land users' rights, deterioration of land quality as the result of activities of other land users”.

140. In the case of this Project it could be interpreted as compensation for permanent loss of land use and crops, and complying with b) and c) above, the need to compensate for temporary use of land and disturbance of cropping patterns for construction purposes.

141. Calculation of the compensation due for land acquisition is taken into account in Articles 43 and 44, which state that “actual prices of equipment and materials as well as prices of assets and other works existing either at the moment of confiscation of a land plot and drafting of the report shall be applied. When calculating losses of agricultural production and forestry, the standard costs for bringing into cultivation virgin lands and improving them so that they reach the maximum level of production obtained on the sequestered lands shall be applied. Disputes about the amount of compensation for damages caused and losses of agricultural production and forestry shall be settled in court”.

142. The guarantee of land users' rights is further emphasized in Article 48, which states that: “Confiscation of land plots from natural persons for state and public needs can be made after:

- a) having assigned another equivalent land plot,
- b) having constructed on a new place of housing, industrial and other structures equivalent in their purpose instead of plots sequestered, in the established order, by enterprises, institutions and organizations for which the land plot was assigned;
- c) having paid full compensation for all other losses, including “profit loss” (according to Articles 41 and 42 of this Code).

143. Compensation for land, which belongs to the State and is allocated and essentially leased to users by the Hukumat, is divided on 40 to 60 percent basis between the Hukumat, which in future will no longer receive any income from taxes and leases for that portion of the land and the land user, who suffers a reduction in his/ her income-generating asset. The compensation received by the Hukumat should be used for the management, construction and maintenance of local infrastructure. The land user also gets compensation for lost crops based on the average of the four years previous to the adverse impact.

In Tajikistan the evaluation and compensation is regulated by Decree of the Government of Tajikistan №641 from 30.12.2011. (Annex A)

V. ADB SPS 2009 Safeguards Requirements

144. The three important elements of ADB’s involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. For any ADB operation requiring involuntary resettlement, planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following 12 key policy principles for involuntary resettlement. These can be summarized as follows:

- Screen the project early on to determine past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, related to resettlement impacts and risks.
- Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, and those without legal titles to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and resolve the affected persons’ concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based (where possible) or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with the relevant income sources and legal and affordable access to adequate housing.
- Establish procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of the project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout the project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

145. ADB SPS 2009 distinguishes three categories of displaced persons, with variable compensation needs:

- **Legal DPs:** DPs with formal legal rights to land lost in its entirety or in part;

- **Legalizable DPs:** DPs without formal legal rights to land lost in its entirety or part but who have claims to such lands that are recognized or are recognizable under national law and;
- **Non-legal DPs:** DPs who have neither formal legal rights nor recognized/recognizable claims to land lost in its entirety or in part.

146. For categories (i) and (ii) above, borrowers are expected to provide compensation at full replacement cost for lost land, structures, land improvements and relocation assistance. For DPs in category (iii) (informal settlers), the borrower/client is expected to compensate all assets other than land (i.e. buildings, trees, cops, businesses) at full replacement cost. The risk of opportunistic encroachment on land designated for acquisition by the project is managed through the declared 25 April 2016 cut-off date.

147. Compensation for lost land may be in the form of replacement land (preferred option if feasible) or in cash. When “land for land” compensation is not feasible cash compensation can be valued based on market rates or, in the absence of land markets, through other methods (i.e. land productivity or reproduction costs)¹⁴. Compensation is to be provided at “full replacement cost”. This includes: (i) transaction costs; (ii) interest accrued; (iii) transitional and restoration costs; and (iv) other applicable payments, if any. Compensation for all other assets is to be provided in cash at replacement cost without deductions for amortization, salvaged materials and transaction costs.

148. The following core involuntary resettlement principles were adopted for this Project:

- land acquisition, and other involuntary resettlement impacts will be avoided or minimized by exploring all viable alternatives in the Project design;
- consultations with DPs on compensation, disclosure of resettlement information to DPs, and participation of DPs in the planning and implementation of rehabilitation measures will be ensured;
- vulnerable groups will be provided with a special assistance;
- payment of compensation to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets (except for illegally used land) at replacement rates;
- payment of compensation and resettlement assistance prior to the contractor taking physical possession of the land and prior to the commencement of any construction activities;
- provision of income restoration and rehabilitation; and
- establishment of appropriate grievance redress mechanism.

Table 5: Comparison of the Provisions under ADB SPS 2009 and National legislation

Items	ADB SPS (2009)and ADB practice for application	Tajikistan	Reconciliation
1. Eligibility	DPs with legal rights receive compensation for land and non-land assets	DPs with legal/registered land use rights are eligible for compensation \ rehabilitation.	Same in principle and application.
	DPs with legalizable rights are entitled to compensation for land and non-land assets.	DPs with legalizable rights receive compensation for the land and non-land assets.	Same in principle and application

¹⁴ Based on the SPS (Appendix 2, para. 10) in absence of well-established land markets land compensation will be provided based on a thorough study of the land transaction, use, cultivation and productivity patterns in project areas. One method accepted by ADB in such a situations would be to provide land compensation based on land productivity or land reproduction costs.”

Items	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	DPs with no legal rights receive compensation for the assets/improvements	Informal land users (without right to use land) are not entitled to any compensation (for land or non-land assets)	Different in principle but same in application for non-land assets.
2. Livelihood rehabilitation standards	ADB Policy requires improvement in the standards for AP livelihood	No such a provision exists in the national law	Different in policy but Government accepts ADB SPS 2009 requirements and endorses them in the entitlement matrix on a project by project basis.
3. Compensation	A. Loss of land. Replacement land as the preferred option of the compensation. If land is not available, cash compensation at full market cost.	A. Permanent loss of land. Replacement land but also cash compensation.	A. Same in principle. Application mechanisms temporarily reconciled for ADB projects.
	B. Loss of structures. Cash compensation for lost structures at full replacement cost irrespective of the legal status of land and free of depreciation, transaction costs and other deductions.	B. Loss of structures. Cash compensation for lost structures at market cost with depreciation or value of salvaged materials sometimes included in the calculation.	B. Same in principle and not in application. Application is reconciled in previous projects but not yet mainstreamed by a Decree for ADB projects.
	C. Loss of the business. Actual losses reimbursement plus business restart costs. Application based on tax declaration/similar documents for business stoppage period. Without tax declaration /similar documents, based on maximum non-taxable salary.	C. Business Losses. Compensation in cash at market value for legal businesses but the methodology is not specified. Non-registered businesses are not entitled to compensation.	C. Different in principle (non-legal businesses and in application (all businesses). Already reconciled for previous projects but mainstreamed reconciliation not formalized through a Decree for ADB projects.
	D. Loss of trees. Irrespective of legal land occupancy status compensation at market cost based for application on tree type/ wood volume for wood trees and based on income lost (x tree type x market value of 1 year income x years to grow the tree to a full production).	D. Loss of trees. In general private trees are not compensated although the wood cut is left to the DPs.	D. Different in principle and in application. Already reconciled in previous projects for the fruit-bearing trees only.

Items	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	E. Loss of crops. Cash compensation at market price for the gross crop value of an expected harvest.	E. Loss of crops. Cash compensation at market price for all incurred land preparation activities and expected gross crop value.	E. Same in principles and application.
	F. Loss of jobs. Indemnity of lost income so as to ensure DP rehabilitation. Specific arrangements to be agreed with borrowers for permanent impacts.	F. Loss of jobs. Severance pay provided by employer.	F. Different in principle and application already adjusted for previous ADB projects.
4. Procedural mechanisms	A. Prior notification. Timely notice on land acquisition needed.	A. Prior notification. Written notification prior to withdrawal (acquisition) of land.	A. Same.
	B. Information disclosure. LAR documents should be disclosed in a timely manner and in a language accessible to local population.	B. Information disclosure LAR decisions to be published in national media in Russian and Tajik within 5 days from approval.	B. Same in principle, different in application to ensure full LARP disclosure. Already reconciled for ADB projects.
	C. Public consultation. Meaningful public consultations are to be held with the DPs. DPs should be informed about their entitlements and options, as well as resettlement alternatives.	C. Public consultation. There are no requirements to inform directly the DPs about their entitlements and resettlement options as such.	C. Different in principle and application. Already reconciled for ADB projects.
	D. GRM should be established for each projects, and information on GRM should be communicated to DPs.	D. GRM. No project specific GRMs exists. Disagreements are resolved by through Hukumats' grievance mechanism or appeal to court.	D. Different in principle and application. Reconciled for ADB projects.
5. Prior acquisition	A. Property can be acquired only after full compensation is paid to the DPs	A. Property can be acquired only after full compensation is paid to the DPs	A. Same in principle and application.
6. Resettlement planning, assessment and valuation of project impacts	A. LARP Preparation: includes compensation entitlements, income/livelihood restoration strategy, monitoring plan, budget and implementation schedule, based on sound impact/valuation surveys as detailed below.	A. LARP Preparation: No requirements to prepare LARP or pursue measures to restore the livelihoods of DPs to the pre-project level. A series of activities similar to those mandated by the SPS are however required as follows:	A. Different in principle and application. Already reconciled for ADB projects through technical instructions. i. Same in principle and application. Valuation

Items	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	<p>i. Detailed measurement survey (DMS). Measures quantitatively impacts for each affected property.</p> <p>ii. DP Census (including review of legal status). Identifies all DPs and establishes a list of legitimate beneficiaries.</p> <p>iii. Socio-economic survey. Includes information on DP's disaggregated by age, sex, family size, education, occupation, income source.</p> <p>iv. Valuation survey</p> <p>a) Land: If land market exist based on a survey of recent land transactions. In absence of land market info, based on land productivity and income.</p> <p>b) Buildings replacement cost of materials, labor and transport and special features of the building/structure without discounting for depreciation, salvaged materials and transaction costs.</p> <p>c) Trees/crops. Based on the set methodology.</p> <p>v. M&E: M&E depends on the project category, external for Category A and internal for Category B projects.</p>	<p>DMS. Measures all impacts in quantitative terms.</p> <p>ii. DP Census: DP Identification. Identifies all DPs by residence or locality and establishes a list of legitimate beneficiaries based on land title and house ownership status.</p> <p>iii. Socio-economic survey. No comparable requirements exist</p> <p>iv. Valuation survey.</p> <p>a) Land: Mechanisms for land valuation to be defined.</p> <p>b) Buildings/structures: Market value of materials, labor and transport and special building features but discounted for depreciation, salvage materials, and transaction costs.</p> <p>c) Trees/crops. Based on the set methodology.</p> <p>v. M&E: No M&E requirements in national legislation</p>	<p>mechanisms need to be updated.</p> <p>ii. Same in principle and application</p> <p>iii. Different in principle and application but already reconciled for ADB projects.</p> <p>iv. Different</p> <p>a) Application and valuation method to be developed and mainstreamed.</p> <p>b) Different in application. Application already reconciled for previous ADB projects.</p> <p>c) Same in principle, but different in application. Already reconciled for previous ADB projects.</p> <p>v. M&E: Different in policy but reconciled once LARP is endorsed for ADB projects.</p>
<p>7. Special assistance to vulnerable severely affected and</p>	<p>A. Vulnerable DPs should be identified and special assistance should be provided to them so as to help their restoration or</p>	<p>A. Vulnerable DPs: No special consideration is required for vulnerable DPs; no distinction is made between DPs when deciding</p>	<p>A. Different in principle and application. For ADB projects reconciled by endorsing the entitlement matrix and the LARP.</p>

Items	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
relocating DPs	improvement of pre-project level of livelihoods B. Resettlement assistance. DPs to be resettled receive relocation assistance covering transport and transitional period livelihood costs.	on the compensation or rehabilitation package B. Resettlement assistance No special consideration is required for resettled DPs. However the package depends on Government's decision regarding transitional period allowance.	B. Different in principle and application. For ADB projects reconciled by endorsing the entitlement matrix and the LARP.

