

Social Due Diligence Report

Document Stage: Final
Project Number: 54017-001
August 2022

Uzbekistan: Integrated Urban Development Project

Subproject: IUDP/HAV/UR01: Construction of new 6 ha Public Park with
1.2 km access road and Multifunctional Community Center with
Training Facility in Havast city, Sirdaryo province

Prepared by the Executing Agency, Ministry of Investments and Foreign Trade of the Republic of Uzbekistan for the Asian Development Bank.

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CURRENCY EQUIVALENTS

(As of 6 June 2022)

Currency Unit	–	Sum (UZS)
\$1.00	=	UZS 11,012.06

NOTE

In this report,

- i. “\$” refers to United State Dollars (USD)
- ii. UZS refers to Uzbekistan Sum

ABBREVIATIONS

ADB	- Asian Development Bank
AP	- Affected person
AH	- Affected household
CC	- Civil code
DMS	- Detailed measurement survey
DP	- Displaced person
EA	- Executing agency
FGD	- Focused group discussion
GRM	- Grievance redress mechanism
ha	- Hectare
HH	- Household
IA	- Implementing agency
IUDP	- Integrated Urban Development Project
IP	- Indigenous peoples
LAR	- Land acquisition and resettlement
LARP	- Land acquisition and resettlement plan
LC	- Land code
MIFT	- Ministry of Investments and Foreign Trade
PIU	- Project Implementation Unit
PSC	- Project management and supervision consultant
PMSC	- Project Management and Supervision Consultant's
SCEEP	- State Committee on Ecology and Environmental Protection of Uzbekistan
SES	- Socio-economic survey
SDDR	- Social Due Diligence Report
SPS	- Safeguard Policy Statement
TC	- Tax code
USD	- United States Dollar
UZS	- Uzbek Sum

GLOSSARY

Affected Persons (APs)	Affected persons are the members of the affected households those who experience full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. APs could be of three types: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land.
Affected Households (AHs)	A household consists of one or more people who live in the same dwelling and also share meals or living accommodation and may consist of a single-family. In the project, the household is the unit for compensation, and all the members in a household are considered affected persons.
Compensation	Payment for an asset to be acquired or affected by a project at replacement cost.
Cut-off-date	The date after which people will not be considered eligible for compensation i.e. they are not included in the list of AHs as defined by the census. Normally, the cut-off date is the date of the detailed measurement survey which will be based on the detailed and final engineering design.
Displaced Persons (DPs)	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.
Economic Displacement	Loss of land, assets, access to assets, income sources, or means of livelihood 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.
Entitlement	The range of measures comprising the cost of compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which is due to AH, depending on the type and degree nature of their losses, to restore their social and economic base. All entitlements will be given to all affected households as per the entitlement matrix.
Inventory of Loss	The inventory of assets getting affected by the project.

Inventory cost	Inventory value is the value of a real estate object, which was determined by the organization of technical inventory when conducting a technical inventory and producing a technical passport
Hokimiyat	The local government authority interfaces between local communities and the government at the regional and national levels. It has ultimate administrative and legal authority over local populations residing within its jurisdiction.
Land acquisition	The process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purposes, in return for fair compensation.
Land Use rights	According to the Land Code (article 17) real persons (can have the land plot under the right of lifelong inheritable possession and land parcel use transferred as the descent. This right is given to individual residential housing construction and collective gardening and vineyard (orchards), and peasant farms. Juridical persons (enterprises, stores, and business) can possess land parcels according to the right to permanent possession, permanent use, temporary use, lease, and property. In the above case when the person wants to sell the property (land and building), he will sell the building & structure, and subsequently land parcel will be sold as an attachment (right is being sold).
Leaseholder	Juridical person (farm) running agricultural production with the use of land parcels granted to him on a long-term lease. The lease term is limited to up to fifty years but not less than ten years. Leaseholders can sell-buy, mortgage, present, exchange the land.
Low Income	According to the GoU low-income households are classified as households where the monthly per capita income is less than the equivalent of UZS 304,095 (approximately US\$ 1.2 per capita per day), which is close to the internationally accepted income poverty line of approximately US\$2.0 per capita, per day for developing countries. According UNDP Human Development Index poverty data in 2013 the number of people living in poverty in Uzbekistan constitutes 14.1% of the population.
Makhalla	Is a local level community-based organization recognized official by the GoU that serves as the interface between state and community and is responsible for facilitating a range of social support facilities and ensuring the internal social and cultural cohesiveness of its members. Makhalla leaders are elected by their local communities.
Meaningful Consultation	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender-inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the

incorporation of all relevant views of affected people and other stakeholders into decision makings, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

**Replacement
cost**

Replacement cost is the principle to be complied with in compensating for lost assets. Calculation of which should include: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, APs and host populations will be consulted to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. Baseline data on housing, house types, and construction materials will also be collected. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account.

Resettlement

Resettlement covers all direct economic and social losses resulting from land taking and restriction of access, together with the consequent compensatory and remedial measures. Resettlement is not restricted to its usual meaning – physical relocation. Resettlement can, depending on the case, include: (i) acquisition of land and physical structures on the land, including businesses; (ii) physical relocation; and (iii) economic rehabilitation of project affected persons, to improve (or at least restore) incomes and living standards.

**Vulnerable
Households**

Women headed households with no support of someone of working age in a family, Low-Income household, household headed by elderly with no support of someone in working age in a family and household headed by physically challenged people.

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1. INTRODUCTION

1.1 Overview and Background of the Project

1. This Social Due Diligence Report (SDDR) is prepared for the proposed Loan: Republic of Uzbekistan: Integrated Urban Development Project that Asian Development Bank (ADB) considering to finance. The project will provide inclusive, resilient, and sustainable urban services in secondary Havast city experiencing low livability and lagging economic growth exacerbated by the coronavirus disease (COVID-19). It will demonstrate integrated development, pilot innovative solutions, and strengthen local government capacity for “building back better”. These measures will (i) enhance quality of life, reduce inequalities, and create jobs targeting women; (ii) strengthen resilience and economic recovery, particularly in the tourism sector; and (iii) increase the coverage, quality, efficiency, and reliability of urban services. The project is aligned with the government’s national development strategy 2017–2021 and Presidential Decree # 5623, 4 which aim to accelerate growth and reduce poverty through improved urbanization and balanced regional development.

2. The project subprojects in Havast, Djizzak, Khiva and Yangier cities prepared at the project feasibility study and will be further detailed during the engineering survey and design stage.

3. **Subproject - New 6 ha green open space with livelihood training and multifunctional community center with training facility for the Havast city.** This subproject will convert an existing unused open area in central Havast into an attractive 6 ha community green space to improve urban livability and attractiveness for residents, businesses, and visitors. The new public space will introduce walking/cycling paths (1.2 ha), administrative space (0.30 ha); zones for cultural and educational events (0.9 ha); children's leisure zones (0.75 ha); sports (1.4 ha); public areas (0.5 ha); zones for passive and quiet rest (0.95 ha). The park will be designed with universal access for people with disabilities and the elderly and will feature women-friendly facilities such as street lighting, women’s washrooms and by maintaining clear sight lines throughout the park. The park will feature LED lighting for energy efficiency. The design also includes an access road (1.2 km) connecting the park to the main road. A two-story multifunctional training, co-working and community center of 1,100 m² will be located in the park to support livelihood and skill development for small and medium-sized businesses targeting women and youth. The center will be universally accessible and designed with green building principles for energy, water, and materials efficiency.¹ Both the park and training center will be owned and operated by the hokimiyat. This subproject will benefit the entire population of Havast (28,400 people).

4. Figure 1.1 shows the final design boundaries of the new park area and livelihood training center highlighted in green color with explanation of the park components. The layout plan of the training center is shown in Figure 2. The site visit conducted in March 2021 and February 2022 did not find any potential resettlement impact for construction of

¹ Green building features includes: i) maximize use of natural light, ii) LED lighting, iii) double pane windows, iv) energy efficient boilers, v) ventilation, and vi) centralized Variable Refrigerant Flow (VRF) system (technology that circulates only the minimum amount of refrigerant needed during a single heating or cooling period).

a new park and training center in Havast town. The land is state-owned and is not occupied or leased by anybody which was screened during the site visit of Havast city and also confirmed by state land cadaster and Hokimiyat. The proposed access road (1.2 km), connecting the park to the main road is within the boundaries of the state land allocated for the park (on sides of the park as shown in Figure 1.2). There are no any private land users, buildings/structures, business, or agricultural activities on the proposed construction site to be impacted. The land is a barren land not suitable for agricultural activity. Project site photos are in Appendix 1 for the new park and the training center.

1.2 Current status of the SDDR

5. Land for permanent acquisition was identified through the selected site for new park and coworking center in Havast city based on the final design and confirmation by Hokimiyat. The SDDR:

- Defines the legal framework of land acquisition and resettlement (LAR) for the project,
- Presents the main types of possible permanent impacts of the project based on impact assessment,
- Clarifies the entitlement matrix and valuation principles in frame of LAR,
- Presents the phases of SDDR finalization, implementation and institutional arrangements,
- Describes the grievance redress process in different levels,
- Describes the process of public consultation and information disclosure during the LAR activities
- Presents the requirements for monitoring LAR activities.

1.3 Implementing agency

6. The Ministry of Investment and Foreign Trade (MIFT) will be the Executing Agency (EA). The project will be coordinated through its Center for the Development of Investment Projects and implemented through its Project Implementation Unit (PIU).

1.4 Objective of SDDR

7. The primary objective of the SDDR is to provide necessary details for free significant involuntary resettlement: i) rechecking of the impact on Affected households; ii) Grievance Redress Mechanism, information disclosure, consultation and participation; iii) policy and framework; (iv) monitoring of SDDR implementation.

