

# Social Safeguard Due Diligence Report

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April 2021

## Uzbekistan: Partial Credit Guarantee Facility for Uzbekistan Solar PPP Program

Prepared by the Ministry of Energy of the Republic of Uzbekistan for the Asian Development Bank.

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# **Social Safeguard Due Diligence Report**

for

Utility-Scale Solar Photovoltaic PPP Project in  
Sherabad District, Surkhandarya Region of the  
Republic of Uzbekistan (the "Project")

Project no.: 54056-001

July 2020

# THE REPUBLIC OF UZBEKISTAN



## MINISTRY OF ENERGY

### SHERABAD SOLAR INDEPENDENT POWER PRODUCER PROJECT UZBEKISTAN



### SOCIAL SAFEGUARDS DUE DILLIGENCE REPORT SHERABAD July 2020

Version	Date	Created by	Reviewed by	Checked by	Approved by
V4	27.07.2020	DV, JG, TS (STR), NENU	DV, TS, (STR) NENU	FI, TN (ADB)	FI, TN (ADB)
V3	15.07.2020	DV, SR, JG, (STR), NENU	DV, TS, (STR) NENU	TN (ADB)	
V2	15.06.2020	DV, SR, JG (STR), NENU	DV, TS (STR), NENU	FI, TN (ADB)	
V1	08.06.2020	DV, SR, JG (STR), NENU	DV, TS (STR),	FI, TN (ADB)	
V0	17.04.2020	DV, SR, JG (STR)	DV, TS (STR)	FI, TN (ADB)	

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## CURRENCY EQUIVALENTS

(As of 3 July 2020)

Currency unit	–	Uzbekistan sum (UZS)
\$1.00	=	UZS 10,173 ( <a href="https://nbu.uz/en/exchange-rates/">https://nbu.uz/en/exchange-rates/</a> )

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## GLOSSARY

<b>Affected household</b>	<p>A household consists of one or more people who live in the same dwelling and also share at meals or living accommodation and may consist of a single family. In the project, household is the unit for compensation and all the members in a household are considered displaced persons.</p>
<b>Displaced person</b>	<p>Displaced persons (DPs) are the members of the affected households 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. DPs 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. In the project, displaced persons are similar to the economic displaced persons as per ADB's SPS.</p>
<b>Compensation</b>	<p>Payment for an asset to be acquired or affected by a project at replacement cost.</p>
<b>Cut-off-date</b>	<p>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.</p>
<b>Economic Displacement</b>	<p>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 access to legally designated parks and protected areas.</p>
<b>Illegal/Non legalizable/Non recognizable</b>	<p>HHs that have not registered their business, agriculture, residential and orchard and those who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant i.e. those people without legal lease to land and/or structures occupied or used by them. ADB's SPS explicitly states that such people are entitled to compensation for their non-land assets.</p>
<b>Kokimiyat</b>	<p>Local government authority that interfaces between local communities and the government at the regional and national level. It has the ultimate administrative and legal authority over local populations residing within its jurisdiction.</p>
<b>Land acquisition</b>	<p>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.</p>
<b>Land use rights</b>	<p>According to Land Code (Article 17), natural persons are entitled to lifelong, inheritable, transferable and alienable possession of land plots. This right extends to residential housing, collective farms and vineyards</p>



(orchards), and individual farms. Juridical entities (such as enterprises, stores, and business) are entitled to land parcels according to the rights of permanent possession, permanent use, temporary use, lease and property.

**Low Income** According to the Government of Uzbekistan, low-income households are classified as households whose monthly per capita income is less than the equivalent of UZS 258,360 per month. According to WB (UNDP Human Development Index) poverty data in 2013, the number of people living in poverty in Uzbekistan constitutes 14.1% of the population.

**Makhalla** A local level community organization recognized official by the Government of Uzbekistan serving as an interface between the state and community which is responsible for a range of social support facilities and ensuring the internal social and cultural cohesiveness of its members. Mahalla leaders are elected by their local communities.

**Meaningful consultations** A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.

**Replacement cost** The principle to be complied with in compensating for lost assets. Its calculation 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, DPs 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 considered.

**Severely affected households** Severely affected households are those which lose 10% or more of their productive asset (income generating productive land) and or are physically displaced.

**Significant impact** A project is classified as having significant impact if 200 persons or more will experience major impacts, defined as; (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating).

**Vulnerable households** Low-income households, female-headed households, elderly people-headed households, households with persons who have a disability.

<b>Term / Abbreviation</b>	<b>Explanation</b>
ADB	Asian Development Bank
AH	Affected Household
CC	Civil Code
CSC	Construction Supervision Consultant
DDR	Due Diligence Report
SSDDR	Social Safeguard Due Diligence Report
DMS	Detailed Measurement Survey
DLARC	District Land Acquisition and Resettlement Committee
DP	Displaced Person
EA	Executing Agency
FGD	Focused Group Discussion
GRM	Grievance Redress Mechanism
ha	Hectare
HH	Household
IA	Implementing Agency
IP	Indigenous Peoples
LAR	Land Acquisition and Resettlement
LARP	Land Acquisition and Resettlement Plan
LC	Land Code
MOF	Ministry of Finance
MOE	Ministry of Energy
NENU	The National Electric Networks of Uzbekistan
PC	Public Consultation
PIU	Project Implementation Unit
PPTA	Project Preparatory Technical Assistance
RoW	Right of Way
SCLRGCS	State Committee on Land Resources, Geodesy, Cartography and State Cadaster
SES	Socioeconomic Survey
SSDDR	Social Safeguard Due Diligence Report
SSMR	Semi-annual social monitoring report
SPS	Safeguard Policy Statement
TC	Tax Code
TL	Transmission Line
TRTA	Transaction Technical Assistance
UZS	Uzbek Som

## 1 PROJECT BACKGROUND

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1. Uzbekistan has a population of over 32 million and is the most populous country in Central Asia. It borders Kazakhstan to the north and northwest, Turkmenistan to the southwest, Tajikistan to the southeast and Kyrgyzstan to the northeast. It also shares around 150 km of borders with Afghanistan to the south. The country is double landlocked which means that the crossing of at least two national borders is required to reach seaports.

2. Uzbekistan is almost 100% electrified; however, 16% of demand was unmet in 2008 and the growing demand-supply gap causes supply unreliability and dependence on diesel generators, especially in rural areas where 65% of the population lives. Provinces like Surkhandarya suffer prolonged and frequent outages and population have electricity only 2–3 hours in the winter. Surkhandarya is usually the first province to be shed during the low power supply. Insufficient and unreliable electricity has affected access to health services, education, and potable water and has restricted economic growth in the province.

3. Uzbekistan has been one of the most energy and carbon-intensive countries in the world. Continued reliance on gas accelerates its depletion and hampers diversification of the energy mix. Despite the huge potential, renewable energy supplies less than 11% of demand, and only from hydropower resources. In accordance with Presidential Resolution PP-4300, the Ministry of Energy (MOE) jointly with the Ministry of Investments and Foreign Trade (MIFT), the Public-Private Partnership Development Agency (PPPDA) under the Ministry of Finance (MOF) of the Republic of Uzbekistan, has proposed the development of a program of solar power projects in Uzbekistan procured under a Public-Private Partnership (PPP) modality. The Asian Development Bank (ADB) has been mandated on 16 August 2019 by Ministry of Energy (MOE) and the Ministry of Investments and Foreign Trade (MIFT) to act as a Transaction Advisor. The ADB Uzbekistan Solar Program includes the proposed development, construction, financing, operations and maintenance of up to 1 GW of capacity through a number of solar PV-power plant projects to be tendered at suitable location in Uzbekistan. Thus, the Government was calling for drastic increases in energy efficiency and renewable energy. This is planned to be achieved by implementing a large-scale renewable energy strategy in the next 10 years of up to 5GW of cost effective and environment-friendly solar generation to meet the increasing demand for electricity in the country. (<https://www.adb.org/sitesC/default/files/project-documents/45120/45120-003-pcr-en.pdf>)

4. A key component of the planned deployment is the first project of a 1GW solar photovoltaic program developed with the support of the Asian Development Bank (ADB) which is providing a partial credit guaranty but does not finance the works. As per the ADB policies, the SPS 2009 apply to projects when ADB finances, co-finances, manage or provide a technical assistance. The program is promoted by the Ministry of Energy (MOE), the Ministry of Investments and Foreign Trade (MIFT), and the Public - Private Partnership Development Agency (PPPDA). A site situated in the Sherabad district of Surkhandarya region has been selected for the construction of a photovoltaic station with a capacity of 200MWac internal power and additional cell for another 200 MW including a new 220kV substation and a approx. 50.5km transmission line to connect to the Surkhan 220kV substation.

5. The Project will be located in the Sherabad district in Surkhandarya province and will be contracted to supply power for 25 years to the National Electric Networks of Uzbekistan (NENU). This will be the first major power project in the area, which currently relies on power from other regions. The proposed Project aims to reinforce Uzbekistan's position as Central Asia's emerging

solar hub by using modern technologies for large-scale on-grid photovoltaic (PV) plants, increasing access to reliable and clean electricity in rural areas, and preparing the solar sector for private solar investments. It is expected to generate a minimum of 200MW AC of renewable generation and is expected to provide clean energy to around 300,000 households in the Surkhandarya region. The connection to the Surkhan substation will in addition, enable export of excess power to Afghanistan. (<http://minenergy.uz/en/news/view/389>)

### Electrical part of SPP

6. Electrical part of SPP Sherabad is expected to have the following infrastructure:

- 35kV indoor switchgear
- Two transformers (220/35kV) of sufficient sizes considering n-1 criteria
- 220 kV outdoor switchgear according to “Bridge” scheme

Main parameters of electrical part of SPP Sherabad:

Rated voltage:	220/35 kV
Type of switchgear scheme:	220 kV switchgear – “Bridge with switches in line circuits”; 35 kV switchgear – “One main partitioned busbar”.
Design of switchgears:	220 kV switchgear – outdoor type with c flexible busbar; 35 kV switchgear – indoor type based on switchgear cubicles.
Composition of power transformers:	Two 220/35 kV transformers

### 220/110/10kV Sherabad-2 Substation

7. A new 220/110/10 kV SS Sherabad-2 is planned to be designed right next to the PV site, to accommodate both the stages of project. 220/110/10 kV SS Sherabad-2 is expected to have the following infrastructure:

- 220 kV outdoor switchgear according to one-and-half breaker scheme with all the associated infrastructure considering n-1 criteria
- Two autotransformers with voltage of 220/110/10 kV and capacity of 125 MVA (according to request of Ministry of Energy of Uzbekistan) considering n-1 criteria for power supply of 110 kV customers
- 110 kV outdoor switchgear according to “Quadrangle” scheme
- Enough space for future expansion of additional 220kV bays for stage 2 and additional 110kV bays for future load

8. The Main parameters of 220/110/10 kV SS Sherabad-2 are as follows:

Rated voltage:	220/110/10 kV
Type of switchgear scheme:	220 kV switchgear – “Transformer-busbars with one-and-half line connection”; 110 kV switchgear – “Quadrangle”; 10 kV switchgear – “One main partitioned busbar”.

Design of switchgears:	220 kV switchgear – outdoor type with c flexible busbar; 110 kV switchgear – outdoor type with c flexible busbar; 10 kV switchgear – indoor type based on switchgear cubicles.
Composition of power transformers:	Two 220/110/10 kV 125 MVA autotransformers

9. The following figure shows the project location and a schematic presentation of the PV plant.



**Figure 1: Proposed site for PV plant**

### **Surkhan Substation Grid Connection**

10. The incoming double circuit 220kV line can terminate in Surkhan substation on 1 reserved bay + 1 bay constructed on the expandable area (as shown in Figure 2, Surkhan SS overview [www.suntrace.de](http://www.suntrace.de)).

11. Some inter crossings of the proposed transmission line with the existing lines are expected due to the geographical location of the new solar PV plant substation and the Surkhan substation. At pre-engineering stage, it is recommended that 220kV line Amu 1+2 and Naibabad 1+2 to be shifted to one bay on the left side to make way for the 220kV solar PV line so as to reduce the obstacles and crossings; Nevertheless, it shall be decided by NENU and other key stakeholders.



**Figure 2: Surkhan SS Overview**

### 220kV Overhead Transmission Line

12. From the calculations presented in the technical report it is clear that 220kV double circuit 2 x AC-400/51 will be technically feasible to carry electric power of 500MWac @ 0.85 pf from Sherabad PV plant SS to Surkhan SS. Main parameters of overhead transmission line (OHTL) are as follows:

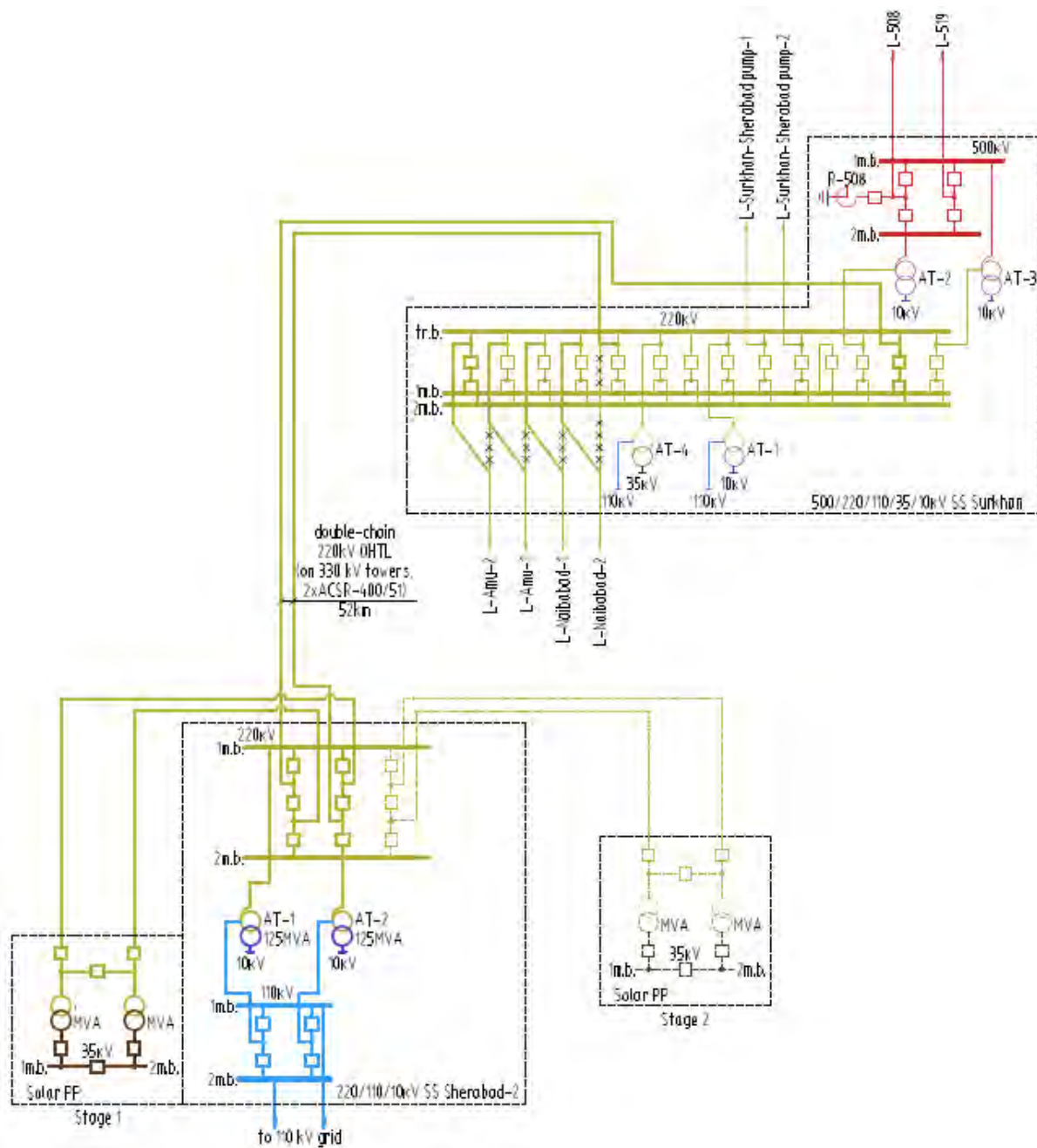
Starting point of 220 kV OHTL route	Receiving gantry of designed 220 kV SS Sherabad-2 (electrical part of SPP Sherabad), located at selected site of SPP Sherabad at 18 km South-West of town of Sherabad.
Final point of 220 kV OHTL route	Receiving gantry of 220 kV outdoor switchgear of existing Surkhan SS, located on North-Western outskirts of town of Jarkurgan.
Type of towers (typical project 3080tm)	U330-2 and P330-2 (double circuit towers)
Number of chains	Two
Brand of wire	ACSR-400/51 according of GOST 839-80
Phase design	Split phase of two wires (2xAC-400/51)
Clearance span on flat terrain	420 m
Ground wire	One ground wire, two - at approaches to 220 kV SS Sherabad-2 (electrical part of SPP Sherabad) and Surkhan SS.

13. Administratively double-chain 220 kV overhead transmission lines (OHTL) goes through territories of Sherabad, Kizirik and Jarkurgan districts of Surkhandarya region, Republic of Uzbekistan. Starting point of route of double-chain 220 kV OHTL is receiving gantry of designed 220 kV SS Sherabad-2 (electrical part of SPP Sherabad), located at selected site of SPP Sherabad at 18 km South-West of town of Sherabad.

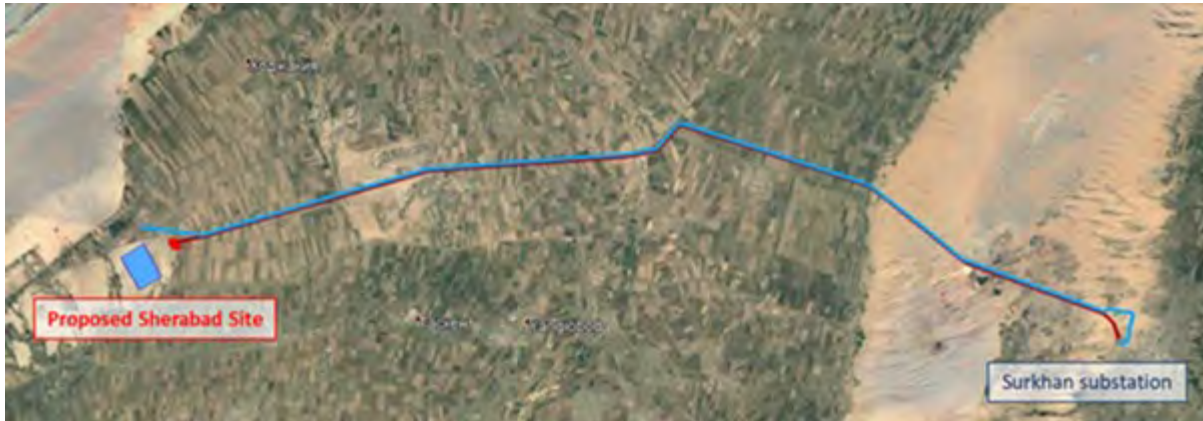
14. Final point of route of double-chain 220 kV OHTL is receiving gantry of 220 kV outdoor switchgear of existing Surkhan SS, located on North-Western outskirts of town of Jarkurgan. Preferred direction of 220 kV OHTL is towards east. Prevailing location is in existing 110 kV OHTL pathway from Surkhan SS towards cement plant.

15. Routing area of 220 kV OHTL is characterized by predominance of agricultural land with irrigation channels and land of localities intended for personal subsidiary farming and individual housing construction. Regional and local automobile roads and utility lines are located in routing area.

16. The following figure shows the proposed route for the transmission line (TL) and the preliminary interconnection scheme. The location of the TL will be finalized at later stages of the Project.







**Figure 3: Proposed Transmission Line Route and preliminary interconnection scheme**

17. Double-chain suspension free-standing metal lattice towers of P330-2 type are accepted as suspension towers in this volume. U330-2 and U330-3 angle-tension towers are metal lattice tower-type support with a square section trunk with different slopes of upper and lower parts of trunk, traverses have lower faces with parallel main members. If necessary, these towers may be used with height of plus 5 m, 9 m and 14 m. For suspension of two ground wires, tower with two-ground-wire peak is used, the land needed for the tower base depends on the chosen towers. There will be approximately 163 towers on the approx. 50.5 km long route. Based on the pre-engineering outline of the OHTL route, the area of land (117.79 ha), will be needed for temporary short-term construction of the OHTL, and it is planned as follows:

- (a) Route length (50.43 km) x lane width (21.6 m) = 108.93 ha;
- (b) Number of angle-tension supports (55) x area for mounting the support (630 m<sup>2</sup>) = 3.47 ha;
- (c) Number of suspensions supports (108) x area for mounting the support (500 m<sup>2</sup>) = 5.4 ha;
- (d) Total (108.93 + 3.47 + 5.4) = 117.79 ha.

18. The following table presents the land permanently needed for the construction of towers:

**Table 1: The Area of Land Plots under OHTL Supports, Allocated for Permanent Use**

Code of tower	Area of permanent allotment of land for one support, m <sup>2</sup>	Number, unit	Area of permanent allotment of land, m <sup>2</sup>
U330-2T	80	1	80
U330-2T+5	110	5	550
U330-2+5	110	28	3,080
U330-2+9	130	7	910
U330-2+14	170	1	170
U330-3	70	9	630
U330-3+14	130	4	approx. 50.50
P330-2T	65	12	780
P330-2	65	90	5,850
P330-2+5	65	6	390
<b>Total</b>		<b>163</b>	<b>12,960 (12.96 ha)</b>

Source: Pre-engineering transmission line report, Suntrace

Table 2: Type and Number of Towers for the OHTL

Tower Type	Number of towers
U330-2T	1
U330-2T+5	5
U330-2+5	28
U330-2+9	7
U330-2+14	1
U330-3	9
U330-3+14	4
P330-2T	12
P330-2	90
P330-2+5	6
<b>Sum</b>	<b>163</b>

72717M-I-23		Фундаменты под анкерно-угловые опоры ВЛ 35-330 кВ							23
		Тип фундамента	Ф1-А	Ф2-А	Ф3-А	Ф4-А	Ф5-А		
Эскиз		Ф1-А	Ф2-А	Ф3-А	Ф4-А	Ф5-А		ФС-А	
		КЖ-1	КЖ-3	КЖ-5	КЖ-7	КЖ-9		КЖ-13	КЖ-14
Высота в м	3,20	3,20	3,40	3,40	3,40	5,40	3,40		
Размеры основания при выделении в м	1,50×1,50	1,80×1,80	2,10×2,10	2,40×2,40	2,7×2,7		3,80×4,20 (с плитами ПП1-А) 3,00×3,20 (с плитами ПП2-А)		
Размеры основания при сечении в м	1,50×1,50	1,80×1,80	2,10×2,10	2,40×2,40	3,6×3,6 (с плитами ПП1-А)		2,00×3,00 3,60×3,60 (с плитами ПП1-А)		
Глубина заложения в м	3,00	3,00	3,00	3,00	3,00	5,00	3,00		
Объем железобетона в м³	1,0	1,2	1,7	2,0	2,5	3,0	4,22	4,64	
Вес стали в кг	293	311	445 (556)	533 (651)	643 (830) (704)	821 (1028) (742)	1288 (1598) (2048)	1369 (1716) (1490)	
Дополнительные данные								Габаритные фундаменты собираются из подкосных Ф 6-А и лобовых плит ПП1-А или ПП2-А	
Примечание:		1. В строке «Вес стали» приведены 3 цифры: Верхняя - для фундамента с болтами 42 мм (базы 250 мм) Средняя - для фундамента с болтами 48 мм (базы 250 мм) Нижняя - для фундамента с болтами 56 мм (базы 350 мм)							
Энергоиспользование		ТК 1976					Обзорные листы фундаментов ВЛ 35-330 кВ		Сборн. 3.407-115 Лист 1 из 2

Figure 4: Standard Tower Footings

## **2 DUE DILIGENCE ON LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT**

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19. ADB SPS 2009 applies to all ADB-financed and/or ADB-administered projects, and their components regardless of other sources of financing. Accordingly, the Social Safeguard Due Diligence Report (SSDDR) also includes Project components, which might not be financed by ADB. This Social Safeguard Due Diligence Report (SDDR) is based on: (i) the detailed technical information about construction of the solar power plant and the transmission lines; (ii) discussion with the design engineers and NENU management and specialists; (iii) discussion about various locations for the solar plant; (iv) numerous site visits by different specialists; and (v) discussion with stakeholders and people residing in the Project area.

20. The scope of this SSDDR is as follows: (i) assess potential LAR impacts and risks from the proposed Project; (ii) engage stakeholders and get their feedback on the proposed Project; (iii) review the existing government policies and regulations related to land acquisition and resettlement and ADB Safeguard Policy Statement (2009), identify gaps and describe the policy provisions and entitlements to be used in case of LAR impacts; (iv) review the institutional arrangement for LAR due diligence and implementation within NENU and the SPV and recommend measures for ensuring adequate safeguards capacity for the project; and (v) describe the establishment of the appropriate grievance redress mechanism to be established for the preparation, implementation and operation of the project.

### **2.1 Assessment of Impact on the Solar Plant and the Substation Location**

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21. As described in the previous chapter, the Project will involve the construction of a solar power plant, one substation and approx. 50.5 km of the transmission lines. The solar plant site will be located at an unused, empty, 589.3 ha of government-owned land from which 579.0 hectares is pasture, 8.0 hectares - road, 0.8 hectares - rivers and 1.5 hectares - other lands. The site is in the territory of Tallashkan massif of Sherabad district. There are no houses or other residential/commercial structures around the location for the solar farm. (Annex 6) Existing cemetery is fenced; it is located outside of the government-owned land planned for the power plant and will not be affected by the solar farm (Figure 1).