VI. Principles and Policies Adopted for the Project

149. Given the assessment above, some provisions in the Land Code have been waived to make it compatible with the resettlement principles of ADB's Policy on Involuntary Resettlement. For the reference of BT in preparing and subsequently updating and implementing this LARP the following project principles and policies are applicable:

- a. The LARP is only applicable for losses of individuals or groups of individuals. Losses of governmental land will be handled directly between BT/PMU and the concerned Districts;
- b. Barqi Tojik will guarantee the implementation of the compensation and rehabilitation framework detailed in the next section of this chapter;
- c. Adverse impacts on AP/AF must be avoided or minimized as much as possible;
- d. If impacts are unavoidable, the AP's/AF's lost assets, livelihood or other resources will be fully compensated and/or people will be assisted so that they improve or are at least restored to their former economic and social conditions;
- e. Compensation will be provided at full replacement cost free of transfer costs;
- f. In case of need (if a portion of land will be provided for compensation of losses of land, so far not applicable) the Hukumat Land Committee will facilitate providing new land-use certifications of AFs without charging fees;
- g. Information on the preparation/implementation of the LARP will be disclosed to the APs and people's participation will be ensured in LARP planning and implementation stages;
- h. The updated LARP and its implementation must be approved by ADB and BT;
- i. Before taking possession of sequestered lands and the commencement of construction, full compensation will be paid in accordance with the provision described in the updated LARP. No land will be taken until the legitimate user is compensated or rehabilitated as provided in this LARP;
- j. Every effort will be made to minimize the time lag between notice of acquisition and payment of compensation;
- k. Provisions will be kept in the budget for those who will not be present or available at the time of the final engineering design. All changes of land titles until the last day of the submittal of the final engineering design will be respected;
- l. Although so far no cases could be identified, lack of formal legal land title is not a bar to compensation or rehabilitation;
- m. Particular attention shall be made in all activities related to resettlement planning, implementation, and monitoring to ensure the involvement of women and other vulnerable groups;
- n. Two representatives of project-affected families, one of whom should be representative of village women or vulnerable groups, will be invited to join the Commission for Valuation of Losses and Compensation;

- o. In case of need, a local consultative group (e.g. with Mahalla leaders and Jamoat representatives) will be established to support the AFs and resolve any conflicts that may arise during the compensation process. The groups will have access to and disseminate information about a set of procedures for lodging complaints and grievance resolution;
- p. If possible, members from the AFs will be given priority where local (unqualified or low-qualified) labour is required for the construction works. Where training is a necessary prerequisite to this work, suitable training will be provided by the contractor prior to construction works;
- q. Compensation measures will equally apply across gender lines and vulnerable groups if any is identified;
- r. AP consultation will continue during the updating and implementation of the LARP;
- s. The full compensation of affected assets will be a condition for the initiation of civil works.

150. All AFs/APs will be entitled to compensation for loss of land, crops/ trees, and some small rural infrastructure (channels, fencings, tendril demountable concrete posts on grapes fields, etc.) at replacement value. No other impacts are envisaged.

151. The transmission line is designed to pass outside of the residential areas and villages, hence there will be no impact on buildings, structures, businesses and no physical resettlement.

152. Payment of compensation can be made only to individuals and not to representatives of collectivities (e.g. managers of collective dekhans). In the case that farmers belonging to one collective dekhan farm do not yet have land assignments with clear GPS based boundaries documented in the land register, either:

- (i) every member of the collective dekhan farm will receive the same share of the compensation payment divided by the number of dekhan farm members or
- (ii) by decision of all shareholders of the concerned farm (to be documented) compensation payments may go to the farm account allowing for investments as decided by the general assembly of all shareholders.

VII. Compensation and Rehabilitation Framework

153. Based on ADB policy requirements, prevailing Tajikistan policies, and the reconciliation mechanisms detailed above, the EA has established a compensation and rehabilitation policy framework for the project as discussed in the following paragraphs.

VIII. Compensation and Rehabilitation Eligibility

154. All DPs in the Project are entitled to compensation and resettlement assistance to help the restoration of their livelihoods to pre-Project levels. The combination of compensation measures and resettlement assistance offered to them depends on the nature of the lost assets and the magnitude of the Project's impact as well as the social and economic vulnerability of the affected persons. All APs are eligible for compensation and rehabilitation assistance, irrespective of their land ownership status. The compensation packages must reflect replacement costs for all losses (such as land, crops, trees, structures, businesses, incomes, etc.)

- a. All APs losing land irrespective of land right type and with or without formal land use rights or traditional land-use rights;
- b. Tenants, whether registered or not (so far not applicable);

- c. Owners of buildings, crops, plants, or other objects attached to the land; and
 - d. APs losing business, income and salaries.
155. Compensation eligibility will not be limited by a cut-off date prior to the final engineering design by the contractor. All formal changes of land usage rights will be considered up to the presentation of this final design.

IX. Compensation and Rehabilitation Entitlements

156. Entitlement provisions for APs losing land and income losses and rehabilitation subsidies include provisions for permanent and temporary land use losses, house and buildings losses, crops and trees losses, a relocation subsidy, and a business loss allowance based on tax declarations and/or lump sums. These entitlements are detailed below:

157. Land permanently acquired: all land users will receive an allowance for lost land use rights based on the market value of the potential produce of the affected land in 5 years. What is meant by potential produce is the produce of the land based on the crop cultivated on it, disregarding whether the land was fallow or planted with young unproductive trees at the time of the survey. This formula is adopted in absence of active and official land markets, and it roughly reflects land replacement compensation standards elaborated in an internet article by the Federal Reserve Bank of Kansas City in 2009 (www.kansascityfed.org/RegionalAffairs/MainStreet/MSE_0609.pdf) or supported by anecdotal evidence known to the domestic Consultant in Tajikistan, both of which indicate that the market value of the land corresponds to the amount obtained by the formula used. If applicable, the land users will also have their lease agreement with the Hukumat updated at no cost to them to reflect the decreased land size and proportionate decrease in land fees and taxes. This compensation will be provided 100% to the AFs irrespective of the type of land right they hold.

158. The following types of land impacts are recognized under the Republic of Tajikistan's laws;

- **Agricultural land:** Households with agricultural land use right will be rehabilitated through the provision of compensation and equal to following:
 - a) **Permanent land holders (individual and cooperative):** Cash allowance for loss of land use rights equal to the average net income from crops in the past 5 years for the project district, obtained from the Statistical Department, or provision of an alternative land plot of equal value / productivity to the revoked plot. If the residual portion of the affected plot is too small to use, the whole plot is compensated or exchanged;
 - b) **Leaseholders:** Cash allowance for the lost income equivalent to 1 year of average crop productivity. The owner of the land use right will be compensated for the loss of the right and the loss of income equivalent to the loss of the lease amount for the remaining lease period.
 - c) **Agricultural tenants:** These tenants will receive their share of harvest at market rates (if the impact is temporary) plus 1-year additional average crop productivity compensation (if the land is lost permanently).
- **Residential / Commercial Land:** Households with affected residential / commercial land use rights, will be rehabilitated through the provision of the following compensations:
 - a) **Permanent land holders:** Cash allowance for the loss of land use rights equal to the current land lease rate/land tax at the time of expropriation, multiplied by 25, the provision of an alternative land plot of equal value/productivity

(similar conditions and facilities) to the affected plot. If the residual portion of the plot to be revoked is too small to use, the whole plot is compensated for or exchanged;

- b) **Leaseholders:** Cash payment for loss of income for a minimum of three months and up to 12 months, or continuation of rental agreement on an alternative land plot. The owner of the land use right will be compensated for loss of income equivalent to the loss of the lease amount for the remaining lease period.

Buildings and Structures

159. All APs, whether titled owners or illegal-non-titled owners of buildings and structures, will be compensated in cash at replacement cost (including the cost of materials, labor and transport of materials) free of deductions for depreciation, salvageable materials and transaction costs, irrespective of the registration status of the affected assets. The cost of lost water, wastewater, electricity and gas utilities will be included in the compensation. In addition, the compensation will include the cost of registration/legalization of the new building/structure. Renters of buildings/structures will receive an allowance for the loss of income (based on a tax declaration) caused by the loss of the rented building/structure for no less than 3 months, or continuation of their rental agreement at an alternative building/structure. If the tax declaration is not available, the compensation will be calculated as per the sum stated in the valid rental agreement.

Crops and Trees

160. Crops: Compensation for crops based on average market value over the year before construction at market rate. Crop compensation will be paid only if a crop has actually been lost, or if a crop will be lost due to the works. Where land was fallow at the time of construction, or if it will be fallow at the time of construction, compensation for a lost crop will not be paid.

161. Trees compensation:

- Wood trees are valued based on wood volume x the market value of the tree's wood;
- Productive trees are valued differently depending on whether they bear fruits yet or not as follows:
- Fruit-bearing trees are valued based on type of tree and income lost (net annual income x number of years needed to re-grow the tree to a productive stage) plus cost of replacement saplings;
- Not yet productive fruit trees are valued for compensation in cash based on inputs x average age of trees.

Vulnerable Groups

162. Tajikistan's legislation does not make a distinction between vulnerable and other categories of DPs when deciding on compensation for affected assets. In addition, there is no special consideration given under Tajikistan's laws and regulations to vulnerable DPs (the poor, women-headed households or families with many children) during the LAR process. There are no national standards to assess poverty. The Law "On minimal consumption basket", which would allow for food-based poverty assessment is still pending endorsement. During the socioeconomic study in the Project area, the local authorities reported that the Government provision to the poor amounts to 33 TJS per quarter given to households living below the poverty line¹⁵; single women headed households with dependent children; single women-

¹⁵ The poverty line is taken as TJS 448 per month, based on the poverty line published by World Bank for Tajikistan in October 2015 of \$ 57 per month, and an exchange rate of TJS 7,8696 per USD.

headed households with dependent children, large households with five or more children below 18 years, and households with a disabled member. All vulnerable AFs (those below poverty level or headed by a woman) will receive one additional compensation for the crops in the affected plots to be set at 25% of the ascertained value. Able-bodied members of vulnerable households will be given priority in project-related jobs.