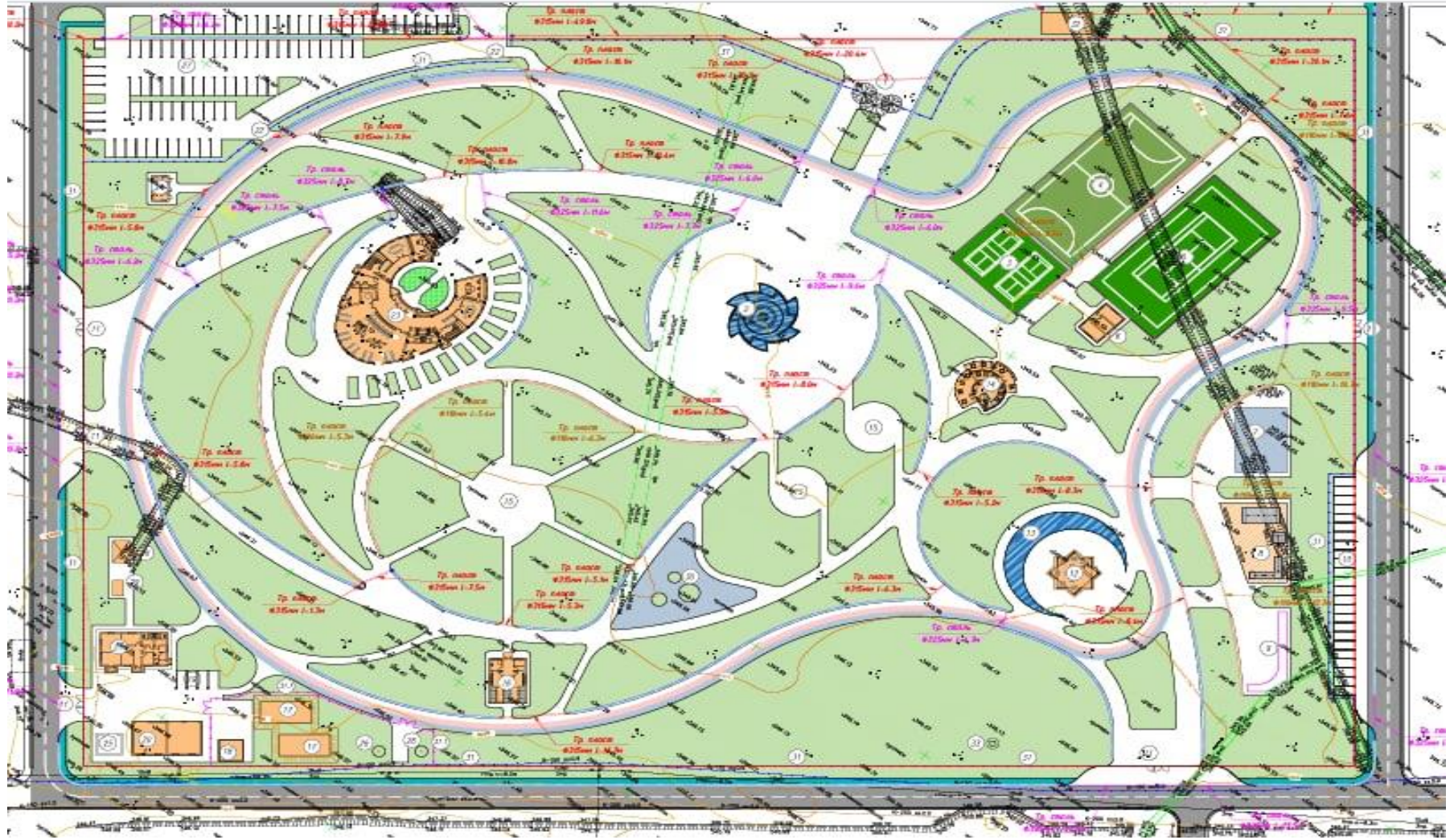


Figure 1.1: Plan of a new for the new green open space with livelihood training and multifunctional community center with training facility



Figure 1.2: Boundaries of the site for the new green open space with livelihood training and multifunctional community center with training facility

2. SCOPE OF LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT

2.1 General

8. The impacts on land acquisition and involuntary resettlement for the project components are categorized into permanent impacts in terms of land acquisition.

9. **Permanent impacts:** Permanent land acquisition includes only state reserve lands within the safety zone of RoW for construction of the new park and coworking center.

10. Thus, this SDDR covers permanent impact (land acquisition) due to construction of the new park and coworking center.

2.2 Impact Assessment Approach and Methodology

11. The impact assessment survey for this SDDR was carried out based on the final design for the construction of the new park and coworking center. The Identification of affected lands activity have been undertaken at this stage. The final schemas have been superimposed on Google maps, detailed design in order to identify the number of land parcels and their demarcation including the quantification within the defined location. The data on state reserve lands affected by the project was developed based on final design and Google map/topographic survey data and through consultations with the hokimiyats (local government) and local cadastral offices document.

2.3 Permanent Impact

12. The following section describes the findings of the impact assessment survey.

13. According to the decision of the Havast district hokim #400 dated on 31.03.2021 and GOOGLE KMZ file buffer zone of project for the construction of the new park and coworking center the total 6 ha of empty non-agricultural land (reserve land) is allocated to Executive Agency see Table 2.1, Table 2.2 and Appendix 2.

2.3.1 Impact on Land and crops due to Land Acquisition

14. The total affected land area is 6 ha (6 ha permanent). According to the land allocation document, new park and coworking center non-agricultural land was selected, particularly from reserve lands.

15. There is only one district and 1 area which will be affected due to permanent land acquisition (see Table 2.1).

Table 2.1: List of Affected District and area (permanent impact)

#	Name of the Province	Name of the District	Name of the area	Total number of areas
1	Sirdaryo	Havast	Bunyodkor	1
Total:				1

Source: Land allocation document and Impact Assessment Survey

16. Out of totally affected 6 ha lands which is a total of 6 ha (100%) reserve lands (non-agricultural land). Due to the fact that the project does not affect any agricultural lands, orchards or structures (non-agriculture reserve), the types of permanent impacts included

in government reserve land. (please see Table 2.2).

Table 2.2: Affected Land (permanent impact)

#	Name of the District	Name of the Area	Type of Land	Type of impact	Total Affected Land (ha)				
					Total Affected Land (ha)	Including			
						Agriculture land		Other lands (Reserve Lands)	Structure/ Households
						Arable /Crop Cultivation	Garden/ Orchards		
1	Havast	Bunyodkor	Government Reserve Land	Permanent	6.0	-	-	6.0	-
Total:					6.0	-	-	6.0	-

Source: Land allocation document and Impact Assessment Survey

2.3 Impact on Crops

17. As per the census survey, it is not found types of crops being cultivated which will be affected due to land acquisition.

2.3.2. Severity of Impact

18. There are no affected persons by the project.

2.4 Impact on trees due to Land Acquisition

19. According to the project-affected site visit (Havast city), field survey and final design, no impacts will be caused on any trees by the project.

2.5 Impact on structures

20. According to the project-affected site visit (Havast city), field survey and final design of the new park and coworking center topographic survey there are not any affected structures.

2.6 Public Utilities

21. According to the Land allocation document and khokims decision and project final design no impacts will be caused on any public utility/common use property by the project.

2.7 Summary of Impacts

22. Summary details on various impacts per Project components are shown in Table 2.3.

Table 2.3: Summary of Impacts

#	Type of Impact	Permanent impact	Temporary impact	Remarks
1	Number of districts	1		Havast
2	Number of affected areas	1		Bunyodkor
3	Total Affected Land area (ha)	6	0	
3.1	Affected agricultural cultivated land area (ha)	-	-	
3.2	Affected Orchard/ Garden land area (ha)	-	-	
3.3	Government reserve land (ha)	6	-	
3.4	Structure lands	-	-	

4	Number of permanent affected AHs/APs	-	There are no affected households and peoples
5	Number of temporary affected AHs/APs	-	

Source: The decision of the Havast district hokim #400 dated on 31.03.2021

3. INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

3.1 General

23. Under this subproject the public consultations were held with several responsible officers of the Havast city hokimiyat, with representatives of mahalla committees and other project stakeholders. (Appendix 3)

Table 3.1: Summary of Public consultations

Meetings	Arranged by	Place	Date	Participants
Meeting with residents living near the new park	MIFT PIU, Havast district, Hokimiyat and FS and DD consultants' team	Havast district Hokimiyat	12 November 2021	Bunyodkor mahalla residents
Meeting with representatives of residents of Havast city	MIFT PIU, Havast district, Hokimiyat and FS and DD consultants' team	Center of mahallas of Havast District	25 February 2022	Havast city residents

24. Public Consultations were carried out with stakeholders and residents of Havast city in order to present the project to the local residents and understand it, moreover, handouts brochures were distributed to them through mahalla centers. In this project the feasibility study and detailed design were carried out in parallel, as well as most surveys and consultations conducted jointly with PIU, FS and DD teams (Appendix 4)

3.2 Future Consultation Strategy and Information Disclosure

25. The project information will be disseminated through disclosure of SDDR. Copy of the SDDR (full report) will be translated to local language and will be made available at district level especially in the Hokimiyat. SDDR will be disclosed on ADB's website (in English Language) and in the website of the PIU under MIFT (in English and Russian or Uzbek) upon approval.

4. GRIEVANCE REDRESS MECHANISMS

4.1 Objectives

26. In accordance with ADB SPS (2009), Grievance Redress Mechanism (GRM) has been established after the project effectivity. The main goals of GRM are ensuring the receipt and timely redress of grievances and concerns submitted by the aggrieved project affected persons, and resolve complaints at the project level and prevent escalation to the national courts or ADB Accountability Mechanism. A grievance mechanism established to allow affected persons appealing any disagreeable decision, practice or activity arising from land or other assets compensation. Members of household of land users fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and time of compensation. The grievance mechanism shall not impede access to the country's judicial or administrative remedies. Affected persons can approach a court of law at any time and independent of the project level grievance redress process. Along with the ADB requirements on development and approval of grievance redress mechanism by implementation of investment projects, grievance redress procedure in Uzbekistan is also regulated by the national legislation of Republic of Uzbekistan, in particular by the "Law on the order of submission of appeals of physical and legal entities" (#378, 03 December 2014). According to the "Law on the order of submission of appeals of physical and legal entities", the application or complaint shall be considered within fifteen days from the date of receipt in the state authority, which is obliged to resolve the issue on the merits, as well as require additional study and (or) check, a request for additional documents - up to one month. The submission procedure for grievances and citizens' applications has been discussed during the public consultations in the project districts.

4.2 Grievance Redress Mechanism

27. The GRM for the current project takes into account the national legislation, the specificity of the project sites and results of public consultations. According to the Resolution 911 (16 November 2019) the hokimiyats of the respective districts (cities) are obliged to notify owners of residential, production and other buildings, constructions and plantings on the made decision in writing for signature not later than six months prior to demolition, attaching to the notice copies of the relevant decisions of the hokims of districts (cities) and regions on the basis of the decision of the Cabinet of Ministers of the Republic of Uzbekistan on any land acquisition, demolition of residential, production and other buildings, constructions and plantings located in the land.

28. The APs will have the right to file complaints and queries on any aspect of land acquisition, compensation and resettlement. MIFT PIU will be responsible for establishment of GRM during the project affectivity and act as the GRM secretary to make sure that the GRM is operational to effectively handle environmental and social concerns of project affected persons. The proposing GRM was discussed PIU's manager and safeguard specialist. PIU will ensure that grievances and complaints on any aspect of the land acquisition, compensation, and resettlement are addressed in a timely and satisfactory manner. All possible avenues are made available to the APs to resolve their grievances at the project level. Under the proposed project level grievance mechanism, affected households may appeal any decision, practice or activity connected with the assessment or valuation of land or other assets, acquisition and compensation. After

discussion with all parties, the following multi-level GRM was proposed for the project and is described below in table 4.1.