22. The solar power plant shall have a dedicated substation of its own and engineers confirmed that there is enough space for all planned construction and for the future expansion of additional 220kV bays for stage 2 and transformers needed for the local cement industries.

23. Generally, these segments of the project will be executed within the existing unused government land. As such, the project power plant and its substation will not require land acquisition and will not cause any economic or physical displacement to people living in the proximity of the power plant and the substation. The land is under Government Reserve and will be allocated to MOE/NENU for these purposes. After the allocation, the land will be registered in the Cadastre. (Please see Annex 6). Existing access by road will be used during the construction of the plant; therefore, no temporary impacts on private land and assets is envisaged during the construction period.

## 2.2 Assessment of Impact of the Transmission Lines

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24. The entire TL route has been surveyed and the safety zone around the TL towers determined. (Figure 5). The pre-engineered overhead transmission lines (OHTL) are mostly following the existing OHTL and the RoW around the existing transmission lines. The ROW depends on the technical characteristics (voltage) of the OHTL. It ranges from 18m to 35 m. In general, the ROW for the existing 110kV TL needs to be 22m wide with the center of the OHTL tower; that means, 11.5m on each side of the tower.

25. When both OHTLs, are combined, the ROW needs to be adapted to the maximum voltage (in this Project, it is 220KV). This means that the ROW for 220KV needs to be wide 35m. The figure 5a shows that the safety zone will be available for agriculture use with exception of high trees which might endanger the OHTL. Please see table 3 and figure 5a.

**Table 3: Typical Value of ROWs**

Transmission voltage (Line to line kV)	ROW (m)
66	18
110	22
132	27
220	35

26. Administratively, double-chain 220 kV OHTL goes through territories of Sherabad, Qiziriq and Jarkurgan districts of Surkhandarya region. Starting point of OHTL route is located at selected site of SPP Sherabad at 18 km South-West of town of Sherabad. The exact impact on the privately used land and other assets will be determined when the OHTL is finalized and the exact location agreed by the Ministry and NENU.

27. The exact impact on the privately used land and other assets will be determined when the OHTL is finalized and the exact location agreed by the Ministry and NENU. If the current location stays unchanged, it is roughly estimated that 57 privately used land plots and 9 limited liability agricultural companies might become affected. Based on the pre-engineered location of the OHTL, it is estimated that the APs and legal entities could permanently lose 12.96 ha and during the construction period, 117.79 ha of their land would be temporarily affected. The exact number of APs and legal entities and the exact area of permanently and temporarily affected land, will be determined when route of the OHTL is approved, the detailed design prepared by the EPC contractor and the exact number, size and locations of the OHTL Towers is known.

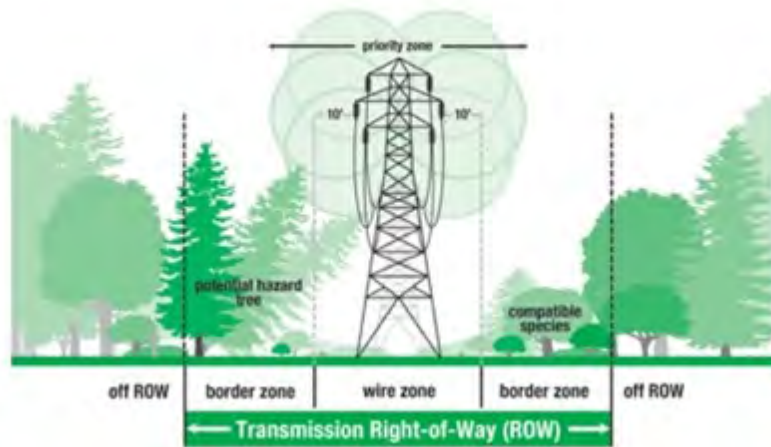


Figure 5a: Zone definition around the TL Towers

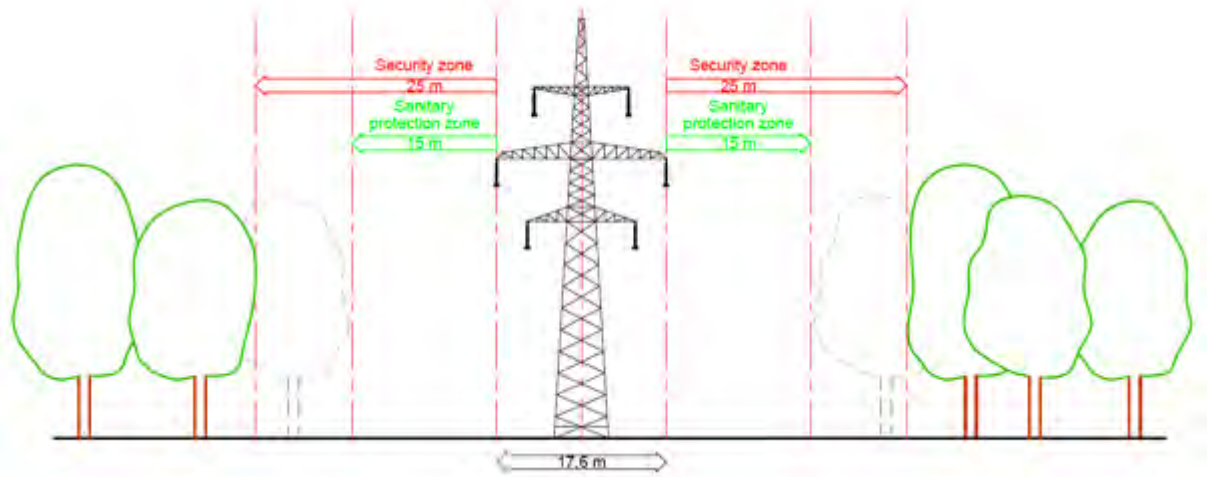
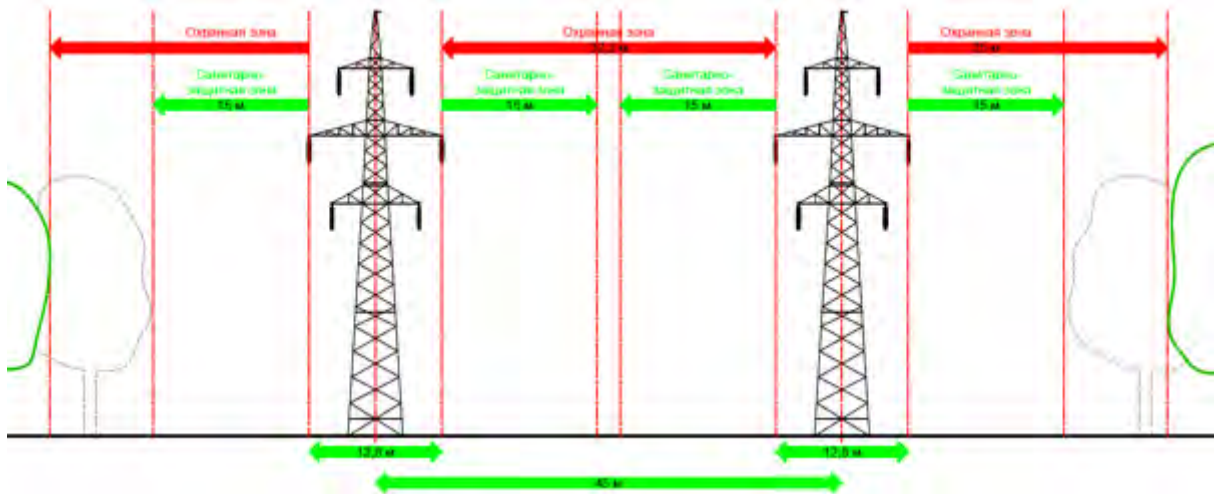


Figure 5b: Safety Zone around the single TL Tower



**Figure 5c: Safety Zone around the two TL Towers**

28. Routing area of 220 kV OHTL is characterized by predominance of agricultural land with irrigation channels and land of localities intended for personal subsidiary farming. The final routing area will be decided by the EPC Contractor and any assessment conducted at this phase of the project preparation, might change if the route for OHTL is changed. Regional and local automobile roads and utility lines are located in the routing area. While the pre-engineered route for the OHTL avoided impact on residential houses and other structures, some minor adverse impacts on privately-used land may occur. There will be 163 towers along approx. 50.5 km of the OHTL. The base of these towers will need some land which, if privately-used, needs to be acquired. Depends on the type of towers, the land need ranges from 65m<sup>2</sup> for P330-2+5 types to 170 m<sup>2</sup> for U330-2+14 tower types. For details, please refer to Table 1-1 and Figure 4.

29. The estimated total land needed for the towers and temporary land needed for the construction, is 117.79 ha will be used temporarily during the construction and 12.96 ha is going to be permanently acquired for the towers. At this stage, it is estimated that 57 private land users and 9 LTD agricultural companies are likely to have some permanent and some temporary effects on their land.

30. The land under the OHTL will be used after the construction of the OHTL with some limitations in land-use as per the national standards and specifications. Some of these are prohibition of any construction and planting trees under the OHTL and in the safety. If the land was used for crops or livestock grazing, there will not be any limitation is land-use after the construction is completed.

31. As the final route of the OHTL has not be finalized at this point of the Project preparation phase, this SSDDR will be updated when the location and the design are finalized. The first approach will be to alter the route to avoid adverse impacts on privately-used land and other assets. The additional approach will be to organize the works after the harvest, so people could collect their crops before the works starts. The NENU and the monitoring Consultant need to ensure that the Contractor informs the local communities about works schedule well in advance. This includes suggestions of not planting the crops at all during the particular planting season if the works are planned to start before the harvest is ready for the collection. Any other technical solutions to avoid or minimize impacts, will be considered. (Annex 7 on Government allocation of land).

32. In case the impact becomes technically unavoidable, a land acquisition and resettlement plan (LARP) will be prepared as per the requirements outlined in ADB SPS 2009 and provisions set in the Policy and Legal Framework and Entitlement Matrix in this document. LARP implementation will be a condition for starting installation works for the transmission line.

33. The LARP will specify all impacts, measure the affected land and assets, value and pay a compensation at the replacement cost to the displaced (affected) people before the land or other affected assets are acquired and provide a detailed description of the LAR activities.

### **2.3 Site Visits and Sharing Information**

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34. During the field visit on 12 November 2019, the Social Safeguards Consultant had the opportunity to access three locations suggested for the construction of the solar power plant. The location chosen for the Project, the Sherabad Solar Site extends for an area of almost 600 ha, divided by the asphalt road in 500 ha west of the road and 100 ha east of the road. The only use on the site is a fenced and maintained cemetery with Eid prayer ground, which is adjacent to the 589.3 ha for the power plant and located further along the road in the south direction. Some use of the site appears to take place along the south boundary, such as a small brick factory. Apart from those uses, the site appears wasteland and very suitable for a solar PV plant. Based on observations and discussions with the villagers working on the adjacent field, the villagers do not use this site for animal grazing.

35. Discussion with farmers, who were working on the fields adjacent to the area planned for the solar plant, revealed that people in the surrounding villages know about the Project, that they were listening about the Project for a long time and they hope that the Project will finally materialize. The villages have the electricity connection but they have a shortage of power when they need it most, in harsh winters and very hot summers. According to the farmers, people will be very happy to have the Project, as once for all, they will have enough power to meet the households' needs.

36. In addition, the local communities hope to have temporary employments during the construction period and a number of permanent employments when the plant start to operate. In their words, there are no many opportunities to earn some money in these villages and the region. The Project will enable some young skilled locals to remain in their villages with their families, as presently, many young men leave for Russia in search for jobs. When they were asked to comment the proximity of the plant to their fields and possible cattle grazing restriction, the farmers stated that there is no grass for grazing at that location and that people have a designated area to graze their livestock.



**Figure 6: Site Visits and Consultations Photographs**

37. Technical and environmental specialists conducted a number of field visits in December 2019 and January 2020. Each of these visits had a goal to find the best location for the power plant and the location of the transmission lines as well as discuss the Project with the local authorities whose representatives always accompanied the field visit. In addition, any opportunity to talk to local people and inform them about the Project, was used. People stated that they have heard about the Project, that the power is available for 5-6 hours daily which causes serious problems for villagers. People expect the Project to improve the current power supply situation. Villagers use the TL surrounding area for animal grazing. Following table summarizes the discussions with the local population conducted for the environmental issues and informing the people about the Project.



**Table 4:Face-to-face Discussions with People in the Project Area**

No	Gender, age, occupation, place of residence	Date	Location
1	Man, 42 years, shepherd, Kuktash settlement.	7/3/2020	Karakyr upland- Solar plant site
2	Man, 30 years, shepherd,	7/3/2020	Karakyr upland- Chapanchi-Mekhriyo settlement, Solar plant site
3	Man, 45 years, shepherd,	7/3/2020	Karakyr upland- Chapanchi-Mekhriyo settlement, Solar plant site
4	Man, 60 years, shepherd,	11/3/2020	Karakyr upland-Muzrabat settlement
5	Man, 23 years, shepherd,	11/3/2020	Karakyr upland
6	Man, 60 years, Head of Buyuk Ipak Yuli settlement.	10/3/2020	Kampyrtepa, IBA Amudarya floodlands
7	Man, 63 years, shepherd	11/3/2020	Karakyr upland- Yangier settlement
8	Man, 44 years, shepherd,	11/3/2020	Karakyr upland-Yangier settlement, Solar plant site
9	Man, 44 years, shepherd,	11/3/2020	Karakyr upland-Solar plant site
10	Woman, 47 years, Head of Bogobod settlement, (this settlement locates to the North from Solar site)	11/3/2020	Karakyr upland-Solar plant site
11	Man, 57 years, famer	12/3/2020	Karakyr upland-Solar plant site, Bogobod settlement
12	Man, 65 years, Senior huntsman in Surkhandarya region, chief hunter at Aktepa hunting area (IBA Aktepa and three lakes).	9/3/2020	Dzharkurgan (transmission line)



**Figure 7: Discussions on Environmental and Social Issues with Shepherds and Farmers**

38. Planned consultations with communities in villages located in the Project area will be conducted as soon as the health-threatening situation caused by Covid-19 passes and other restrictions, such as travel and social gatherings ease. (Draft documents in Annex 3). Other information sharing measures, such as disclosure of the printed Project Information Brochure in villages' public and local authorities' offices and larger shops and other public places where the

local population gathers, are considered. The consultation process with the local population and especially with the Project affected people, if any, will be continuous throughout all phases of the Project, planning, implementation and Project completion phase. These will be documented and reported in the Contractor and Supervision Engineer's monthly reports, which will have a separate chapter dedicated to the social safeguards related to the Project.

## **2.4 Information Disclosure**

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39. Finalized and approved SSDDR will be disclosed at the MoE/NENU and ADB websites and well as in the district and local authorities' offices. Relevant information about the project will also be disclosed in communities around the power plant and along the transmission lines including grievance redress mechanism to be established for the project.

40. In case some land acquisition and resettlement impacts occur during the physical works on the plant and TL, MOE/NENU will prepare a land acquisition and resettlement plan (LARP) which will be submitted to ADB for approval and fully implemented prior to award of a civil works contract at that location. The LARP will be implemented in accordance with the national legislation and regulations and ADB's SPS 2009. Any unanticipated impacts identified during the Project implementation, will be compensated in full at the replacement cost of assets affected.

41. The MOE/NENU will ensure that all ADB SPS 2009 requirements on information disclosure, consultations with affected people and information on entitlements will be followed, documented and reported. The MOE/NENU will disclose a resettlement plan including documentation of the meaningful consultation process before the Project appraisal. The information will be accessible and written in language(s) understandable to affected people. Any Social Safeguards Monitoring report that might be required, will be disclosed at these websites.

### **3 SOCIOECONOMIC PROFILE OF THE PROJECT COMMUNITES**

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#### **3.1 Background**

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42. This Chapter presents the findings on the major socio-economic characteristics of the Project population and communities. Since there are no displaced persons known at this stage of the Project, this chapter presents basic general socioeconomic characteristics of the districts passed by the proposed OHTL. Once the OHTL is finalized, the socioeconomic chapter will be updated to correspond to changes (if any). The chapter will be updated with the socioeconomic data of the displaced persons as well.

43. The chapter is based on country statistical data obtained from the village and rayon's administrations, various reports related to the Project and data collected through the interviews with Mahala and districts' officials in the Project area. The main objective of the socioeconomic surveys is to understand the existing socio-economic environment and vulnerability of affected people in the Project regions, to use the data for preparation of the LARP, if required, and to identify groups and persons who may need some additional support due to the Project impact.

44. Uzbekistan has a population of over 32 million and is the most populous country in Central Asia. Uzbekistan has an area of 447,400 km<sup>2</sup>. Among the CIS countries, it is the fifth largest by its area. The country lies between latitudes 37° and 46° N, and longitudes 56° and 74° E. It stretches 1,425 km from west to east and 930 km from north to south. It borders Kazakhstan to the north and northwest, Turkmenistan to the southwest, Tajikistan to the southeast and Kyrgyzstan to the northeast. It also shares around 150 km of borders with Afghanistan to the south.

45. Uzbekistan is a dry, landlocked country. It is one of two doubly landlocked countries in the world, the other being Liechtenstein. In addition, due to its location within a series of endorheic basins, none of its rivers led to the sea. Less than 10% of its territory is intensively cultivated irrigated land in river valleys and oases. The rest is vast desert (Kyzyl Kum) and mountains. The total land area is subdivided as follows: 46, 1% - agricultural land (9, 7% – irrigated land); 1, 9% - water bodies; 21, 7% - forestland (including mountains); 2, 5% - urban and residential areas and other land is desert. A population is concentrated in the Amudarya, Syrdarya and other river valleys (source: <https://stat.uz/>).

46. Surkhandarya region, where the Project is located, has a population of 193,200 people living 37 villages and settlements in 34,364 households (44,439 families out of which, 630 are poor).

#### **3.2 Profile of the Project Area**

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47. The entire TL route has been surveyed. The Project power plant and the transmission lines (TL) cross three districts: Sherabad, Kizirik and Jarkurgan districts of Surkhandarya region.



**Figure 8: Location of the Transmission Lines**

48. Sherabad district of Surkhandarya region (<http://surxondaryo.uz/>): Sherabad district was established in 1926. It is the most western part of Surkhandarya region. The district center is Sherabad city. Total area of the district is 273 m2, where: 169,066 ha – agricultural land, from which 33,471 ha – irrigated land, 6,913 ha – dry land, 2,133 ha – orchards, 126,549 ha – meadows/pasture land. The main water source is Sherabad River. The climate is region is hot tropical with sultry dry winds from the south. The transport network consists of the local roads. Sherabad shares border with the following districts: Boysun district in the North; Qiziriq district in the East, Qiziriq district in the South; and the Republic of Turkmenistan in the West.

49. The main economic activities in Sherabad district are focused on production and agriculture. Cotton, grain crop, legume, wheat, vegetables, potatoes and fodder are most grown in this district. Grapes and fruit, such as pomegranate and mulberry, are also grown in the area. There are around 2,113 small business enterprises (985 from them are farm enterprises with average land area of 79 ha). Table 5 shows the district's agricultural production for the 2019 year.

**Table 5: Agricultural Produce in Sherabad for 2019**

Name	Total products (tons) for 2019
Cotton	16,341
Grain crop	105,660
Wheat	104,440
Legume crop	4,123
Potato	24,964
Vegetables	121,662
Green crop	46,627
Fruits	27,129
Grapes	2,259
Oil crop	1,020
Forage crop	258

Source: Surkhandarya Municipality and <http://surxondaryo.uz/>

50. Sherabad population amounts 193,200 people (98,000 males and 95,200 females) made of 44,439 families who live in 34,364 households. There are 630 poor families registered in the

district. Majority, 94.7% or 178,700) of people are Uzbeks, 3.7% (7,100) Tajik, 0.9% (1,600) Turkmen, 0.1% (236) Russian, 0.1% (196) Tatar and 0.5% (903) other nationalities and ethnicities. There are no indigenous people living in the region.

51. There are 40 kindergartens (10 in cities/towns and 30 in the rural area). General education schools are widely available; there are 10 in cities and towns and 66 in the rural areas. In addition, one music school, one children sports school and seven vocational schools or colleges are working in the area. There are 12 health clinics, posts and one hospital in the district.

52. Power supply is available in 99.4 % of households including rural area and natural gas in 16.6% of urban district households. In-house water supply is available to 36% of the households.

53. Qiziriq district of Surkhandarya region (Surkhandarya Regional Municipality): Qiziriq district was established in 1975. The district center is Sariq city. Total area of the district is 0,59 thousand km<sup>2</sup>, where: 40, 001 ha – agricultural land, from which 35,136 ha – irrigated land, 0 ha – dry land, 2,425 ha – wood land, 2,440 ha – meadows/pasture land. It shares borders with Boysun, Qumqurgon, Jarkurgan, Angor and Sherabad districts and Afghanistan, Turkmenistan and Termiz city.

54. Qiziriq population amounts to 173, 868 people (87,244 male and 86,624 female) as of 01.01.2020. There are 38,200 families living in 29,700 households. Out of the total number of families, 324 are registered poor. District urban population makes 18,4 % and rural population amounts to 81,6 %. The population density is 275,1 people per 1 km<sup>2</sup>. There are 5 small towns, 79 settlements and 49 makhallas. Majority, 97,4 % (165,021) are Uzbeks, 2,1 % (3,506) Tajik, 0,07 % (105) are Turkmen, 0.1 % (108) Russian, 0.1% (107) Tatar and 0.3% others. There are no indigenous people living in the region.

55. The economics of Qiziriq district is focused on livestock and poultry. There are 2,035 small business enterprises out of which, 1,197 are farm enterprises). Mostly grown crops in Qiziriq district are cotton and wheat, grain crop and greens. Grapes and other fruits, such as apples, cherries, apricots, quince are also grown in the area. The following table presents agriculture production in the district.

**Table 6: Agricultural Produce in Qiziriq for 2019**

Name	Total products (tons) for 2019
Cotton	25,786
Grain crop	102,994
Wheat	95,888
Rice	158
Legume crop	26,46
Potato	7,196
Vegetables	7,196
Green crop	34,586
Fruits	5,877
Grapes	4,032

Source: Surkhandarya Municipality

56. There are 41 kindergartens in the district; 13 are in the cities and 30 in the rural area. The district has 79 schools, 2 music schools, 2 children sports schools and 9 vocational schools or colleges out of which, 6 are in the rural area. 24 health facilities and 2 hospitals are available to the district population.

57. Power supply is available in all urban and rural households in the district. Gas supply is available in the cities, except for rural areas. Tap drinking water supply is available to 55,0 % of all households

58. Jarkurgan district of Surkhandarya region (<http://surxondaryo.uz/>): The district, with Jarkurgan city as its center, was formed in 1965. The total area of the district is 1,16 thousand km<sup>2</sup>, where: 56,525 ha – agricultural land, from which 19,702 ha – irrigated land, 0 ha – dry land, 2,791 ha – orchards, 34,032 ha – meadows/pasture land. The main water source is Sherabad River. The climate is hot tropical with sultry dry winds from the south. The transport network consists of the local roads.

59. Jarkurgan district shares border with the following districts: Qumqurgan district in the North; Angor and Termiz districts in the South; and Qiziriq in the West. The main economic activities are focused on production and agriculture.

60. The district population amounts to 217,866 persons (111,449 male and 106,417 female). There are 51, 697 families (139 are poor) living in 37,051 households. Uzbeks are majority in the district with 95.5 (203,800). Other ethnicities, such as Tajik (2.7% / 5,700 people), Turkmen (0.3% /600), Russian (0.5 % / 1,000 people), Tatar (0.2 % / 400 people) and other with 0.8%, live in the district.

61. The economics of Jarkurgan district is focused on production and agriculture. There are 2,082 small business enterprises out of which, 832 are farm enterprises). Mostly grown crops are wheat, cotton, vegetables and greens. Grapes, apple, cherries, walnut and mulberry are also grown in the area. The following table shows agriculture production in the district.

**Table 7: Agricultural Produce in Jarkurgan for 2019**

Name	Total products (tons) for 2019
Cotton	18,060
Grain crop	49,301
Wheat	44,879
Legume crop	223
Potato	20,039
Vegetables	68,689
Green crop	27,573
Fruits	10,471
Grapes	5,312
Oil crop	10,595
Forage crop	2,205

Source: Surkhandarya Municipality and <http://surxondaryo.uz/>

62. There are 98 kindergarten in the district; 20 are in the cities and 78 in the rural area. The district has 66 schools, one music school, one children sports school and nine vocational schools

or colleges out of which, five are in the rural area. Ten hospitals and 21 other health facilities are available to the district population.

63. Power supply is available in all urban and rural households in the district. There is no gas supply in the area. The main source of drinking water is Sherabad River.