Temporary and unanticipated Impacts

163. In case of temporary land acquisition, compensation shall be based on local commercial rental rates for the duration of use. The land shall be restored by the construction contractor(s) to its original status at the end of the rental period.

164. Any unanticipated impact that occurred during the construction of the road (such as additional land and other assets acquisition, unavoidable stoppage of business during the construction) will be compensated as per the entitlement matrix. Assets affected due to the road works will be compensated by the contractor as per the Contractor's third party insurance provisions.

165. The following Project-specific Entitlement Matrix details the entitlements agreed for this Project:

Table 6:1 Project specific Entitlement Matrix

No	Asset	Displaced Person	Compensation Entitlements
Permanent Loss			
1	Agricultural land (all losses irrespective of severity)	Individual land-use rights holders	Cash allowance for loss of land use rights equal to net income in the last 5 years generated from the affected land area at market rate at the time of taking; or Provision of alternative land plot of equal value / productivity to plot lost. If the remaining portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Collective land-use rights holders	Cash allowance for loss of land use rights equal to net income for the last 5-years generated from the affected land area at market rate at a time of revocation; or Provision of alternative land plot of equal value / productivity to plot lost. If the remaining part of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Renters and leaseholders	Rental allowance in accordance with the conditions of the rent agreement, but not less than the cost of rent for 3 months; or Continuation of rental agreement on alternative land plot or cash allowance for the lost income equivalent to 1 year of average crop productivity.
		Informal (if any) ¹⁶	Provision of opportunity to lease a plot on state land. Relocation allowances.

¹⁶ Landless DPs without any rights-to-use land living on income from the illegally used land plot. The DPs owning land adjacent to the illegally used parcel will be compensated for losses from the illegally used part as per the entitlement matrix.

No	Asset	Displaced Person	Compensation Entitlements
2	Residential and commercial land	Owners	Cash allowance for loss of land use rights in cash equal to current annual land lease rates at the time of acquisition multiplied by 25; or Provision of alternative land plot of equal value / productivity (similar conditions and facilities) to plot lost. If the residual portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Renters	Rental allowance in accordance with the conditions of the rent agreement, but no less than the cost of rent for 3 months, or Continuation of the rental agreement an alternative land plot.
		Informal (if any)	Provision of opportunity to lease a plot on state land. Relocation allowance if applicable.
3	Buildings and structures	Owners of structures including “informal” and encroaching	Cash compensation at replacement rate for affected structure / other fixed assets (without deduction of depreciation, taxes, costs for salvageable materials and other transaction costs). All buildings and structures will be compensated in their entirety; or According to the owner’s choice, if feasible, a building for building / structure for structure exchange.
		Renters	Rental allowance in accordance with the conditions of the rent agreement, but not less than cost of rent for 3 months; or Continuation of the rental agreement for an alternative building/structure.
4	Crops	All DPs, including “informal” and encroaching	Crops affected by the towers and by stringing or tower transport will be compensated by default at market rate.
5	Trees	All DPs, including “informal” and encroaching	<ul style="list-style-type: none"> Fruit-bearing trees: Compensation in cash based on one year yield x the number of years needed to re-grow the tree at productive stage. Not yet productive fruit trees: Compensation in cash based on inputs x average age of trees. Seedlings: Based on seedlings cost plus inputs x 1 year. Wood trees: cash compensation based on wood volume x market value of the wood
6.	Business and employment (temporary and permanent)	All DPs (including workers of affected businesses)	<p>Owners of shops / commercial establishments: In case of permanent loss, compensation equal to 1 year net income (lost profits) plus cost of lost certificates / licenses / patents. The income is based on the official tax declaration, or (if tax declaration is unavailable) it is accepted as the official monthly average wage¹⁷ multiplied by 12.</p> <p>In case of the temporary loss of a business, compensation equal to the net income for the period of disruption (<1 year). The income is based on the tax declaration, (or it is calculated based on the monthly average wage multiplied by the number of</p>

¹⁷ Official average monthly wage for March 2018 is 1,228.10 TJS/month and reported within macroeconomic indicators by the Agency on Statistics under President of the Republic of Tajikistan. Available via: <http://stat.tj/en/macroeconomic-indicators/> and <http://www.tradingeconomics.com/tajikistan/wages>

No	Asset	Displaced Person	Compensation Entitlements
			months since the operation was disrupted (less than 12 months). Workers indemnity for lost wages equal to 3 months' income.
7.	Relocation	Physically displaced households	Transportation allowance (cost of labor and vehicle rent to transport materials of the house/business structures to a new location). Communal and site preparation cost for the alternative land plot (including connection to power grid, water supply system, installation of latrine etc). Severity /livelihood rehabilitation allowance in the form of cash compensation equal to the official monthly average wage for 3 months.
8.	Public common assets /		Rehabilitation / substitution in kind or in cash at replacement cost of affected items and rehabilitation of their functions. Alternative service supplied, if cut off temporarily.
9.	Vulnerable households	DPs receiving government assistance for poor, single women-headed HH below poverty line, elderly households with no means for living, households with disabled head or other HH members.	One additional compensation for the crops in the affected plots to be set at 25% of the ascertained value; Enrolment in Government social assistance, if not yet enrolled; Priority in project-related employment for members of vulnerable households (if at legal working age).
Severity of Impact			
10.		Permanent losses exceeding 10% of the total land per AF	Additional cash allowance equal to market value of 25% of the gross produce of affected land x 5 years
Temporary Loss			
11.	Temporary impacts	All relevant DPs	For other unforeseen and temporary impacts other than stated above, ADB SPS (2009) general principles and objectives will be used as the minimum benchmarks and appropriate impact mitigation measures will be sought to meet them. The payment for rented land during the construction, will be based on the market price under negotiated agreement. After discontinuation of land use, the land must be restored to the original status, or as per the agreement with the land rights holder ¹⁸ .
Unanticipated impacts			
12.	Other unanticipated assets loss or impact on livelihood	All DPs residing in the project corridor before the cut-off-date.	Compensated as per the Project specific entitlement matrix.

¹⁸ In the case that the Contractor and Land-use rights holder both agree in writing to leave the land area in a state precisely described in the agreement.

X. Valuation Methodology

166. The valuation methodology is adopted for the determination of unit rates, cost of LAR and compensation that will be paid to DPs for resettlement impacts caused by the Project. The compensation entitlements of different categories of DPs have been defined according to the ADB SPS (2009) and the applicable laws of the Republic of Tajikistan. The compensation rates for buildings, structures and fruit trees, will be determined by a certified independent valuator. All land in Tajikistan belongs to the government and therefore, there is no official land market, nor established value of land. As accepted for all ADB Projects, compensation will be paid for the loss of land use right. Compensation for loss of land use right is based on the Hukumats' data on the yearly yield of different crops grown in the area. The value of lost businesses' profit is based on data from the Taxation Committee of the Republic of Tajikistan.

167. In accordance with the adopted practice in Tajikistan and ADB SPS (2009), the current ground situation measured is based on the actual size of the assets used by the DPs at the time of the detailed measurement survey (DMS). A licensed valuation company independently values affected buildings, constructions, and other immovable assets except land. The following paragraphs outline valuation methodology and compensation for each type of affected assets.

Land valuation

168. Land with a legal right to use it will be compensated by land-for-land principle or in cash based on the current market value of for loss of land use right based on the market value of different types of crops planted in the period of the DMS; the value of all crops affected in the Project area was aggregated, and one average 'land-use-right price' was established. In this way, for example, two neighbors with the same quality of land will receive the same amount per m², regardless of the standing crop. In addition to compensation for loss of right to use land, the DPs will receive a compensation for loss of crops. The loss of 1 year's yield will be compensated as per actual crop grown during the DMS. In this way, the compensation will not be dependent on individual 'luck' arising from the choice of a more expensive crop to grow in the period of the DMS.

Valuation of Trees

169. The calculation of losses for fruit trees and saplings is based on the following approaches:

- The cost of saplings of fruit trees is based on the price of saplings in the nurseries;
- The cost of fruit-bearing trees is based on the net annual harvest from the tree(s) for the number of years needed for replacement tree(s) to reach comparable production (based on the data available in each Hukumat for their respective areas).
- Wood and decorative trees are not commonly compensated in Tajikistan, but DPs keep cut trees.

Compensation for Buildings, Structures and Improvements

170. The compensation for alienated buildings and structures is calculated for both, the owners of legal structures and the users of illegal ones. The replacement costs for buildings and structures is determined by calculating the construction cost of a similar new

building/structure, for the same use and materials, based on market prices. All necessary taxes, fees and costs for obtaining the documents for registration of land, design of a new building, cost of technical passports and other related documents to establish the ownership, are included in the replacement cost price.

Compensation for Business and Income Losses

171. All affected businesses, regardless of legal status, are to be compensated for their losses. Compensation for legal entity (registered businesses) is calculated as per the tax declared income. The patent holders commonly do not have demonstrable accounting records. In the absence of recorded income, compensation is based on the average national monthly wages.

172. Other allowances such as allowances for severely impacted DPs, allowances for vulnerable and relocation allowances are paid as per the entitlement matrix.

COMPENSATION BUDGET

173. Funds for the implementation of the LARP are part of the overall project budget. The budget indicated in this LARP is based on a preliminary calculation of the number and type of transmission towers to be constructed and on the estimated market price rates in 2018 of major crops grown in the project region. During the assessment of losses, rates are adapted to market levels in 2018, compensation calculations are made to determine the Commissions and compensation with appropriate Hukumats rayons.

174. The cost of LARP implementation will be completed after elaboration of the final technical design by the contractor, when it will reveal the total number of affected plots by installation of towers as permanent as well as temporary land take for conducting construction works. The procedure will be carried out as follows:

- Firstly, the precise coordinates of all planned towers, construction sites, access roads and necessary places for tensioning will be identified with the support of regional hukumats;
- Secondly, the identified owners of the rights to use the land, again with the support of the concerned Hukumat Administration;
- Meetings between the affected owners of the rights to use land and PMU will be held where they discuss the procedures and statistical data regarding the use of previous and current land use conditions;
- The data will be submitted to the Commission on the estimated losses and compensation (CADL), which will include information in accordance with the AP permanent and non-expected losses;

I. Key Assumptions for the Compensation Budget

175. The interconnection transmission line, based on the proposed construction options will have very limited impact on agricultural lands. Preliminary estimation shows that the TL will require approximately 900 sq. meter land for installation of 8 towers and above 3500 sq. meter land will be required to create access to construction sites as temporarily. No evidence of intensive use of agricultural lands was noticed as major part of the land in the project area is desert type with natural shrubs and stones. There is no any irrigation facility, etc. There is no any structure, construction and or house available in the vicinity of the project territory. No trees and other productive activities found in the area.