Table 4.1: Grievance Redress Mechanism and Levels

Level/Steps	Process
Level 1- PIU Field Coordinator, working office of Contractor, local makhalla committee, and Havast district hokimiyat	<p>The aggrieved person applies directly to MIFT PIU Field Coordinator, working office of Contractor, local makhalla committee, and Havast district hokimiyat. MIFT PIU resettlement specialist will be in charge for registration of complaints and MIFT PIU will collect information about received complaints on weekly base.</p> <p>The alternative entry point for complaints will be also hokimiyats due to their obligations defined by national legislation: (i) hokimiyats of the respective districts (cities) are obliged to notify owners of residential, production and other buildings, constructions and plantings on the made decision in writing for signature not later than six months prior to demolition, (ii) there is a 1st deputy of hokim responsible for industry, capital construction communications and utilities, who is usually responsible for any issues/complaints regarding the construction and land allocation; After registration of received complaints, MIFT PIU will review nature/specificity of the complaint and will forward it to relevant party for resolving and monitors further actions undertaken for its solution. Depending on nature of complaint it may go to Contractor, Land Cadaster, Makhalla or district branch of Nature Protection Committee. For example, complaints related to resettlement issues may be forwarded to Land Cadaster, hokimiyat and makhallas. In case of environmental issue, complaint will be forwarded to Contractor or District Nature Protection Committee. At this level complaint should be resolved during 2 weeks.</p>
Level 2 – MIFT PIU in Tashkent	<p>In case the grievance was not redressed in the first stage or applicant is not satisfied with the decision made/solution, s/he can submit the grievance directly to MIFT PIU in Tashkent. In accordance with established procedure, the MIFT PIU will review the complaint and will forward complaints to the respective department to make a decision on its redress. In case the grievance is not related directly to the project, the further instance will be recommended to the applicant where s/he should apply for the decision making.</p> <p>In case, if the complaint is required more time and resources for resolution, the MIFT PIU may establish a complaint handling team with the following members such as representatives from the MIFT PIU, district hokimiyat: cadastral department, and makhalla or village assembly of Citizens or/and farmer's councils, or/and women association. All complaints will be resolved in 15 days, and in case additional details are required, a maximum of 30 days will be used to resolve and close the complaint with prior notification of the complainant.</p>
Level 3- Economic Court	<p>If the issue was not solved or the applicant is dissatisfied with the decision/resolution, the aggrieved person may submit the grievance to the Economic Court (Court of Law) where a decision will be made in accordance with relevant national legislation. However, APs can approach the court of law at time during the grievance redressed process independent of GRM and the grievance mechanism should not impede access to the country's judicial or administrative remedies.</p>

4.3 Records and Documentation

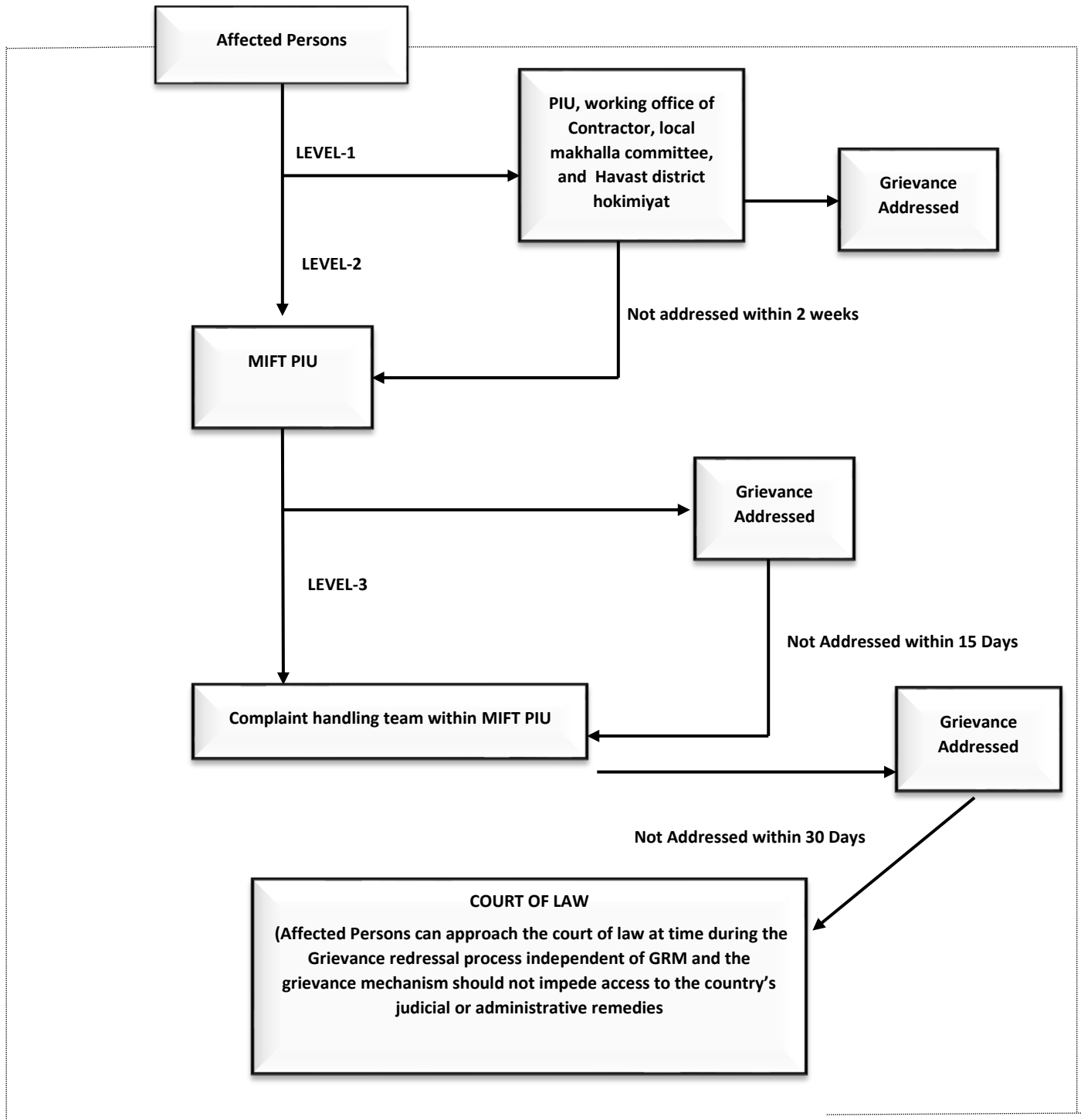
29. Most of grievances on land acquisition and resettlement issues are redressed at 1-2 levels. All grievances received from the population will be registered in a logbook² which should be available at all levels: at the site office of Contractor, makhalla committee of project area district. Besides, there are also logbooks in Havast district hokimiyat where the grievances from the population are usually registered. Even so, the information on received by Contractor grievances and applications from the aggregated persons, and undertook measures should be submitted to the representatives of MIFT PIU on the project site for the accounting all grievances. Thereafter the information on all received grievances will be collected at the MIFT PIU.

30. The contact details of the MIFT PIU are provided below:

Project Implementation Unit under the Ministry of Investment and Foreign Trade
(Tashkent city, T. Shevchenko str., 24,
Tel .: +998 (71) 252-42-20;
E-mail: iudpuzbekistan@gmail.com

² The logbook should sequentially numbered and pages have been bound securely.

Figure 4.1: Grievance Redress Mechanism



5. LEGAL FRAMEWORK

5.1 General

31. The legal and policy framework, which will apply to the Project, is based on national laws and legislations related to land acquisition, the compensation policy in Uzbekistan and ADB's Safeguard Policy Statement 2009 (SPS). The LAR principles, which will be applicable to this Project, are based on the analysis of relevant national laws and policies and ADB SPS 2009 requirements.

5.2 Laws, Regulation and Provision relating to LAR in Uzbekistan

5.2.1 Constitution

32. The Constitution of the Republic of Uzbekistan (December 8, 1992) provides that:

- Everyone shall have the right to own property (Article 36). The economy of Uzbekistan, evolving towards market relations, is based on various forms of ownership. The state shall guarantee freedom of economic activity, entrepreneurship and labor with due regard for the priority of consumers' rights, equality and legal protection of all forms of ownership (Article 53);
- An owner, at his discretion, shall possess, use and dispose of his property. The use of any property must not be harmful to the ecological environment nor shall it infringe on the rights and legally protected interests of citizens, juridical entities and the state (Article 54);
- The land, its minerals, waters, fauna and flora, other natural resources shall constitute the national wealth and shall be rationally used and protected by the state (Article 55).

5.2.2 Land Code (30 of April 1998)

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

- Withdrawal of the land or part thereof for state and public needs is made by agreement with land user and tenant by decision respectively hokim of district, city, region or by decision of the Cabinet of Ministers (Article 37, Clause 1). In case of disagreement the land user or tenant of the land with a decision of district (city, region) hokim, or the decision of the Cabinet of Ministers to withdraw the land, this decision may be appealed in court (Article 37, Clause 2);
- Losses caused by violation of the rights of land users, tenants and land owners (including lost profits), shall be reimbursed in full (Article 41, Clause 3);

- The withdrawal of the land for state or public needs may be produced after allocated to land user or tenant an equivalent land plot and the compensation all losses including lost profits (Article 41, Clause 4).
- The LC (Article 36, Clause 1) specifies instances when the right to the land can be terminated. Termination of the right of possession and the right of permanent or temporary use of land is made by decisions, respectively, of hokims of districts, cities, regions or by the decision of the Cabinet of Ministers on the proposal of the bodies exercising state control over the use and protection of land, on the basis of supporting documents justifying the termination of the rights. In case of disagreement with the decisions of the Cabinet of Ministers and the officials of the termination of the right of possession, the right of permanent or temporary land use natural and legal persons may appeal to the court (Article 36, Clause 4).

34. According to Article 39, Clause 1 land user, tenant and land owner have besides others the right for reimbursement of losses (including lost profits), in case of withdrawal of land or compensation costs for voluntary renunciation of land (Article 39, Clause 1, sub-Clause 7).

35. The LC (Article 86, Clause 1) specifies the cases where losses of land users must be compensated in full including lost profits:

- seizure, redemption or temporary occupation of land;
- the restriction of their rights in connection with the establishment of water protection zones, coastal strips, sanitary protection zones of water bodies, zones of formation of surface and underground water, zones of resort areas, public areas of biosphere reserves, protected zones around national parks, game reserves, national nature monuments, sites of cultural heritage, discharges, roads, pipelines, communication and power lines.

36. According to the Article 87, Clause 1 losses of agricultural and forestry production, caused by the withdrawal of agricultural and forest land, including agricultural land, owned and used by individuals to use them for purposes not related to agriculture and forestry, restrictions on the rights of land users and tenants or deterioration land due to the impact caused by the activity of enterprises, institutions and organizations, shall be reimbursed in addition to the indemnity provided for in Article 86. Losses of agricultural and forestry production is compensated by legal and natural persons:

- which removes withdrawn agricultural and forest lands for purposes not related to agriculture and forestry;
- around objects that set security, sanitary and protection zones with the exception of the revolutions of agricultural and forest land, or transfer them to less valuable lands.

5.2.3 Civil Code (29 August 1996)

37. The Civil Code (CC) defines the legal status of participants of civil relations, the grounds and procedure of implementation of property rights and other proprietary rights, rights on intellectual property, regulates the contractual and other obligations, as well as other property and related personal non-property relations. The CC defines general rules of property seizure, determination of property cost and rights for compensation, terms of rights termination.

38. The CC provides that: person whose right has been violated may demand full compensation for damages, unless the law or the contract provides compensation for losses in a smaller size (Article 14, Clause 1). The Civil Code (Article 14, Clause 2) also specifies that losses are understood as:

- expenses that the person whose right is violated, made or must make to restore the violated right;
- the loss of or damage to property (real damage);
- the revenues that this person would have received under normal conditions of civil turnover if his right had not been violated (lost profits).

39. According to article 14, Clause 3 “If the person has violated law, revenues received as a result of this, the person whose rights were violated, has the right to demand compensation along with other losses, lost profits in the amount not less than such profits”.

40. According to article 7 “If an international treaty or agreement stipulates other rules than those stipulated by civil legislation, rules of the international treaty or agreement”. This rule is a common rule for all Uzbekistan’s laws.

41. According to the Article 8, Clause 3, the rights to the property which are subject to state registration shall arise upon the registration of the relevant rights to it, unless otherwise provided by law. Article 84, Clause 1 provides that the right of ownership and other real property rights, creation, transfer, restriction and termination of these rights are subject to state registration. This means that without registration the right to real estate property does not enter into the force. This statement is very important for the further understanding of LAR processes related to land acquisition and building’s demolition.