### 3.3 Profile of the Project Villages

64. In total, the Project has a direct impact on 11 villages as the TL traverse the territory of these villages. There are 44,236 persons (21, 847 male and 21,995 female) people living in 7,874 households. The affected villages' populations range from 2,563 people in Oqtepal village to 5,412 people in Bogobod village. On average, there are 6 persons per household. (Table 5)

65. The makhalas' and the districts' statistics show that out of 7, 874 households, 113 (1.44%) households are poor. There are 155 (1.97%) woman-headed households and 23.23% of these are poor households. In female-headed households, poverty ranges from 0% in Qishloqbozor, Takiya, Yangiobod and Qushteppa to 60% in Oqtepaand, which is significantly higher than the general poverty rate in Project villages. In total, there are 19 women in the Project villages holding positions such as chief of the village, local authorities, directors, school's officials, member of parliament etc. (Table 8)

**Table 8: Demographic Profile of the Project Villages**

Villages along the TL	Population	Male	Female	No of HH	No of poor HH	% of poor HH	No of single woman head of HH	No of poor woman-headed HH	% of poor woman-headed HH	No of women on decision-making position
Oyinli	5,101	2,487	2,634	923	5	0.5	28	2	7.1	0
Oltinvoha	3,671	1808	1863	628	20	3.2	8	12	150.0	2
Qishloqbozor	5,358	2,661	2,697	1276	17	1.3	12	0	0.0	5
Bogobod	5,412	2,658	2,754	1024	26	2.5	24	9	37.5	2
Boyqishloq	3500	1,721	1,779	555	13	2.3	17	4	23.5	1
Oqtepa	2,563	1,153	1,410	509	8	1.6	5	3	60.0	0
Takiya	3,777	1,550	1,820	580	9	1.6	22	0	0.0	1
Yangi obod	4500	2514	1986	630	6	1.0	17	5	29.4	8
Navruz	2,802	1,484	1,316	489	5	1.0	3	1	33.3	0
Yangiobod	3931	1974	1952	636	0	0.0	9	0	0.0	0
Qushteppa	3621	1837	1784	624	4	0.6	10	0	0.0	0
<b>Total</b>	<b>44,236</b>	<b>21,847</b>	<b>21,995</b>	<b>7,874</b>	<b>113</b>	<b>1.44</b>	<b>155</b>	<b>36</b>	<b>1.97</b>	<b>19</b>

Source: Mahalla local community representatives

66. The economic data on Project villages reflect data at the district level as per the local authorities' statistics. The Project 11 villages have 5,145 hectares of wheat crops and 477 ha under orchards. Pastures and fallow land account for 16,612 hectares. There are 9,911 ha of irrigated and 16, 041 ha of dry land.

67. Animal husbandry is common in the village households. There are 27,249 sheep and goats and 50,224 head of cattle. Some households have a few horses, although they are not commonly

kept in the Project villages except in Yangi Obod village which alone has 100 horses. In total, there are 135 horses in the 11 Project villages. (Table 9)

**Table 9: Economic Profile of the Project Villages**

Villages along the TL	Wheat (ha)	Orchards (ha)	Other land (pasture/ etc.) (ha)	Irrigated land (ha)	Dry land (ha)	Fallow land (ha)	Horses	Sheep/ goats	Cows
Oyinli	1,350	177	0	4,045	0	0	6	3,520	2,456
Oltinvoha	130	15	0	145	0	0	6	958	440
Qishloqbozor	558	51	117	1,128	0	0	7	2,694	793
Bogobod	1,100	68	382	1,800	0	0	0	2,352	1,100
Boyqishloq	630	10	0	1	0	0	4	1,900	1,110
Oqtepa	465	23	42	910	11	0	3	465	
Takiya	575	9	0	1,151	30	30	5	4,000	5,000
Yangi Obod	9	40	0	20	0	0	100	5,040	37,015
Navruz	99	3	0	137	0	0	4	2,800	980
Yangiobod	0	0	71	0	0	0	0	400	100
Qushtepa	230	80	16,000	575	16,000	0	0	3,120	1,230
<b>Total</b>	<b>5,145</b>	<b>477</b>	<b>16,612</b>	<b>9,911</b>	<b>16,041</b>	<b>30</b>	<b>135</b>	<b>27,249</b>	<b>50,224</b>

Source: Shukundaria Regional Municipality

68. Electricity is available in all project villages. However, when the use of electricity is higher, for example during the cold or very hot days when electric appliances for heating or cooling are used, the villages get electricity supply for a few hours a day.

69. Three out of 11 villages do not have piped water connected rely on spring and purchased water for daily usage. In house sanitation system is not common in these villages. All are using latrines and only 5% of households in Bogobod have connected sanitation system.

70. There is at least one school in each village and there are professional colleges in Oqtepa, Takiya and Yangi Obod villages. Kindergartens are available in seven and medical facilities are available in five villages. Sports stadiums, banquets halls and mosques are available in four villages. The following table shows availability of basic facilities in the Project villages.

**Table 10: Facilities in the Project Villages**

Villages along the TL	Electricity (%)	Water source		Sanitation	Schools	Colleagues	Kinder garten	Med. Station/	Other (please specify)
		Connected %	Water carriers %	% in home					
Oyinli	100	0	100	0	1	0	2	1	0
Oltinvoha	100	60	40	0	1	0	1	1	1 banquet hall
Qishloqbozor	100	0	1	0	2	0	0	1	0
Bogobod	100	5	95	5	1	0	2	4	2 banquet halls, 1 stadium
Boyqishloq	100	71	29	0	3	0	1	0	0
Oqtepa	100	0	100	0	1	1	0	0	0
Takiya	100	80	20	0	1	1	0	0	1 mosque



Villages along the TL	Electricity (%)	Water source		Sanitation	Schools	Colleagues	Kinder garten	Med. Station/	Other (please specify)
		Connected %	Water carriers %	% in home					
Yangi Obod	100	33	67 (other sources)	0	1	0	1	0	0
Navruz	100	70	30	0	2	0	1	1	1 stadium 1 mosque
Yangiobod	100	100		0	1	1	2	0	0
Qushteppa	100	75	25	0	1	0	0	0	0
<b>Total</b>					<b>15</b>	<b>3</b>	<b>10</b>	<b>8</b>	

## 4 GRIEVANCE REDRESS MECHANISMS

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71. ADB SPS 2009 requires the borrower/client to establish a mechanism to receive and facilitate the resolution of displaced persons' concerns and grievances about physical and economic displacement and other project impacts. The grievance redress mechanism should correspond to the risks and adverse impacts expected to be caused by the Project. It should address displaced persons' concerns and complaints promptly, using a comprehensible and transparent process that is gender responsive, culturally appropriate, and readily accessible to the displaced persons at no costs and without retribution. The mechanism should not impede access to the country's judicial or administrative remedies. The borrower/client will inform displaced persons about the mechanism. (ADB SPS 2009, SSDDR Chapter 5, Subheading 5.2).

72. NENU has already established a GRM for the currently running, Northwest Region Power Transmission Line Project. PMU's Safeguards Specialist, through a representative on the site, carries out monitoring of the project implementation and GRM. The primary goals of the 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.

73. People have the right to file complaints and queries on any aspect of land acquisition, compensation, and resettlement. The PMU ensures that grievances and complaints on any point of the project implementation during the construction works are addressed in a timely and satisfactory manner. Prior to start of civil works, NENU, will hire a SPV who will be responsible for the overall Project activities and will act, on behalf of NENU, as an Implementing Agency (IA) and will establish a similar GRM for this Project as well as monitor and measure the progress of implementation of the Project. The Working Commission will be established after the land allocation and start of works; The Working Commission shall consist of the representatives of Cadaster, Makhalla and NENU. This Commission will work with the grievances and complaints received by the affected people.

74. The Project management Unit (PMU) will appoint focal person/s for grievance resolution and ensure effective handling of any environmental and resettlement grievances related to the Project. The proposed outline of the GRM was discussed and agreed with the PMU. The PMU will ensure that grievances on any aspect of possible resettlement are addressed in a timely and satisfactory manner. The PMU management (Figure 9) will monitor the implementation of the Project and process and resolution of Project-related grievances.

75. Displaced Persons (DPs) may appeal any decision, practice or activity related to the assessment or valuation of land or other affected assets, acquisition and compensation. DPs will be informed about the procedures and available avenues, including Government's grievance mechanism, to resolve grievances.

76. Apart from ADB requirements on establishing the grievance redress mechanism, the grievance redress procedure in Uzbekistan is regulated by the national legislation of Republic of Uzbekistan, in particular, by the law "On Citizen's Appeals and the "Law on the order of submission of appeals of physical and legal entities" (No. 378, 03 December 2014). The "Law on the order of submission of appeals of physical and legal entities", requires resolution of a grievance within fifteen days of the submission date or within one month if additional checking, case research and submission of documents are needed.

77. The GRM for the current Project takes into account applicable national laws and legislations, ADB SPS 2009 requirements, specific characteristics of the Project and the results of consultations with the Executive Agency. Resolution 911 (of 16 November 2019), defines the obligations of Rayons' Khokimiyats to notify owners of residential and other buildings and structures, plants and crops and other affected assets on the decision made on their grievance. The displaced person (DP) should be notified in writing at least six months prior to acquisition of assets and the signature of the DP obtained. The notice will be based on and have copies of the relevant decisions of the khokims of rayons (cities and districts) and the Cabinet of Ministers of the Republic of Uzbekistan on any land acquisition, demolition of residential, commercial and other buildings and structures, crops and plants on the affected land.

78. The DPs will have the right to file complaints and queries on any aspect of resettlement triggered by the Project. In addition, the complainant can appeal the decision and bring the case to the ADB Accountability Mechanism. The project level GRM does not in any way, impede the access of the complainants to the ADB Accountability Mechanism (AM) or the country's judicial or administrative remedies. Should the complainant wish to register a complaint with the ADB AM, the GRM focal person need to provide the complainants with the ADB AM contact information.

79. The Project grievance mechanism will be disseminated to the chiefs of the Project villages and the district local authorities during the numerous planned consultations about the Project. Planned wide public consultations were not possible to conduct during the preparation of this SSDDR due to the Covid-19 pandemic. The Project information brochure (PIB) with the detailed GRM will be distributed to the Project communities through the makhalla or village assembly as soon as the field visits and travels to the region become possible.

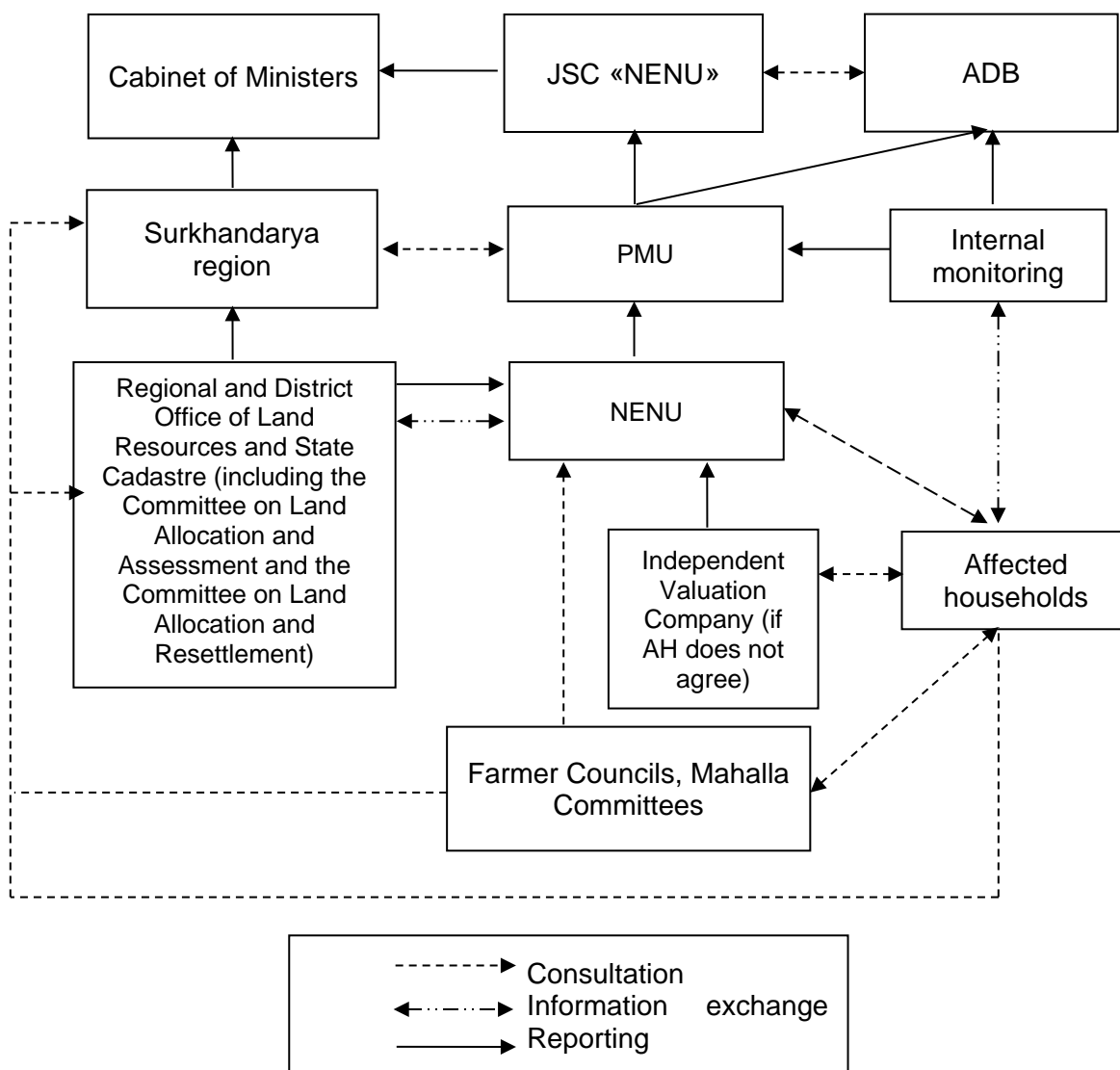
80. All grievances received from people will be registered in a logbook which will be available at each point of entry (Templates presented in Annexes 2 and 3): Chief of the makhalla or the khokimiyats where the grievances from the population are usually registered and with the IA designated Focal Point. The grievance redress process is shown in 11 and schematically presented in Figure 9 below.

**Table 11: Grievance Resolution Process**

Level/Steps	Process	Timeline
Level 1— Makhalla Chief, or district khokimiyats	The aggrieved person submits a grievance at Chief of Makhala office or khokimiyats. A designated focal point will receive, register grievance and forward them daily to the designated Focal Point (FP) at the National Electric Networks of Uzbekistan (NENU). The alternative grievance entry points will be khokimiyats due to their obligations defined by the national legislation. After receiving grievances, the designated focal point will review and asses the nature/specifics of the grievance, inform the NENU Focal Point person and forward grievances to the relevant party for resolution. Depending on the nature of the grievance, it may be forwarded to the Contractor, Land Cadaster, Makhalla or district branch of NENU. For example, complaints related to resettlement issues may be forwarded to Land Cadaster, khokimiyat and makhallas. In case of environmental issue, compliant will be forwarded to Contractor or District Nature Protection Committee. The NENU FP will deal with grievances related to impact caused only by the Project.	15 days

Level/Steps	Process	Timeline
Level 2 – NENU Branch /Department Tashkent	In case the grievance was not redressed at the first stage or the aggrieved person is not satisfied with the decision made, s/he can submit the grievance directly to NENU in Tashkent. Operation to redress it. In case the grievance is not related directly to the project, the aggrieved person will be directed to appropriate departments where s/he should apply for the decision-making. If the grievance was not redressed at the NENU FP level, the grievance will be submitted to the NENU General Manager and he will appoint a special commission for redressing grievance.	30 days

### Grievance Redress Process



**Figure 9: Grievance Redress Process**

## **COURT OF LAW**

81. Aggrieved Persons can approach the Court of Law at any stage during the grievance redressing process and the grievance mechanism should not impede access to the country's judicial or administrative remedies.

## **ADB ACCOUNTABILITY MECHANISM (AM)**

82. Aggrieved Persons can approach the ADB AM (Through the UZB ADB RM) at any stage during the grievance redress process and the grievance mechanism should not impede access to the country's judicial or administrative remedies.

For additional information, contact the following:

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Tel: +99893 501 64 20

## 5 POLICY AND LEGAL FRAMEWORK

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83. 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.

84. The main requirements outlined in ADB SPS 2009 are to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real term relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups. (ADB SPS 2009)

### 5.1 LAR Laws, Regulations and Provisions in Uzbekistan

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85. The main national laws and legislations regulating LAR processes in Uzbekistan are:
- Constitution of the Republic of Uzbekistan (December 8, 1992): (Article 36)
  - The Land Code;
  - Resolution of the Cabinet of Ministers № 911 (16 November 2019);
  - Resolution of Cabinet of Ministers № 146 (25 May 2011) with amendments based on Resolution of Cabinet of Ministers №1024 (20 December 2019);
  - This Resolution previously named "About the Measures of Improvement the Order of Provision of Land Plots for the Implementation of Urban Development Activity and for Other Non-Agricultural Needs" and renamed in late 2019 into the "Regulation on the procedure for compensation for losses of owners, users, tenants and possessors of land, as well as losses of agricultural and forestry production" 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 (settlements) land for construction by 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.
  - Resolution of Cabinet Ministers №317 (21 September 2016);
  - Resolution of Cabinet Ministers №3857 (16 July 2018);
  - [Decree of the President of the Republic of Uzbekistan №5490](#) (27 July 2018);
  - Decree of the President of the Republic of Uzbekistan №5495 (1 August 2018);
  - The Law "On Privatization of Non-agricultural Land" №552, August 13, 2019;
  - Resolution of Cabinet of Ministers № 1047 (26 December 2018);
  - Presidential Order №P-5491 (August 3, 2019);
  - Resolution of Cabinet of Ministers № 44 (15 February 2013) with amendments based on Resolution of Cabinet of Ministers №1046 (28 December 2019);
  - Resolution of Cabinet of Ministers №165 (30 March 2017);
  - Land acquisition normative for the construction of the TL: KMK 2.10.08-97 and Resolution of the CoM №1050 (26 December 2018);
  - Civil Code (29 August 1996);
  - The Tax Code;
  - The Labor Code and Employment Law;

- Resolution No 44 of the Cabinet of Ministers (15 February 2013);
- Law on Valuation Activity;
- Law on Citizen's Appeals

## Constitution

86. 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 labour 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).

87. 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 khokim 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) khokim, 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 khokims 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).

88. 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).

89. 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.

90. According to the Article 87, Clause 1, losses of agricultural and forestry production caused by the withdrawal of agricultural and forest 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.

## Land Code

91. The Land Code (30 April, 1998, # 598-I; last amended on 4 September, 2014, #ZRU-373) 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 khokim 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) khokim, 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).

92. The Land Code (Article 36, Clause 1) specifies instances when the right to the land can be terminated. These include:

- (i) voluntary renunciation of the land;
- (ii) the expiration of the term for which a land plot was granted;
- (iii) liquidation of the legal entity;
- (iv) termination of employment, for which an official land plot was provided;
- (v) use of land not for its intended purpose;



- (vi) irrational use of land, which is expressed for the agricultural land in the level of productivity lower than the standard for three years (according to the cadastral evaluation)
- (vii) land use methods that lead to a decrease in soil fertility, chemical and radioactive contamination, environmental degradation;
- (viii) systematic non-payment of land taxes and lease payments;
- (ix) non-use within one year the land plot provided for agricultural purposes, and two years - for non-agricultural purposes;
- (x) failure to use the land for two years after receiving the order for the right of lifetime inheritable possession, acquired on an auction basis, and in the case when the right of lifetime inheritable possession of a land plot is pledged - during the term of the pledge agreement. Unused land confiscated with compensation paid to the former owners of their value;
- (xi) acquisition of land in the manner prescribed by this Code.

93. Termination of the right of possession and the right of permanent or temporary use of land in the cases specified in paragraphs a) – j) of Article 36 is made by decisions, respectively, of khokims 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).

94. According to Article 39, Clause 1 land user, tenant and land owner have the right to:
- Manage their own on the land in accordance with its intended purpose (Article 39, Clause 1, sub-Clause 1);
  - Ownership of crops and planting of crops and plantations produced agricultural products and revenues from its implementation (Article 39, Clause 1, sub-Clause 2);
  - Used in the prescribed manner to the needs of the economy are available on the land common minerals, forests, water bodies, and exploit other useful qualities of the land (Article 39, Clause 1, sub-Clause 3);
  - Carry out irrigation and drainage, agronomic and other reclamation work (Article 39, Clause 1, sub-Clause 4);
  - To receive water to irrigate crops, plantations and other uses of irrigation sources in accordance with the limits (Article 39, Clause 1, sub-Clause 5);
  - In the prescribed manner to build residential, industrial, cultural-domestic and other structures and facilities to carry out its reconstruction and demolition in accordance with the purpose of land and design documentation (Article 39, Clause 1, sub-Clause 6);
  - 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).

95. Finally, the Land Code (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.

96. 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.

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

97. 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.

98. 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).

99. 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”.

100. 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.

101. 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.

## **The Tax Code**

102. This is a regulatory framework for taxation related matters. This law regulates compensation for vulnerable groups by ensuring discounts or exemption from property taxes, income tax and other taxes stipulated in the Tax Code.

## **Labour Code and Employment Law**

103. 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.

104. Both ADB policy and the Uzbek law provide for the indemnification of DPs 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 DPs is fully reimbursed to them. This approach covers temporary and permanent job losses and is generally implemented through an allowance providing the DPs 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 DPs by the project proponent.

105. 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 DPs receive their job termination dues.

## **Resolution of Cabinet of Ministers № 44 (15 February 2013)**

106. This resolution determines 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.

107. The Uzbekistan's legislation does not define compensation as targeting the rehabilitation of the DPs livelihood. It instead focuses on the mere compensation of directly measurable physical impacts or incomes. This may create some reconciliation 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 DPs and relocation allowances. The legislation, however, has enough span (for instance indicates that the poor, the disadvantaged and the people leaving in frontier areas require special attention during LAR) to allow an interpretation of its mandates to cover ADB requirements without the need of legal reform and does not require additional payments in connection with the project implementation.

### **Law on Valuation Activity**

108. The valuation of the assets, including real estate property, business etc., is carried out on the basis of the Law "On Valuation Activity", decrees and resolutions of the President and the government state standards, departmental regulations and other provisions of national legislation (see items 63-67).

109. Property evaluation approaches vary from one executing agency to another but engaging independent appraisers has become common practice. It is to be noted, however, that there are still cases when valuation is carried out by state agencies but it concerns only to evaluation of the losses of agricultural and forestry production, which is defined by the State Enterprises for Land Surveying and Real Estate Cadaster, subordinated to Goscomzemgeodescadastre. Evaluation of losses of agricultural and forestry production carries out in accordance to clear methodology described in the regulations approved by the governmental resolution.

110. According to the Law "On State land cadaster" (Article 19) the valuation of land of all categories is made with the natural and value indicators. The valuation of land is carried out in the manner prescribed by law. Valuation of land for various purposes is made for establishing the level of efficiency of their use, calculation of payment for the land and its standard price, the starting price of land in their selling on an auction basis, compensation for losses and damages in the seizure of land for state and public needs.

### **Law on Citizen's Appeal**

111. The mechanism for the submission and consideration of natural and legal person's treatments (applications, proposals and complaints) is enshrined in the Law "On the treatments of natural and legal persons". The natural and legal persons may make a demand to restore the violated rights, freedoms and lawful interests in the State bodies, as well as in the media, both orally and in writing. Treatment of natural and legal persons are subject to acceptance, registration and review within the statutory deadlines according to the Standard Regulations on the procedure of the work with natural and legal person's treatments in government and public institutions, approved by the Resolution of the Cabinet of Ministers dated 31 March 2015, №73.

112. Applications are subject to mandatory adoption and consideration by a public authority. A natural or legal person is entitled to appeal against the illegal refusal to accept and review of treatment to a higher authority by way of subordination or directly to the court (Article 13).

113. 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 (Article 19, Clause 1). According to the Article 20 will not be considered:

- anonymous treatment;
- appeal filed by the representatives of legal entities and individuals in the absence of documents confirming their powers;
- treatment not complying with other requirements established by law.

114. According to the Article 23 the state body, having reviewed the treatment shall in written or electronic form to report draws on the results of the review and the decision immediately after the consideration of the appeal. Responses to treatment are set out, as far as possible, in the same language should contain specific grounds (as required with reference to the rules of legislative acts), refuting or confirming the arguments on each item specified in circulation. Officer or other authorized person of the state body to decide on treatment must explain the procedure for appeal if a natural or legal person does not agree with that. The state body has considered the treatment, its officers or other authorized persons are obliged to supervise the implementation of the decision taken as a result of consideration of the treatment, and take action to compensation in accordance with the law of material damage or non-pecuniary damage if it is caused by a breach of the rights, freedoms and the legitimate interests of the natural or legal person.

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

115. This Resolution is aimed to improve the procedure of granting land plots, protect the rights of legal entities and individuals on land, 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.

116. 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.

117. 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.

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

119. 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.

### **Resolution of Cabinet Ministers №317 (21 September 2016)**

120. The resolution “On amending and adding to some decrees of the Republic of Uzbekistan, aimed the further improvement of registration of cadastral document on real property” defines responsible design institution which calculates the agricultural and forest-related losses belonging to legal land users, tenants. This institute is “UzDavYerLoyiha” and its branches in the regions. It defines that in case of the following type of construction works, compensation for agricultural and forest-related losses will not be compensated:

- individual housing construction and maintenance of a residential house;
- the construction of pre-school, general secondary, secondary special, professional educational and medical institutions;
- construction of water management facilities, land reclamation facilities and hydraulic structures;
- the formation of protected natural areas;

121. By this resolution, the Government defined the procedure of legalization of cadastral document of titled and not titled (illegal) land users. The main requirements for the legalization of non-titled land users are to provide i) explanation of circumstances of illegal use of land, ii) certificate from local self-governed bodies on possession of last 15 years, iii) payment of land tax for the last five years. Compensation mechanism of agricultural and forest-related losses is updated by this resolution.

### **Resolution of Cabinet Ministers №3857 (16 July 2018)**

122. The resolution “On measures to improve the effectiveness of preparation and realization of 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).

### **Decree of the President of the Republic of Uzbekistan №5490 (27 July 2018)**

123. The Decree “On measures to further improvement of the system for protecting the rights and legitimate interests of business entities” has established a Centralized Fund under the Cabinet of Ministers of the Republic of Uzbekistan for compensation of losses to citizens and business entities in connection with the seizure of land plots for state and public needs, as well as the procedure for mandatory coordination with this fund of land acquisition for state and public s needs.