176. Against this background the following set-up is assumed for the estimation of project possible impact on land use right holders and available crops that possibly will be affected by the project:

- I. Land use patterns:
 - less than 10% of the area land is used for agriculture, major crop is wheat and barley,
 - 90% of the land is used throughout the year for uncontrolled livestock grazing (few dried natural shrubs and plants observed in the area),

- II. Compensation details:
 - Losses of income for standing crops will be compensated fully (currently all 3 TL route lines goes through barren lands with no agricultural practices evidence),
 - Due to the low volume of compensation payments for irrevocable losses and the fact that the new towers constitute a constraint on all mechanical works in the fields, a base rate of 250 TJS will be paid additionally for every tower erected on the APs lands.
 - Losses of income from temporary project impact during construction works will be compensated and lands under temporary use will be brought back to pre-project stage prior to handing over to the affected farmer.
 - The fact that construction work will also be done during late autumn and winter (15 November until 20 March) when crops cannot be damaged is not taken into consideration while calculating value of damages,
 - The field survey shows that the permanent loss of house-garden land is not expected. All towers will be constructed far from residential areas and lands used as gardens, etc.;

II. Permanently Acquired Land

177. In the framework of the project will be irrevocably alienated 900 sq. meter lands for installation of 8 towers which will be erected on the lands of Sughd sub-station safety zone and some agricultural lands belonging to the local communities. The users of these permanently acquired plots will receive a compensation payment for loss of land use rights based on the yearly potential produce of the other lands near the project location at market rates for five years. The term “potential produce” refers to the produce of the land based on the crop cultivated on it, regardless of whether the land is fallow or planted at the time of the final survey.

178. Consideration shall also be adopted by the situation related to the fact that land cannot be used, due to the lack of irrigation water and very poor fertility. Representatives of the Jamoat, or neighbors should confirm that the land has been used for the past five years, and that the potential for future resumption of irrigation there. All those farmers who can prove that they are currently unused land received water during the harvesting season, at least twice during the five years, they will be fully compensated for the losses of the last direction.

III. Calculation of Losses for Compensation:

- a. **Losses of crops:** Compensation for cash or subsistence crops found during the survey on lands to be acquired for tower foundations is determined by multiplying the estimated yield on these lands by the market value of the produce at 2018 prices.

- b. **Permanent Loss of Land Use Rights:** Privately owned lands will be compensated in cash based on the current market value of crops grown on the affected land, multiplied by 5 years. In order to avoid large differences in price for loss of land use right caused by the market value of different types of crops planted, the value of all crops affected in the Project area was aggregated, and one average 'land price' was established. The price for 1 m² of agricultural land for this Project was set at USD 1.242 (which is equal to TJS 11.7. The following calculation was used to determine the price of agricultural land.

Table 7: Estimation of the land use rights compensation payments

Crops in the Project area	Average yearly yield (kg/ha)	Average yearly yield (kg/m ²)	Total yield for 5 years (kg/m ²)	Average price per TJS/kg	Price per kg/m ² for 5 years (TJS)
Wheat	4,500	0.450	2.5	2.7	6.75
Barley	5,500	0.550	2.75	3	8.25
Vegetables	20,000	2.0	10	2	20
Total	10,000	0.500	5.25	5.7	35.0
Price per m² =TJS 11.7	USD 1.242 = TJS 11.7 on September, 2018, (http://nbt.tj/en/kurs/kurs.php). The National Bank of Tajikistan				

IV. Compensation for Loss of Land Use Rights

179. The total compensation to be paid to agricultural land users amounts to 10,530 TJS based on preliminary estimation. Table below details compensation for loss of land use right. No compensation for loss of illegally used land and local government/ state land is calculated.

Table 8: Compensation for Titled Lands

Type of land	No of plots	Affected area (m ²)	Cost per m ²	Total Cost (TJS)
Agricultural lands only	7	900	11.7	10,530

V. Compensation for Loss of Produce

180. The valuation of affected crops is based on the net market value of the annual income from the affected land plot planted by the actual crop. However, in the project area no agricultural activities found for the past 2 years. Further investigation is required for identifying actual use of these lands and the overall period of time that the lands are not used by title holders. It is necessary also to assess if landholders pay taxes to government for these lands under their possession. If so, hypothetically farmers taxes are calculated based on the average income to be earned from the lands they own. These will be further assessed during LARP finalization, when affected lands are identified based on final design. At this stage the draft LARP provides rough estimation of income losses based on data on average land productivity and market price for agricultural products. The data on average crop productivity for the Project region and the average price per kg of crops for the last season, are given by the agriculture units from the jamoat. The total compensation to be paid to DPs losing estimated income amounts to 17,473.20 TJS (USD 1,979.36). Table 8-4 details compensation for loss of crops from the affected parts of land.

Table 9: Compensation for Loss of Crops

Type of crop	Affected land under crops (m ²)	Average crop productivity (kg/m ²)	Market price TJS/kg	Total cost for lost crops TJS
Wheat	500	0.45	2.7	607.5
Barley	400	0.55	3	660
Total	900			1,267.5

181. Due to the low volume of compensation payments for irrevocable losses and the fact that the new towers constitute a constraint on all mechanical works in the fields, a base rate of

250 TJS will be paid additionally for every tower erected on the APs lands. Average compensation for tower costs are 2,000 TJS. However, this amount will be paid to APs if towers installation take place on their lands. At this stage the amount estimated for installation of all TL towers and also unexpected expenses will cover extra costs in the case, when the tower is the cause of a higher damage than was calculated.

VI. Compensation for Crops Affected by Temporary Land Occupation

182. As shown above construction process will have temporary impact on lands in one season harvest mounting towers. The estimated land area for temporary use is estimated at 3300 sq. meter, which will add to compensation value additional 4,700 TJS. Temporary impact will be defined for those lands under agricultural use only. The given amount is estimated for installation of all towers to be installed.

183. Also, at the time of wire tension, for the corridor of four meters on the route approx. 1,400 m to access to the 8 towers construction site, will need to use an additional 5,600 sq. meter strip of land. This zone will be calculated on the reality of the hanging wires will be produced on existing routes and the earth between fields without crops or planted with crops. Highest estimation is provided at 7,800 TJS for possible impact on crops in the process of wires stringing. Consequently, our estimates, for greater fidelity, is increased.

VII. Additional allowances as vulnerability and severity of impact.

184. As per household socio-economic profile information, none of the affected households considered as vulnerable based on vulnerability criterion set for the project. Livelihoods condition of all affected households, based on their economic activities and living standards, considered above average level of the rest of community.

185. As per the estimated land requirement for the project and importance of the required lands to the land owners, there is no any severely affected households. Each household in the project area will lose less than 1% of their agricultural lands of the total size of their land lots in the project location. In case of any unanticipated severe impact of the project, the project allocates additional cash allowance equal to market value of 25% of the gross produce of affected land multiplied by 5 years.

VIII. Income Restoration Program

186. No specific income restoration program is provided because there are no AFs that would be severely affected by the loss of their productive assets and income sources. Because the 144 m² is taken as the maximum requirement permanently in the land plot for the construction of the angle towers, middle-right of land per hectare loss in the affected households will amount to below 1 percent of the total landowning.

IX. The estimated cost of land acquisition

187. The total budget of compensation, with unforeseen expenses amount to approximately 30,600 TJS. The table below provides a breakdown of this amount. Barqi Tojik will ensure that the compensation funds for land acquisition and resettlement are allocated in time for implementation of this LARP. The LARP budget also includes 20% of contingencies and 5% miscellaneous expenses for administrative costs that might incur during the implementation of the LARP. This expense has been estimated and included in the budget as a single lump sum.

Table 10: Budget Summary

Compensation Budget, Including Allowances	TJS
Compensation for loss of land titles	10,530.0
Compensation for loss of crops	1,267.0
Compensation for temporary land occupation	4,700.0
Estimated impact on possible crops in the process of wire stringing	7,800.0
(A) Sub-Total	24,297.0
(B) Direct LARP admin costs: 5% of (A)	1,215.0
(C) Total A+ B	25,512.0
(D) Contingency: 20% of (C)	5,102.0
(E) Total LARP Budget = (C)+(D)	30,614.0

IMPLEMENTATION SCHEDULE

188. Barqi Tojik will not allow construction activities in specific sites of the alignment to begin until land acquisition and payment of compensation and cash assistance have been satisfactorily completed, and the site is free from encumbrances.

Table 11: Implementation Schedule for the Land Acquisition and Compensation Procedure		
Dates and period of time	Activities	results
Day of start of final line design Estimated 30 days	<ul style="list-style-type: none"> - Contractor starts final identification of HVTL with definite location of towers - Contractor distributes information leaflets to all possibly affected households - Detailed assessment of areas required on a permanent base and of temporary losses of crops - Identification of all affected land owners or land use right holders by contractor (with support of Jamoat and collective farm representatives) - Agreement upon identified land sizes by representatives of affected households and contractor and affirmation of usage rights by AFs 	<ul style="list-style-type: none"> - Several hundred leaflets distributed to the population along the planned HVTL - All forms (attachment 1 part 1 of Implementation Manual) are signed by representative of AFs and of contractor and sent to the project Commission for Valuation of Losses and Compensation
Day of acceptance of final HVTL design of contractor by PMU /ADB Estimated 60 days	<ul style="list-style-type: none"> - Commission for Valuation of Losses and Compensation starts working in both concerned Rayons - Land sizes required are to be confirmed and valuation of compensation payments arranged 	All forms (attachment 1 part 2 of the Implementation Manual) are signed by representative of AFs and of commission and sent within 5 days to Barqi Tojik PMU via the Rayon Hukumat
Date of acceptance of reconsidered LARP by PMU /ADB Estimated 14 days	<ul style="list-style-type: none"> - LARP sent to ADB - LARP tested and accepted 	
Presentation Day of revised LARP by	<ul style="list-style-type: none"> - Translation into Russian - LARP sent to all three Hukumat 	

Table 11: Implementation Schedule for the Land Acquisition and Compensation Procedure		
Dates and period of time	Activities	results
Hukumats Approximately 7 days		
The date of receipt of the documents from Hukumats Approximately 15 days	<ul style="list-style-type: none"> - Barki Tojik (PMU) and Working Group (PMU Resettlement Specialist, ADB representative) inspect all documents - PMU appoints term benefits - Affected households are informed and asked the cashier of BT to receive monetary compensation. - All affected households, confirm with the signature that the payment was made in accordance with the agreements. 	PMU delivers money orders corresponding to employees of BT and money are transferred to the affected households. All payments are documented.
No more than 10 days after the transfer of funds to affected households Approximately 10 days	PMU checks payments made to affected households	Not registered any complaints and violations
Subsequently	- Monitor prepares short report with the recommendation to start the construction work	Report handed to PMU
Subsequently	- PMU sends Monitor report to ADB - ADB clears completed compensation process	Report handed to ADB BT obtains clearance
Subsequently	- Start of civil works	

MONITORING AND EVALUATION

189. The implementation of the LARP will be monitored regularly to help ensure that it is implemented as planned and that mitigation measures designed to address the Project's adverse social impacts are adequate and effective.