5.2.4 Resolution of Cabinet of Ministers № 146 (25 May 2011)

42. This Resolution is aimed to improve the procedure of granting land plots, protect the rights of legal entities and individuals on land and improve the architecture of settlements and the efficient use of their land for construction in accordance with the Land Code and the Town Planning Code. This resolution has approved two Regulations: (i) Regulation on the procedure for granting land for urban development and other non-agricultural purposes, (ii) Regulation on the procedure of compensation for land possessors, users, tenants and owners, as well as losses of agriculture and forestry. The Regulation on the procedure for granting land for urban development and other non-agricultural purposes contains the following provisions:

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

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

- Compensation for losses of owners, users, tenants and land owners;

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

44. The losses of land possessors, users, tenants and owners, as well as losses of agriculture and forestry should be compensated before granting of documents certifying rights on land plot. The regulation also orders that demolition of house, or building shall be done only after agreeing on compensation and providing replacement premises. The regulation orders that compensation has to be paid before starting any construction work. The land possessors, users, tenants and owners, whose land plots are seized and to whom land plots are granted, in case of disagreement with defined amount of losses, can appeal to court. In case of acquisition and temporary occupation of land plot or part thereof, the following would be subject to compensation:

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

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

46. Collectively, these regulations provide a sound basis for acquiring land for public purposes and for compensating land users according to the registered use of the land in Uzbekistan.

5.2.5 Tax code

47. The Tax Code (TC) is a regulatory framework for taxation related matters of individuals and legal entities. This law regulates compensation for vulnerable group of people in terms of applying discounts or exemption from property taxes, income tax and other taxes stipulated in this TC.

5.2.6 Labor code and employment law

48. These two documents are main legislations regulating labor relations of individuals employed with labor contract by enterprises, institutions, organizations of all type ownership forms, including contracted by individuals. These legislations are considering interests of employees and employers provide efficient function of labor market, just and secure labor conditions, protection of labor rights and employees health, promote to growth of labor productivity, increase of work quality, raising on this matter welfare and social livelihood level of the population.

49. Both ADB policy and the Uzbek law provide for the indemnification of APs who

lose a job because of land/assets acquisition under a public interest project. The two, however, differ substantially on how the matter is conceptualized and resolved in practice. ADB policy compounds the matter as an income rehabilitation issue and thus requires that the actual job income lost by the APs is fully reimbursed to them. This approach covers temporary and permanent job losses and is generally implemented through an allowance providing the APs their declared monthly salary (what should be substantiated by the supporting documents) for the number of months of business stoppage up to a maximum of 12 months which is the benchmark for permanent job loss. For informal permanent jobs without declared salaries the approach is the same but based on national minimum salary. To guarantee proper policy application the payment of the job loss allowances are to be directly disbursed to the APs by the project proponent.

50. The national legislation, instead, limits the matter to the payment as mandated by the Labor Code of fixed employment termination indemnities due by an employer to his employees and to the obligation of the project proponent to reimburse the employer of the cost of those indemnities mandate by the Civil Code. Such an approach excludes from job loss compensation informal employees without a declared salary, applies only to permanently affected jobs, and does not automatically guarantee that the APs receive their job termination dues.³

5.2.7 Resolution of Cabinet of Ministers № 44 (15 February 2013)

51. This resolution determine the procedure for the appointment and payment by Makhalla allowances for families with children under the age of 14 years, allowances for child care until the age of two years and allowance for low income families. According to this resolution the following types of families are entitled for allowances:

- families who have lost both parents and children involved in family education;
- families where one or both parents are disabled children;
- widow (er), raising two or more children under the age of 14, living separately from other relatives;
- family with disabled children;
- mothers or fathers who are bringing up the children in a single-parent family. In this case the fact of child rearing mother (father) in an incomplete family established by makhalla;
- families in which one or both parents are unemployed who has been registered at centers to promote employment and social protection of the population as job-seekers;
- single retired persons.

52. The Uzbekistan's legislation does not define compensation as targeting the rehabilitation of the APs livelihood. It instead focuses on the mere compensation of directly measurable physical impacts or incomes. This may create some reconciliation

³ Based on the Labor Code of 1996, last amended on 2015 (Article 67) loss of employment is to be compensated with 2 months average salary plus a severance pay of a maximum of 1 month average salary depending on the length of the employment lost. Also according to the Civil Code (Article 14) all losses (including real damage, lost profits) are to be compensated.

problem with ADB requirements especially for what concerns the compensation of indirectly affected items that become unusable after impacts or for the provision of severe impacts, vulnerable APs and relocation allowances. Thereby, requirements of ADB for vulnerable segments of the population agree with category of residents, determined by the Government. However, to meet the ADB Safeguard Policy Statement (2009) principle to improve the standards of living of the displaced poor and other vulnerable groups by at least national minimum standards, the vulnerable households will be provided with a one-time additional allowance.

5.2.8 Resolution of Cabinet Ministers №3857 (16 July 2018)

53. The resolution “On measures to improve the effectiveness of training and realizing projects with participation of international financial institutions and foreign government financial organizations” partly provides that payment of compensation for the land acquisition, demolition of houses, other structures, plantings within the framework of projects with the participation of International Financial Institutions (IFIs), if it is agreed and stated in agreements, then will be carried out by authorized bodies in accordance with the requirements of IFIs or Foreign Governmental Finance Organizations (FGFOs).

5.2.9 Resolution of Cabinet of Ministers № 911 (16 November 2019)

54. The resolution envisages procedures for acquisition of lands for state and public needs that belong to individuals (individual entrepreneur, citizen of the Republic of Uzbekistan, foreign citizen and stateless persons) and legal entities (business entities, non-governmental organizations) on the basis of ownership, permanent use or temporary use, as well as in the framework of investment projects and compensation for property owners including for the properties located on impacted lands.

55. According to the Chapter 3 (General procedure for providing compensation to owners due to demolition of properties), Article 11 of the resolution, compensations are paid as follows:

- a. Market value of real estate located on the seized land, and the market value of the right to the seized land;
- b. Expenses associated with the temporary acquisition of properties, including relocation;
- c. Loss of profits of individuals and legal entities, and other expenses and losses stipulated by law or agreement.
- d. The cost of self-constructed housing, industrial and other buildings and structures should also be covered.

56. Types of compensation provided:

- a. Cash;
- b. Provision of land plot or another property for the acquired land and property;
- c. Other form of compensation as per agreement of parties.

57. By agreement of the parties, the owner may be provided with several types of compensation, considering the estimated value of the property. The term for the provision of a new property instead of demolished property should not exceed 24 months from the date of provision of another property for temporary use. If a new property is not issued within the indicated period, the entrepreneur pays the owner a fine of 0.01 percent for each day of delay. In this case, the size of the fine should not exceed 50 percent of the

value of the violated property. An agreement providing for the provision of property as compensation is subject to state registration in cases provided for by law.

58. In case of acquiring the land for state and public needs, compensation shall be paid by the Council of Ministers of the Republic of Karakalpakstan, Hokimiyats of the city of Tashkent, regions, or district (city) from the funds of the corresponding centralized fund and other sources not prohibited by law.

59. In case of acquiring the land for investment projects, the investor pays compensation and compensation can also be paid from other sources not prohibited by law, through:

- a. Transferring funds to the appropriate bank (deposit) account of the affected owner;
- b. In case of acquiring an apartment building the affected owner shall be given apartment for ownership in the same area or another area based on the agreement of parties;
- c. A new apartment can be given from an apartment building (or houses) which are being built on the acquired land plot, as wished by the affected owner. In this case, the owner will be provided with temporary housing for rent paid by the investor, until he/she receives a new apartment in the housing buildings which is being built;
- d. In case of acquiring lands occupied by a non-residential building, as agreed by parties, the affected owner shall be given a non-residential building within the same district (city) and not less than the total area of the acquired non-residential building;
- e. If a non-residential building to be given as compensation from the buildings being built at the acquired land, the affected owner shall be given a temporary non-residential building for rent at the expense of the investor until she/he will receive the compensated non-residential building;
- f. In case of acquiring a land, plot occupied by an individual residential premise (including construction in progress, but registered) - by an agreement of the parties, the owner shall be compensated with an individual residential premise within the district (city);
- g. In case of acquiring a land plot the affected owner shall be given another land plot, the type and area of which is equal to the previous one.

60. If the market value of the right to the seized land exceeds the market value of the right to the land plot provided as compensation, the difference shall be compensated to the right holder of the land plot.

61. If the market value of the right to the affected land is lower than the market value of the right to the land granted as compensation, the affected land holder will not be required not pay the difference.

62. By agreement of the parties, the size, and types of the land plot unit for compensation may be reduced by providing additional land plot as compensation.

63. In case of acquiring the land plot for housing construction, the investor provides the affected owner and his/her family with temporary rent housing until the completion of construction and transferring the housing unit to the affected owner. In this case, the construction period should not exceed two years from the date of conclusion of the

agreement.

5.2.10 Decree of the President of the Republic of Uzbekistan №5495 (1 August 2018)

64. Decree "On measures on cardinal improvement of investment climate in the Republic of Uzbekistan" partly provides that the adoption of decisions on the seizure of land for state and public needs is allowed only after an open discussion with interested parties whose land plots are planned to be seized, as well as assessing the benefits and costs; demolition of residential, industrial premises, other structures, and structures belonging to individuals and legal entities, with the withdrawal of land plots is allowed after the full compensation of the market value of immovable property and losses caused to owners in connection with such withdrawal.

5.3 Policy Comparison

Aspect	Asian Development Bank	National Uzbek Regulations	Harmonized Framework
Involuntary Resettlement	Asian Development Bank Social Safeguard Policy (2009)	<p>The legal and policy framework of the project is based on national laws and legislations related to land acquisition and compensation policy in Uzbekistan, there are:</p> <ul style="list-style-type: none"> (i) Land Code (30.04.1998); (ii) Resolution of the Cabinet of Ministers dated 25.05.2011, #146 "On measures to improve the procedure for granting land plots for urban development activities and other non-agricultural purposes"; (iii) Resolution of the President of the Republic of Uzbekistan dated 16.07.2018 #3857 "On measures to improve the effectiveness of training and realizing projects with participation of international financial institutions and foreign government financial organizations"; (iv) Decree of the President of the Republic of Uzbekistan dated on 01.08.2018 #5495 "On measures on cardinal improvement of investment climate in the republic of Uzbekistan" (v) Resolution of the Cabinet of Ministers dated 16.10.2019, # 911 "On additional measures to improve the procedure for providing compensations for the removal and provision of land plots and ensuring the guarantee of property rights of individuals and legal entities" 	<p>The most cases the national requirements and standards for land acquisition and resettlement are match with ADB policy, moreover there are some differences exist between national legislation and SPS 2008. In such cases ADB SPS policy requirements are met.</p>
Screening and Categorization	ADB carry out project screening and categorization at the earliest stage of project preparation when sufficient information is available for this purpose.	According to legislation there are no categorization in Resettlement documents.	As there are no categorization in Resettlement in national legislation

Aspect	Asian Development Bank	National Uzbek Regulations	Harmonized Framework
	Type of project categorizations are A, B, C, FI.		documents, in this case the ADB categorization will be used for the project.
Compensation entitlements	A. PAPs with formal title have to be compensated for lost land/other assets.	A. PAPs with formal title are compensated for lost land/other assets.	A. Same in principle/application. No reconciliation needed.
	B. PAPs with legalizable title have right to be compensated for lost land and assets after the EAs helps them in legalizing their assets.	B. PAPs with legalizable title have a right to be compensated for lost land and assets by their own burden.	B.C. Application already reconciled in previous ADB projects, the loan agreement and Resolution of Cabinet Ministers №3857 “On measures to improve the effectiveness of training and realizing projects with participation of international financial institutions and foreign government financial organizations” will be base for compensation.
	C. PAPs with no legal title are compensated for lost non-land assets.	C. PAPs with no legal title have no right to be compensated for land and non-land assets.	
Compensation	A. Permanent loss of land. Replacement land as preferred option or cash compensation at full market rate. At least for legal/legalizable PAPs.	A. Permanent loss of land. Replacement land for legal PAPs or cash compensation.	ADB SPS policy requirements are met. Application already reconciled in previous ADB projects, the loan agreement and Resolution of Cabinet Ministers №3857 “On measures to improve the effectiveness of training and realizing projects with participation of international financial institutions and foreign government financial organizations” will be base for compensation.
	B. Replacement of leased land. Based on replacement of lost income through cash compensation of gross income x the remaining lease years or through a replacement land lease.	B. Replacement of leased land. Based on lease replacement and compensation in cash all losses including lost profit.	
	C. Loss of structures/ buildings. Cash compensation at replacement cost for lost item free of depreciation, transaction costs, and other deductions.	C. Loss of structures/buildings. Cash compensation at market cost for lost item free of depreciation, transaction costs, and other deductions.	