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

124. 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.

### **The Law “On Privatization of Non-agricultural Land” №552, August 13, 2019**

125. This normative document regulates the procedures, rules and mechanism of privatization of non-agricultural land. According to the Law, the following land plots are subject for privatization: (i) land plots on which the buildings and structures belonging to legal entities, industrial infrastructure facilities are located, as well as the land adjacent to them in the extent necessary for the conduct of production activities; (ii) land plots provided to Uzbekistan citizens for individual housing construction and its upkeep; (iii) free land plots; (iv) land plots that are provided to the Urban Development Fund under the Ministry of Economy and Industry.

126. The Law forbids privatization of land plots that are: (i) located in territories that do not have approved and published layout plans; (ii) that are part of the lands of environmental, recreational, and historical-cultural purposes, as well as lands of forest and water funds, general use of cities and towns (squares, streets, driveways, roads, embankments, squares, boulevards); (iii) infected with hazardous substances and susceptible to biogenic infection; (iv) provided to residents of free economic and small industrial zones. This procedure came into force on March 1, 2020.

127. Within implementation of this project the order of compensations payment to these persons in case of loss of property and other objects of property is also governed by the following standard and legal documents:

- (i) Law of the Republic of Uzbekistan "On Evaluation Activity" as for 19.08.1999. No. 811-I;

- (ii) Decree of the President of the Republic of Uzbekistan "On further improvement of activity of evaluation companies and increases of their responsibility for the quality of rendered services" (No. PP-843 as for 24.04.2008)

#### **Resolution of Cabinet of Ministers № 1047 (26 December 2018)**

128. This resolution "On the procedure for the formation and use of funds of centralized funds for the compensation to affected individuals and legal entities for the expropriation of land for the state and public needs" appoints Republican Centralized Fund (RCF) under the Cabinet of Ministers for land acquisition compensation payments to affected households and affected entities in course of the projects to be implemented for the needs of the state and society. RCF will be established for the projects that are accepted on the Governmental level. This resolution establishes the procedure of compensation payments to affected physical and legal entities. The Supervisory Board is established under RCF, and its decisions are compulsory to execute. The Board will also monitor the allocation of funds to AHs during the resettlement implementation period. Local managing bodies (khokimiyats) should start the process by application to RCF on the allocation of necessary funds for LAR. This application will be reviewed by the Board, and the necessary decisions will be accepted. The Decree on the allocation of compensation is issued by regional khokimiyats based on the decision of RCF. The Decree serves legal instrument to pay compensation to affected physical and legal entities.

#### **Presidential Order №P-5491 (August 3, 2019)**

129. The Order "On Additional Measures to Unconditionally Guarantee the Right of Ownership of Citizens and Business Entities" governs the procedures, mechanism of making decisions on the seizure of land for state and public needs which is (i) allowed only after an open discussion with interested parties whose land is planned to be withdrawn, as well as assessing the benefits and costs; (ii) the demolition of residential, industrial premises, other buildings and structures belonging to citizens and business entities upon the seizure of land is permitted after full compensation of the market value of real estate and losses incurred by the owners in connection with such seizure; (iii) Losses caused to citizens and business entities as a result of the unlawful administrative act of a state body (official) are subject to compensation by the state, primarily at the expense of extra budgetary funds of the relevant bodies, followed by recovery from the guilty person in recourse. According to this Decree, from August 5, 2019, the seizure of land and the demolition of real estate owned by citizens and businesses for state and public needs, as well as for other purposes, is carried out in the order consisting of the following steps: (i) at the first stage, a collection of materials on the territory planned for demolition is submitted to the Cabinet of Ministers of the Republic of Uzbekistan by the chairman of the Council of Ministers of the Republic of Karakalpakstan, khokims of the regions and the city of Tashkent; (ii) at the second stage - in the Cabinet of Ministers of the Republic of Uzbekistan, an opinion is prepared on urban planning requirements and for financial calculations; (iii) at the third stage - the prepared opinion is submitted to the Prime Minister of the Republic of Uzbekistan for consideration and decision.

130. There is a personal responsibility of local authorities for full compliance with legislative acts when seizing land, in particular for: (i) notification of owners in the prescribed manner and terms of the relevant decision on the seizure of the land and the demolition of residential, industrial and other buildings, structures and plantings located on the land; (ii) prevention of demolition of houses, other buildings and structures on confiscated land plots before preliminary and full compensation of losses at market value; (iii) the provision in the prescribed manner of temporary housing for the period of development of the land provided as compensation to displaced citizens for up to two years, as well as for compliance with other requirements.



## **Resolution of Cabinet of Ministers № 911 (16 November 2019)**

131. On November 16, 2019, the Cabinet of Ministers approved the “Regulation on the procedure for seizure of land plots and providing compensation to the owners of real estate objects located on the seized land plot”. This Regulation determines the procedure for the seizure of a land plot for the State and public needs. The Regulation shall apply if the land plot is in possession, use or temporary use of individuals or legal entities (individual entrepreneurs, citizens of Uzbekistan, foreign citizens, business entities, NGOs) and does not apply to land plots owned (private property right) by individuals and legal entities. In this regard it is not clear whether this regulation is not applicable only to lands, that will be privatized in accordance with the Law “On Privatization of Non-agricultural Land” №552 (August 13, 2019).

132. This key LAR related document envisages the introduction of new regulations pertaining to the compensation procedure for land seizure for public needs and replaces Resolution of Cabinet of Ministers № 97 (29 May 2006)<sup>1</sup>. To date, the process has not been transparent and lacked adequate protection for property owners. This regulation applies to cases where land occupied by real property is owned based on the rights of permanent or temporary use.

133. The document clearly defines the term "State and public needs", which, among others, includes implementation of investment projects aimed at improving infrastructure facilities, including the construction and rehabilitation of energy systems and power transmission lines.

134. As per the procedure introduced by the document, land seizure is allowed given that both of the following conditions are met:

- (i) the owner/user/leaseholder explicitly provides his/her consent and
- (ii) the project is approved by the local Kengash (Council) of Peoples’ Deputies, or an investment project is specially mentioned in the Presidential Decree or by a Resolution of the Cabinet of Ministers.

According to this resolution:

- (i) both local municipalities (khokimiyats) and investors may initiate land seizure following the procedures provided in the regulations
- (ii) if there is a need to withdraw the land plot, an open discussion is to be held with the participation of the khokimiyat representatives and investors and owners;
- (iii) preliminary valuation of losses will be carried out by the khokimiyat or by cadastral bodies. The Regulation mentions that “the full list of immovable property objects, located on the plot is to be prepared as well as other information is to be provided in regards of the immovable property”. Trees and standing crops are not mentioned as a subject of valuation and further compensation, thus, the Resolution of the Cabinet of Ministers #146 (25/05/2011) will be applied for the compensation of these assets.

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<sup>1</sup> The Resolution №97 (29 May, 2006) "About approval of the regulations on procedure of compensation payments to citizens and legal entities due the withdrawal of land plots for the state and public needs" was the key act that regulated compensation for losses to individuals and legal entities due to the seizure of land plots for state and public needs. This regulation is not active since January 1, 2020 in accordance with the Appendix 3 to the Resolution of the Cabinet of Ministers #911.

- (iv) the Kengashes of people's deputies will consider the benefits and costs of the seizure of land, and, if there are sufficient resources, as well as in case of excess of benefits and costs, a decision will be made on the seizure of land.
- (v) evaluation of the property that is going to be seized is done at the expenses of the initiator. When 75% of property owners provide their consent to land seizure, the initiator has the right to apply to court in order to get a compulsory sale order for the rest 25% of the owners. In such cases, the compensation is to be determined in a court ruling rather than by a compensation agreement. This procedure, anyhow, guarantees a full replacement cost.
- (vi) new objects being part of a compensation for seizure must be provided within 2 years, otherwise fines are applied for each day of delay.
- (vii) demolition of real estate objects is permitted only after their owner is compensated in full as provided in a compensation agreement (or a court decision in case of a dispute). Khokimiyats are not authorized to make decisions on the seizure of land;
- (viii) the khokimiyat or the investor and the owners, and this agreement is notarized;
- (ix) An initiator and an owner of a property must conclude the relevant compensation agreement subject to notarization. The agreement must include the type of compensation(s), its amount and terms of payment and/or provision of other compensatory measures
- (x) The demolition of real estate objects without the agreed compensation is not allowed

After providing agreed compensation to the owners:

- (i) real estate/property is released by the owner
- (ii) the draft resolution on the demolition is sent by the khokimiyats to the justice bodies for the issuance of a conclusion. The resolution on demolition of real estate is accepted only in the presence of the positive conclusion of justice departments
- (iii) Transfer of the real estate objects located on the withdrawn land plot to another person is allowed only if there is a written consent of the initiator after signing of the Agreement, or in case of termination of the Agreement (in the order provided by the Agreement, with the consent of the parties or in court).
- (iv) The owner who has acquired the object of real estate subject to demolition is the legal successor of the rights and obligations of the previous owner arising from the Agreement concluded in accordance with this Provision.
- (v) Control over execution of requirements of the legislation at withdrawal of the land plots, demolition of objects of real estate, resettlement of citizens, and also granting of compensations is carried out by bodies of Prosecutor's office.
- (vi) The owner, based on agreement with the initiator/investor, now has the right to carry out at his own expense the demolition of the property/structures with the further removal of all materials (salvages) and construction waste and with the proper cleaning of the territory for construction needs.

135. This procedure come into force on January 1, 2020. It is important to mention also that in case of untimely or incomplete provision of compensation by the project initiator, khokimiyat must provide compensation with a subsequent appeal to the court to recover compensation from the guilty persons.

136. A possibility to keep salvage materials is a very important issue for relocated households (because they can use salvages for the construction of new houses<sup>2</sup>). The previous regulation №97 (25 May 2006) defined that all the salvages are the property of the investor (after the compensation is provided in full to relocated AH). However, even with this strong requirement, the vast of the projects supported by IFIs in Uzbekistan (including ADB financed projects) allowed relocated APs to keep salvages as an additional protection measure. During this LARF preparation, the issue of salvage materials was reviewed by NENU in the light of the new Regulation №911. A new option/privilege given to the relocated AHs permits that, based on agreement with the project initiator (NANU), AHs will have the right to carry out at his own expense the demolition of the property/structures with the further removal of all materials (salvages) and construction waste and with the proper cleaning of the territory for construction needs. Except for the economic burden for relocated AHs, related to complete “proper cleaning” of territory (while some affected houses have strong and big concrete basements, see Figure 1.5) there are several concerns to be considered:

- (i) There is no definition of the "proper cleaning" in the Regulation. This may cause obstacles for project realization.
- (ii) Construction waste utilization issues are very important. Cleaning of the dwelling yards may cause hundreds of tons of waste to be thrown in the neighboring areas, instead of relatively remote specially allocated places. So, this process is to be controlled by Contractor only.
- (iii) The Regulation does not contain a specific timeframe for the self-demolishing of houses. Practically, people will be not able to fit the civil work schedule and Contractor will wait until AHs will clean everything.

137. Based on the Regulation №911 and after the consideration of concerns mentioned above, the NENU will allow people to start the process of self-demolishing for salvages obtaining at least two weeks prior the Contractor will start the cleaning of the area. AHs will also possibility to collect salvages from their former plots even during the demolition process (but in non-working hours of civil work).

#### **Resolution of Cabinet of Ministers № 44 (15 February 2013) with amendments based on Resolution of Cabinet of Ministers №1046 (28 December 2019)**

138. This resolution determines the procedure for the appointment and payment of Makhalla allowances for a) low-income families with children under the age of 14 years, b) allowances for low-income parents for child care until the age of two years and c) allowance for low-income families. According to this resolution the following types of families are entitled to allowances:

- families where the average monthly income does not exceed 52,7% of minimum wage per person during the last three months. Along with incomes household members gain officially, additional factors are also to be considered by makhalla committee members, including the availability of land, employment status of family members, and presence of persons in need of care;

139. The preferential rights for makhalla allowances have families

- who have lost both parents and children are in care of relatives;
- families where one or both parents are disabled;

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<sup>2</sup> Even having a fair compensation for the demolished houses the AHs may have problems with purchasing and delivery of necessary materials for new construction. It is still the reality for the remote and mountain areas.

- 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 have been registered at state employment bodies (regional and city departments of the Ministry of Employment and Labor Relations) as job-seekers;
- single retired persons.

### **Resolution of Cabinet of Ministers №165 (30 March 2017)**

140. Uzbekistan's legislation does not define compensation as targeting the rehabilitation of APs' livelihood. They focus on paying compensation for measurable physical impacts or incomes. The Presidential Resolution №3857 of 2018 (described above) requires that the donor-funded projects follow the specific safeguards requirements of the donor. This resolution theoretically removes any disparity between the country's legislation on LAR issues and ADB's requirements for IR safeguards. However, there are still questions to EAs from state budget controlling authorities that are related to the amount of the rehabilitation allowances provision.

141. This Regulation №165 determines the procedure for the allocation of a one-time financial allowance to needy families in the Republic of Karakalpakstan and the Khorezm region, primarily, single retirees, families with a disabled breadwinner and other low-income groups and families. This allowance to needy families can be appointed by a special decision of makhalla Social Protection Commissions to families (citizens) who find themselves in difficult life situations. The definition of a difficult life situation includes among others the damage to property as a result of emergency circumstances or force majeure. The specific amount of this one-time financial assistance is determined by the Commission for each case individually, taking into account the complexity of the "difficult life situation". According to regulation №PP-4086 since 28 December 2018, the minimum and maximum amount of this allowance are annually regulated by a special Decree of the President of Uzbekistan. For the year 2020, this amount was determined in the Decision of President №PP-4555, Annex 2 (December 30, 2019) and vary from 434,000 UZS and up to 1,085,000 UZS.

142. Considering that a) there are no other normative to compensate the loss of livelihood and b) absence of the specialized social protection body in the country<sup>3</sup>, it is suggested in this project, based on Resolution #165 (on analogy), to allocate a one-time allowance amounting of maximum value of the allowance envisaged by the Decision of President №PP-4555 to all the displaced AHs as severe impact relocation allowance.

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<sup>3</sup> The Ministry of Labor and Social Protection was reorganized in 2016, and the functions of the centralized regulator of the social protection system were not delegated to any other agency. The Government of Uzbekistan is planning to develop a concept of the National Social Protection system by the end of 2020 and to establish the Ministry of social protection by 2022.

## **Land Acquisition Normative for the Construction of the TL: KMK 2.10.08-97 and Resolution of the CoM №1050 (26 December 2018)**

143. The Government Construction normative KMK 2.10.08-97 provides standard and guidance for design, construction, and operation of transmission line particularly with its requirement for land acquisition. For transmission line having a voltage of 220 kV, the requirement is as follow:

- (i) The TL requires a temporary alignment corridor of 15 meters in width for stringing the conductor cables for a single-circuit TL in case of steel towers to be erected. For the concrete towers the corridor is 12 meters.
- (ii) The TL requires a temporary alignment corridor of 18 meters in width for stringing the conductor cables for a double-circuit TL.
- (iii) Post-construction the TL require 55.06 square meters for each single-circuit type tower and 70.56 square meters for each double-circuit type tower.
- (iv) According to the Article 14(a) of the Annex 1 to the Resolution of the CoM №1050 “On the approval of the rules of protection of power transmission facility objects dated 26.12.2018 a safety zone of 25 meters to each side of the outer conductor cable is required as a safety zone and will be established for 220 kV TL. The safety zone of TLs is a land plot from the surface to the bottom, on which a special procedure is established for the ownership and use of a land plot. Safety zones of TLs established in accordance with the rules are encumbrances of land plots and are subject to state registration in the prescribed manner.

### **5.2 ADB Safeguard Policy Statement, 2009**

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144. ADB adopted its Safeguard Policy Statement (SPS) in 2009 including safeguard requirements for environment, involuntary resettlement and indigenous people. The objectives of the Involuntary Resettlement Safeguard policy is to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

145. The involuntary resettlement safeguards cover 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) 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. It covers them whether such losses and involuntary restrictions are full or partial, permanent or temporary. The three important elements of ADB’s SPS are: (i) compensation at replacement cost for lost assets, livelihood, and income prior to displacement; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. The SPS gives special attention to poor and vulnerable households to ensure their improved well-being because of project interventions.

146. The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host

populations 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. The borrower/client will also collect baseline data on housing, house types, and construction materials. 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. The following are the basic policy principle of ADB's SPS, 2009:

- Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- Carry out meaningful consultations with displaced persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.

- Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

### **5.3 Comparison of ADB SS 2009 and Uzbekistan's Applicable LAR Policies**

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147. Comparison of the Uzbekistan LAR Policy with the ADB Safeguard Policy Statement (2009), indicates that the key elements of ADB SPS are present - particularly those related to valuation of immovable property. The ADB's principle of avoidance or minimization of resettlement is reflected in the Uzbekistan legislation (Civil and Land Codes). The key policy difference relate to DP's without a land title or registration (businesses and structures). However, the approaches adopted for this Project ensures that: (a) compensation is provided at replacement cost for all affected assets, (b) non-titled DPs are eligible for compensation for non-land assets, provision of additional assistance especially to severely impacted households and vulnerable DPs. A policy comparison between ADB's SPS and Uzbekistan's national legislation is presented in 12.

**Table 12: Comparison between SPS 2009 and National Legislation and Policies Related to LAR**

Issues	ADB SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
1. Livelihood rehabilitation	ADB Policy requires rehabilitation/ improvement of DP livelihood standards.	No special laws or regulations for livelihood restoration due to land acquisition and involuntary resettlement impact.	Based on the Resolution #165 of Cabinet of Ministers, for families in need and non-registered as low income families, living in Surkhandarya, for this project, a one-time allowance amounting to 5 minimum national wages, can be allocated.
2. Compensation entitlements	<p><b>A.</b> DPs with formal land title have to be compensated for lost land/other assets.</p> <p><b>B.</b> DPs with legalizable title have right to be compensated for lost land and assets after the EAs helps them in legalizing their assets.</p> <p><b>C.</b> DPs with no legal title are compensated for lost non-land assets.</p>	<p><b>A.</b> DPs with formal title are compensated for lost land/other assets.</p> <p><b>B.</b> DPs with legalizable or no legal title can be legalized per Presidential Decree #5421. Only lands of residential houses that are located in safety zones, safety zones, protected areas, military zones cannot be legalized.</p> <p><b>C.</b> Non-legal DPs have no right to be compensated for land and non-land assets.</p>	<p><b>A.</b> Same in principle/application. <u>No reconciliation needed.</u></p> <p><b>B.</b> Same in principle/application. No reconciliation needed.</p> <p><b>C.</b> Per Resolution of CoM #3857, in case of discrepancies between International Financial Institution in terms of payment of compensation for the land acquisition then IFI policies prevail. So ADB policy will be used.</p>
3. Compensation	<p><b>A. Permanent loss of land.</b> Replacement land as preferred option or cash compensation at full market rate. At least for legal/ legalizable DPs.</p> <p><b>B. Replacement of leased land.</b> Based on replacement of lost income through cash compensation of gross income x the remaining lease years or through a replacement land lease.</p>	<p><b>A. Permanent loss of land.</b> Replacement land for legal DPs.</p> <p><b>B. Replacement of leased land.</b> Based on lease replacement and compensation in cash all losses including lost profit.</p>	<p><b>A.</b> Same in principle/application for legal DPs. <u>Reconciliation needed both for principle and application</u> to allow the compensation all non-land losses of legalizable and non-legal DPs which shall be covenanted.</p> <p><b>B.</b> Same in principle. Application to be further improved. <u>No reconciliation needed.</u> <i>To be reflected through an instruction for ADB projects.</i></p>



Issues	ADB SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
	<p><b>C. Loss of structures/buildings.</b> Cash compensation at replacement cost for lost asset free of depreciation, transaction costs and other deductions.</p> <p><b>D. Loss of indirectly affected assets.</b> Non-affected parts of an asset no longer usable after impact will have to be compensated as well.</p> <p><b>E. Business losses.</b> 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.</p> <p><b>F. Loss of trees:</b>  <b>i) unproductive.</b> Irrespective of legal land occupancy status compensation at market rate. Application based on tree type/ wood volume or other methods ensuring DP rehabilitation.  <b>ii) productive.</b> Compensation at replacement cost based for</p>	<p><b>C. Loss of structures/buildings.</b> Cash compensation at market cost for a lost item free of depreciation, transaction costs, and other deductions.</p> <p><b>D. Loss of indirectly affected assets.</b> Law requires that all losses including lost profits is to be compensated to all legal DPs</p> <p><b>E. Loss of business.</b> Cash compensation at market value for all damages/opportunity costs incurred. Burden of proving opportunity costs rest on the DP based on recognized documented evidence but no clear methodology.</p> <p><b>F. Loss of unproductive and productive trees.</b> Unproductive as well as productive trees affected by a public project are to be compensated. There are different approaches using in evaluation of unproductive and productive trees but they are in general comparable to the tree valuation methods allowed under the SPS 2009.</p>	<p><b>C.</b> No reconciliation of principles and application needed. However, when the salvageable materials remain with the developer or landowner, the establishment of a protocol allowing compensation of structures/ building at replacement cost which provides a full reimbursement to the owner, it is required. It is hoped that this can be formalized without legal reform but only by a Decree for ADB projects or through the inclusion of additional safeguard covenants into the loan agreements which are equivalent of the international treaty or agreement.</p> <p><b>D.</b> <u>No reconciliation of principles and application needed.</u></p> <p><b>E.</b> Same in principle but ADB does not consider opportunity cost. <u>Application reconciliation needed</u> to define a clear methodology and distinguish short- and long- term losses.</p> <p><b>F.</b> Same in principle, different in application. Already adjusted for previous ADB projects but <u>Application reconciliation</u> shall be covenanted ensuring systematic law implementation, and also cash compensation is provided by default, ensuring and use of valuation standards fitting SPS 2009.</p>

Issues	ADB SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
	<p>application on various methods: tree reproduction cost, income lost (x tree type x market value of 1-year income x full production years lost).</p> <p><b>G. Loss of crops.</b> Compensation of crop in cash at market price.</p> <p><b>H. Loss of jobs.</b> Indemnity for lost income ensuring DP rehabilitation. Based for application on stoppage period up to a maximum of 12 months of declared salary (formal employees) or minimum salary (informal employees.) Compensation directly disbursed to DPs.</p>	<p>Compensation for the lost trees is a separated from compensation for lost profits.</p> <p><b>G. Loss of crops.</b> Loss of crops to be compensated. There are two forms of compensation of loss of crops: i) compensation of uncompleted agriculture production and ii) compensation of lost profit as average income for the last three years.</p> <p><b>H. Loss of jobs.</b> 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. All losses (including real damage, lost profits) are to be compensated.</p>	<p><b>G. <u>No reconciliation for policy is needed but reconciliation of policy application is necessary</u></b> to ensure that crops are compensated at the moment close as much as possible to the date of calculated loss of income.</p> <p><b>H. <u>No reconciliation is needed for principles. Application reconciliation is however needed</u></b> to: a) ensure the rehabilitation of both formal and informal permanent employees; b) provide compensation parameters ensuring the compensation of actual income losses of both temporarily and permanently affected employees and c) guarantee that the DPs automatically receive their compensation.</p>
<p>4. LAR Planning, assessment and valuation of impacts</p>	<p><b>A. Resettlement Plan (LARP).</b> LARP preparation includes: a) impacts assessment/DP census; b) definition of entitlements, income/livelihood restoration strategy, compliance &amp; grievance mechanisms, institutional arrangements; c) consultation results; d) monitoring schemes; e) budget and implementation schedule. RP requires the following surveys:</p> <p><b>i. Measurement survey.</b> Measures all affected items.</p>	<p><b>A. Resettlement Plan.</b> There are no requirements to prepare integrated and stand-alone LARPs. LAR planning entails similar but less extensive/simpler assessment/survey efforts than ADB Policy, as detailed below:</p> <p><b>i. Measurement survey.</b> Land and buildings impacts</p>	<p><b>A. Partly different in principle and application. <u>No reconciliation needed</u></b> as law/regulation is silent on this matter and SPS (2009) requirements have been already applied in previous ADB projects. Still, clear instructions regarding ADB projects ensuring the measurement of all impacts and the counting of all DP are needed for mainstreaming purposes.</p> <p><b>i. Detailed Measurement Surveys</b> to be mainstreamed for all impacts.</p>

Issues	ADB SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
	<p><b>ii. DP Census.</b> Identifies all DPs and establishes legitimate beneficiaries based on legal status.</p> <p><b>iii. Socioeconomic survey.</b> Provides background information on DP' socio-economic features.</p> <p><b>iv. Valuation survey</b>  <b>a) Land:</b> If land market exist based on a survey of recent transactions; without land market based on land productivity/ income;  <b>b) Buildings and structures.</b> Replacement cost of <b>materials</b>, labor and transport and special features of building/structure without discounting depreciation, salvaged materials and transaction costs;  <b>c) Trees/crops.</b> Based on the methodology detailed in section 2.</p>	<p>measured. Other impacts identified but not measured.</p> <p><b>ii. DPs Identification.</b> Identifies only legal DPs</p> <p><b>iii. Socio-economic survey.</b> <u>No comparable requirements exist.</u></p> <p><b>iv. Valuation survey</b>  <b>a) Land:</b> valued at market rate based on a transactions survey. Valuation includes transaction costs/third party liabilities.  <b>b) Buildings and structures.</b> Replacement cost but the salvaged materials remain with the developer or landowner; provides full reimbursement to the owner;  <b>c) Trees/crops.</b> If compensated is provided based on the methodology detailed in section 3.F. and 3.G. or based on an agreed lump sum.</p>	<p><b>ii.</b> Detailed count of individuals to be mainstreamed.</p> <p><b>iii.</b> The execution of the survey is to be mainstreamed.</p> <p><b>iv. Valuation survey</b>  <b>a)</b> Land is not valued because of compensation land to land; there is only measuring land area and valuation of land quality (productivity/soil quality) in order to compensate land to equal land.  <b>b)</b> Already reconciled for previous ADB projects.  <b>c)</b> Already reconciled for previous ADB projects but <u>Formal reconciliation needed</u> (See 3.F. and 3.G. above.) Detailed valuation for each tree based on SPS requirements to be mainstreamed.</p>
5. Procedural mechanisms	<p><b>A. Information disclosure.</b> Resettlement-related documents to be timely disclosed in the DP language.</p> <p><b>B. Public consultation.</b> Meaningful public consultations are to be held with the `DPs. DPs should be informed about their entitlements and</p>	<p><b>A. Information disclosure.</b> No disclosure requirement exists.</p> <p><b>B. Public consultation.</b> Matters of local importance to be publicly discussed with local authorities. But no requirement to consult directly the DPs</p>	<p><b>A.</b> Different in principle and application. <u>Already reconciled for ADB projects.</u></p> <p><b>B.</b> Same in principle but different in application. Already reconciled for ADB projects.</p>

Issues	ADB SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
	<p>options, as well as resettlement alternatives</p> <p><b>C. Grievance procedure.</b> A Grievance Redress Mechanism (GRM) is to be established for each project. Information on GRM to be communicated to the DPs</p> <p><b>D. Asset acquisition conditions.</b> Property can be acquired only after full compensation is paid to the DPs</p>	<p><b>C. Grievance Procedures.</b> Each state agency/ministry must follow to detail instructions (approved by government) on registering and reviewing the concerns and claims from citizens.</p> <p><b>D. Asset acquisition conditions.</b> Property can be acquired only after full compensation is paid to DPs</p>	<p><b>C. <u>No reconciliation is needed.</u></b></p> <p><b>D. Same in principle, but unsystematic in application. <u>Application to be improved.</u></b></p>
6. Assistance to vulnerable and severely affected DP	<p><b>A.</b> These DPs are to be identified and special assistance is provided to restore/ improve their pre-project level of livelihoods.</p>	<p><b>A.</b> 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 for needy families through a number of Resolutions and Laws: Cabinet of Ministers Resolutions (#350 dated 12 December 2012, #44 dated 15 December 2013, and #165 dated 30.03.2017) and to consider disabled people through the Law on social protection of disabled people (#422-XII, 18 November 1991). According to the Presidential Decree #4555 dated 30.12.2019, the exact amount of all types of social allowances to low-income families within Uzbekistan is determined. Thus, support to vulnerable groups within the population is provided on regular basis by the Government at central and local levels and does not require additional payments in</p>	<p><b>A.</b> According to the Resolution #165 of Cabinet of Ministers, for families in need living in Surkhandarya and who are not officially registered as low-income families, a one-time financial allowance amounting to 2 to 5 minimum wage, can be given. Based on these norms, for this project, a one-time allowance amounting to 5 times of minimum wage, can be allocated.</p>

Issues	ADB SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
		connection with the project implementation.	