I. Monitoring and Reporting Requirements

190. While effective institutional arrangements can facilitate implementation, effective monitoring ensures that the course and pace of implementation continues as originally planned. The implementation of this LARP will be subjected to internal monitoring as the Project will not trigger a significant amount of involuntary resettlement. The ADB SPS 2009 considers involuntary resettlement impacts significant if 200 or more persons will be physically displaced from their home or lose 10% or more of their productive or income-generating assets. Internal monitoring will be conducted by the PMU Barqi Tojik, assisted by the resettlement specialist of the Construction Supervision Consultant. Monitoring is vital for ensuring that the LARP is effectively implemented, unforeseen impacts related to land acquisition and resettlement activities are identified and appropriate measures to address the same can be taken in a timely manner.

191. ADB SPS 2009 requires monitoring and measuring the progress of implementation of the land acquisition and resettlement plan. It also requires the preparation of a semiannual monitoring report that describes the progress of the implementation of resettlement activities and any compliance issues and corrective actions. In accordance with ADB SPS 2009, both the borrower/client and ADB have their own monitoring responsibilities. Borrowers/clients are required to implement safeguard measures and relevant safeguard plans, as provided in the legal agreements, and to submit periodic monitoring reports on their implementation performance. ADB requires borrowers/clients to:

- establish and maintain procedures to monitor the progress of implementation of safeguard plans,
- verify the compliance with safeguard measures and their progress toward intended outcomes,
- document and disclose monitoring results and identify necessary corrective and preventive actions in the periodic monitoring reports,
- follow up on these actions to ensure progress toward the desired outcomes,
- retain qualified and experienced external experts or qualified NGOs to verify monitoring information for projects with significant impacts and risks,
- use independent advisory panels to monitor project implementation for highly complex and sensitive projects, and
- submit periodic monitoring reports on safeguard measures as agreed with ADB.

192. The extent of ADB's monitoring and supervision activities will correspond to the project's risks and impacts. Monitoring and supervising of social and environmental safeguards is integrated into the project performance management system. ADB will monitor the project on an ongoing basis until a project completion report is issued. ADB will carry out the following monitoring actions to supervise project implementation:

- periodic site visits for projects with adverse environmental or social impacts;
- supervision missions with detailed review by ADB's safeguard specialists/officers or consultants for projects with significant adverse social or environmental impacts;
- review the periodic monitoring reports submitted by borrowers/clients to ensure that adverse impacts and risks are mitigated as planned and as agreed with ADB;
- work with borrowers/clients to rectify, to the extent possible, any failures to comply with their safeguard commitments, as covenanted in the legal agreements, and exercise remedies to reestablish compliance as appropriate; and
- prepare a project completion report that assesses whether the objective and desired outcomes of the safeguard plans have been achieved, taking into account the baseline conditions and the results of monitoring.

193. In accordance with the requirements under the Safeguard Policy Statement, ADB shall post on its website the draft, final and updated LARP and the resettlement monitoring reports, upon receipt by ADB.

II. Internal Monitoring

194. The key objective of the internal monitoring is to monitor the process of LARP implementation such as the compensation process, grievance mechanism and effectiveness of LARP implementation procedure. Internal monitoring will be performed routinely by the PPM 'Barqi Tojik' Safeguards Monitoring and Evaluation team. The results will be communicated to ADB through the quarterly Project implementation reports. Indicators for the internal monitoring will be those related to the LARP implementation processes, and immediate outputs and results which allow for the assessment of the progress and results of LARP implementation and the adjustment of the work program, if necessary.

195. The PMU will monitor performance (physical progress of the LARP implementation against milestones set in the LARP), impact (whether the objectives to restore the living standards of the affected population have been properly considered and executed), and LARP compliance, indicating whether the compensation program has been carried out in accordance with the provisions of Tajikistan's laws and ADB policies, and to the satisfaction of the DPs.

196. Internal Monitoring will cover the following:

- a. Compliance with land acquisition and resettlement compensation policies;
- b. Adequacy of the organizational mechanism for implementing the LARP;
- c. Fair and judicious handling of complaints and grievances;
- d. Compensation payments to AFs made as mandated by the LARP; and
- e. Success in restoring the AF's incomes to pre-project levels.

197. Prior to the delivery of compensation payments to the AFs, the PMU will announce the compensation dates, including a detailed compensation schedule for each community. No construction in the affected areas will commence until the payment of compensation has been fully completed.

198. The Construction Supervision Consultant shall have a resettlement specialist on board who will assist the PMU in the internal monitoring of the LARP implementation processes. The CSC resettlement specialist will:

- supervise the community consultations and disclosure of project information;
- ensure the replacement cost principles of the ADB SPS (2009) are employed in the valuation of affected assets and compensation is disbursed in accordance with the endorsed LARP;
- ensure relocation/reconstruction of affected structures/businesses are completed and set compensation paid before civil works commencement;
- monitor the LARP implementation process and provide data and support to PIURR during preparation of quarterly monitoring reports on LARP implementation and monitoring activities;
- inform the PMU on issues and challenges during the LARP implementation and monitoring; and provide recommendations and suggestions for a solution;
- supervise the implementation of the mitigation measures and temporary land acquisition, advise PMU on LAR issues and grievance redress, inform PMU on any non-compliance cases, and suggest appropriate remedies.

199. Specific performance monitoring indicators will be:

- meaningful public consultations held
- SES/census surveys and assets inventories studies completed
- compensation payments disbursed
- replacement lots allocated (if applicable)
- housing and infrastructure construction completed
- relocation of people completed
- income restoration and development activities initiated
- monitoring and evaluation reports submitted.

200. Impact monitoring will encompass verification of the following indicators:

- whether all physical inputs committed in the LARP have been delivered and all services provided;
- whether the mitigation actions prescribed in the LARP have provided the desired effects;
- the socioeconomic status of the affected population and host population measured

against the baseline conditions before the displacement.

201. Impact monitoring will be supplemented by the assessment of the DPs satisfaction with the resettlement initiatives and the adequacy of measures applied for restoration of DPs' livelihoods. This will be done through direct consultations with the affected population and face-to-face meetings with the DPs.

202. The completion of the LARP implementation will result in the preparation of a Compliance Report, which will indicate whether the compensation program has been carried out in accordance with the provisions of Tajikistan's laws and ADB policies, and to the satisfaction of the DPs. The Compliance Report will be submitted to EA and ADB. Approval of the Compliance Report by ADB is a condition for the commencement of the civil works. The Compliance Report will be based on the following monitoring indicators:

Table 12: Monitoring Indicators

Monitoring Aspects	Potential Indicators
Delivery of Entitlements	<ul style="list-style-type: none"> - Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix. - Disbursements against timelines. - Identification of the displaced persons losing land temporarily, e.g. through soil disposal, borrow pits, contractors' camps - Timely disbursements of the agreed transport and relocation costs, income substitution support and any other resettlement allowances according to the schedule. - Provision of replacement land plots. - Quality of new plots and issuance of land titles. - Restoration of social infrastructure and services. - Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan, such as commencement of production, number of displaced persons trained in employment with jobs, microcredit disbursed, number of income generating activities assisted, etc. - Affected businesses receiving entitlements, including transfer and payments for net losses resulting from loss of a business.
Consultation and Participation	<ul style="list-style-type: none"> - Consultations organized as scheduled including meetings, groups and community activities. - Knowledge of entitlements by the displaced persons. - Number of general meetings (for both men and women). - Percentage of women participated at consultations. - Number of meetings held exclusively with vulnerable groups. - Level of participation in meetings (of women, men and vulnerable groups). - Level of information communicated – adequate or inadequate. - Information accessibility and disclosure (translation of information in the local languages). - Implementation of special measures for Indigenous Peoples.
Effectiveness of the GRM	<ul style="list-style-type: none"> - Uses of the grievance redress mechanism by the displaced persons. - Information on the resolution of the grievances. - Number of APs used the GRM. - Number of cases resolved at project level. - Number of cases transferred to other GRC levels. - Number of APs' requests rejected.
Budget and Time Frame	<ul style="list-style-type: none"> - Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work. - Capacity building and training activities completed on schedule. - Achieving resettlement implementation activities against the agreed implementation plan. - Timely allocation of funds to resettlement implementation agencies. - Funds disbursement according to the resettlement plan. - Land acquisition and clearance in time for implementation.

Attachment A:

Government Decree 641 on Procedures for Compensation of Damages to Land Users and the Loss Of Agricultural Production of 30th December 2011

Defines:

the procedure for compensation of losses to agricultural land users and for agricultural production losses related to withdrawal of land plots for state and public needs. Compensation is made at the stage of preliminary approval of the project for which land acquisition is necessary location and is confirmed at the moment of transfer of rights to the new land user.

The compensation process is summarized as follows:

- Losses should be fully compensated in cases of withdrawal of land for state needs that result in the termination of land use rights, at the expense of the natural and legal persons to whom the new land use right is given. The following should be considered while defining the amount of losses:

- cost of registration of land use rights adjusted for inflation;
- cost of immovable property located at the land plot, including fruit trees, berries, protective and other perennial plantings;
- cost of unfinished works (tilling, application of fertilizers, planting and other works);
- cost of unharvested agricultural crops; and
- other losses to land users, associated with early termination of his/her obligation under contracts or agreements.