Aspect	Asian Development Bank	National Uzbek Regulations	Harmonized Framework
	D. Loss of indirectly affected items. Non affected parts of an asset no longer usable after impact will have to be compensated as well.	D. Loss of indirectly affected assets. Law requires that all losses including lost profits is to be compensated to all legal PAPs.	
	E. Business losses. Reimbursement of actual losses + business re-establishment costs. For application based on tax declared income for period of business stoppage. In absence of tax declaration based on maximum non-taxable salary.	E. Loss of business. Cash compensation at market value for all damages/opportunity costs incurred. Burden of proving opportunity costs rest on the PAP based on recognized documented evidence but no clear methodology.	
	F. Loss of trees: i) Unproductive. Irrespective of legal land occupancy status compensation at market rate. Application based on tree type/ wood volume or other methods ensuring PAP rehabilitation. ii) Productive. Compensation at replacement cost based for application on various methods: tree reproduction cost, income lost (x tree type x market value of 1 year income x full production years lost) or in case of no official data available about net income then it will be evaluated by a valuation company.	F. Loss of unproductive and productive trees. Unproductive as well as productive trees affected by a public project are to be compensated according to the independent valuator's report, but with no right to have felled trees.	

Aspect	Asian Development Bank	National Uzbek Regulations	Harmonized Framework
	G. Loss of crops. Compensation of crop in cash at market price.	G. Loss of crops. Loss of crops to be compensated. There is a way of compensation of loss of crops: compensation of uncompleted agriculture production.	
Involuntary Resettlement Planning, assessment and valuation of impacts	<p>Land Acquisition and Resettlement Plan. LARP preparation includes: a) impacts assessment/PAP census; b) definition of entitlements, income/livelihood restoration strategy, compliance & grievance mechanisms, institutional arrangements; c) consultation results; d) monitoring schemes; e) budget and implementation schedule. LARP requires the following surveys:</p> <p>i. Measurement survey. Measures all affected items.</p> <p>ii. PAP Census. Identifies all PAPs and establishes legitimate beneficiaries based on legal status.</p> <p>iii. Socio-economic survey. Provides background information on PAP' socio-economic features.</p> <p>iv. Valuation survey</p> <p>a) Land: If land market exist based on a survey of recent transactions; without land market based on land productivity/ income;</p>	<p>Resettlement Plan. There are no requirements to prepare integrated and stand-alone LARPs. LAR planning entails similar but less extensive/simpler assessment/survey efforts than LARP Policy, as detailed below:</p> <p>i. Measurement survey. Land and buildings impacts measured. Other impacts identified but not measured;</p> <p>ii. PAPs Identification. Identifies only legal PAPs;</p> <p>iii. Socio-economic survey. No comparable requirements exist;</p> <p>iv. Valuation survey;</p> <p>a) Land: valued at market rate based on a transactions survey. Valuation includes transaction costs/third party liabilities;</p> <p>b) Buildings and structures. Replacement cost but the salvaged materials remain with the developer or</p>	<p>Partly different in principle and application. No reconciliation needed as law/regulation is silent on this matter and SPS requirements have been already applied in previous ADB projects.</p> <p>ADB SPS policy requirements are met. The loan agreement, ADB policy and national legislation will be the base for compensation and special assistance</p> <p>Still, clear instructions regarding ADB projects ensuring the measurement of all impacts and the counting of all PAP are needed for mainstreaming purposes.</p> <p>i. Detailed Measurement Surveys to be mainstreamed for all impacts;</p> <p>ii. Detailed count of individuals to be mainstreamed;</p> <p>iii. The execution of the survey is to be mainstreamed;</p> <p>iv. Valuation survey;</p> <p>a) Land is not valued because of compensation land to land; there is only measuring land area and valuation of</p>

Aspect	Asian Development Bank	National Uzbek Regulations	Harmonized Framework
	<p>b) Buildings and structures. Replacement cost of materials, labor and transport and special features of building/structure without discounting depreciation, salvaged materials and transaction costs; c) Trees/crops. Based on the methodology detailed in section Compensation.</p>	<p>landowner provides full reimbursement to the owner;</p> <p>c) Trees/crops. Based on the methodology detailed in section Compensation.</p>	<p>land quality (productivity/soil quality) in order to compensate land to equal land;</p> <p>b) Already reconciled for previous ADB projects but Formal reconciliation needed.</p>
Procedural mechanisms	<p>A. Information disclosure. Resettlement-related documents to be timely disclosed in the PAP language.</p>	<p>A. Information disclosure. Decisions on conducting open discussions with the APs, land acquisition, implementation of investment projects and demolition of affected structures must be announced on the official website of the Council of Ministers of the Republic of Karakalpakstan, regions and Tashkent city or district (city) administrations, as well as in the mass media. The decision on the removal of a land plot must include (i) geographical coordinates of the land plot to be removed; (ii) the grounds and purposes of land acquisition; (iii) information about the owners and objects of real estate to be demolished; (iv) information about objects that need to be built on the plot of land to be removed; (v) providing compensation to owners in connection with the removal of a plot of land, including other issues related to the removal of a land plot.</p>	<p>A. Same in principle but different in application. Already reconciled for ADB projects.</p> <p>The information should be disclosure in PAP language in EA website and brochure should be distributed to PAP through the Makhalla committee and local khokimiyats.</p> <p>C. No reconciliation is needed.</p>

Aspect	Asian Development Bank	National Uzbek Regulations	Harmonized Framework
	<p>B. Public consultation. Meaningful public consultations are to be held with the PAPs. PAPs should be informed about their entitlements and options, as well as resettlement alternatives.</p>	<p>B. Public consultation. Open discussions with the APs will held following the decision of the Supreme Council of the Republic of Karakalpakstan or the relevant Council of People's Deputies. The APs will be informed of the date and place of the open discussion on the official websites of the Council of Ministers of the Republic of Karakalpakstan, the city of Tashkent, regional or district (city) administrations, mass media and the Internet world information network.</p> <p>An open discussion must be held with the participation of the mass media and their participation must be ensured by the initiator.</p> <p>During the open discussion, the initiator must familiarize the APs with the conditions, goals and prospects of the project implementation on the affected land plot and listen to their opinions.</p> <p>APs who agree or oppose the implementation of investment projects in this area must be indicated in the minutes of the meeting. The minutes of the meeting must be published on the official websites of the Council of Ministers of the Republic of Karakalpakstan, Tashkent city, regional or district (city) hokims on the working</p>	<p>B. No reconciliation is needed.</p>

Aspect	Asian Development Bank	National Uzbek Regulations	Harmonized Framework
		day following the day of its formalization. During the open discussion, even if one land owner opposes the implementation of the investment project on the plot of land where the investment project is planned, it will not be allowed to implement this investment project in this area.	
	C. Grievance procedure. A Grievance Redress Mechanism (GRM) is to be established for each project. Information on GRM to be communicated to the PAPs.	C. Grievance Procedures. Each state agency/ministry must follow to detail instructions (approved by government) on registering and reviewing the concerns and claims from citizens.	C. No reconciliation is needed.
	D. Asset acquisition conditions. Property can be acquired only after full compensation is paid to the PAPs.	D. Asset acquisition conditions. Property can be acquired only after full compensation is paid to PAPs.	D. Same in principle, but unsystematic in application. Application to be improved by strict following the national legislation and ADB policy
Assistance to vulnerable and severely affected households	A. These PAPs are to be identified and special assistance is provided to restore/ improve their pre-project level of livelihoods.	A. There are no special laws or regulations for livelihood restoration due to land acquisition and involuntary resettlement impact. However, there are a number of legislative documents related to social support and livelihood improvement measures considered by the government of Uzbekistan to consider social allowances and needy families through two Cabinet of Ministers resolutions (#350, 12 December 2012 and #44, 15	A. Critically different in application. ADB SPS policy requirements are met. The loan agreement, ADB policy and national legislation will be the base for compensation and special assistance for vulnerable and severely affected households.

Aspect	Asian Development Bank	National Uzbek Regulations	Harmonized Framework
		<p>December 2013) and to consider disabled people through the Law on social protection of disabled people (#422-XII, 18 November 1991).</p> <p>Thus, support of vulnerable segments of the population is provided on the regular base by the Government on central and local levels and does not require additional payments in connection with the project implementation.</p>	

6. INSTITUTIONAL FRAMEWORK

65. The timely and effective finalization of the SDDR and its further implementation will require involvement of several agencies and units. This chapter describes the roles of the different units involved in SDDR finalization and implementation. The main institutions that will be involved in LAR activities are Center for Implementation of Foreign Investment Projects in the Ministry of Investments and Foreign Trade, MIFT PIU, regional and district hokimiyats, and Cadastre Agency Under the State Tax Committee of the Republic of Uzbekistan at regional/districts level, and ADB.

6.1 Ministry of Investments and Foreign Trade

66. The Ministry of Investments and Foreign Trade (MIFT) has overall responsibility for project implementation, including preparation, implementation and financing of the LAR activities.

6.2 District hokimyat

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

- (i) Deputy hokim (chair);
- (ii) Architecture department;
- (iii) “Yermulkkadastr” SUE (“Land management and real property cadaster service” State Sanitary Enterprise);
- (iv) Finance department;
- (v) Housing construction coordination department;
- (vi) Chair of makhalla;
- (vii) Agriculture department.

68. This Commission is responsible for the following:

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

69. The hokimyat provides the following documents for payment of compensation:

- (i) Valuation report(s);
- (ii) Decree of regional hokim;
- (iii) Decree(s) of district hokim(s).

6.3 Cadastre Agency Under the State Tax Committee of the Republic of Uzbekistan

70. Cadastre Agency Under the State Tax Committee of the Republic of Uzbekistan is a permanent agency at regional and district levels. However, it plays an enhanced role throughout SDDR finalization and implementation. It is responsible for:

- (i) Identifying land losses incurred by land owners and land users plus agricultural output losses;
- (ii) Determining the degree and area of land restitution, including removal and temporary storage of productive soil layer;

- (iii) Determining the need for protective sanitary and water protection zones around constructions;
- (iv) Preparing proposals on allocation of land plots of equal value under land for land;
- (v) Investigating alternatives to acquiring currently used land through developing unused land;
- (vi) Approving the Implementation Act and the attached plan;
- (vii) Amending government edicts on land use and land ownership as well as other cadaster documents.