\* As applied in ADB Resettlement Plans in the Republic of Uzbekistan

#### 5.4 Core LAR Policy Principle for the Project

148. Based on the above, the core involuntary resettlement principles are proposed as follows:
- Land acquisition, and other involuntary resettlement impacts (if any) will be avoided or minimized through all viable alternative project designs;
  - Construction schedule shall correspond with the finishing of the agricultural season for construction the TL so that loss of crops can be avoided;
  - Land for land compensation will be opted for permanent land acquisition;
  - Consultation with DPs on compensation, disclosure of resettlement information to DPs, and participation of DPs in planning and implementing the project will be ensured;
  - Vulnerable and severely affected DPs will be provided with a special assistance as per the EM;
  - Non-titled DPs (e.g., informal land users, or DPs without registration documents for land and other assets) will receive applicable rehabilitation allowances defined by Entitlement Matrix and will be fully compensated for losses other than land;
  - In case of adverse Project impact, an implementation-ready LARP needs to be prepared;
  - Relevant information from the LARP will be disclosed to the DPs in the local language;
  - Payment of compensation, resettlement assistance and rehabilitation measures will be fully provided prior to the contractor taking physical acquisition of the land and prior to the commencement of any construction activities on a particular Project Section, if applicable;
  - All compensation will be paid and other resettlement entitlements will be provided before physical or economic displacement. However, transmission lines and distribution substations, being linear in nature, may adopt, phase approach for construction and the contractor can start the construction on that particular stretch/Section where compensation has been paid or no adverse impacts identified;
  - Appropriate grievance redresses mechanisms will be established to resolve DPs' grievances or request for the Project-related information;
  - The temporarily affected land needs to be restored to previous use and the farmers shall be allowed to continue their cultivation after the completion of civil works with some restrictions in land use under the TL (as per the national standards);
  - People moving in the project area after the cut-off date will not be entitled to any compensation/assistance;
  - All common property resources lost due to the Project will be replaced or compensated by the Project and NENU will ensure that a replacement of all utilities are undertaken and consistent with ADB SPS, 2009.

## **6 ENTITLEMENTS, ASSISTANCE AND BENEFITS**

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### **6.1 Compensation Eligibility**

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149. Compensation eligibility is determined by the cut-off date, which will be taken as the date of finalization of the TL alignment and the surveys of the final TL route have been conducted. The Project communities will be informed about the Project, the cut-off-date and the eligibility for compensation in case of any adverse impacts on people's private assets occur.

150. The information will be was also displayed on the information board at each of the local authorities' offices. The DPs who moved in the Project area after the cut-off date, will not be entitled to compensation and/or assistance. They will be given sufficient advance notice, asked to vacate premises and dismantle affected structures prior to Project implementation. The detailed procedure on securing the RoW prior to and during the Project implementation is to be developed by the Client.

151. DPs entitled for compensation under the Project are:
- All DPs losing land either covered by the legal title or legalizable right to use land;
  - Tenants and sharecroppers whether registered or not;
  - Owners of buildings, trees, plants, or other structures attached to the land regardless of the land-use legal status; and
  - DPs losing business, income and salaries;

### **6.2 Compensation Entitlements**

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152. The LAR tasks under the Project will be implemented in accordance with the compensation eligibility and entitlements framework, which are in line with both, the Republic of Uzbekistan laws and regulations and ADB SPS (2009). The basis to determine the amount of compensation is the replacement cost of the affected assets.

153. Entitlement provisions for DPs include provisions for permanent loss or temporary affected land, buildings, trees, businesses and employment. These entitlements are detailed in the next paragraphs:

- Loss of land - Titled land and legalizable land are compensated for. No compensation will be paid for illegally used land.
- Loss of buildings - A full replacement cost (free of depreciation and salvaged materials), transaction costs including cost for registration of the remaining land plot and buildings attached to it;
- Loss of trees: Cash compensation at market rate based on type, age and productivity of trees;
- Businesses: Legal and legalizable businesses will be compensated for permanent or temporary losses (up to 6 months, depends of the period of business interruption) in cash equal to the estimated average monthly income in the past 3 years multiplied by the number of months of business interruption. Informal, non-legalizable business will be compensated in cash equal to three month of the minimal national wage;
- Workers from the affected businesses will be paid for lost wages for the duration of business interruption up to 6 months;

- In case of informal workers working without any agreement will be paid an allowance equivalent to 3 months of minimum national wage, subject to the provision of an indisputable evidence of employment prior to the job loss;
- Relocation subsidy: Relocation under the Project arrangement or market-based cost of transport for self-relocation within the village/settlement/city;
- Severe impact allowances: These are to be given to AHs losing >10% of all income producing assets and/or to DHs relocated from residential or business structures. A rehabilitation allowance of 3 months at the level of the minimum national wage for relocated DHs;
- Vulnerable people livelihood: Vulnerable people will be given a rehabilitation allowance equal to 3 months of minimum national wage and employment priority in Project-related jobs;
- Community structures and services: Full replacement or rehabilitation to restore their pre-Project functions.

154. The overall objective of the compensation and entitlement policy for the Project is to ensure that all people affected by the Project receive compensation at full replacement cost and resettlement assistance.

155. 13 is the Project-specific Entitlements Matrix, which was endorsed by the MOE/NENU and followed during the SDDR preparation. It incorporates possible types of impact.

**Table 13: Project-Specific Entitlement Matrix**

Type	Specifications	Affected HHs	Entitlements
<b>A. Impact on Land</b>			
<b>A.1.</b> Agricultural land	Permanent land losses caused by tower construction	All AHs, Leaseholders with Lifelong inheritable possession/permanent possession (hereinafter as All AHs)	Monetary Compensation at replacement cost by providing compensation for loss of land use rights equivalent to 4 years of the net average income of the past 3 years (of the affected annual crops.); Unaffected portions of an affected arable plot will also be compensated if the same becomes unviable after impact. Transaction cost, registration fee, related to new plot allotted will be borne by UNPN. Independent Valuation Companies will be engaged only in cases where AHs disagree with compensation rates determined by Surkhandarya branch of Uzdavyerloyiha Land Use Planning Institute.
	Temporary land losses caused by tower construction and transmission line stringing	All AHs	Monetary compensation at replacement cost by providing compensation for loss of land use rights equivalent to temporary period years of the net average income of the past 3 years (of the affected annual crops.); Unaffected portions of an affected arable plot will also be compensated if the same becomes unviable after impact.
<b>A.2.</b> Residential land	Land Loss	All AHs	Land for land compensation through the provision of a land plot comparable in value/location to the plot lost including services (or compensation to provide such services) to plots lost with

<sup>4</sup> Based on the Tax authority information  
www.suntrace.de

Type	Specifications	Affected HHs	Entitlements
			<p>registration and transfer charges if any to be borne by the project; OR Unaffected portions of a plot will also be compensated if they become unviable after the impact occurs. All mandatory fees for registering the land, completion of required house design, surveys, acquiring permission for construction under the AHs name and any other related costs will be paid by UNPN.</p>
<b>B. Impact on Structures</b>			
Residential/ Business structures	Full or partial loss of structures	All AHs	<ol style="list-style-type: none"> <li>1. Monetary compensation at full replacement rate for affected structure/fixed assets free of salvageable materials, depreciation and transaction costs. OR</li> <li>2. In case of partial impacts on structures (structure wall, fences, etc.), monetary compensation at replacement rates to restore the remaining structure.</li> <li>3. Unaffected portions of the structure will also be compensated at replacement value if they become unviable after impact.</li> <li>4. Monetary Compensation at replacement cost to be determined by the Independent Valuator and cost of valuation shall be paid by UE.</li> </ol>
<b>C. Impact on Crops and Trees</b>			
Agriculture land, orchard	Loss of crops	All AHs	<ol style="list-style-type: none"> <li>1 Monetary compensation at replacement cost for primary (and secondary crops if any) on affected land-based on 1 year of production costs (inputs) plus an allowance equivalent to 1-year average net income based on the average income over the past 3 years.</li> <li>2 Monetary compensation at replacement cost will be determined by Uzdavyerloyiha Institute.</li> <li>3 Independent valuator will be engaged only in cases where AHs disagree with monetary compensation rates determined by Uzdavyerloyiha</li> </ol>
	Loss of fruit trees	All AHs (including the non-leased landowner)	<ol style="list-style-type: none"> <li>1. Monetary compensation for fruit trees will be based on the average annual income for the past 3 years multiplied by the remaining productive life of the fruit-bearing trees.</li> <li>2. Production costs (inputs) of trees till to cut date.</li> <li>3. Monetary Compensation at replacement cost to be determined by the Independent Valuator and cost of valuation shall be paid by UE.</li> <li>4. Felled trees will be kept by the AHs.</li> </ol>
	Loss of timber trees	All AHs	<ol style="list-style-type: none"> <li>1. Monetary compensation for timber trees will be compensated based on the market value of dry wood volume. OR Production costs (inputs) of trees till to cut date.</li> <li>2. Monetary compensation at full replacement rate for affected</li> <li>3. Felled trees will be kept by the AHs.</li> </ol>



Type	Specifications	Affected HHs	Entitlements
<b>D. Impact on Income and Livelihood</b>			
Employment from affected agricultural land	Loss of employment from affected agricultural land	Agricultural workers losing their contract	1. Monetary indemnity corresponding to their salary (in monetary value and in-kind <sup>5</sup> benefit) for the remaining part of the agricultural year/or contractual period whichever is higher in monetary value.
<b>E. Vulnerable Households</b>			
Vulnerable Affected Households	Low-income households, female-headed households with fewer than 2 adult income-earners, HHs with disabled family members)		<ol style="list-style-type: none"> <li>1. Financial aid allowance is equivalent to be paid as one time 5 times of minimal wage given a lump sum amount as fixed by at once. According to the Presidential Decree # PP- 4555 dated 30.12.2019, an amount of 703,000 UZS consisting of 653,000 UZS per AHs, plus, 50,000 UZS as additional financial aid paid monthly to low income families in accordance with the Resolution of the Cabinet of Ministers # 866 dated 14.10.2019.</li> <li>2. Priority for employment in project-related jobs, training opportunities, self-employment, and wage employment assistance.</li> </ol>
<b>F. Impact on Community Structures and Assets</b>			
Community Structures and Assets	Loss or damage to public infrastructure and utility	Community-owned Assets	1. Rehabilitation/replacement of affected structures/utilities (i.e. footbridges, roads, communication lines, water pipelines, power transmission lines, etc.) to pre-Project level.
<b>G. Any Unanticipated Impacts</b>			
Any unanticipated impacts identified during the Project implementation will be compensated in full at replacement rate, subject to independent valuation methodology.			

<sup>5</sup> Products which workers used to receive as payment and/or additional benefit for on-farm work such as wheat, rice, hay etc.

## 7 INSTITUTIONAL ARRANGEMENTS

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156. Public Partners: The following entities have been designated by the Cabinet of Ministers of the Republic of Uzbekistan as Public Partners for the Project pursuant to the Decision:

- JSC National Electric Network of Uzbekistan ("**NENU**"); and
- the Ministry of Investments and Foreign Trade ("**MIFT**").

157. The Ministry of Energy of the Republic of Uzbekistan ("**MOE**") as the state executive body responsible for the implementation of the PPP Agreement, the Program, the Project and subsequent projects under the Program, with the assistance and coordination of the Public Private Partnership Development Agency ("**PPPDA**") under the Ministry of Finance of the Republic of Uzbekistan ("**MOF**") and ADB in developing and approving the relevant PPP documentation will monitor the implementation of the Project.

158. National Electric Networks of Uzbekistan JSC (NENU) has experience in implementing similar projects with the participation of IFIs, such as:

- (i) "Construction of 220 kV transmission lines of the Takhiatash TPP - Substation" Khorazm"- settlement Sarymay (Khorezm region)";
- (ii) "Construction of external power supply facilities of the Tashkent Metallurgical Plant".

159. In addition, the NENU has a social specialist on board, who will monitor the implementation of social elements of the Project and ensure the compliance with the social safeguards accepted for this Project.

160. The following instruments will be executed by the following entities:

- the Power Purchase Agreement ("**PPA**") will be signed by NENU as a Public Partner with the offtaking obligation. The form of Grid Connection Agreement ("**GCA**") to be entered to will be included as a schedule to the PPA;
- the Government Support Agreement ("**GSA**") will be signed by MIFT, as representative ministry for Government support to, and obligations towards the Project.

161. Private Partners: The Winning Bidder, selected by the way of competitive tender, will set up and assign all of its rights and obligations under the PPP Agreement to a joint stock company or limited liability company validly existing under the Laws of Uzbekistan for the duration of the Project (the "**Private Partner**") and in compliance with ADB Eligible Country requirements.

162. This Special Purpose Vehicle (**SPV**) is the implementing agency (**IA**) responsible for implementation of the Project. SPV has the overall responsibility for the Project in areas such as preparation, implementation and financing (if required) of all land acquisition and resettlement (LAR) tasks, cross-agency coordination, management, monitoring and evaluation of all project implementation aspects, including procurement of goods, services, and works on the Project. The SPV will engage a social specialist who will oversee LAR activities and ensure that involuntary resettlement social safeguards are followed as required by the SPS 2009. In addition, the SPV will establish an ESMS to help manage environmental and social issues related to the Project including establishing an ESMS focal unit comprising of environmental and social safeguards staff.

163. If land acquisition and resettlement impact is identified during the detailed design, SPV shall prepare a land acquisition and resettlement plan (LARP) which will be submitted to ADB for approval prior to the installation/physical activities on the section/component with LAR impacts. The LARP will be implemented in accordance with ADB’s Safeguard Policy Statement 2009 and national legislation and regulations. Similarly, in case LAR issues emerged during the implementation of the civil works and operations of the facility, the SPV will prepare corrective action plan (CAP) and seek ADB approval prior to its implementation.

164. There will be several other government agencies in addition to MOE/NENU that will be available for assistance during the Project implementation period if required. These are provincial/district governments (Khokimyat) and Goskom-zemgeodez-cadastre (State Committee on Land Resources, Geodesy, Cartography and State Cadaster (SCLR) at the district level. These institutions will be available in case of involuntary resettlement.

165. The Project structure will follow international best practice and will be based on the best examples. Transparency of the procurement process, timeliness of delivery, balanced risk allocation, affordability of tariff and value for money for the Government of Uzbekistan, will be the key guiding principles for the successful delivery of the Project. The Project will be structured under the Public Private Partnership Law dated May 10, 2019 (the “PPP Law”). The Project will also take into account the requirements established by the Renewable Energy Use Law dated May 21, 2019 (the “RE Law”).

166. If needed, in case of involuntary resettlement, other organizations and specialists might be consulted. Figure 10 illustrates the basic institutional and Project implementation arrangement;

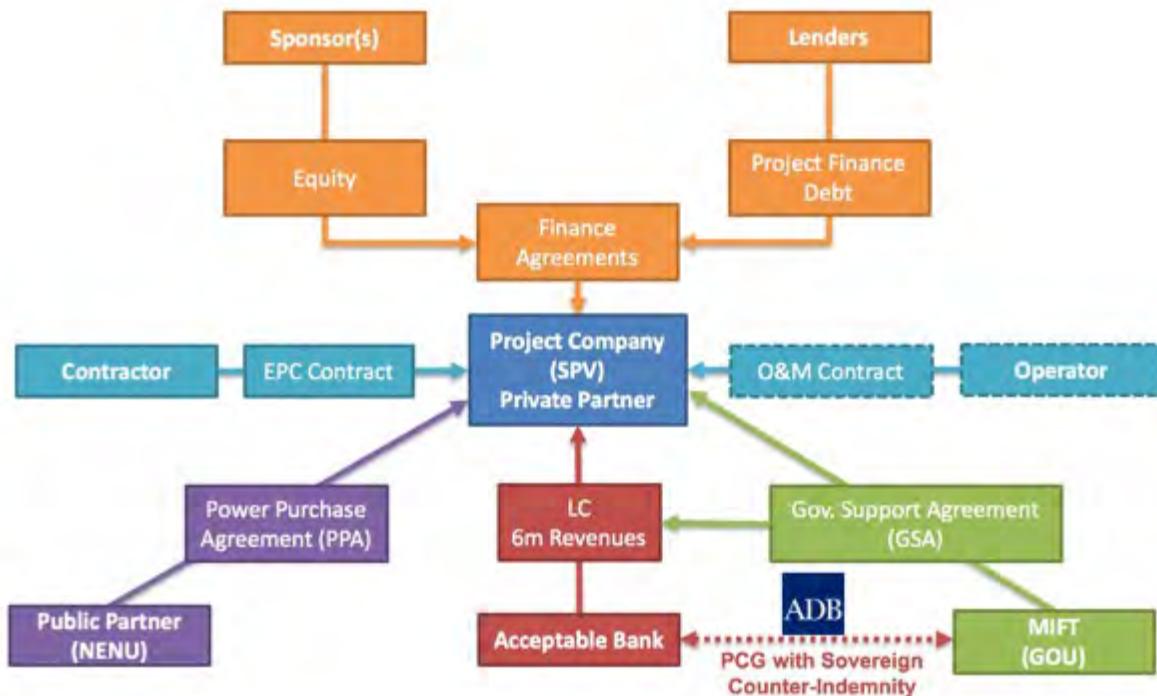
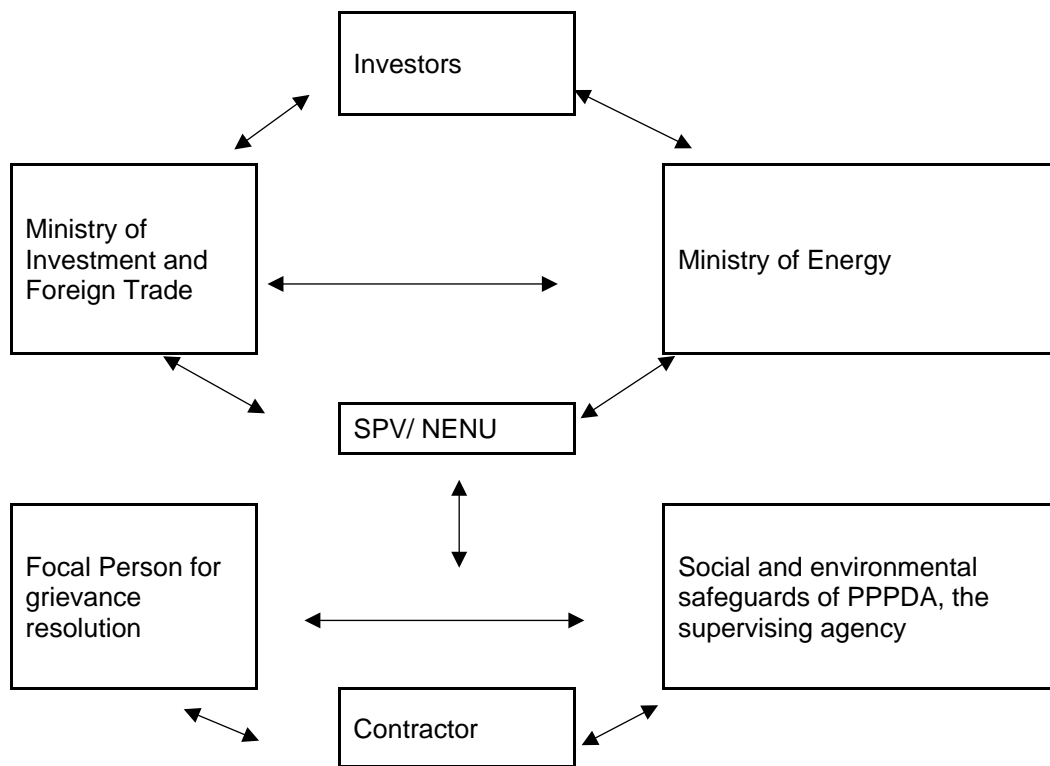


Figure 10: Institutional Arrangements (project structure and key parties)

## 8 MONITORING

167. ADB SPS 2009, requires monitoring activities to correspond with the Project's risks and impact. The Project is to have minimal or no LAR impacts and as such, may require only routine internal monitoring during the implementation of the Project. SPV is the Implementing Agency and will (through the PPP Development Agency) monitor and measure the progress of implementation of the Project. If unanticipated involuntary resettlement impacts are found during the Project implementation, SPV will follow ADB SPS 2009 requirements and ensure compliance with safeguard measures, document and disclose monitoring results and identify necessary corrective and preventive actions if needed. The following figure presents monitoring arrangement within the Project implementation structure. (Figure 11)



**Figure 11: Safeguards Monitoring of Project Implementation and GRM**

## **9 CONCLUSION AND RECOMMENDATIONS**

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168. The Social Safeguards Due Diligence study's findings, based on the design, review of Project documents, discussions with key stakeholders and various specialists' site visits, confirmed that, at present, the construction of the solar power plan will not cause any adverse impacts, while power transmission lines might have some minor land acquisition needed for the OHTL. The extent of this impact will be known when the route of the OHTL is finalized by the Contractor. If LAR impact from private land-users cannot be avoided, a LARP will be prepared based on the final route/detailed design following the policy framework and entitlements in this SDDR and will be submitted to ADB for review prior to its implementation. No works will be allowed in the sections with confirmed LAR impacts until LARP implementation is completed and monitored. The upgrading works of the substation will be executed inside the existing substation area. As such, the works will not affect any privately used land or other assets.

### ANNEX 1: PROJECT INFORMATION BROCHURE AND ENTITLEMENT MATRIX

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#### Project Information Brochure

##### Preparing the TA for Sherabad Solar IPP Project Uzbekistan

#### A. Project Introduction

In accordance with Presidential Resolution PP-4300, the Ministry of Energy (MOE) jointly with the Ministry of Investments and Foreign Trade (MIFT), the Public-Private Partnership Development Agency (PPPDA) under the Ministry of Finance (MOF) of the Republic of Uzbekistan, has proposed the development of a program of solar power projects in Uzbekistan procured under a Public-Private Partnership (PPP) modality. The Asian Development Bank (ADB) has been mandated on 16 August 2019 by Ministry of Energy (MOE) and the Ministry of Investments and Foreign Trade (MIFT) to act as a Transaction Advisor.

The Ministry of Energy of the Republic of Uzbekistan, as Executing Agency, is intended to implement the Sherabad Solar Independent Power Producer Project (IPP). The Project Implementing Agency will be directly responsible for the Project implementation.

The Project will include construction of the power plant, a substation and approx. 50.5 km of the transmission line and will be financed by the successful private/public investors.