- Upon withdrawal of agricultural land, losses to the land users are defined based on the relevant documents provided by the land user. The size of the loss in case of withdrawal or temporary occupation is defined as follows:

- valuation of houses and other structures located on the land plot, or outside of the land plot, is conducted at book value adjusted for depreciation in cases when further use is impossible,
- valuation of productive trees as well as protective and other plantings is conducted at their book value;
- non-productive fruit trees and berries are valued based on actual expenses incurred by land users;
- cost of soil preparation, planting and handling and other types of work – according to the set prices/tariffs;
- cost of purchasing seedlings, according to the prices of the nurseries or on the market price;
- cost of mineral fertilizers based on current sales prices;
- production of organic fertilizers on-farm is based on the actual costs;
- cost of incomplete production (tilling, application of fertilizers, planting, handling and other types of work) is defined based on the actual expenses for the finished works, based on the tariffs for individual work types, as well as cost of planted seeds, applied organic and mineral fertilizers and other costs, but not used in relation to the withdrawal or temporary occupation of the land plot;
- costs of seeds and fertilizers are reimbursed based on the actual expenses for their production or at the market price;

- Legal and natural persons to whom the land plots are given shall pay the cost, or relocate at their own expense, the buildings and structures, or reconstruct new similar buildings, structures and other objects, subject to agreement with the land user. The relevance of the relocation

and rehabilitation of buildings and structures to a new location, construction of new buildings and other objects in exchange for demolished ones is defined by the commission that is established according to the Regulation.

- Expenses related to the compensation of losses to the land users shall be provided for in the construction/design estimates of the projects for the land that is to be withdrawn or temporarily occupied, or budgeted for in the in the operating profit of the entity/person to whom the land plots will be given. Land plots under agricultural crops are usually transferred to the new land user after the harvest. In exceptional cases, when land acquisition is done before harvesting, the cost of the potential yield is reimbursed. The yield is defined as the average value for the most recent 5 years of planting the crop on the farm as well as the actual selling price in the area. Potential fodder crop yield is translated into the fodder unit. In this case the cost of unfinished production is not reimbursed.

- Losses for termination of using water sources (wells, ponds, bore holes etc.) are reimbursed based on the actual expenses or based on the cost of construction works for new water sources equal to the water output. Other damages to land users related to withdrawal or temporary occupation of land plot are defined based on the actual expenses.

- When demolishing structures in private ownership associated with the withdrawal of land for state and public needs in cities and other settlements, the owners should be compensated for the buildings and structures (houses, barns, cellars, wells etc.) or they are given apartments. Other citizens permanently residing at least one year in a building to be demolished are given alternative dwelling space.

- Companies, institutions and other organizations regardless of ownership status, to whom the land is given, should compensate the cost of land acquisition at their own expense. The same applies for collective farms and orchards.

- For the procedure to identify damages to land users and losses of agricultural production associated with withdrawal of land rights or temporary occupation, a valuation commission is established, as follows:

- Deputy chairman of the district or city – Head of the commission;
- Chairman of the district Land committee;
- District (city) architect;
- Representatives of water authority;
- Representatives of district Environment protection committee;
- Representatives of sanitary and fire inspection authorities;
- Representatives of land users, whose land plot is to be withdrawn or temporarily occupied;
- Representative of the enterprise, organization or institution interested in land acquisition as well as representatives of other authorities at the discretion of the local Hukumat.

The Commission's work results in a statement indicating the size of losses of agricultural production to be compensated. The document shall be reviewed and approved by the local Hukumat.

Disputes between the parties over the degree of the loss may be appealed in court.

Attachment B: Forms for LARP preparation

1.1.1.1 Form 1: Land Acquisition and Compensation

1.1.1.2 Part 1: Identification of losses

Rayon:Jamoat.....

Village.....

1.1.1.3 Personal data

Name of land owner/right holder:.....

Address of land owner / phone number:.....

Other person authorized representing the household:.....

Relationship to land owner/right holder:.....

Bank account (if available):.....

Compilation of losses:

a) Permanent losses of land for towers:

Coordinates:.....Size:.....m²

Coordinates:.....Size:.....m²

Coordinates:.....Size:.....m²

b) Temporary losses of crops:

Coordinates:.....Total Size:.....m²

Of total area type of crops:/.....m² Type:...../.....m²

Of total area type of crops:/.....m² Type...../.....m²

Of total area type of crops:/.....m² Type...../.....m²

Of total area type of crops:/.....m² Type...../.....m²

c) Permanent losses of crops:

Coordinates:.....

Type of trees/vines, etc.:.....Number:...

Type of trees/vines, etc.:.....Number:...

Type of other (e.g. timber) trees:.....Number:...

Type of other (e.g. timber) trees:.....Number:...

d) Losses of agricultural infrastructure

Channels (diameter in m):m Length in meters:.....

Channels (diameter in m):m Length in meters:.....

Fence (in m):.....Type¹⁹:.....

Fence (in m):.....Type:.....

Other (.....) quantity:.....

Other (.....) quantity:.....

e) Losses of buildings:

Description of building a)

.....

Description of building b)

.....

Description of building a)

.....

Confirmed that personnel data, sizes of land identified and crops to be damaged are correct:

Date:...../...../2015

.....

Signature of land owner/right holder

Signature of representative of contractor

To be sent immediately to Oblast level Commission of Valuation of Losses and Compensation

¹⁹ Simple wires = A, barbed wires = B, simple wood fence = C, grid fence = D

Part 2: Valuation and compensation

It is confirmed that the following compensation has to be paid to the affected land owner/right holder named under Part 1:

a) Permanent land for towers:

Size:.....m² Value in TJS:.....

b) Temporary losses of crops (according to list of attachment 2):

Size:.....m² of crops:..... Value in TJS:

Size:.....m² of crops:..... Value in TJS:

Size:.....m² of crops:..... Value in TJS:

Size:.....m² of crops:..... Value in TJS:

c) Permanent losses of crops:

Number..... of trees/vines:..... Value in TJS:.....

Number:..... of trees/vines:..... Value in TJS:.....

Number..... of other trees..... Value in TJS:.....

Number..... of other trees..... Value in TJS:.....

d) Losses of agricultural infrastructure

Channels (diameter in m):m Length in meters:..... Value:.....TJS

Channels (diameter in m):m Length in meters:..... Value:.....TJS

Fence Type:..... Length in m:..... Value:.....TJS

Fence Type:..... Length in m:..... Value:.....TJS

Other (.....) quantity/length:..... Value:.....TJS

Other (.....) quantity/length:..... Value:.....TJS

e) Losses of buildings

Type:..... Value:.....TJS

Type:..... Value:.....TJS

Type:..... Value:.....TJS

Total amount stated for a) in TJS:

Total amount stated for b) in TJS:

Total amount stated for c) in TJS:

Total amount stated for d) in TJS:

Total amount for compensation TJS:

Confirmed that sizes of land, crops / assets to be damaged and values given for compensation and amount of compensation are correct:

.....

Signature of land owner/right holder

Signatures of chairperson and one second member of
commission

...../...../2015 made at:

To be sent immediately to Barki Tojik PMU

1.1.1.4 Part 3: Payment Process

A: Payment Command

Barki Tojik, represented by the Project Management Unit, releases the amount of
TJS:.....(in words:.....)
to the household affected by the project
of Mr/Ms.

Name of land owner/right holder:.....

Address of land owner / phone number:.....

.....

Other person authorized representing the household:.....

Status to land owner/right holder:.....

Bank account (if available):.....

1.1.1.5

.....

Date

.....

Signature of BT PMU representative

.....

Date

.....

Signature of BT cashier

B: Payment Certification

Receipt as used by BT or other Tajik state-owned companies.

C: Clearance for Construction

After BT confirms that all payments to the APs have been made, the **External Monitor** will check all payments. He/she will also record the number of cases which are still pending at the court and refer in his report to the disputed amounts (i.e. the difference between the claims of the petitioners and the decision made by the Commission for Valuation of Losses and Compensation (CVLC)).

After the evaluation of payments, the monitor will confirm by letter to BT PMU that

- all scheduled payments have been made and that the recipients confirm that the amount paid corresponds to the agreed compensation as stated by form 1 part 1 and part 2,
- if cases are still pending at the court that also the petitioners have received the amount of money as granted by the CVLC,
- that all grievances have been brought to an agreement between both concerned parties, the APs and BT or the CVLC respectively.

Attachment C: Form for socio-economic survey

SOCIOECONOMIC SURVEY OF THE AFFECTED HOUSEHOLDS

Questionnaire No: Date :
 Name of the Project:
 Name of Investigator :

1. GENERAL IDENTIFICATION

Code

1.3 i. District/Rayon: ii. Jamoat: iii. Village

2. HOUSEHOLD IDENTIFICATION

2.1 Name of the Household Head:

2.2 National Passport Number.....

2.3 Address of the identified Household:

2.3 Family Type :

1. Joint 2. Nuclear 3. Extended 4. Other

2.4 Religious Group :

1. Islam 2. Christian 3. Other

2.5 Number of Family Members : 1. Male 2. Female.....

2.6 Details of Family Members (Demography and Education)

Sl. No.	Name of the Family Member	Sex 1.Male 2.Female	Age (year)	Marital Status 1.Married 2.Unmarried 3.Widow 4.Widower 5. Other	Education 1. Illiterate 2.Elementary School 3.Middle School 4. Graduate/Equivalent 5. Above Graduate 6. High school	Occupation 1. Service 2. Business 3. Agriculture 4. Study 5. Housewife 6. Labour 7. Professional 8. Unemployed
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
# of physically handicapped members, if any		1. 2. 3.				

Note : Insert additional column if family members exceed more than 10

3. HOUSEHOLD ASSETS

3.1 Landownership & Uses [All lands situated anywhere and under the ownership of the household]

Land Type	Total Area (Hectare)	Presently Used by Owner (Yes=1, No=2)	Current Market Price (TJS)	How owned Inherited=1 Purchased=2
Homestead				
Agricultural				
Commercial				
Fallow				
Others				

3.2 Houses / Structures

Sl. No.	Present Use	# of Story	# of Rooms (all floors)	Total Floor Area (sqm)	Building Materials (Code)			Approximate present construction cost (TJS)
					Floor	Wall	Roof	

Floor Materials: Earthen = 1; Cemented = 2; Brick (uncemented) = 3; Wooden = 4; Others = 5 (Mention:)

Wall Materials: Earthen = 1; Mud Brick = 2; Burnt Brick = 3;

Roofing Materials: GI Sheet with Wood Frame = 1; GI Sheet with Steel Frame = 2; Reinforced Cement Concrete (RCC) = 3; Asbestos sheet = 4; Plastic sheet = 5; Others = 9 (Mention:)

3.3 Livestock (Use Worksheet)

1. Cattle: Approximate Total Current Value (TJS):
.....

2. Poultry: Approximate Total Current Value (TJS):
.....

3.4 Trees (Use Worksheet): Approximate Total Current Value (TJS):
.....

3.4 Durable Consumer Items/Other Assets/Amenities (Use Worksheet):

Approximate Current Total Value (TJS) :

3.5 Electricity: Use Electricity?: Yes = 1 No = 2

Authorized Connection?: Yes = 1, No = 2

Worksheet for Valuation of Cattle & Poultry

CATTLE		# of Heads	Approx Total Value (TJS)	POULTRY		# of Birds	Approx Total Value (TJS)
Bullock				Chicken			
Cow				Duck			
Calf				Pigeon			
Sheep							
Goat							
Horse							
Donkey							
Rabbit							
Others (Mention)				9 = Others (Mention)			

Worksheet for Valuation of Trees (Local names of the trees to be included)

Major Timber Trees			Major Fruit Trees			Other Trees		
Name	#	Approx Value (TJS)	Name	#	Approx Value (TJS)	Name	#	Approx Value (TJS)
Etc.			Etc.			Etc.		