6.4 Asian Development Bank

71. Besides supervising periodically the Project, ADB will review the SDDR and provide clearance to contract awards signing and initiation of civil works.

7. IMPLEMENTATION SCHEDULE

72. This section includes a detailed, time-bound, implementation schedule for all key land acquisition and resettlement activities synchronized with the project schedule of civil works construction.

73. A timeline for the preparation of the final SDDR if necessary, implementation of SDDR and post-implementation is summarized in below Table 7.1

Table 7.1: Implementation Schedule

Step	Action	Responsibility	Timing
A.	UPDATING OF SDDR (New Park and Coworking Center in Havast City)		
1	Finalization of Detailed Design	MIFT PIU	Done
2	Updated impacts as a result of finalization and any changes to design	Resettlement Consultant of MIFT PIU	Done
3	Prepare SDDR (New Park and Coworking Center in Havast City) for ADB approval	Resettlement Consultant of MIFT PIU	July 2022
B.	SDDR IMPLEMENTATION		
4	Notice to proceed for civil works is issued	Resettlement Consultant of MIFT PIU	August 2022
C.	ITERATIVE TASKS		
5	Internal monitoring. Quarterly reporting to ADB	Resettlement Consultant of MIFT PIU	Continuous

8. MONITORING AND EVALUATION

74. The MIFT PIU will be responsible for internal involuntary resettlement safeguard monitoring and submit semi-annual safeguards monitoring reports (SMRs) to ADB for review and approval during the project implementation. The monitoring and reporting will help to identify and address any unanticipated resettlement impacts, addressing timely potential grievances in line with ADB SPS (2009) and laws of Uzbekistan, and ensure compliance with involuntary resettlement safeguard requirements. Social safeguards covenants will be included in the Contractor's contract and the MIFT PIU with its Project Management and Supervision Consultant's (PMSC) will monitor their compliance status.

75. The main objectives of the monitoring and evaluation (M&E) component of the SDDR are to:

- Review SDDR monitoring indicators, timelines, procedures, and reporting forms;
- Preparing recommendations in compliance with the ADB's resettlement policy;
- Preparing respective recommendation on adjustment of timeliness/terms;
- Provide recommendations for mitigation measures.

APPENDIX 1: PROJECT SITE PHOTOS





APPENDIX 2: DECISION OF HAVAST DISTRICT HOKIM #400 DATED ON 31.03.202

ЎЗБЕКИСТОН
РЕСПУБЛИКАСИ
СИРДАРЁ ВИЛОЯТИ
ХОВОС ТУМАНИ ҲОКИМИ
ҚАРОРИ



O'ZBEKISTON
RESPUBLIKASI
SIRDARYO VILOYATI
XOVOS TUMANI HOKIMI
QARORI

"31" 03 2021 йил

400 -сон

Ховос тумани

Ховос тумани Ховос шаҳарчаси Бунёдкор маҳалласи ҳудудидан "Истироҳат боғи ҳамда Coworking center" биноси қурилиш учун ер майдони ажратиб бериш тўғрисида.

Ўзбекистон Республикаси Президентининг 2019 йил 19 февралда Сирдарё вилоятига таширфи давомида берилган топшириқлар ва кенгайтирилган тарзда ўтказилган 8-сонли мажлис бешинда берилган топшириқлар ҳамда Ўзбекистон Республикаси Вазирлар Маҳкамасининг 2019 йил 07 майдаги "2019-2020 йилларда Сирдарё вилояти Ховос тумани янги марказини қуриш юзасидан амалий чора-тадбирларни тасдиқлаш тўғрисида"ги 380-сонли қарори ижросини таъминлаш мақсадида, Ўзбекистон Республикаси Инвентитциялар ва ташқи савдо вазирлиги ўрта шаҳарларни комплекс ривожлантириш лойиҳасини амалга ошириш гуруҳининг 2021 йил 25 мартдаги 06/47-12-сонли, Ховос туман Ободонлаштириш бошқармасининг 2021 йил 26 мартдаги "Ховос тумани Ховос шаҳарчаси Бунёдкор маҳалласи ҳудудидан "Истироҳат боғи ҳамда Coworking center" биноси қурилиш учун ер майдони ажратиш беришни сўраб ёлган" 68-сонли хатларини, туман ер участкаларини бериш (реализация қилиш) масалаларини кўриб чиқиш комиссиясининг ер майдони танлаш ва ажратиш тўғрисидаги далолатномасини кўриб чиқиб, Ўзбекистон Республикаси Қурилиш вазирлигининг 2019 йил 28 мартдаги 31-сонли қарorigа асосан тақдирланган, Ховос шаҳарчасининг бош режасига ҳамда Ўзбекистон Республикаси Маҳаллий давлат ҳокимияти тўғрисида"ги Қонуннинг 6,25 моддаларига асосан;

ҚАРОР ҚИЛАМАН:

1.Ўзбекистон Республикаси Президентининг 2019 йил 19 февралда Сирдарё вилоятига таширфи давомида берилган топшириқлар ва кенгайтирилган тарзда ўтказилган 8-сонли мажлис бешинда берилган топшириқлар ҳамда Ўзбекистон Республикаси Вазирлар Маҳкамасининг 2019 йил 07 майдаги "2019-2020 йилларда Сирдарё вилояти Ховос тумани янги марказини қуриш юзасидан амалий чора-тадбирларни тасдиқлаш тўғрисида"ги 380-сонли қарори ижроси таъминлансин, Ўзбекистон Республикаси Инвентитциялар ва ташқи савдо вазирлиги ўрта шаҳарларни комплекс ривожлантириш лойиҳасини амалга ошириш гуруҳининг 2021 йил 25 мартдаги 06/47-12-сонли, Ховос туман Ободонлаштириш бошқармасининг 2021 йил 26 мартдаги 68-сонли хатлари қаноатлантирилсин, туман ер участкаларини бериш (реализация қилиш) масалаларини кўриб чиқиш комиссиясининг ер майдони танлаш ва ажратиш тўғрисидаги далолатномаси тақдирлансин.

2.Ховос туман Ободонлаштириш бошқармасига Ховос тумани Ховос шаҳарчаси Бунёдкор маҳалла фуқаролар йиғини ҳудудидан жойланган қинлоқ хўжалиги экин майдони ва ўрмон хўжалиги ерларига қирмайдиган ер майдонидан

"Истироҳат боғи ҳамда Coworking center" биноси қурилиш учун 6.0 га ер майдонини ажратиб берилсин.

3. Ўзбекистон Республикаси Инвентитциялар ва ташқи савдо вазирлиги ўрта шаҳарларни комплекс ривожлантириш лойиҳасини амалга ошириш гуруҳига:

- "Истироҳат боғи ҳамда Coworking center" биносининг эскиз лойиҳаларини тайёрлаш.

- вилоят Қурилиш бош бошқармасига МРТТ (АПЗ)-1.2 қисмлари, топотасвир ва лойиҳа ишларини бажарилиши учун буюртма бериш.

- лойиҳа ҳужжатлари вилоят Қурилиш бош бошқармаси қошидаги шаҳарсозлик кенгашига тақдим этиш.

- вилоят Қурилиш назорати инспекциясидан рўйхатдан ўтиб қурилиш ишлари бошлашга рухсат олиш.

- ер ости муҳандислик иншоотларининг иккун сурати туширилган 1:500 нисбатдаги топографик харитаси вилоят Қурилиш бош бошқармасига топшириш вазифалари юклатилсин.

4. Иккун йил муддатда қурилиш ишлари якунланмаса "Ер кодекси"нинг 36-моддаси 11-бандига асосан мазкур қарор ўз кучини йўқотган деб ҳисоблансин.

5. Ушбу қарорнинг бажарилишини назорат қилиш туман ҳокимининг биринчи ўринбосари С.Пулатов зиммасига юклатилсин.

Туман ҳокими



У.Қамолов

**DECISION OF THE KHOKIM OF HAVAS DISTRICT OF SYRDARYA REGION
OF THE REPUBLIC OF UZBEKISTAN**

31.03.2021

#400

Havas district

**To allocate land for the construction of a park and Coworking center in the
territory of Bunyodkor mahalla, Havas city, Havas district**

I DECIDE

1. To enforce the instructions given during the visit of the President of the Republic of Uzbekistan to the Syrdarya region on February 19, 2019, the minutes of the extended meeting # 8 and the decision of the Cabinet of Ministers of the Republic of Uzbekistan #380 dated May 7, 2019 "On approval of practical measures for construction". To satisfy letters of the Project Implementation Unit #06/47-12 dated March 25, 2021, and Department of Improvement #68 dated March 26, 2021, of the Havas district. To approve the act of the commission on consideration of questions of issue (sale) of the parcels of land on selection and allocation of the parcel of land.
2. To Havas district Department of Improvement. To allocate 6 hectares of land which are not included in agricultural arable and forestry lands for the construction of "Park and Coworking Center" in the territory of Bunyodkor mahalla, Havas district.
3. To the Project Implementation Unit of the project under the Ministry of Investment and Foreign Trade:
 - Preparation of sketches of the Park and the Coworking Center.
 - to order parts, topography, and design work for the General Directorate of Construction of the region.
 - to obtain a permit to start construction work by registering with the regional Construction Inspection.
 - to assign to the regional Main Department of Construction to submit a topographic map of the scale of 1: 500 with a photo of the execution of underground engineering structures.
4. If the construction work is not completed within two years, the decision shall be considered invalid in accordance with Article 36, paragraph 11 of the Land Code.
5. Control over the implementation of this decision to assign to the first deputy mayor.

District khokim

signed and stamped

U.Kamolov

APPENDIX 3: Photos of the public consultations





Таклиф этилаётган “Шаҳарларни комплекс ривожлантириш лойиҳаси” (Оснэ таракқиёт банки)

I. Лойиҳа тўғрисида қисқача маълумот

1. Ўзбекистон ҳукумати ва Осиё тараққиёт банки (ОТБ) таклиф қилинётган Шаҳарларни комплекс ривожлантириш лойиҳасини молиялаштириш ва амалга оширишни қўриб чиқмоқда. **Тасдиқланганидан сўнг** лойиҳа Жиззах, Хива, Ховосот ва Янгиер шаҳарларида комплекс, сифатли ва барқарор маиший хизматларини яхшилашга қўмаклашади. Лойиҳа қуйидагиларга ўз хиссасини қўшади (i) ҳаёт сифатини ошириш, аёлларга мўлжалланган иш ўринларини яратиш, (ii) барқарорликни ва иқтисодий тикланишни кўчайтириш, айниқса туризм соҳасида; ва (iii) маиший хизматларнинг қамрови, сифати самарадорлиги ва ишончлилигини ошириш. Лойиҳа Ўзбекистон ҳукуматининг 2017–2021 йиллардаги миллий ривожланиш стратегияси ва урбанизация ва мувозанатли минтақавий ривожланиш орқали ўсишни тезлаштириш ва камбағалликни камайтиришга қаратилган Президентнинг 5623 - сонли Фармонида мувофиқлаштирилган. Лойиҳа қуйидаги натижаларга эришишни ўз ичига олади.