A key component of the planned deployment is the first project of a 1GW solar photovoltaic program developed with the support of the Asian Development Bank (ADB). The program is promoted by the Ministry of Energy (MOE), the Ministry of Investments and Foreign Trade (MIFT), and the Public - Private Partnership Development Agency under the Ministry of Finance (PPPDA). A site situated in the Sherabad district of Surkhandarya region has been selected for the construction of a photovoltaic station with a capacity of 200MWac internal power and additional cell for another 200 MW. The Project includes a new 220kV substation and approx. 50.5km of transmission lines to connect the power plant to the Surkhan 220kV substation.

#### Electrical part of SPP

Electrical part of SPP Sherabad is expected to have the following infrastructure:

- 35kV indoor switchgear
- Two transformers (220/35kV) of sufficient sizes considering n-1 criteria
- 220 kV outdoor switchgear according to “Bridge” scheme

Main parameters of electrical part of SPP Sherabad:

Rated voltage:	220/35 kV
Type of switchgear scheme:	220 kV switchgear – “Bridge with switches in line circuits”; 35 kV switchgear – “One main partitioned busbar”.
Design of switchgears:	220 kV switchgear – outdoor type with c flexible busbar; 35 kV switchgear – indoor type based on switchgear cubicles.
Composition of power transformers:	Two 220/35 kV transformers

#### 220/110/10kV Sherabad-2 Substation

A new 220/110/10 kV SS Sherabad-2 is planned to be designed right next to the PV site, to accommodate both the stages of project. 220/110/10 kV SS Sherabad-2 is expected to have the following infrastructure:

- 220 kV outdoor switchgear according to one-and-half breaker scheme with all the associated infrastructure considering n-1 criteria
- Two autotransformers with voltage of 220/110/10 kV and capacity of 125 MVA (according to request of Ministry of Energy of Uzbekistan) considering n-1 criteria for power supply of 110 kV customers
- 110 kV outdoor switchgear according to “Quadrangle” scheme
- Enough space for future expansion of additional 220kV bays for stage 2 and additional 110kV bays for future load

The Main parameters of 220/110/10 kV SS Sherabad-2 are as follows:

Rated voltage:	220/110/10 kV
Type of switchgear scheme:	220 kV switchgear – “Transformer-busbars with one-and-half line connection”; 110 kV switchgear – “Quadrangle”; 10 kV switchgear – “One main partitioned busbar”.
Design of switchgears:	220 kV switchgear – outdoor type with c flexible busbar; 110 kV switchgear – outdoor type with c flexible busbar; 10 kV switchgear – indoor type based on switchgear cubicles.
Composition of power transformers:	Two 220/110/10 kV 125 MVA autotransformers

The following figure shows the project location and a schematic presentation of the PV plant.

**Project location map**



### Surkhan Substation Grid Connection

The incoming double circuit 220kV line can terminate in Surkhan substation on 1 reserved bay + 1 bay constructed on the expandable area (as shown in Figure 2, Surkhan SS overview [www.suntrace.de](http://www.suntrace.de)).

Some inter crossings of the proposed transmission line with the existing lines are expected due to the geographical location of the new solar PV plant substation and the Surkhan substation. At pre-engineering

stage, it is recommended that 220kV line Amu 1+2 and Naibabad 1+2 to be shifted to one bay on the left side to make way for the 220kV solar PV line so as to reduce the obstacles and crossings; Nevertheless, it shall be decided by NENU and other key stakeholders.

### Surkhan SS Overview



### 220kV Overhead Transmission Line

From the calculations presented in the technical report it is clear that 220kV double circuit 2 x AC-400/51 will be technically feasible to carry electric power of 500MWac @ 0.85 pf from Sherabad PV plant SS to Surkhan SS. Main parameters of overhead transmission line (OHTL) are as follows:

Starting point of 220 kV OHTL route	Receiving gantry of designed 220 kV SS Sherabad-2 (electrical part of SPP Sherabad), located at selected site of SPP Sherabad at 18 km South-West of town of Sherabad.
Final point of 220 kV OHTL route	Receiving gantry of 220 kV outdoor switchgear of existing Surkhan SS, located on North-Western outskirts of town of Jarkurgan.
Type of towers (typical project 3080tm)	U330-2 and P330-2 (double circuit towers)
Number of chains	Two
Brand of wire	ACSR-400/51 according of GOST 839-80
Phase design	Split phase of two wires (2xAC-400/51)
Clearance span on flat terrain	420 m
Ground wire	One ground wire, two - at approaches to 220 kV SS Sherabad-2 (electrical part of SPP Sherabad) and Surkhan SS.

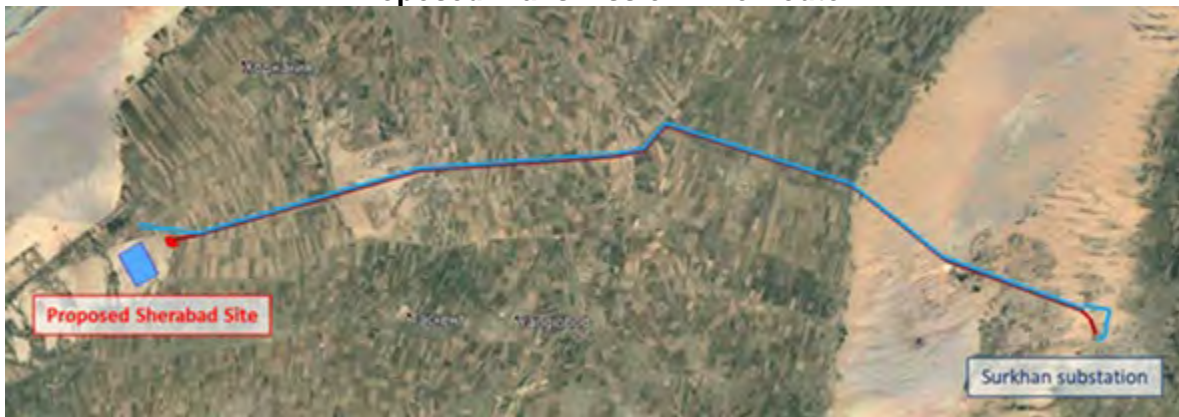
Administratively double-chain 220 kV overhead transmission lines (OHTL) goes through territories of Sherabad, Kizirik and Jarkurgan districts of Surkhandarya region, Republic of Uzbekistan. Starting point of route of double-chain 220 kV OHTL is receiving gantry of designed 220 kV SS Sherabad-2 (electrical part of SPP Sherabad), located at selected site of SPP Sherabad at 18 km South-West of town of Sherabad.

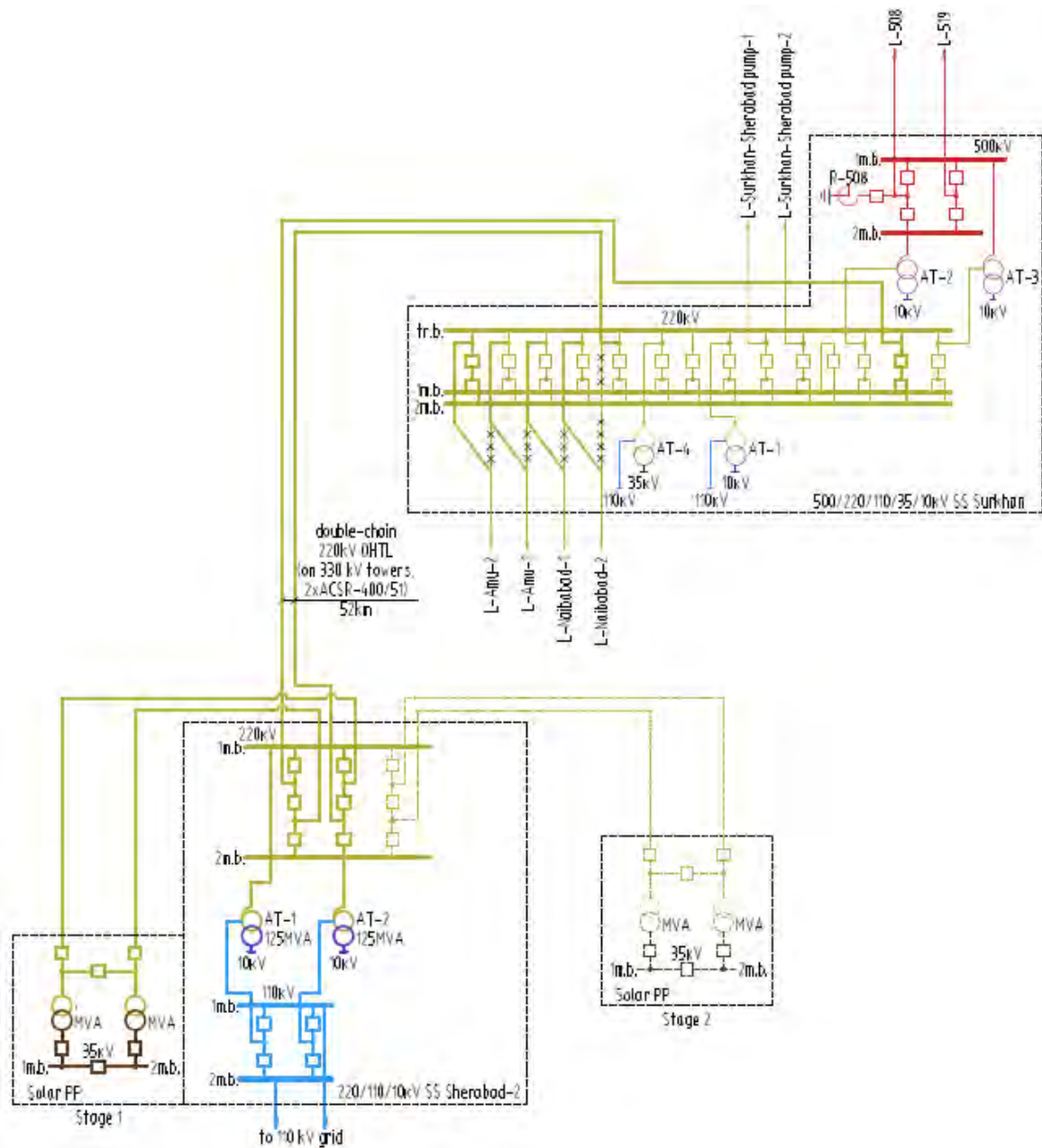


Final point of route of double-chain 220 kV OHTL is receiving gantry of 220 kV outdoor switchgear of existing Surkhan SS, located on North-Western outskirts of town of Jarkurgan. Preferred direction of 220 kV OHTL is towards east. Prevailing location is in existing 110 kV OHTL pathway from Surkhan SS towards cement plant.

Routing area of 220 kV OHTL is characterized by predominance of agricultural land with irrigation channels and land of localities intended for personal subsidiary farming and individual housing construction. Regional and local automobile roads and utility lines are located in routing area. The following figure shows the proposed route for the transmission line (TL). The location of the TL will be finalized at later stages of the Project.

### Proposed Transmission Line Route





Double-chain suspension free-standing metal lattice towers of P330-2 type are accepted as suspension towers in this volume. U330-2 and U330-3 angle-tension towers are metal lattice tower-type support with a square section trunk with different slopes of upper and lower parts of trunk, traverses have lower faces with parallel main members. If necessary, these towers may be used with height of plus 5 m, 9 m and 14 m. For suspension of two ground wires, tower with two-ground-wire peak is used, the land needed for the tower base depends on the chosen towers. There will be approximately 163 towers on the approx. 50.5 km long route.

### Type and Number of Towers for the OHTL

Tower Type	Number of towers
U330-2T	1
U330-2T+5	5
U330-2+5	28
U330-2+9	7
U330-2+14	1
U330-3	9
U330-3+14	4
P330-2T	12
P330-2	90
P330-2+5	6
<b>Sum</b>	<b>163</b>

### Standard Tower Footings

Тип фундамента	Фундаменты под анкерно-угловые опоры ВЛ 35-330 кВ						25	
	Ф1-А	Ф2-А	Ф3-А	Ф4-А	Ф5-А	ФС-А		
Эскиз								
Марка фундамента	Ф1-А	Ф2-А	Ф3-А (Ф3-А-350)	Ф4-А (Ф4-А-48) (Ф4-А-350)	Ф5-А (Ф5-А-48) (Ф5-А-350)	ФС-А (ФС-А-48) (ФС-А-350)	ФС-А (ФС-А-48) (ФС-А-350)	
Габариты - выш и л. листы	КЖ-1	КЖ-3	КЖ-5	КЖ-7	КЖ-9	КЖ-13	КЖ-14	
Высота б м	3,20	3,20	3,40	3,40	3,40	5,40	3,40	
Размеры основной плиты при высоте б м	1,50×1,50	1,80×1,80	2,10×2,10	2,40×2,40	2,7×2,7	3,80×4,20 (с пластинами ПП1-А) 3,00×3,20 (с пластинами ПП2-А)		
Размеры верхней плиты при высоте б м	1,50×1,50	1,80×1,80	2,10×2,10	2,40×2,40	2,7×2,7 3,6×3,6 (с пластинами ПП1-А)	2,00×3,00 3,60×3,60 (с пластинами ПП1-А)		
Глубина заложения б м	3,00	3,00	3,00	3,00	3,00	5,00	3,00	
Объем железобетона в м <sup>3</sup>	1,0	1,2	1,7	2,0	2,5	3,0	4,22	
Вес стали в кг	293	311	445 (556)	533 (634)	643 (830) (704)	821 (1028) (742)	1288 (1596) (1048)	1369 (1716) (1430)
Дополнительные данные							Габаритные фундаменты собираются из подвальных Ф 6-А и железных плит ПП1-А или ПП2-А	
Примечание:	1. В строке "Вес стали" приведены 3 цифры: Верхняя - для фундамента с болтами 42 мм (выш 250 мм) Средняя - для фундамента с болтами 48 мм (выш 250 мм) Нижняя - для фундамента с болтами 56 мм (выш 350 мм)							
Энергоэффективность (Среднее значение)	ТК 1976: Обзорные листы фундаментов ВЛ 35-330 кВ						Серия 3.407-115 Лист 1 из 2	

To comply with requirements of the ADB Safeguard Policy Statement (SPS 2009), the Implementing agency is preparing the Social and Environmental Safeguard Documents detailing project impacts, compensation entitlements, compensation mechanisms and procedures and Grievance Redress Groups (GRG) functioning. The prepared documents will be disclosed in English and Uzbek languages. Objectives of this Information Brochure is to summarize and disclose information related to benefits of the Project displaced persons (DPs) and Grievance Redress Mechanism available to them.

## B. Compensation Eligibility and Entitlements

Any impact on privately used land and other assets caused by the Project will be compensated based on relevant laws of the Republic of Uzbekistan and the requirements of the ADB Safeguards Policy Statement (SPS) of 2009. Compensation eligibility is limited by a cut-off date which is the date of start of the public consultations with the Project communities. DPs after the cut-off date will not be eligible for compensation. Impacts occurred/detected after this date, will be handled by the Grievance Resolution Groups (GRGs) and compensated if found valid and eligible by the GRGs.

Compensation/rehabilitation provisions for the DPs are defined in the table below.

## C. ENTITLEMENT MATRIX

Type	Specifications	Affected HHs	Entitlements
<b>B. Impact on Land</b>			
A.1. Agricultural land	Permanent land losses caused by tower construction	All AHs, Leaseholders with Lifelong inheritable possession/permanent possession (hereinafter as All AHs)	Monetary Compensation at replacement cost by providing compensation for loss of land use rights equivalent to 4 years of the net average income of the past 3 years (of the affected annual crops.); Unaffected portions of an affected arable plot will also be compensated if the same becomes unviable after impact. Transaction cost, registration fee, related to new plot allotted will be borne by UNPN. Independent Valuation Companies will be engaged only in cases where AHs disagree with compensation rates determined by Surkhandarya branch of Uzdavyerloyiha Land Use Planning Institute.
	Temporary land losses caused by tower construction and transmission line stringing	All AHs	Monetary compensation at replacement cost by providing compensation for loss of land use rights equivalent to temporary period years of the net average income of the past 3 years (of the affected annual crops.); Unaffected portions of an affected arable plot will also be compensated if the same becomes unviable after impact. Independent Valuation Companies will be engaged only in cases where AHs disagree with compensation rates determined by Surkhandarya branch of Uzdavyerloyiha Land Use Planning Institute.
A.2. Residential land	Land Loss	All AHs	Land for land compensation through the provision of a land plot comparable in value/location to the plot lost including services (or compensation to provide such services) to plots lost with registration and transfer charges if any to be borne by the project; OR Unaffected portions of a plot will also be compensated if they become unviable after the impact occurs. All mandatory fees for registering the land, completion of required house design, surveys, acquiring permission for construction under the AHs name and any other related costs will be paid by UNPN.

<sup>6</sup> Based on the Tax authority information  
www.suntrace.de

Type	Specifications	Affected HHs	Entitlements
<b>B. Impact on Structures</b>			
Residential / Business structures	Full or partial loss of structures	All AHs	<p>5. Monetary compensation at full replacement rate for affected structure/fixed assets free of salvageable materials, depreciation and transaction costs. OR</p> <p>6. In case of partial impacts on structures (structure wall, fences, etc.), monetary compensation at replacement rates to restore the remaining structure.</p> <p>7. Unaffected portions of the structure will also be compensated at replacement value if they become unviable after impact.</p> <p>8. Monetary Compensation at replacement cost to be determined by the Independent Valuator and cost of valuation shall be paid by UE.</p>
<b>C. Impact on Crops and Trees</b>			
Agriculture land, orchard	Loss of crops	All AHs	<p>4 Monetary compensation at replacement cost for primary (and secondary crops if any) on affected land-based on 1 year of production costs (inputs) plus an allowance equivalent to 1-year average net income based on the average income over the past 3 years.</p> <p>5 Monetary compensation at replacement cost will be determined by Uzdavyerloyiha Institute.</p> <p>6 Independent valuator will be engaged only in cases where AHs disagree with monetary compensation rates determined by Uzdavyerloyiha</p>
	Loss of fruit trees	All AHs (including the non-leased landowner)	<p>5. Monetary compensation for fruit trees will be based on the average annual income for the past 3 years multiplied by the remaining productive life of the fruit-bearing trees.</p> <p>6. Production costs (inputs) of trees till to cut date.</p> <p>7. Monetary Compensation at replacement cost to be determined by the Independent Valuator and cost of valuation shall be paid by UE.</p> <p>8. Felled trees will be kept by the AHs.</p>
	Loss of timber trees	All AHs	<p>4. Monetary compensation for timber trees will be compensated based on the market value of dry wood volume. OR</p> <p>Production costs (inputs) of trees till to cut date.</p> <p>5. Monetary compensation at full replacement rate for affected</p> <p>6. Felled trees will be kept by the AHs.</p>
<b>D. Impact on Income and Livelihood</b>			
Employment from affected	Loss of employment from affected agricultural land	Agricultural workers losing their contract	<p>2. Monetary indemnity corresponding to their salary (in monetary value and in-kind<sup>7</sup> benefit) for the remaining part of the agricultural year/or contractual period whichever is higher in monetary value.</p>

<sup>7</sup> Products which workers used to receive as payment and/or additional benefit for on-farm work such as wheat, rice, hay etc.

Type	Specifications	Affected HHs	Entitlements
agricultural land			
<b>E. Vulnerable Households</b>			
Vulnerable Affected Households	Low-income households, female-headed households with fewer than 2 adult income-earners, HHs with disabled family members)		<p>3. Financial aid allowance is equivalent to be paid as one time 3 times of minimal wage given a lump sum amount as fixed by at once. According to the Presidential Decree # PP- 4555 dated 30.12.2019, an amount of 703,000 UZS consisting of 653,000 UZS per AHs, plus, 50,000 UZS as additional financial aid paid monthly to low income families in accordance with the Resolution of the Cabinet of Ministers # 866 dated 14.10.2019.</p> <p>4. Priority for employment in project-related jobs, training opportunities, self-employment, and wage employment assistance.</p>
<b>F. Impact on Community Structures and Assets</b>			
Community Structures and Assets	Loss or damage to public infrastructure and utility	Community-owned Assets	2. Rehabilitation/replacement of affected structures/utilities (i.e. footbridges, roads, communication lines, water pipelines, power transmission lines, etc.) to pre-Project level.
<b>G. Any Unanticipated Impacts</b>			
Any unanticipated impacts identified during the Project implementation will be compensated in full at replacement rate, subject to independent valuation methodology.			

#### D. Grievance Redress Mechanism

Grievance redress mechanism will be established to receive, manage, review, and facilitate the resolution of issues, concerns, complaints, or grievances related to resettlement and raised by DPs. Care will always be taken to prevent grievances rather than going through a long redress process.

The Working Commission will be established after the land allocation and start of works; The Working Commission shell consists of the representatives of Cadaster, Makhalla and NENU. This Commission will work with the grievances and complaints received by the affected people.

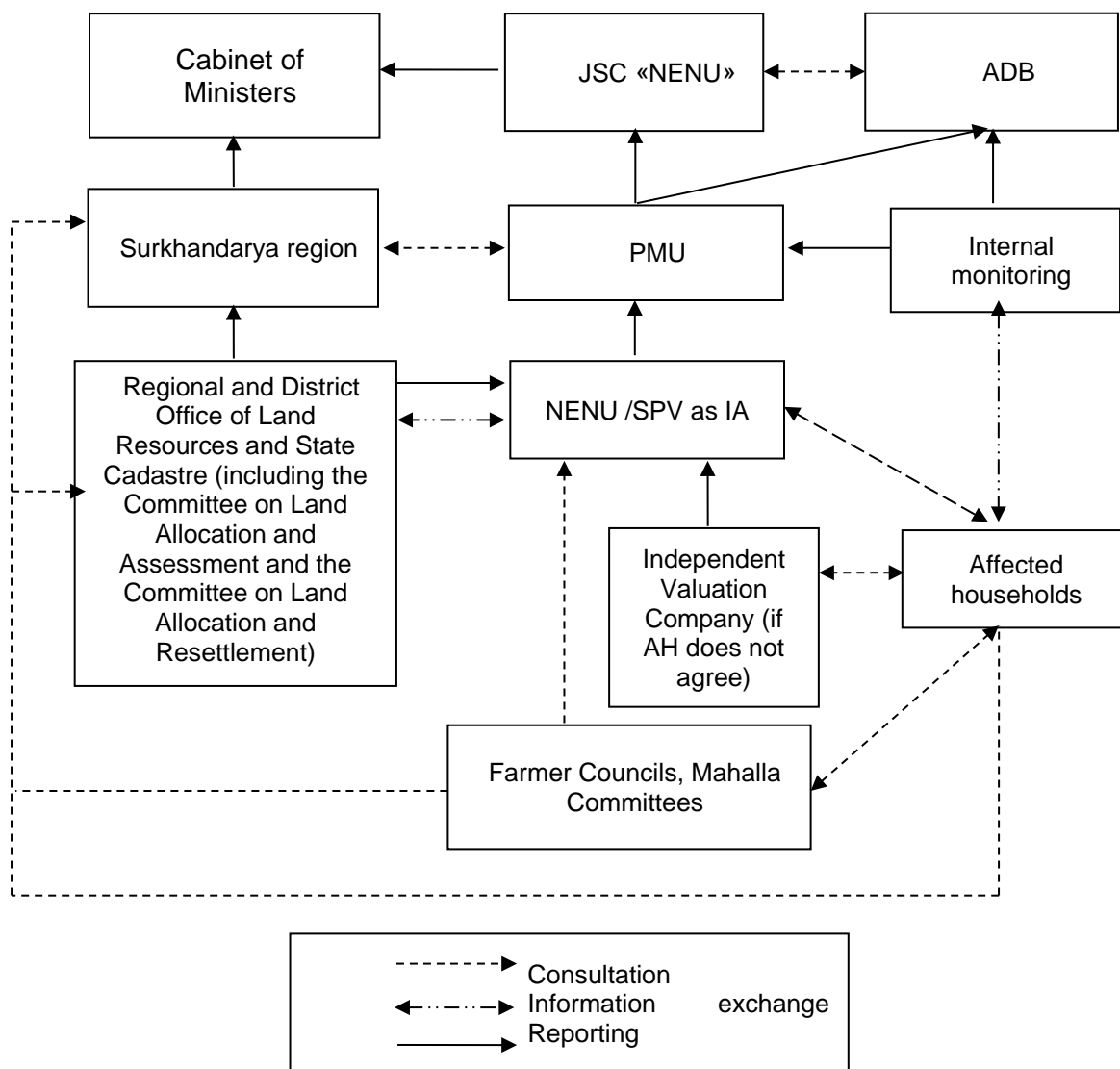
Based on this mechanism, aggrieved person may access the GRM through Local Points of Contact (LPC) and will be assisted by the Implementing Agency Safeguard Unit and a Grievances Redress Groups (GRGs). The GRGs will be functional for the duration of project implementation and the Defects Notification Period.

In case of disagreement with the amount of compensation, displaced persons such as land users, tenants and owners of the acquired land plots, persons to whom the land plots are allocated, persons having affected homes, buildings, structures, land improvements, businesses, employment or livelihood, may lodge their grievances to the GRC specially established for this Project.

<b>GRC AT VILLAGE LEVEL</b>	
<b>Members</b>	<b>Position</b>
(a) Local Focal Person for GRM	Mahala's Chairperson or appointed person
(b) Representative of the land/cadaster department team	Member
(c) Certified technical expert, as relevant	Member
(d) Representative of Local Government	Member
(e) Representative of women	Observer
(f) Representative of DPs	Observer

<b>GRC AT CENTRAL LEVEL</b>	
<b>Members</b>	<b>Position</b>
a) PIU/IA Manager	Chairperson/Appointed person
c) PIU/IA Social Safeguard Specialists	Member
d) PIU/IA Social and Environmental Safeguard Specialist	Member
e) Certified technical expert, as relevant	Member
f) Representative of Local Government	Member
g) Representative of Consultant/ Contractor	Member
h) Independent party (Civil Society Organization)	Observer
i) Representative of APs	Observer

**Grievance Redress Process**



**ECONOMIC COURT (COURT OF LAW)**

**Displaced Persons can approach the court of law at any stage during the grievance redress process and the grievance mechanism should not impede access to the country’s judicial or administrative remedies.**

For additional information please contact the following: NENU to insert a contact name or/and position and the phone number

<b>Contact Information</b>	
Project Information and the disclosed Due Diligence Report/DDR or the Resettlement Plan will also be accessible on MOE and NENU websites.	