Worksheet for Valuation Durable Consumer Items and Other Assets & Amenities

Items	#	Approx Total Value (TJS)
Television		
Radio		
Music System		
Refrigeration		
Washing Machine		
Air Conditioner		
Oven		
L.P.G. connection		
Motor Bike		
Bicycle		
Car		
Bus/		
Furniture		
Water system		
Sanitary Latrine		
Others (name)		

4. AGRICULTURE: OPERATION & PRODUCTION

4.1 Land use

Cultivable	Non-Cultivable	Total Land Area (Hectare)

4.2 Cropping Pattern

Sl. No.	Type of Crops	Total Cultivated Land (Hectare)	Total Yield
i			
ii			
lii			
Total			

5. ANNUAL INCOME

Sl. No.	Source	Income (TJS)
1.	Agriculture	
2.	Service	
3.	Business	
4.	Labour	
5.	Professional	
6.	Others	
Grand Total		

6. INDEBTEDNESS

(Please indicate, your borrowings during last one year)

Sl. No.	Source	Amount taken (in TJS)	Amount returned (in TJS)	Balance
1.	Bank (specify which bank)			
2.	Cooperatives			
	NGO			
3.	Private money lender			
	Relatives			
4.	Others (mention)			
Total				

7. HOUSEHOLD SAVINGS

7.1 Does the household as a whole have any savings? 1. Yes 2. No

If yes, total amount of savings: TJS

7.2 The money is kept in (Use applicable codes below):

At home = 1; With relatives = 2; With friends = 3; Bank/Cooperatives = 4; NGOs = 5; Others = 6 (Mention)

8. OVERALL ECONOMIC STATUS

8.1 According to the respondent, which of the following best describes the household's overall economic status with the present income and expenditure needs?

1 = Surplus 2 = Breaks even 3 = Occasionally deficit 4 = Always deficit

9. CONSUMPTION PATTERN

(Please indicate the consumption/expenditure on different items on last one year)

Sl. No.	Particulars / Source	Expenditure (TJS)	
		Monthly	Annual
A	Food		
	1. Cereal		
	2. Pulses		
	3. Milk		
	4. Oil		
	5. Vegetable		
	6. Fruits		
	7. Meat/Fish		
	8. Eggs		
	9. Sugar		
	Sub Total (A)		
B	Cooking fuel/gas/wood		
C	Clothing		
D	Health		
E	Education		
F	Communication		
G	Social Function		
H	Agriculture (such as seeds, hiring of farm implements etc.)		
I	Others (specify		
	Grand Total (A+I)		

10. COVERAGE UNDER GOVERNMENT/DONORS DEVELOPMENT SCHEMES

10.1 Have you availed any benefit under any govt. Scheme? 1. Yes 2. No

If Yes, please give us the following details:

Name of the Scheme	Kind of Help
	1. Loan, 2. Training, 3. Employment

If "1", please indicate the amount TJS.....
 If "2", please indicate the type of training

10.2 After availing this scheme did your annual income increase? 1. Yes 2. No
 If "Yes", how much? TJS.....
 If "NO", why?

11. HEALTH STATUS

11.1 Was any member of your family affected by any illness in last one year?

1. Yes 2.No

11.2 If "Yes", please indicate the details

No. of Cases	Type of Diseases/Illness	Treatment taken 1. Allopathic 2. Homeopathic 3. Traditional 4. No treatment

12. MIGRATION

12.1 Do you migrate for work? 1. Yes 2. No

12.2 If "Yes" for how many days/months in a year :

12.3 Where do you migrate?

1. Within the District 2. Outside the District 3. Outside the State

12.4 What kind of job do you undertake? 1. Agricultural Labour

2. Non Agricultural Labour 3. Trade & Business

4. Others (specify):

12.5 How much do you earn : TJS

12.6 Trend of Migration: 1. Once in a year 2. Twice in a year

3. Every alternative year 4. Once in every three years

5. No regular intervals/as and when required

12.7 At what time of the year do you migrate (season)? :

13. WOMEN STATUS

13.1 Please give the following details

Sl. No	Economic / Non-economic Activities	Engagement in Activities	
		1. Yes	2. No
1.	Cultivation		
2.	Allied Activities*		
3.	Sale of household products		
4.	Trade & Business		
5.	Agricultural Labour		
6.	Non Agricultural Labour		
7.	Household Industries		
8.	Service		
9.	Household Work		
10.	Entertainment		
11.	Others (specify).....		

*Dairy, Poultry, Piggery, Sheep rearing etc

If engaged in economic activities, total income of the year: TJS.....

13.2 Do your women member have any say in decision making of household matters?

1. Yes 2. No

13.3 If "Yes", give the following details:

Sl. No	Issues	1 Yes	2 No
1.	Financial matters		
2.	Education of child		
3.	Health care of child		
4.	Purchase of assets		
5.	Day to day activities		
6.	On social functions and marriage		
7.	Others (mention)		

Physical Relocation of Affected Households

[Applicable to the households whose homesteads would be affected partially and fully, and will have to relocate their homes.]

- If the household is aware of displacement from the present homestead, its plan/thinking about relocation:

-
- Can the affected household relocate on the same home-lot/dwelling plot by moving the houses? 1=Yes; 2=No
 - Does the household have lands in the locality which are suitable for relocation?
1=Yes; 2=No
 - Does the household have lands in the locality that can be developed into home-lot for relocation? 1=Yes 2=No
 - Can the household find land for purchase at a location it would like to relocate?
1=Yes; 2=No
 - Are there public lands (govt. & other lands owned by any department of the Government) in the vicinity of the project? Yes / No
 - If 'Yes', approx. distance from the project site:km
 - Approximate amount:
 - Physical description, ownership and current use of the lands:
 - How many of the households, that would need physical relocation elsewhere, are in any way related/known to this responding household?

Number of households:	1=From the same village 2=Related (outside the village)	3=Considered close friends: 4=Known socially:
-----------------------	--	---

Name of Investigator:

Signature:

Date:

Attachment D: Minutes of Public Consultation

Project: Wholesale Metering and Transmission Reinforcement Project, Tajikistan (ADB Grant 0417-TAJ) Public Consultations in Scope of the Feasibility Study for the Interconnection of Tajikistan and Uzbekistan

Date: 29.09.2018, Saturday **Time:** 9:30 am to 12.30 pm

Venue: Polevoy stan (place used for the farmers during the agricultural season) nearby Substation «SUGHD-500», Jamoat Lolazor, Devashtich district, Sughd Province.

Participants:

Local authorities and land owners potentially affected by the construction of the new transmission line towers

- Rakhmonov Temur, Head of Jamoat Lolazor
- Unusov Hasan, Land committee representative, Devashtich District
- Rajabaliyev E, Environmental Specialist of Devashtich District
- Umarov Abdumad, farmer
- Abduraupov A, farmer
- Boymurodov Mirzo, Kishgir Farm
- Quronboev O, Quronboev Farm

AF-Mercados EMI (the Consultant)

- Parviz Khakimov, Social & Environmental Specialist
- Timur Usmanov, Power Transmission Specialist

Other relevant stakeholders that were directly invited but could not attend were: Sughd Substation management and staff, NGOs with activity in the area, Aarhus-center Khujand, responsible of energy of Devashtich District.

Agenda

- Opening remarks
 - Introduction to the project
 - Introduction to the ADB social and environmental protection policy
 - Introduction to the Grievance Redress Mechanism
 - Questions & Answers Session
-

The draft LARP preparation included a screening survey, land census survey, socio-economic survey and targeted consultation meetings with the affected people and local stakeholder organizations and individuals. Public consultations were designed to share information on issues related to LAR activities. Consultations were carried out with affected persons, local communities, people's representatives, government and non-government organizations. The consultations have achieved that the affected people and other stakeholders are informed, consulted and allowed to participate actively in the process of project development and preparation of the LARP. Public consultations were also used as a tool for obtaining socio-economic information, public opinion about the proposed Project and on sensitive and critical issues. This information was considered in the preliminary design, to minimize adverse social and resettlement impacts.

Consultations were carried out by presenting details for the proposed transmission line reconnection project, prospected schedules, expected benefits, anticipated social and resettlement impacts, approaches to be applied in accordance with ADB policies, entitlement and compensation calculation principles, details of socio-economic survey, census, etc. It was also disclosed that there will be a mechanism in place through which DPs and stakeholders will have a chance to forward their concerns, complaints at specified offices, and advance compensation claims for lost assets or business opportunities, as applicable. They were invited to forward suggestions and/or concerns pertaining to the planning and implementation of the Project.

I. OPENING REMARKS

Parviz Khakimov and Timur Usmanov welcomed the participants of the Public Consultation and expressed their appreciation for attending, nonetheless their busy schedule. They also expressed their gratitude to the PMU that provided an official letter to the local government of Devachtich District to support the PC team during the field visit and to ensure the participation of the local population.

The aim of the consultations was to explore measures necessary to safeguard the concerns of affected people and the people in the Project area. The main objectives of consultations were to

- disseminate information to the people about the Project in terms of its activities and the scope of the works
- understand the views and perceptions of the people affected and local communities with reference to acquisition of land or loss of property and its due compensation evaluate the TL alignment
- understand views of displaced people on LAR options and to understand their expectations
- identify and assess major economic and social information and characteristics of the Project area to enable effective social and resettlement planning and its implementation
- resolve issues related to impacts on community property and their relocation
- examine DPs' opinions on health safety issues during the construction period and on potential areas of concern such as the handling of construction waste and other pollution issues.
- identify levels and extent of community participation in Project implementation and monitoring
- establish an understanding for identification of overall developmental goals and benefits of the Project
- disseminate information to government, non-government and public private sector stakeholders and develop an approach for co-ordination, to ensure their participation and mobilization of support in the process for the successful planning and implementation of the Project
- assess the local people's willingness to get involved with the Project and enumerate the measures to be taken during the implementation of the Project.
- discuss entitlements and procedure for compensation
- discuss grievance mechanisms available to the affected people during the resettlement and during the Project implementation phase
- discuss the method for establishing the loss of land use price and get affected persons' opinions
- discuss evaluation of acquired land and assets and get affected people's opinions and preferences

II. INTRODUCTION TO THE PROJECT

Technical Aspects

Then, Timur Usmanov, explained to the participants the Project and the chosen route option. The importance of the Project that will improve the energy security of both countries was explained. It was explained that one of the activities of the Project is the connection of the existing Uzbekistan 500 kV transmission line to the Sughd Substation which is located in their district, Jamoat Lolazor. In accordance with this project, the future contractor will install a few transmission line towers and dismantle some others, as well as doing some upgrades in the equipment of the substation. The project is funded by the ADB (Asian Developing Bank).