(i) **Натижа 1. Шаҳар ва туризм инфраструктурасини ва хизматларини яхшилаш** Лойиҳа қуйидагиларни ўз ичига олади: (i) Жиззах шаҳрининг ўрта кам ривожланган Иттифок, Дўстлик ва Ешлик маҳалласида комплекс, яхлиг ҳудуд принциплари асосланган ҳолда ички йўлларни яхшилаш орқали (йўлларни ўсти, ариқлар, ёритиш чироқлари, кўкаламзорлаштириш, автобус бекати) ривожланишни таъминлаш; (ii) Хива шаҳридаги туристик инфратузилмаси ва хизматларини яхшилаш, шу жумладан: Ўзбекистондаги биринчи замонавий рақамли музейни ўз ичига олган туристик марказини қуриш; дренаж каналини аэрофларини ободонлаштириш ва аэросипед ва пилдалар йўлакларини ташкил этиш; шаҳар диққатга сазовор туристик жойларидаги ички йўлларни яхшилаш; ва (iii) янги яшил паркни яратиш ва бандликка қўмаклашувчи йўл марказини қуриш орқали Ховосот шаҳрининг ривожланишини қўллаб-қувватлаш.

(ii) **Натижа 2. Ичимлик суви, санитария ва маиший чиқиндилар хизматларини иқлим ўзгаришига чидамлилиқ мақсадида ақлли тизимлар ёрдамида яхшилаш.** Лойиҳа Жиззах шаҳрининг ўрта маҳалласида (Дўстлик, Иттифок, Ешлик) асосий коммунал хизматларнинг яхшиланишига ўз хиссасини қўшади. Ушбу мақсадда лойиҳа ишлари қуйидагилардан иборат: (i) катта ва кичик диаметрлик сув қувурларини реконструкция қилиш ва янгиларини етказиш; (ii) ўз ичига ўлгўрки сув ўлчаларини, хонадонларда ўрнатиладиган ақлли сув ҳисоблагичларини олганчи назорат ўлчалар ва маълумотларни йиғиш (SCADA) тизимларини ўрнатиш; (iii) сув ўлчаларлар ўрнатиш орқали сув йўқотишларини камайтириш; (iv) канализация хизматларини канализация қувурларини таъмирлаш ва янгиларини қуриш ва хонадонларни ўларга ўлаш орқали яхшилаш;

(v) бутун шаҳардаги гидравлик модел ва географик ахборот тизими (ГИС) активларини бошқариш тизими ёрдамида иш самарадорлигини ошириш, сув иншоотларининг энергия аудитини ўтказиш; ва (vi) эксплуатация ва таъмирлаш ускуналари билан таъминлаш. Лойиҳа доirasida WASH+H дастури амалга оширилади. Ушбу дастур ўз ичига ҳамомет-чилиқни хабардор қилиш дастурини олади ва кам таъминланган аҳолига қаратилган бўлади, шунингдек лойиҳа зонасидаги ҳамомет масканларида қўл ювиш ускуналарини ўрнатишдан иборат бўлади (мактаблар, парклар, туристик масканлар). Лойиҳа маиший чиқинди хизматларини ҳам тўрт шаҳарда қуйидагича яхшилайдди: (i) янги маиший чиқинди йиғиш пунктларини қуриш ва эскиларини таъмирлаш, (ii) маиший чиқиндиларни йиғиш ускуналарини ва контейнерлар билан таъминлаш, (iii) очик чиқинди полигонларини назорат қилинган полигонга айлантириш, (iv) Ховосот ва Янгиер шаҳарларида чиқиндиларни қўшма қайта юклаш станциясини қуриш, ва (v) маиший чиқиндиларни самарали йиғиш ва қайта ишлаш (3R) дастурларини ташкил этиш.

(iii) **Натижа 3. Шаҳар бошқаруви, институционал салоҳият ва бандликни қўллаб-қувватлаш.** Қуйидаги йўналишларга қўмак берилди: (i) далилларга асосланган шаҳарсозлик бошқаруви, шаҳар молияси, молиявий менежмент, хусусий сектор ҳамкорлиги ва электрон ҳукумат; (ii) активларни бошқариш, эксплуатация ва техник хизмат кўрсатиш, мижозлар билан ишлаш ва ҳаракатларни қўллаш; (iii) асосий айтибор аёлларга қаратилган ҳолда бандликка қўмаклашиш; ва (iv) туризм менежменти. Бунга маслаҳат хизматлари, тренинглар ва зарур аппарат ва дастурий таъминотни остиб олиш орқали эришилади.

2. Лойиҳа ўз ичига йўллар, магистрал тармоқлар, канализация ва сув тармоқлари, маиший чиқинди объектлари ва ҳамомет очик жойларини ривожлантириш каби қўллаб-қувватлаш шаҳар инфратузилмаларини бошқариш, қуриш ва қайта тиклаш ишларини таъминлаштириш бўйича қуйидаги кичик сув-лойиҳаларни олади.

I. Жиззах шаҳри

- Жиззах шаҳрининг Иттифок маҳалласида 7.3 км ички йўлларни яхшилаш (йўл ози, ариқ, пилда йўлакларини ва ёритиш чироқлари)
- Иттифок маҳалласида 5.2 гектар очик жамоя жойларини ва 0.92 км пилда йўлакларини яхшилаш
- Иттифок маҳалласида автобус бекатини яхшилаш
- Жиззах шаҳри Дўстлик маҳалласида 21.6 км ички йўлларни яхшилаш
- Дўстлик маҳалласида 4.0 гектар очик жамоя жойларини ва ўз ичига дам олиш масканларини ўз ичига олган парклар ташкил этиш
- Жиззах шаҳрининг Ешлик маҳалласида 2.5 км ички йўлларни яхшилаш

- Ёшлик маҳалласида 2,8 гектар очик жамоат жойларини ва ўз ичига дам олиш масканларини олган парклар ва 1,2 км пиеда йўлаklarини ташкил этиш
- Жиззах шаҳрида 35,45 км сув қуурларини таъмирлаш, шундан Жиззах шаҳрининг ичиде 23,05 км ва шаҳарнинг чекка маҳаллаларида 12,4 км.
- Жиззах шаҳрида 5,21 км янги сув қуурларини ётказиш
- Жиззах шаҳрининг Иттифок маҳалласида 5,64 км сув тармоқларини қайта таъмирлаш
- Дўстлик маҳалласида 17,21 км сув тарқатиш қуурларини ва 671 та хонадонларни сув қуурига улолчи қуурларни қуриш
- Иттифок маҳалласида 99 та хонадонларни сув тизимига улолчи қуурларини таъмирлаш
- SCAOA тизимини ўрнатиш. Ушбу тизим ўз ичига сув олиш жойларида ва катта сув қуурларида сув ўлчагичларни, бошқарув бўғаличларини ва 4376 та ақлли сув ўлчагичларини Дўстлик 704 дон, Ёшлик 1052 дон ва Иттифок 2620 дон) ва учта маҳалладаги танланган ҳудудларида қўл қаватли хонадонларда 646 дон ва сув ётказиб бериш иншоотларида 88 дон улуғроғовуш сув ўлчагичларини олади
- Дўстлик маҳалласида 13,45 км канализация қуурларини ва 560 та хонадонларни канализация тизимига улолчи қуурларни қуриш ва реконструкция қилиш
- Жиззах "Сувтаъминоти" корхонасининг эксплуатацион қувватини яхшилаш. Бу ўз ичига гидравлик моделлаштириш, ГИС, активларни бошқариш, энергия аудитини ўтказиш ва эксплуатацион ўсқуналарини ётказиб бериш
- Жиззах шаҳридаги 4 та яқин турган ер ости сиважиналарида замонавий сув ости насосларини ўрнатиш
- Гигиеник ҳолатни яхшилаш программасини амалга ошириш. Улар ўз ичига раёбатлантириш ва қўл ювиш асбобларини (i) учта маҳалланинг жамоат жойларида, (ii) лойиҳа томонидан Хиванинг таклиф этилаётган туризм инфратузилмаларида ва (iii) Ховос шаҳар паркида
- Жиззах шаҳридаги абонентлар учун 33 460 та ақлли сув ўлчагичларини (жумладан учта маҳаллада 4 376 дон)
- Жиззах шаҳрида, ўз ичига чиқиндиларни йиғиш жойларини яхшилаш ва янгиловини қуришни олғувчи маиший чиқиндиларни йиғиш тизимини яхшилаш
- Жиззах шаҳри маиший чиқинди полигонини яхшилаш
- Маиший чиқиндиларни самарали йиғиш ва қайта ишлаш борасидаги жамоатчиликни хабардор қилувчи программасини амалга ошириш.

II. Хива шаҳри

- Хива шаҳридаги Голсон канали бўйлаб 3,3 км яшил парк (пиеда ва велосипед йўлакчалари, яшил зоналар) ва жамоат дам олиш жойларини барпо этиш
- Янги қўл функцияли турист марказини қуриш
- Хива шаҳри маиший чиқинди полигонини яхшилаш
- Маиший чиқиндиларни самарали йиғиш ва қайта ишлаш борасидаги жамоатчиликни хабардор қилувчи программасини амалга ошириш.

III. Ховос ва Янгиер шаҳарлари

- Янгиер шаҳрида маиший чиқиндиларни йиғиш пунктларини яхшилаш ва янгиловини қуриш
- Янгиер шаҳри маиший чиқиндилар полигонини яхшилаш
- Маиший чиқиндиларни самарали йиғиш ва қайта ишлаш борасидаги жамоатчиликни хабардор қилувчи программасини амалга ошириш
- Янгиер – Ховос чиқиндиларни қўшма қайта қиллаш станцияси
- Ховос шаҳрида 6 та ҳудудда ва ўз ичига бандлик ва кичик ва ўрта тадбиркорлигини ривожлантиришга қўмақ берувчи янги ўқув/бизнес марказини олғувчи парк қуриш
- Ховос шаҳрида маиший чиқиндиларни йиғиш пунктларини яхшилаш ва янгиловини қуриш
- Ховос шаҳрида маиший чиқинди полигонини яхшилаш

II. Иқтисодий нолжў таъсирларни баҳолаш ва ҳимоя чоралари

3. Лойиҳа гуруҳи ерларни доимий ёки вақтинча олиш ва қўчириш билан боғлиқ нолжў иқтисодий таъсирларни баҳолашни амалга ошириб келмоқда. Агар бундай нолжў таъсирлар аниқланса зарар қўрган уй қўжаликлари ваёки юридик шахсларга ҳар қандай иқтисодий зарар учун Соле тарафидан банкнинг "Иқтисодий ҳимоя тўғрисидаги баёноти" (SPS 2009) талабларига ва Ўзбекистон Республикаси конституцияга мувофиқ компенсация қўллаб берилади.

Ерларни олиш ва қўчириш режаси

4. Ерларни олиш ва қўчириш билан боғлиқ ҳар қандай аниқланган нолжў таъсирлар учун зарар қўрган одамларга нолжў таъсирни қаматириш ва уларга ётказилган зарар учун компенсация тўлаш бўйича юмшатиш чоралари амалга оширилади. Улар қуйидагиларга асосланади:
- ер ва бошқа йўртишларни батафсил ўлчаш, ер ва мулк ҳуқуқлари бўйича тегишли ҳужжатларни қўриб чиқиш,
 - зарар қўрган уй қўжаликларининг мақоми тўғрисидаги иқтисодий-иқтисодий маълумотлар ва ҳужжатларни тўллаш,
 - батафсил ўлчаш натижаларига асосланган баҳолаш, ва
 - зарар қўрган одамлар билан ўрашувлар ва муҳокамалар олиб бориш.
5. Батафсил ўлчаш ва баҳолаш асосида, лойиҳа учун "Ерларни олиш ва қўчириш режаси" тайёрланади, у Ўзбекистон ҳукумати ва Соле тарафидан банк томонидан жамоатчиликка ошкор қилинади ва

тасдиқланади. Режа ерларни олиш ва кўчириш жараёнини зарар учун компенсация тўлашни, ҳуқуқларни ва таъсир кўрсатиши мумкин бўлган бошқа қайта тиллаш билан боғлиқ қўмакни ўз ичига олади. Режа жамоатчиликка ўзбек тилида эълон қилинади. Унинг инглизча нусхаси ОТБ веб -сайтида эълон қилинади. Лойиҳани амалга ошириш билан шугулланадиган ҳокимликлар ва пудратчиларнинг офисларида режанинг босма нусхалари мавжуд бўлади. Пудратчиларнинг алоқа маълумотлари ҳақидаги маълумотлар улар танланганидан кейин маълум қилинади.