## ANNEX 2: GRM FORMS TEMPLATES

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### GRIEVANCE REGISTRATION LOG BOOK: ISSUES AND GRIEVANCES

**Project Name:** \_\_\_\_\_

**Abbreviations:**

**EA** Executing Agency  
**PIU** Project Implementation Unit  
**PMC** Project Management Consultant  
**IR** Involuntary Resettlement  
**ENV** Environment

**Types of Applications:**

**A** Inquiry, clarification, suggestion, request  
**B** Complaint regarding the Project  
**C** Allegation of fraud or corruption

Date of the complaint				
Location of project impact				
Name of complainant (individual / institution)				
Address/phone of the complainant				
Complaint received	Emil	Phone	Verbal	In writing
Type of grievance	<b>A</b>	<b>B</b>	<b>C</b>	
Grievance/ issue	<b>IR</b>		<b>ENV</b>	
Who addressed complaint				
Contact details				
Was the grievance lodged before?	Yes		No	
Description of the issues / complaints				
Notes, undertaken actions				
Status of the issue/	In process	Solved	Not solved (reason)	
Remarks				

**PROJECT GRIEVANCES SUMMARY (TEMPLATE) year 2020**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
<b>Sherabad Solar Project</b>													
Number of new complaints registered for reporting month													
Number of complaints resolved locally by GRC/PIU/Consultant /local government/etc.													
Number of complaints submitted to court/ADB AM/, by-passing project level GRM													
Total number of complaints registered in all Grievance Logs:													
<b>TOTAL</b>													

**ANNEX 3: PLANNED CONSULTATIONS DOCUMENTS****Draft Consultations Plan**

No	Village	Date	Time	Consultations with local authorities	Time	Consultations with villagers	Time	Key Informant Interview	Time	FGD (gender)
1	Gulobod									
2	Anorzor									
3	Yakkatol									
4	Duoba									
5	Obi-hayot									
6	Muzrabot darvoza									
7	Obod turmush									
8	Oriyat									
9	Yangiyer									
10	Mehnatobod									
11	Mexrigiyoh									

### Summary Consultations with Local Authorities

No	Date	Mahala	Official position	No of people present	Males	Females
1		Gulobod				
2		Anorzor				
3		Yakkatol				
4		Duoba				
5		Obi-hayot				
6		Muzrabot darvoza				
7		Obod turmush				
8		Oriyat				
9		Yangiyer				
10		Mehnatobod				
11		Mexrigiyoh				

### Draft Community Consultations Agenda

Proceedings	Time	Responsible person	Remarks
Opening and welcome remarks	9:00 – 9:05	Client's representative	
Information about the Project	9:05-9:15	Engineers	Description of the project, applicable technical information, duration of the Project.
ADB SPS 2009 social	9:15-9:30	Social safeguards specialists	ADB SPS 2009 requirements including: - LAR processes, - compensation principles, - Entitlement Matrix, - Cut-off-Day, - GRM, - information (DDR) disclosure on ADB and MOE/NENU websites, - community's participation and information sharing including people's suggestions, questions, issues...
Questions and answers	9:45-10:00	All	

### Consultations Attendance List

200 MW SHERABAD SOLAR PV PPP PROJECT, UZBEKISTAN							
CONSULTATIONS ATTENDANCE LIST							
<b>TARGET GROUP</b> (Please write - Affected people, village officials, district officials, etc.):							
<b>Date:</b>			<b>Location:</b>				
No	Name	Gender (M; F)	Position	Village/ Organization	Telephone	Email	Signature
1							
2							

## ANNEX 4: UPDATING SDDR AND LARP PREPARATION ACTION PLAN

No	Reports/ Documents	Main responsibility	Tasks / Data	Responsible person for data collection	Deadline for data/ Action	Deadline for report/ documents	Current status
<b>UPDATING THE SDDR AND LARP PREPARATION ACTIVITIES</b>							
1	Cut-off date	MOE/ NENU	Establish and publish the Cut-off-date Finalizations of the OHTL route	Design company NENU NENU	30.06.2020	30.06.2020	On going
	Detailed design	NENU/SPV	Establishments of the SPV; preparation of the design.	EPC Contractor	01.07.2020		
2	Updated SDDR	NENU	Lists of AP's and properties Updating SDDR report Preparation of the LARP	NENU/Local Authorities Contractor/ Consultant	01.07.2020	15.07.2020	Upon the detailed design
3	LARP commissions order	MOE/ NENU	Establishment of the LAR Committee	NENU	15.07.2020		
4	LARP	NENU/ SPV/ Contractor/ Consultant	Participation of land register during the DMS tasks Conduct the DMS, SES study and census of all APs	NENU/SPV/ Contractor	15.07.2020	31.08.2020	
5	Grievance redress mechanism	NENU/SPV	Order from MOE to establish GRM	NENU	30.06.2020	30.06. 2020	
		NENU/SPV	Development and establishment of the project level GRM	NENU/SPV/ + Local authorities	31.06.2020	07.07.2020	
6	Project Information brochure	NENU/SPV	Update of a project information brochure	NENU/SPV/ + Design engineers	31.06.2020	07.07.2020	Draft Project Information Brochure prepared
7	Entitlement Matrix (EM)	MOE/ NENU	Review and finalize the EM	NENU/MOE	01.07.2020	06.07.2020	EM has been prepared
8	SES/ DMS/ Census questionnaires	NENU/ SPV/Contractor/ Consultant	Prepare the SES/Census questionnaires for the data collection	NENU/SPV Social safeguard specialist	01.07.2020	15.07.2020	Not prepared
9	Consultations	NENU/SPV	Plan and conduct consultations with key stakeholders, project communities, focus group discussion (FGDs)	NENU/SPV social safeguards specialist	15.07.2020	20.07.2020	Will be planned and conducted upon finalization of the TL and public health safety

10	LARP	NENU/ SPV/Contractor	Prepare and submit an implementation-ready land acquisition and resettlement plan (LARP)	NENU/SPV/ Contractor Social Safeguards Consultants	15.07.2020	31.08.2020	
11	LARP	MOE/ NENU/ADB	Review and comment on the LARP	MOE/ NENU/ADB	31.08.2020	15.09.2020	
12	Disclosed LARP	MOE/ADB	Disclose the final LARP at MOE and ADB websites	MOE/ADB	15.09.2020		
<b>LARP IMPLEMENTATION</b>							
LARP implementation schedule will be detailed in the draft LARP and updated in the Implementation-Ready LARP if required							

## ANNEX 5: RESOLUTION CABINET OF MINISTERS OF THE REPUBLIC OF UZBEKISTAN ABOUT MEASURES TO IMPROVE THE PROVISION OF PROVIDING LAND PLOTS FOR THE IMPLEMENTATION OF URBAN PLANNING ACTIVITIES AND OTHER NON-AGRICULTURAL NEEDS

### RESOLUTION CABINET OF MINISTERS OF THE REPUBLIC OF UZBEKISTAN ABOUT MEASURES TO IMPROVE THE PROVISION OF PROVIDING LAND PLOTS FOR THE IMPLEMENTATION OF URBAN PLANNING ACTIVITIES AND OTHER NON-AGRICULTURAL NEEDS

In order to further improve the procedure for the provision of land plots, ensure the protection of the rights of legal entities and individuals to land plots, improve the architectural appearance of settlements of the republic, make optimal use of their land for development in accordance with the Land [Code](#) and the Urban Planning [Code of the Republic of Uzbekistan](#), the Cabinet of Ministers decides:

1. Approve:

*See [previous edition](#).*

*( and the second paragraph of paragraph 1 is excluded by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated February 25, 2013 No. 54 - SZ RU, 2013, No. 10, Article 125\) \\_](#)*

[Regulation](#) on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production in accordance with Appendix No. 2.

*Comment by LexUz*

*Paragraph two of paragraph 1 is amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#) . \_*

2. Local authorities in the provision of land to ensure:

*See [previous edition](#).*

in eukosnitelnoe compliance of master plans settlements and other planning documentation for the development of the territories, as well as preventing the construction and reconstruction of facilities without duly approved project documentation and without linking them to the approved master plans of cities and towns;

*(paragraph of the second paragraph 2 as amended by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated February 17, 2012 No. 42 - SZ RU, 2012, No. 8-9, Article 79\) \\_](#)*

making decisions on the provision of land strictly within their powers on the basis of approved urban planning documentation;

advanced formation of engineering infrastructure in the territories allotted for the construction of individual housing construction projects and business entities.

To assign personal responsibility for providing settlements with master plans and detailed planning projects, as well as architectural planning plans for territories with master plans for rural settlements, taking urgent measures for their implementation and financing to the Chairman of the Council of Ministers of the Republic of Karakalpakstan, khokims of the regions and the city Tashkent.

3. The Gosarchitektstroy and Goskomzemgeodezskadastr of the Republic of Uzbekistan to establish system monitoring for compliance by the Council of Ministers of the Republic of Karakalpakstan, khokimiyats of oblasts and Tashkent with the requirements approved by this resolution of the regulations, and inform the Cabinet of Ministers about the monitoring results for each half-year to take appropriate measures.

4. Recognize expired and amend some decisions of the Government of the Republic of Uzbekistan in accordance with [Appendix No. 3](#) .

Ministries and departments within one month to bring their departmental regulatory legal acts in accordance with this resolution.

5. The control over the implementation of this resolution shall be assigned to the Deputy Prime Minister of the Republic of Uzbekistan B.A. Khodjaev.

**Prime Minister of the Republic of Uzbekistan Sh. MIRZIYOEV**

Tashkent city  
May 25, 2011  
Number 146

*See [previous edition](#).*

*(Appendix No. 1 has lost force in accordance with the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated February 25, 2013 No. 54 - SZ RU, 2013, No. 10, Article 125\) \\_](#)*

ANNEX No. 2

to the [Resolution of the Cabinet of Ministers](#) dated May 25, 2011 No. 146

**POSITION**

## **on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production**

*Comment by LexUz*

*The name was amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#). \_*

### **I. General Provisions**

1. This Regulation, in accordance with the Land Code and the Civil Code of the Republic of Uzbekistan, establishes a procedure for determining the size and compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production.

*Comment by LexUz*

*The first paragraph of paragraph 1 was amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#). \_*

Compensation to citizens and legal entities for losses associated with the demolition of houses, buildings and structures is carried out in accordance with the [Resolution of the Cabinet of Ministers dated May 29, 2006 No. 97](#) "On approval of the Regulation on the procedure for compensation of losses to citizens and legal entities in connection with the seizure of land for state and public needs. "

2. Compensation for losses of owners, users, tenants and owners of land plots, including lost profits, as well as losses of agricultural and forestry production, shall be made by legal entities and individuals who are provided (allotted) to the land plot, or whose activity causes restriction of rights to the land plot and deterioration land quality.

*Comment by LexUz*

*The first paragraph of paragraph 2 is amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#). \_*

During the construction of facilities financed by the state budget, compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production is carried out at the expense of funds provided in the design and estimate documentation.

*See [previous](#) edition.*

3. The sizes of losses of owners, users, tenants and owners of land plots, as well as losses of agricultural and forestry production are determined by the Uzdaverloikha State Research and Design Institute and its territorial divisions, branches of state-owned land management enterprises and real estate cadastre of the Republic of Karakalpakstan, regions and the city of Tashkent in the respective districts (cities) and construction departments (departments) of the Ministry of Construction, operating on the basis of self-financing and composing a land allotment project, at the stage of selecting a land plot with the involvement of an appraisal organization. The sizes of losses of owners, users, tenants and owners of land plots, as well as losses of agricultural and forestry production are considered, respectively, by the commissions for consideration of issues of provision (sale) of land plots under the Cabinet of Ministers, the Council of Ministers of the Republic of Karakalpakstan, khokimiyats of regions, the city of Tashkent, districts and cities and approved by public authorities along with materials for the selection and allocation of land.

*( and the first paragraph of paragraph 3 as amended by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated June 14, 2019 No. 498](#) - the National Database of Legislation, 06/20/2019, No. 09/19/498/3310) \_*

*See [previous](#) edition.*

*(the paragraph of the second paragraph 3 is excluded by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317](#) - SZ RU, 2016, No. 38, Article 449) \_*

Losses of owners, users, tenants and owners of land plots, as well as losses of agricultural and forestry production, are compensated before delivery to the new owner, user and tenant of documents certifying the right to the land plot.

4. Owners, users, tenants and owners of which land plots are being withdrawn and who are allocated the land plot, may not go to court with disagreement with certain amounts of losses and losses of agricultural and forestry production.

### **II. Compensation for losses of owners, users, tenants and owners of land**

5. Losses of owners, users, tenants and owners of land plots are determined and compensated in full (including lost profits) in the following cases:

seizure, redemption or temporary occupation of land;



restrictions on their rights to the land in connection with the establishment of protective, sanitary and protective zones around state reserves, nature reserves, national natural parks, natural monuments, cultural and historical monuments, reservoirs, water sources, resorts, along rivers, canals, dumps, roads, pipelines, communication lines and power transmission;

deterioration of land quality as a result of the impact caused by the construction and operation of reservoirs, canals, collectors and other objects that emit substances harmful to crops and plantations, and other actions of legal entities and individuals, leading to a decrease in yield and deterioration in the quality of agricultural products.

6. Upon the seizure, redemption or temporary occupation of land or part thereof, the following shall be subject to compensation:

the cost of land owned by legal entities and individuals;

the cost of residential buildings, structures and structures, including objects whose construction is not completed, as well as those located outside the designated area, if their further use is impossible due to land acquisition;

the cost of fruit, berry, protective and other perennial plantings;

the value of agricultural work in progress;

lost profit.

*Comment by LexUz*

*Paragraph 6 is amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#).*

7. Losses stipulated by [clause 6 of these](#) Regulations associated with the seizure of unauthorized occupied lands shall not be compensated.

8. The cost of a land plot privately owned by legal entities and individuals is determined by appraisal organizations based on its market value at the time of the decision on land acquisition.

9. The assessment of the cost of residential buildings, structures and structures, including facilities whose construction is not completed, as well as those located outside the designated area, if their further use is impossible due to land acquisition, is carried out in accordance with [the](#) Cabinet of Ministers of May 29, 2006 No. 97 “On approval of the Regulation on the procedure for compensation of losses to citizens and legal entities in connection with the seizure of land for state and public needs”.

10. Evaluation of fruit bearing fruit stands, as well as protective and other perennial plantings is carried out at the cost of seedlings and the cost of planting and growing them before fruiting or closing crowns at current prices during the evaluation period.

Evaluation of non-bearing fruit and berry plantations, as well as protective and other perennial plantations with open crown, is carried out at the actual costs incurred.

11. The cost of agricultural work in progress, which includes the cost of consumed materials (seeds, mineral and organic fertilizers, pesticides, herbicides, etc.) and actually performed work (preparing the soil for sowing, cleaning the irrigation and drainage network, sowing seeds, watering, processing crops, etc.), is taken according to primary accounting documents.

12. The cost of lost profits of legal entities related to the seizure of land with the demolition of buildings and structures located on it is determined on the basis of the average annual net income for the last three years, taken from the financial activity report for the relevant years, and the period that is necessary for recovery activities in a new place. The period necessary for the restoration of activity in a new place is the time to obtain a land plot, the regulatory timelines for the design and construction of the same object to be demolished.

The amount of lost profit when excluding land from agricultural production is determined as the sum of the average annual net income for the last three years received from the land plot excluded from agricultural production multiplied by four years for which the design will be carried out, irrigation and development of new land cultivation and other work to improve soil fertility.

*See [previous edition](#).*

The amount of net income for one year is determined based on the average annual net income for the last 3 years per 1 ha of agricultural land and multiplied by the withdrawn area of agricultural land.

*(paragraph three of paragraph 12 as amended by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated November 2, 2011 No. 294 - SZ RU, 2011, No. 45-46, Article 470](#))*

In cases where legal and physical persons are provided with equivalent land plots when agricultural land is withdrawn, lost profits are not reimbursed.

13. Upon the seizure or temporary occupation of part of the land plots, as a result of which the work of irrigation, drainage and road networks, anti-erosion and anti-mudflow facilities and structures (systems) is

partially or completely disrupted, legal entities and individuals who are allocated the land plot are obligated to build new or reconstruction of existing facilities and structures (systems).

14. Losses in the production and business activities of legal entities in connection with the restriction of the rights of owners, users, tenants and owners of land plots are compensated if, in connection with the establishment of protective, sanitary and protective zones, demolition (transfer) of buildings and structures or exclusion of land is planned from agricultural production.

The amount of losses associated with the demolition (transfer) of buildings and structures is determined in the manner prescribed by [paragraph 9 of these](#) Regulations.

In the process of developing a project for the allocation of land for the construction of enterprises, buildings and structures, if necessary, their protective, sanitary and protective zones, areas, types and quality of agricultural and forest lands, the mode of further use of land in these zones, as well as the extent of losses, are determined caused by the restriction of rights to land in these zones.

15. The amount of losses due to deterioration in the quality of agricultural and forest lands as a result of the impact caused by the construction and operation of reservoirs, canals, collectors and other objects emitting harmful substances for agricultural lands, and other actions of legal entities and individuals, leading to a decrease in yield and deterioration in the quality of agricultural products, are defined as the cost of measures to eliminate the causes leading to deterioration in the quality of agricultural land, and measures to restore the previous quality condition of these lands.

The costs necessary to restore the deteriorated quality of agricultural land include the costs of conducting soil, agrochemical and other special surveys and surveys, as well as the implementation of measures to restore the quality of these lands in accordance with the design and estimate documentation.

16. Funds intended for reimbursement of losses to legal entities and individuals caused by the seizure, redemption or temporary occupation of land plots, as well as the restriction of their rights to land plots or the deterioration of the quality of agricultural land, including lost profits, are transferred to the relevant legal entities and individuals who are allocated land, to the settlement (current) accounts of legal entities and individuals who have suffered damage.

*See [previous edition](#).*

The funds intended for reimbursement of losses to legal entities and individuals caused by the seizure, redemption or temporary occupation of land plots of the forest fund, as well as the restriction of their rights to land plots or the deterioration of the quality of the forest fund lands, including lost profits, are transferred by the relevant legal entities and individuals to whom land is allocated to the personal treasury account of the Forestry Development Fund of the State Committee of the Republic of Uzbekistan on Forestry

*(paragraph 16 is supplemented by the second paragraph of the [Decree of the President of the Republic of Uzbekistan dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08.24.2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020\)](#)*

### **III. Compensation for agricultural and forestry losses**

17. Losses of agricultural and forestry production are reimbursed in order to restore the production of agricultural and forestry products that are not produced by the industry due to the exclusion of agricultural and forest land from production activities, through the development of new lands or the implementation of land reclamation and land reclamation measures to increase the productivity of existing lands in addition to compensation for losses owners, users, tenants and landowners.

The period for the restoration of lost products is four years, for which a land plot should be selected for the development of new lands or for ameliorative improvement of existing irrigated lands, design, construction and land reclamation, as well as land reclamation measures.

*See [previous edition](#).*

18. Losses of agricultural and forestry production are determined and compensated in the following cases:

withdrawal, redemption or temporary occupation of agricultural and forest land, including agricultural land located on land plots provided to individuals for dekhana farming, and providing them for purposes not related to agriculture and forestry or related to agriculture and forestry but entailing the withdrawal of irrigated agricultural and forest land from circulation;

restrictions on the rights of owners, users, tenants and owners of land by establishing the boundaries of protected natural areas, security, sanitary and protective zones around reservoirs under construction, water sources, resorts, main canals and collectors, roads, pipelines, power lines and communications, as well as others objects, with the exception of the turnover of agricultural and forest lands or their transfer to less valuable lands;

deterioration of land quality as a result of influence caused by activities of legal entities and individuals.

Losses of agricultural and forestry production are not reimbursed in cases of land acquisition for :  
construction of individual and multi-apartment buildings and their maintenance;  
the organization of the burial grounds for the construction of the state (pre-school, general secondary, specialized secondary, vocational) education and hospitals, orphanages, homes " of Mercy ", "boarding houses Sahovat " and " Muruvvat ";  
water management for the construction of reclamation facilities and hydraulic structures;  
formation of protected natural areas;  
defense needs;  
needs for equipping the state border of the Republic of Uzbekistan.

Legislative acts and decisions of the Cabinet of Ministers of the Republic of Uzbekistan can also establish other cases in which legal entities and individuals are exempted from compensation for losses of agricultural and forestry production.

*(Clause 18 as amended by the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated February 12, 2019 No. 117 - National Database of Legislation, February 13, 2019, No. 09/19/117/2603](#) ) \_*

19. Losses of agricultural production are calculated on the basis of the area of arable land being taken, perennial plantings (orchards, vineyards, mulberries, nurseries, berries and others), fallow lands, hayfields and pastures, including land on land provided for dekhkan farming.

*See [previous](#) edition.*

*(Clause 20 has become invalid by the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#) ) \_*

*See [previous](#) edition.*

21. Funds for reimbursement of agricultural production losses by legal entities and individuals who are allocated land plots are transferred to special accounts of land resources and state cadastre offices of the Republic of Karakalpakstan, regions and the city of Tashkent (hereinafter - territorial departments).

funds for reimbursement of losses of forestry production by legal entities and individuals who are allocated land plots are transferred to the personal treasury account of the Forestry Development Fund of the State Committee of the Republic of Uzbekistan on Forestry.

*(Clause 21 as amended by the [Decree of the President of the Republic of Uzbekistan dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08.24.2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020](#) ) \_*

*See [previous](#) edition.*

*(the paragraph of the second paragraph 21 is excluded by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#) ) \_*

*Comment by LexUz*

*Paragraph 21 was amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#) . \_*

*See [previous](#) edition.*

22. Goskomzemgeodezkadastr and its territorial departments ensure timely receipt and accounting of funds for reimbursement of agricultural production losses, planning, design and construction of facilities using these funds and acceptance of work in the prescribed manner.

*(Clause 22 as amended by the [Decree of the President of the Republic of Uzbekistan dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08.24.2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020](#) ) \_*

*Comment by LexUz*

*Paragraph 22 was amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#) . \_*

*See [previous](#) edition.*

23. Goskomzemgeodezkadastr and its territorial departments, within the limits of the amount received on their special accounts for reimbursement of agricultural production losses, are the customers of the works provided [for](#) in [paragraph 24 of](#) these Regulations, approve work plans, begin financing and organize the work. \_

*( Clause 23 as amended by the [Decree of the President of the Republic of Uzbekistan dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08.24.2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020](#) ) \_*

*See [previous](#) edition.*

See [previous edition](#).

24. Of the funds received in the special accounts of the territorial administrations for reimbursement of agricultural production losses, 90 percent is used in accordance with the cost estimate approved by the Goskomzemgeodezkadastr, on the basis of a work plan approved by the Council of Ministers of the Republic of Karakalpakstan, khokims of the regions and the city of Tashkent, for :

*(first paragraph of paragraph 24 as amended by the [Decree of the President of the Republic of Uzbekistan](#) dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08/24/2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020) \_*

the development of new lands and the comprehensive reconstruction of irrigated lands;  
development and implementation of state programs to improve soil fertility, rational use and protection of agricultural land;  
construction and reconstruction of the collector-drainage network, capital planning and increasing the water supply of irrigated lands;  
radical improvement of hayfields and pastures;

See [previous edition](#).

*(paragraph six of clause 24 is excluded by the [decree of the President of the Republic of Uzbekistan](#) dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08/24/2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020) \_*

See [previous edition](#).

*(paragraph seven of paragraph 24 is excluded by the [decree of the President of the Republic of Uzbekistan](#) dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08.24.2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020) \_*

See [previous edition](#).

*(paragraph eight of clause 24 is excluded by the [decree of the President of the Republic of Uzbekistan](#) dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08.24.2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020) \_*

land management, cadastral and forest management works;  
construction and equipment of watering points (wells, wells and water pipelines) on pastures;  
preparation or adjustment of design and other documentation on land management, including the optimization of land plots of farms, land cadastre, land monitoring and soil surveys;  
reclamation of disturbed lands;  
creation of automated land information systems;  
the implementation of other measures aimed at increasing agricultural production, the rational use and protection of agricultural land, by decision of the Chairman of the Council of Ministers of the Republic of Karakalpakstan and khokims of the regions.

Providing contractors involved in the work specified in this clause with fuels and lubricants for reclamation, irrigation and planning works is carried out at the expense of the planned volumes confirmed by the Uzgosneftegazinspektsia State Institution in the established manner.

See [previous edition](#).

At the expense of the funds received to compensate for the losses of agricultural production, the central office of the Goskomzemgeodezkadastra and its territorial departments carry out the maintenance of one full-time unit of the employee, whose responsibility is to organize the implementation of the above works, including the purchase of office equipment, inventory and equipment.

*(paragraph thirteenth of paragraph 24 as amended by the [Decree of the President of the Republic of Uzbekistan](#) dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08.24.2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020) \_*

The expenditure of funds by the departments of land resources and the state cadastre is made according to the estimates approved by the State Land Committee of Geodezkadastr .

See [previous edition](#).

The use of funds received for reimbursement of agricultural production losses for other purposes related to land relations is carried out by decision of the Cabinet of Ministers.