Social and Environmental Aspects and Policy Framework

The second part of the presentation was delivered by Parviz Khakimov who explained to the audience the social and environmental aspects of the Project during the construction and operation phases. The potential effects to the local population and the environment were discussed.

First, he explained to the participants the Policy Framework of the Project in line with local laws, the Constitution of the Republic of Tajikistan and ADB's safeguard policy. As environmental and social safeguards are a cornerstone of ADB's support to inclusive economic growth and environmentally sustainable growth, ADB's safeguard policy aims to manage and reduce the environmental and social risks in development projects and minimize and mitigate, if not avoid, adverse project impacts on people and the environment and maximise the positive ones. The Safeguards Policy applies to all ADB-supported projects after 20 January 2010. ADB works with borrowers to put policy principles and requirements into practice through project review and supervision, and capacity development support. The Safeguards Policy also provides a platform for participation by affected people and other stakeholders in project design and implementation. The suggested mitigation measures to the foreseen impacts were discussed.

III. GRIEVANCE REDRESS MECHANISM

The steps to address the complaints of the local population were explained to the meeting participants in line with the drafted Grievance Redress Mechanism (GRM). During the explanation of the GRM he accentuated the attention of the audience on the necessity of the creation of the Grievance Redress Committee that will be functioning within the Jamoat starting from September 29, 2018 (that very day). The procedure for addressing complaints is:

- First step: reporting the complaint in written or verbal form to the Project Grievance Redress Committee. A Complaints Registration Book will be kept available at the Jamoat.
- Second Step: If the Project Level Grievance Redress Committee is not able to resolve the grievance within a 14-day period, the complaints should be presented to the Barki Tojik Rayon representative.
- Third Step: If the Barki Tojik Rayon is not able to resolve the grievance within a 14-day period, the complaints should be presented to the Barki Tojik PMU at the central level, Dushanbe.
- The affected people can submit their case to the appropriate court of law at any point of the process if they want to. Anyway, the affected people are suggested to follow the instances above.
- The Grievance Mechanism will be active from the preparation phase until 1 year after the conclusion of the works.

The local committee for addressing complaints of population (Project Grievance Redress Committee) was established as follows:

- Timur Rahmonov, head of Lolazor Jamoat;
- Sobir Rahmonov, head of association of dehqan farms;
- Rajabaliyev E, Environmental Specialist of Devashtich District
- Najmiddin Shermatov, most respectful person in Jamoat Lolazor;
- Isroiljon Ismatulloev, head of committee of Lolazor Jamoat;
- Hasanboy Unusov, representative of local land committee in Jamoat Lolazor.

IV. QUESTIONS AND ANSWERS

DPs and interested stakeholders participated actively in the discussion. Questions and comments revolved around details of the project activities, including schedule of construction activities, supervision over the quality of rehabilitation works, eligibilities and entitlements, information availability, safety issues during project implementation, etc. Responses and clarifications were provided to the questions and concerns raised by participants. They were also informed that the Resettlement Plan to be developed for the Project will be disclosed at local level and they will be duly consulted throughout all the process.

Question 1: When is the start of the construction phase expected and how will it take place?

Answer: At the moment the feasibility study and tender documents are being developed, then the bidding process will start most probably by the beginning of the next year (2019). In any case, local residents will be notified on the date of project start through the local media and an organized meeting.

Question 2: What is the procedure for the assessment of the possible damage?

Answer: In sum, no households will be affected, and no resettlement is expected. The land is non-productive. Only grass cultivation for cattle was happening during the Soviet Era once a year. Thus, there is no entitlement for compensation in line with the Land Code of the Republic of Tajikistan.

However, short blackout 5 times, 5 hours long each are expected, and local population will be informed ahead and partial to total power supply from other substations is expected.

Question 3: We understand the importance of the Project for Tajikistan and Uzbekistan to improve the relationship between the two neighbouring countries, and it is also beneficial for us, though some possible negative impacts will happen on the land used by farmers and any leakage of oil in pre- and construction phases will negatively affect the cattle health as the land after the collection of wheat and maize is used as pasture to feed own cattle. How will this issue be addressed by the Project?

Answer: The key mitigations measures have been explained and they are mentioned in the Initial Environmental Examination and the Social Safeguards Due Diligence Reports. In line with these documents, affected people should get compensated if the damaged is proved.

Question/request 4: As we said before, we fully support the Project implementation. At the same time, we are kindly asking for your support in the form of building a new health centre as the existing one is in unsatisfactory condition and by building this infrastructure the Project also would contribute to the improvement of the health and the welfare of the local community. From our side, for building the proposed new health centre, we are ready to provide workforce free of charge and deal with managing all the documents, including the land use certificate.

Answer: Your request will be passed to Barki Tojik PMU and the ADB.

Question 5: What will be the procedure for compensation for using the land that belongs to us during the construction phase and how it will be compensated? As you explained during your presentation all

land right related issues will be solved within the Land Code of Tajikistan. But in the past, when the Sughd Substation-500kV was built and started operating we lost our right to use the land on a buffer of 500 meters due to security reasons. We understand these reasons, but we still have to pay tax for each hectare of land as per certificate since 2012 even when we cannot use it.

For instance, this year we are paying a land tax of TJS 189 per hectare. We need support to solve this issue. Our understanding is that land use right should be passed to Sughd Substation as we do not use the land anymore. That land that we cannot use anymore needs to be compensated to us by providing us with new land from the reserves of the Devachtich district. We understand that this issue should be addressed by the local government but an official letter from Barqi Tojik to the Local Government will help to solve this issue asap and allow us to minimize our expenses. In addition to the Land Tax, we are pay per certificate a social tax for 2 person each of TJS 70 for seven months each year. In addition, per each hectare of land we pay once a year TJS 30 on taxes for the use of tractors. As well, the cost of the issuance of new land certificates and other related documents needs to be solved, as it is costly for us. Please convey all these issues to the relevant bodies.

Answer: Your requests and concerns will be passed to the PMU of Barki Tojik.

Other supporting documents:

1. Official letter of the Barki Tojik PMU to the local government of Devashtich district announcing the public consultation and asking for their support.
2. List of participants.
3. Pictures.

Official letter of the Barki Tojik PMU to the local government of Devashtich district announcing the public consultation and asking for their support.

ҲУКУМАТИ
ҶУМҲУРИИ ТОҶИКИСТОН
МУАССИСАИ ДАВЛАТИИ
«МАРКАЗИ ИДОРАИ ЛОИҲАҲОИ
БАХШИ ЭЛЕКТРОЭНЕРГЕТИКА»



ПРАВИТЕЛЬСТВО
РЕСПУБЛИКИ ТАДЖИКИСТАН
ГОСУДАРСТВЕННОЕ УЧРЕЖДЕНИЕ
«ЦЕНТР УПРАВЛЕНИЯ ПРОЕКТАМИ
ЭЛЕКТРОЭНЕРГЕТИЧЕСКОГО СЕКТОРА»

GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN
STATE ESTABLISHMENT
“PROJECT MANAGEMENT UNIT FOR ELECTRO – ENERGY SECTOR”

734042 ш. Душанбе к. Кахаров – 39А телефон: 222-25-58; Факс: 222-25-56; E-mail: pmu_tj@mail.ru

18.09.18 № 16/2015-1901

ба: _____ аз _____

Мақомоти иҷроияи ҳокимияти
давлатии ноҳияи Деваштич

Муассисаи давлатии «Маркази идораи лоиҳаҳои бахши электроэнергетика» ба маълумоти Шумо мерасонад, ки дар доираи татбиқи Лоиҳаи «Насби таҷҳизоти худкори зиддисадамавӣ барои пайваستшавии низоми энергетикӣ кишвар ба низоми ягонаи энергетикӣ Осиёи Марказӣ» дар асоси Созишномаи Грантӣ байни Ҳукумати Ҷумҳурии Тоҷикистон ва Бонки Рушди Осиё амалӣ шуда истодааст, чиҳати пайвасти хатҳои интиқоли барқи 500кВ-и Ҷумҳурии Ўзбекистон ба зеристгоҳи «Сугд-500» дар ҳудуди ноҳияи Деваштич якҷанд пояи хати интиқоли барқ насб карда мешаванд.

Бояд қайд намуд, ки тибқи талаботи Бонки Рушди Осиё пеш аз оғоз намудани корҳо аз ҷониби ширкати мушовирӣ - Mercados Energy Markets International S.A. (Испания) арзёбии таъсири экологӣ ва иҷтимоӣ гузаронида шуда, вобаста ба ин вохӯриҳои намояндагони ширкати мушовирӣ бо намояндагон аз шуъбаи энергетика ва ҳифзи муҳити зисти мақомоти иҷроияи ҳокимияти давлатии ноҳия дар санаи 29 сентябри соли 2018 дар бинои маъмурии ҷамоати деҳоти Лолазор ба нақша гирифта шудааст.

Аз ин лиҳоз, аз Шумо эҳтиромона хоҳиш менамоем, ки чиҳати иштироки мутахассисони дар боло зикргардида дар вохӯрии машваратӣ, мусоидат намоед.

Директори иҷроия

Н. Назарзода

Attendance List.

ATTENDANCE LIST

ATTENDANCE LIST

Project: TA's Interconnection Tajikistan-Uzbekistan project

Location: Sugd region, Denshtich district, Lolazor

Subject/Agenda: Public consultations

Date: 29.09.2018 Participants: Total _____ Males _____ Females _____

No	Name and Surname	Community/ Company	Position	Signature
1	Parviz Khakimov	AF Mercados	Social and Env-L expert	
2	Timur Usmanov	AF Mercados	IT Engineer	
3	Timur Rahimov	Jamot	Head of Jam.	
4	Rahmonov Sobir	Lolazor	Deputy Mayor	92-779-85-92
5	Umarov Abdumid	F/Bogdanu		
6	Abdunajimov A.			
7	Pojabaliy E.	Representative of Environmental	Specialist	
8			92-764-52-68	
9	Yunusov Hasan	Land committee representative		92-904-43-81
10				
11	Bopmurada Mirzo	Kilgik Farm		92-850-10-99
12	Qarantbaev D.	Kuranbaev Farm		
13				
14				
15				
16				
17				
18				
19				
20				

Pictures Taken at the Public Consultation Meeting.



Picture: Notification on the public consultation set at the front façade of the Jamoat, on the left hand side of the window.



Picture: Discussion during the public consultation.



Picture: Discussion during the public consultation (2).



Picture: Farmers being interviewed in the process socio-economic survey.