2.1. Компенсацияга ҳақли зарар кўрган одамларнинг тоифалари

6. Зарар кўрган одамларнинг қуйидаги гурӯҳлари компенсация ва ердам олиш ҳуқуқига эга:

- (i) ер ва/ёки иншоотларга тўлиқ қонуний ҳуқуқларга эга бўлган шахслар,
- (ii) ер ва (ёки) тўлиқ ёки қисман йўқотишган иншоотларга расмий қонуний ҳуқуқларга эга бўлмаган, лекин миллий қонунларга мувофиқ тан олинадиган ёки тан олиниши мумкин бўлган ерларга даъвоси бўлган шахслар, ва
- (iii) эгаллаб турган ерини тўлиқ ёки қисман йўқотиб қўйган одамлар, ерга қонуний ҳуқуқларга эга бўлмасалар ҳам. Бироқ, компенсация турри зарар кўраётган одам тоифасига қараб ўзгаради (ҳақ ҳуқуқлар матрицаси намунаси илова қилинади).

2.2. Компенсациялар ва ҳақ-ҳуқуқларга ҳақли бўлиш учун охириги сана:

7. Ерни олиш ва бошқа жойга кўчириш таъсирида зарар кўрган одамлар охириги сана ҳақида хабардор қилинадилар. Қоида тариқасида, охириги санадан сўнг одамлар лойиҳа ҳудудида жойлашса ёки иншоотлар қурса ушбу одамларга лойиҳа туфайли етказилган зарарлар қопланмайди. Батафсил ўлчов пайтида аниқланмаган, лекин "Ерни олиш ва кўчириш режаси"ни амалга ошириш давомида аниқланган зарар кўрган шахслар зарар ва компенсацияни олиш ҳуқуқига эга бўладилар.

2.3. Баҳолаш ва компенсация

8. Компенсациялар ерларнинг йўқотилиши, бинолар ва иншоотлар, экинлар, доимий йўқотишлар ёки бизнес ва даромадларнинг вақтинча тўхтаб қолиши каби баҳолаш натижаларига асосланади. Ҳақ ҳуқуқлар матрицаси намунаси илова қилинади.

III. Шикоятларни кўриб чиқиш механизми

9. Шикоятларни кўриб чиқиш механизми миллий қонуночиликка ва ОТБнинг "Ихтисой ҳимоя тўғрисидаги баёноти"га (SPS 2009) асосланган ҳолда ташкил этилади¹. Ушбу механизмдан мақсад одамларнинг лойиҳани амалга ошириш даврида юзага келиши мумкин бўлган ҳар қандай

шикоятларини кўриб чиқиш мақсадида ташкил этилади. Лойиҳани амалга ошириш агентлиги таклиф этилаётган Шикоятларни кўриб чиқиш механизмининг лойиҳа тасдиқланган сўнг ва у ҳақда лойиҳа ҳудудидаги одамлар хабардор этилгандан кейин (жамоатчилик билан учрашулар ўтказилиши ва маълумотларни бошқа йўл билан тарқатиш усулларини қўллаган ҳолда ва жорий қилинган COVID-19 ҳимоя чораларини кўрган ҳолда) расмийлаштиради. Лойиҳа ҳодимлари, шу жумладан пудратчилар, лойиҳани амалга оширувчи агентлик, ҳокимликлар ва маҳаллалар вакилларидан, одамларнинг шикоятларини сўровларини қабул қилиш, ёзиш ва ҳал қилиш учун масъул ҳодимлар тайинланади. Шикоятларни кўриб чиқиш процедуралари ва масъул шахсларнинг боғланиш учун маълумотлари Шикоятларни кўриб чиқиш комиссияси аъзолари лойиҳани амалга ошириш даврида тайинлангандан сўнг маълум қилинади.

IV. Боғланиш учун маълумот

10. Лойиҳа ҳақида қўшимча маълумот олиш учун қуйидаги манзилга мурожаат қилишингиз мумкин:

Тошкент шаҳрида: Лойиҳани амалга ошириш агентлиги: Манзил: Тошкент ш.Т.Шевченко қўчаси, 34 уй Email: iudpuzbekistan@gmail.com Tel.: +998 712524220 Web сайт: www.mft.uz	Жиззах шаҳрида: Жиззах шаҳри ҳокимияти Манзил: Жиззах ш., Х.Олимжон қўчаси, 13 уй Email: jzszakcity@jzszak.uz Tel.: +998 72 222-40-00 Web сайт: www.jzszakcity.jzszak.uz
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Намунавий ҳақ ҳуқуқлар матрицаси. Ўзтибор беринг, бу лойиҳанинг намунавий ҳақ ҳуқуқлар матрицасидир. Унинг охириги варианты лойиҳани амалга ошириш даврида ишлаб чиқилади.

Жадвал 1: Ҳақ ҳуқуқлар матрицаси намунаси

Ножўя таъсир тури	Ҳақдор одамлар	Ҳақ ҳуқуқлар
А. Ернинг доимий йўқотилиши ²		
Барча турдаги йўқотишлар	Барча қонуний маълумга эга зарар кўрган одамлар	"Ер учун ер" кўринишидаги компенсация пули, ушбудорлик даражаси тенг бўлган, сув билан таъминлаш шарафити бир хил бўлган, олинётган ерга энг яқин бўлган жойда жойлашган ер участкалари. Агар бундай ерлар бўлмаса, бериладиган ерга қўшимча давида ҳаражатлари ернинг сифати ва ҳосилдорлигини, суғориш тизимини яхшилаш мақсадида ерни ўзлаштириш ҳаражатлари ҳам тўлаб берилади; қўшимча равишда,

¹ "Ихтисой ва юридик шахсларнинг мурожаатлари тўғрисидаги" қонун (ИЗРУ-378, 3-Деканбрь, 2014 й).

² Лойиҳани тайёрлаш давридаги маълумотларга асосан бундай ножўя таъсир юзатиладди. Бу ерда кўрсатилган талаблар агар лойиҳа амалга оширилиши даврида юзага келса қўлланилади.

Ножўа таъсир тури	Ҳақдор одамлар	Ҳақ ҳуқуқлар
		<p>+ ёш кўчатлар нархи + ёш кўчатларни экиш харажатлари. Булар мустақил баҳоловчи томонидан аниқланади. Агар соф фойда тўғрисида ҳеч қандай маълумот бўлмаса, компенсация бозор нархлари бўйича мустақил баҳоловчи томонидан белгиланади, шу жумладан тикланиш қиймати ва ўсиб бориш индекси каби махсус кўрсаткичлар ҳисобга олинади;</p> <p>Зарар кўрган одамлар қурилиш ишлари бошлангандан олдин мевапарни териб олишлари мумкин. Бу ҳолда уларнинг қиймати компенсация миқдоридан олиб ташланмайди;</p> <p><u>Ёғоч учун экилган дарактлар.</u> Ёғоч учун экилган дарактлар нақд пул компенсация кўринишида тўланади. Компенсация қуруқ ёғоч ҳажмининг бозордаги нархига қараб ҳисобланади ва мустақил баҳоловчи томонидан аниқланади;</p> <p><u>Боғга етмаган дарактлар.</u> Нақд кўришидаги компенсация. Компенсация миқдори ўз ичига ёш кўчат нархи ва дарактни шу ёшга ўстириш учун сарфланадиган харажатлар миқдорига тенг. Компенсация миқдори мустақил баҳоловчи томонидан аниқланади.</p> <p>Ўшимча равишда:</p> <p>Кесилган дарактлар дарактлар ағаларида қопдирилади ва уларнинг қиймати компенсация миқдоридан олиб ташланмайди.</p>
D. Иншоотларга етказиладиган зарар		
Иншоотларнинг тўлиқ қисман бузилиши	Барча таъсир остидаги хонадонлар, ҳуқуқий мақомидан қуриб қолган ва таъсир табиатидан қатъий назар доимий ёки вақтинча ер олиниши	<p>Зарар кўрадиган иншоотлар асосий воситага учун тўлиқ тикланиш асоси бўйича пул компенсацияси материаллардан, амортизация ва транзакция харажатларидан ҳалос бўлган шаклда</p> <p>Иншоот/биноларни йўқотётган ва қуриштириш керак бўлган ҳар бир хонадонга кўчириш ёрдам пули берилади: (а) ойига 200 АҚШ</p>

Ножўа таъсир тури	Ҳақдор одамлар	Ҳақ ҳуқуқлар
		<p>доппаридан максимум 2 йил давомида, янги уй ёки бинолар қуриб битирилгунча (б) 200 АҚШ доппари оила аъзоларини ва бошқа нарсаларини доимий ва вақтинча транспортировка қилиш учун</p>
E. Тадбиркорлик фаолиятига етказиладиган зарар		
Тадбиркорлик фаолиятининг доимий ёки вақтинча йўқотилиши	Зарар кўраётган тадбиркорлар, уларнинг ишчилари	<p>Тадбиркорлик фаолияти ағалари: 1. Таъсир қилган иншоот/фаолиятлар учун амортизация ва транзакция харажатларисиз тўлиқ қайта тиклаш қиймати асосланган компенсация. Зарар кўраётган одамлар бузилган объектлардан қолган қурилиш материалларини ўзларида сақлаб қолиш ҳуқуқига эга бўлиш керак. 2. Қурилиш давомида даромад йўқотилиши учун қўшимча кўмак тўлови (3 ойгача) + ишни бошлаш харажатлари.</p> <p>Worker: Provision of compensation equal to number of months of wages based on tax declaration or official minimum salary</p> <p>Both: Provision of rehabilitation assistance if required (assistance with job placement, skills training)</p>
E. Ижтимоий заиф оилаларга қўшимча тўловлар		
	Зарар кўрган хонадонлар: (i) оила бошлиғи аёл бўлган хонадон; (ii) кам даромадли хонадонлар; (iii) оила бошлиғи ёрдамчиси қари одам бўлган хонадон; (iv) оилада инвалид бўлган хонадон.	<p>3 ойлик энг кам ойлик иш ҳақига тенг бўлган бир марталик қўшимча пул тўлови;</p> <p>Мапакасига қараб, лойиҳа билан боғлиқ қурилиш ишларида ва эксплуатация ишларида ишга олишда устуворлик ижтимоий заиф оила аъзоларига берилади.</p> <p>Лойиҳани амалга оширувчи туруқ маҳаллалар фаолиятини ҳам таъминланган хонадонларни давлат томонидан қўллаб қувватладиган дастурларга жалб қилиш фаолиятини мувофиқлаштирилади.</p>
G. Бошқа кўринишдаги ножўа таъсирлар		
<p>Лойиҳани амалга ошириш жараёнида аниқланган кўзда тутилмаган ҳар қандай ножўа таъсирларнинг бэрчасини қайта тиклаш қиймати бўйича тўлиқ қопланади. Бу ҳолда, ҳақ-ҳуқуқлар матрицаси тегишли равишда қайта кўриб чиқилади</p>		