*(paragraph fifteen of paragraph 24 as amended by the [resolution of the President of the Republic of Uzbekistan](#) dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08/24/2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020) \_*

See [previous edition](#).

See [previous edition](#).

24<sup>1</sup>. Funds in the amount of 10 percent received to compensate for the losses of agricultural production are allocated for payment of state duties and court costs when filing claims with the courts to recover debts for the compensation of agricultural losses in the appropriate manner:

*(first paragraph of paragraph 24<sup>1 is</sup> in the wording of the [Decree of the President of the Republic of Uzbekistan dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08/24/2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020](#) )* \_

7 percent of the funds are transferred to a special account of the Goskomzemgeodezkadastra ;

3 percent remain in territorial administrations.

The territorial administrations, upon receipt, transfer the funds due to the Goskomzemgeodezkadastru to its special account.

*(paragraph 24<sup>1 was</sup> introduced by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#) )* \_

*See [previous edition](#).*

24<sup>2</sup>. Funds received for reimbursement of losses of forestry production are accounted for separately. They are used for the following purposes in the prescribed manner on :

creation and restoration of forests and forest fruit groves, creation of groves on sandy soils, in ponds and coastal zones of rivers, as well as the implementation of other measures aimed at improving the condition of forest lands;

terracing of mountain slopes and the implementation of other anti-erosion measures;

the development of new lands and the comprehensive reconstruction of irrigated lands;

construction and reconstruction of the collector-drainage network, capital planning and increasing the level of water supply for irrigated lands;

radical improvement of hayfields and pastures;

compilation or adjustment of design and other documentation on forest management, forest cadastre, forest monitoring;

creation of automated land information systems;

payment of state fees and court costs when filing claims with the courts to recover debts to recover losses from forestry production.

*(Clause 24<sup>2 was</sup> introduced by the [Decree of the President of the Republic of Uzbekistan dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08.24.2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020](#) )* \_

*See [previous edition](#).*

*See [previous edition](#).*

25. Funds received in order to compensate for the losses of agricultural production are used to carry out the measures specified in [paragraphs 24 and 24<sup>1 of these</sup>](#) Regulations, as a rule, in those areas in which agricultural and forest lands were withdrawn. \_

*(first paragraph of paragraph 25 as amended by the [Decree of the President of the Republic of Uzbekistan dated August 23, 2019 No. PP-4424 - National Database of Legislation, 08/24/2019, No. 07/19/4424/3631 - Enters into force on January 1, 2020](#) )* \_

The collected amount of receivables, together with the interest charged on it, is distributed in the manner prescribed by [paragraphs 24 and 24<sup>1 of these</sup>](#) Regulations and this paragraph. \_

In some cases, based on decisions of the Council of Ministers of the Republic of Karakalpakstan or the khokim of the region, they can be used in other areas of the Republic of Karakalpakstan or in the same region”;

*(Clause 25 as amended by the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#) )* \_

26. Unused balances of funds received in order to compensate for losses of agricultural and forestry production in the reporting year are not subject to withdrawal, they are transferred to the next year and used to perform work in accordance [with paragraph 24 of these](#) Regulations. \_

27. The transfer of the land allotment project to nature and the production of documents certifying the right to land plots are made only after compensation for the loss of agricultural and forestry production by legal and physical persons who are allocated land plots.

28. Legal entities and individuals who have not fulfilled the obligation to reimburse the loss of agricultural and forestry production for previously allocated land, new (additional) land allocation is not made, and debt is recovered in the manner prescribed by law.

29. The size of agricultural production losses is determined on the basis of the need for irrigation and development of equivalent new lands to replace agricultural lands being withdrawn, taking into account their quality, productivity, location and intensity of use, as well as taking into account losses in the value of agricultural products during the period of completion of new land development.

*Comment by LexUz*

Paragraph 29 was amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#).

30. The amount of agricultural production losses during land allotment for permanent use is determined by the following formula:

*See previous edition.*

$$P_{a/x} = \{[(C_{op} \cdot X D_b \cdot x S_{op} \cdot x R_m) + (C_{god} \cdot X S_{god} \cdot X K_m) + (C_{op} \cdot x D_b \cdot x S_{z.or.} \cdot X K_m \cdot x 0.1) + (C_{god} \cdot x s_{z.B.} \cdot x R_m \cdot x 0.1) + (C_{sp} \cdot x s_{sp} \cdot K x_m)] \cdot x R_{and}\} + IF$$

(the formula of paragraph 30 as amended by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#))

Where:

$P_{s/hp}$  - losses of agricultural production during the withdrawal of agricultural land for permanent use, thousand soums ;

$C_{op}$  - the cost of irrigation and development of equivalent new lands in return for 1 ha of irrigated agricultural land (excluding irrigated deposits), is taken in accordance [with paragraph 31 of these Regulations](#), thousand soums ;

$C_{god}$  - the cost of irrigation and development of equivalent new lands in return for 1 hectare of arable land reclaimed and non-irrigated perennial plantings, is taken in accordance [with paragraph 32 of these Regulations](#), thousand soums ;

$C_{sp}$  - the cost of irrigation and development of equivalent new lands in return for 1 hectare of hayfields and pastures that are seized is accepted in accordance [with paragraph 34 of these Regulations](#), thousand soums ;

*See previous edition.*

$B_b$  - the weighted average point of the bonitet soils of harvested irrigated lands, points;

(paragraph 30 is supplemented by paragraph eight of the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#))

$S_{op}$  - area of harvested irrigated agricultural land (excluding irrigated deposits), ha ;

$S_{god}$  - the area of seized rainfed arable land and non-irrigated perennial plantations, ha ;

$S_{s.op}$  - n area of reclaimed irrigated deposits, ha;

$S_{s.b.}$  - area of seized rainfed deposits, ha ;

$S_{sp}$  - area of seized hayfields and pastures, ha ;

$K_m$  - coefficient taking into account the location of the seized land is taken in accordance [with paragraph 36 of these Regulations](#);

$To_{and}$  - the indexation coefficient of the amount of losses of agricultural production, adopted in accordance with [paragraph 48 of these Regulations](#);

$ПЧ$  - the amount of net profit received on the seized land over the past four years is determined in accordance [with paragraph 35 of these Regulations](#), thousand soums .

*Comment by LexUz*

Paragraph 30 was amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#).

31. The quality of the harvested irrigated agricultural land according to the bonitet points is taken according to the data of the soil appraisal. For newly developed land plots for which there is no data, bonus points are determined in the process of developing land acquisition projects in accordance with the law.

The cost of irrigation and development of equivalent new lands in exchange for the withdrawn irrigated agricultural land (with the exception of irrigated deposits), depending on the bonus points, is taken in accordance with [Appendix 1](#) to this Regulation.

*Comment by LexUz*

Paragraph two of paragraph 31 is amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#). \_

See [previous edition](#).

32. The cost of irrigation and development of equivalent new lands in exchange for the seized rainfed arable land and non-irrigated perennial plantations per 1 ha, depending on the location in natural areas, is taken in the following sizes:

in the plain (not provided with precipitation) zone - 1462 thousand soums ;

in the plain-hilly ( semi-provided by precipitation) zone - 2162 thousand soums ;

in the foothill and mountain (provided by precipitation) zones - 2641 thousand soums .

(Clause 32 as amended by the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#)) \_

Comment by LexUz

Paragraph 32 was amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1024](#). See the text in [Uzbek](#). \_

33. The cost of irrigation and development of equivalent new lands instead of seized irrigated and rainfed deposits is determined using a coefficient of 0.1 to the cost of irrigation and development of equivalent new lands instead of seized irrigated lands (according to [paragraph 30](#) ) and rainfed land (according to [paragraph 32](#) ).\_

34. The size of the losses of agricultural production in connection with the seizure of hayfields and pastures is determined on the basis of the need to radically improve the corresponding area of hayfields and pastures to compensate for the lost volume of feed.

The cost of radical improvement of hayfields and pastures depending on the vertical zonality, with which their productivity is associated, is taken in accordance with [Appendix 2](#) to this Regulation.

35. The losses of agricultural production are additionally supplemented by the amount of net profit received on the seized land for a period of four years, which is necessary to compensate for losses during the design period, irrigation and development of new lands, their cultivation and other cultural and technical works.

The amount of net profit per 1 ha for one year during economic activity on irrigated lands with the same bonitet score is determined by dividing the average annual farm income over the past 3 years by the area of irrigated land.

If an organization has irrigated land with several bonitet points, the average net profit per 1 ha of irrigated land with a specific bonitet score is determined.

For this, the total amount of the bonitet / ha of the farm is determined by the formula:

See [previous edition](#).

$$BS = (S_1 \times B_1) + (S_2 \times B_2) + \dots + (S_n \times B_n),$$

(paragraph five of paragraph 35 as amended by the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated November 2, 2011 No. 294 - SZ RU, 2011, No. 45-46, Article 470](#))

Where:

$S_1, S_2$  and  $S_n$  - the area of land with the corresponding points of bonitet, ha ;

$B_1, B_2$  and  $B_n$  - bonitet points of the respective land plots.

The amount of net profit of the economy, per 1 point of bonitet / ha, is determined by the formula:

$$IF_{..bs} = IF / BS,$$

Where:

HR - the average annual net profit of the economy, thousand soums ;

The amount of average annual net profit per 1 hectare of the seized land is determined by the formula:

$$IF = IF_{..bs} \times V_n \times S_n$$

The amount of net profit, additionally added to the losses of agricultural production, is determined by multiplying the average annual net income per 1 hectare of the seized land by 4 (number of years) and the seized area.

See [previous edition](#).

$$IF = IF_{..bs} \times B_n$$

(paragraph fourteen of paragraph 35 as amended by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated November 2, 2011 No. 294 - SZ RU, 2011, No. 45-46, Article 470](#))

See [previous edition](#).

(paragraph 36 is no longer valid by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1014](#)) \_

37. In case of withdrawal and provision of agricultural land for temporary use or lease for needs not related to agriculture, the amount of losses of agricultural production shall be calculated as a percentage of the amount of loss of agricultural production when withdrawing agricultural land for permanent use.

The size of the losses of agricultural production during the seizure of land for temporary use is determined by the following formula:

See [previous edition](#).

$$P_{s/hpvr} = \frac{(P_{s/sp} \times H_1 \times 4) + (P_{s/sp} \times H_2 \times 2) + (P_{s/sp} \times H_3 \times 1),}{\text{one hundred}}$$

one hundred

(the formula of paragraph 37 as amended by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#)) \_

Where:

$P_{s/hpvr}$  - the size of the losses of agricultural production during the seizure of land for temporary use, thousand soums ;

$P_{s/sp}$  - the size of the losses of agricultural production during the withdrawal of agricultural land for permanent use, thousand soums ;

See [previous edition](#).

H - the number of years, the percentage of the total loss of agricultural production during the withdrawal of agricultural land for permanent use, calculated for the withdrawal of agricultural land up to 10 years - 4 percent ( $P_1 \times 4$ ), from 11 to 30 years - 2 percent ( $P_2 \times 2$ ) and from 31 to 50 years - 1 percent ( $H_3 \times 1$ ) for each year;

(paragraph of the seventh paragraph 37 as amended by the [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#)) \_

H - the number of years for which a temporary land acquisition is planned.

The interest amount is taken for each year of agricultural land withdrawal up to 10 years, inclusive - 4 percent, from 11 to 30 years - 2 percent and from 31 to 50 years - 1 percent.

In case of violation of the soil cover, in which, according to the conclusion of the Commission of the district (city) to consider the provision (sale) of land plots, restoration of temporarily granted lands to a condition suitable for farming is impractical or restoration of disturbed lands will be brought into a condition suitable for non-agricultural use, agricultural losses are fully compensated.

38. In order to preserve forest land and ensure the necessary level of forestry production, the size of losses of forestry production is determined on the basis of the need for the costs of developing equivalent new lands, taking into account measures to cultivate and improve soil fertility, organize new farms and the need to restore deforestation. In addition, in the area of irrigated agriculture, the cost of irrigation is taken into account, in the mountainous area - the cost of terracing or installation of the simplest hydraulic structures, in the desert zone - the cost of fixing mobile sands.

39. Upon withdrawal and provision of forest land for urgent (temporary) use for needs not related to forestry, losses of forestry production shall be determined in accordance with the procedure established by [paragraph 37 of these Regulations](#)

40. The sum of losses of forestry production during the removal of land, forested areas and fences, as well as occupied by forest crops, seed, uterine and industrial plantations of walnut, fruit and other valuable species, taking into account loss of profit from the sale of forest products and by-products for the period the implementation of work on the development of new lands and the creation of similar plantings is determined by the following formula:

$$P_{pl} = S [ W_{ill} + T ( P_{lpr} + P_{etc. it dry on.} ) ]$$

Where:

$P_{pl}$  - the amount of losses of forestry production from the withdrawal of forested areas, thousand soums ;

S is the area of forest land occupied by forest vegetation, ha ;

$Z_{ov}$  - the specific value of losses of forestry production, determined on the basis of the need for irrigation and development of equivalent new lands instead of being withdrawn, and calculated in accordance



[with paragraph 31](#) :

upon withdrawal of non-irrigated forest land, depending on the location of forest land by natural zones - in accordance [with clause 32 of these Regulations](#) with application of rates for the removal of rainfed arable land, thousand soums / ha;

T - the time required for the design and implementation of work on the development of new lands, years (taken on average four years);

P<sub>1pr</sub> - the average profit over three years from the sale of forest products (wood, nuts, fruits, seeds, berries) from 1 hectare according to the accounting data of the farm), thousand soums . per year / ha;

P<sub>etc if dry on</sub> - the average profit over three years from the sale of by-products (medicinal and other useful plants, hay, beekeeping products and other products) in terms of 1 hectare of forest (taken from the reporting data of the farm), thousand soums . per year / ha.

41. When removing burned forests, dead forest crops, unforested cutting areas, the basic rates for compensation for losses of forestry production are equal to the basic rates for the removal of rainfed arable land, and when removing wastelands and glades, to the basic rates for the removal of rainfed deposits in accordance [with paragraph 33 of these Regulations](#).

*See previous edition.*

( paragraph 42 numbered by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 20, 2019 No. 1014](#) ) \_

43. Losses of agricultural and forestry production due to the restriction of the rights of owners, users, tenants and owners of land are compensated if the forest land located in the protective, sanitary and protective zones of the facilities under construction is planned to be excluded from agricultural and forestry production or transferred them to less valuable lands.

44. In cases of exclusion from the circulation of forest land in the protective, sanitary and protective zones of facilities under construction, the losses of agricultural and forestry production are determined in full in accordance with [sections II and III of these Regulations](#).

45. When transferring irrigated agricultural and forest lands to other non-irrigated agricultural and forest lands, losses of agricultural and forestry production are defined as the difference between the size of losses from the withdrawal of irrigated agricultural and forest lands, and the size of losses from the withdrawal of irrigated agricultural and forest lands.

46. Cases of deterioration in the quality of agricultural and forest lands caused by the operation of facilities under construction should be provided for in projects for the construction of facilities and taken into account when allocating land.

47. Losses of agricultural and forestry production due to deterioration of land quality are defined as the difference between the size of losses from the removal of forest land in the current state and after the projected land deterioration in accordance with [sections II and III of these Regulations](#).

*See previous edition.*

48. The cost of irrigation and development of new lands, the agricultural losses calculated on the basis of this cost, when seeding rainfed arable land and irrigated perennial plantations, as well as the cost of radical improvement of hayfields and pastures, as provided [for in paragraph 32](#) , [annexes 1 and 2](#) to this Regulation, are subject to annual indexation until December 31 of this year by a joint decision of the Goskomzemgeodezkadastra , the Ministry of Economy and the Ministry of Finance based on the level of change in the previous year, the price index for building materials according to the State Statistics Committee of the Republic of Uzbekistan

(Clause 48 as amended by the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449](#)) \_

49. The procedure for determining the losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production is given in [Appendix 4](#) to this Regulation.

50. Persons who violate the procedure for determining the losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production, provided for by these Regulations, shall be held liable in accordance with the law.

#### APPENDIX 1

to the [Regulation](#) on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production

*See previous edition.*

#### PRICE

**irrigation and development of equivalent new lands to replace seized irrigated agricultural land**

Regions	The cost of irrigation and development of 1 hectare of equivalent new lands per one bonitet point, thousand soums
Republic of Karakalpakstan	444.2
Areas:	
Andijan	761.6
Bukhara	634.8
Jizzakh	507.8
Kashkadarya	507.8
Navoi	507.8
Namangan	698.2
Samarkand	761.6
Surkhandarya	825.0
Syrdarya	507.8
Tashkent	761.6
Ferghana	698.2
Khorezm	634.8
Tashkent city	761.6

(Appendix No. 1 as amended by the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan](#) dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449) .

Comment by LexUz

Appendix No. 1 was amended by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan](#) dated December 20, 2019 No. 1024. See the text in [Uzbek](#) .

#### APPENDIX 2

to the [Regulation](#) on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production

Comment by LexUz

The heading of Appendix No. 2 was amended by [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan](#) dated December 20, 2019 No. 1024. See the text in [Uzbek](#) .

See [previous](#) edition.

#### PRICE radical improvement of hayfields and pastures

Vertical zoning	The cost of radical improvement of 1 ha of hayfields and pastures, thousand soums	Of them	
		cost indigenous improvements	cost recoverable production
Belt " Chul "	242.9	50.1	192.8
Belt " Adir "	283.9	88.8	195.1
Tau Belt	398.6	66.5	332.1

(Appendix No. 2 as amended by the [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan](#) dated September 21, 2016 No. 317 - SZ RU, 2016, No. 38, Article 449) .

See [previous](#) edition.

(Appendix No. 3 has expired by [resolution of the Cabinet of Ministers of the Republic of Uzbekistan](#) dated December 20, 2019 No. 1014) .

#### APPENDIX 4

to the [Regulation](#) on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production

Comment by LexUz

The heading of Appendix No. 4 was amended by [Resolution of the Cabinet of Ministers of the Republic of Uzbekistan](#) dated December 20, 2019 No. 1024. See the text in [Uzbek](#) .

#### DIAGRAM determining the amount of losses of owners, users, tenants and landowners, as well as losses of agricultural and forestry production

See [previous](#) edition.

## ANNEX 6: POWER PLANT LAND DOCUMENTS

O'ZBEKISTON RESPUBLIKASI  
YER RESURSLARI, GEODEZIYA,  
KARTOGRAFIYA VA DAVLAT  
KADASTRI DAVLAT QO'MITASI

SURXONDARYO VILOYATI  
YER RESURSLARI VA DAVLAT  
KADASTRI BOSHQARMASI



ГОСУДАРСТВЕННЫЙ КОМИТЕТ  
РЕСПУБЛИКИ УЗБЕКИСТАН ПО  
ЗЕМЕЛЬНЫМ РЕСУРСАМ, ГЕОДЕЗИИ,  
КАРТОГРАФИИ И  
ГОСУДАРСТВЕННОМУ КАДАСТРУ

УПРАВЛЕНИЕ ПО ЗЕМЕЛЬНЫМ  
РЕСУРСАМ И ГОСУДАРСТВЕННОМУ  
КАДАСТРУ СУРХАНДАРЬИНСКОЙ  
ОБЛАСТИ

Address: Surkhandarya region Termez city Shukrona str. 10

«09» 07 2020

№ YRDK-01/ 1338

Termez city

To: Sh.Khamidov  
Director of True Engineering  
Supervision Ltd.

Reply to letter № 17-2020 dated  
07 July 2020

Considering that you have requested the cadastral documents for site, where it's planned to construct a solar power plant, which is near Sherabad city, we would like to inform you about the following:

A total of selected land area is 589,3 hectares, from which 579.0 hectares is pasture, 8.0 hectares - road, 0.8 hectares - rivers and 1.5 hectares - other lands. The site is in the territory of Tallashkan massif of Sherabad district.

This land is in the reserve of the District Municipality. The documents for land allocation and ownership are not issued.

Head of Department

A. Ganiev

Билан: А.Бухаров

O'ZBEKISTON RESPUBLIKASI  
YER RESURSLARI, GEODEZIYA,  
KARTOGRAFIYA VA DAVLAT  
KADASTRI DAVLAT QO'MITASI



SURXONDARYO VILOYATI  
YER RESURSLARI VA DAVLAT  
KADASTRI BOSHQARMASI

ГОСУДАРСТВЕННЫЙ КОМИТЕТ  
РЕСПУБЛИКИ УЗБЕКИСТАН ПО  
ЗЕМЕЛЬНЫМ РЕСУРСАМ, ГЕОДЕЗИИ,  
КАРТОГРАФИИ И  
ГОСУДАРСТВЕННОМУ КАДАСТРУ

УПРАВЛЕНИЕ ПО ЗЕМЕЛЬНЫМ  
РЕСУРСАМ И ГОСУДАРСТВЕННОМУ  
КАДАСТРУ СУРХАНДАРЬИНСКОЙ  
ОБЛАСТИ

Манзили: Сурхондарё вилояти Термиз шаҳар Шукрона кўчаси 10-уй.

« 09 » 04 2020 йил

№ YRDK-01/ 1338

Термиз шаҳри

Тошкент шаҳар Нукус кўчаси  
89 уй “True Engineering  
Supervision” МЧЖ директори  
Ш.Хамидовга

2020 йил 07 июлдаги  
17-2020-сонли хатга.

Шеробод шаҳри яқинида қуёш электр станцияси қурилиши кўзда тутилганлиги сабабли ер эгалиги тўғрисида кадастр ҳужжатларини тақдим этилишини сўраганлигингизни кўриб чиқиб, қуйидагиларни маълум қилади.

Шеробод тумани “Таллашқон” массиви ҳудудидан жами 589,3 гектар, шундан 579,0 гектар яйлов, 8,0 гектар йўллар, 0,8 гектар дарё ва сойликлар ва 1,5 гектар бошқа ер майдонлари танланган.

Танланган ер майдони туман ҳокимлиги захирасида бўлиб, ташкилот ва корхоналарга ер ажратиш ва ер эгалиги тўғрисида ҳужжатлар расмийлаштирилмаганлиги маълум қилинади.

Бошқарма бошлиғи:

Баж: А.Бузуруков

А.Ғаниев

## **ANNEX 7: EXTRACTS FROM THE LAND CODE RELATED TO THE ALLOCATION OF LAND**

### **LAND CODE OF THE REPUBLIC OF UZBEKISTAN**

#### **CHAPTER 4. PROPERTY ON THE LAND. RIGHTS OF LEGAL AND INDIVIDUALS ON LAND PLOTS**

##### Article 16. Ownership of land in the Republic of Uzbekistan

Land is state property - national wealth, is subject to rational use, is protected by the state and is not subject to sale, exchange, gift, pledge, with the exception of cases established by legislative acts of the Republic of Uzbekistan.

Comment by LexUz

See Art. 55 of the Constitution of the Republic of Uzbekistan, Art. 18, part one of Art. 90 of this Code, part one of Article 5 of the Law of the Republic of Uzbekistan "On Nature Protection", Art. 170, part one of Art. 214 of the Civil Code of the Republic of Uzbekistan, paragraph one of clause 3 of the Decree of the President of the Republic of Uzbekistan dated January 21, 1994 No. UP-745 "On measures to further deepen economic reforms, ensure the protection of private property and the development of entrepreneurship", clause 12 of the Decree of the President of the Republic of Uzbekistan of January 5 1995 No. UP-1030 "On the initiation and promotion of private enterprise", paragraph 1 Decree of the President of the Republic of Uzbekistan dated November 14, 1995 No. UP-1287 "On additional measures to improve the working conditions of diplomatic missions and international organizations in the Republic of Uzbekistan".

##### Article 17. Rights of legal entities and individuals to land

Legal entities may have land plots on the basis of the right of permanent possession, permanent use, urgent (temporary) use, lease and property in accordance with this Code and other legislative acts.

Comment by LexUz

See Art. 18, part one - fourth art. 20, parts one, two of Art. 24 of this Code.

Individuals may have land plots on the right of inherited lifetime possession, permanent use, term (temporary) use, lease and property in accordance with this Code and other legislative acts.

Comment by LexUz

See parts one, three of art. 18, parts one, two of Art. 19, paragraphs one, two, five of the third part of Art. 20, paragraphs one, two of the second part of Art. 24 of this Code.

##### Article 19. The right to inherited tenure of land

The right to obtain a land plot in a lifetime inheritable possession are citizens of the Republic of Uzbekistan: for conducting dekhkan economy;

Comment by LexUz

See Art. 55 of this Code, Art. 7, 8 of the Law of the Republic of Uzbekistan "On dekhkan economy". for individual housing construction and maintenance of a residential building;

Comment by LexUz

See Art. 27 of this Code, paragraphs one, two of Article 22 of the Housing Code of the Republic of Uzbekistan.

for collective gardening and viticulture.

Comment by LexUz

See Art. 56 of this Code, clause 3 of the Regulation on gardening and viticulture partnerships, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated March 1, 2011 No. 51.

The right of inherited lifetime possession of land plots may also be granted in other cases stipulated by law. Comment by LexUz

See the Regulation on the experimental provision in the Republic of Karakalpakstan of unused lands and lands of low-profitable and unprofitable agricultural enterprises to citizens in lifetime inheritable possession, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated November 29, 1994 No. 575.

See previous edition.

The right of inherited lifetime possession of land by citizens is certified by a certificate of state registration of rights to the land.

(Part three of Article 19 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569) See previous edition.

The form of the certificate of state registration of the right to a land plot, the procedure for its registration and issuance are determined by law.

(Part four of Article 19 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569)

Article 20. The right to permanent and temporary (temporary) ownership and use of land

Land plots may be provided to legal entities and individuals for permanent and urgent (temporary) possession and use.

Comment by LexUz

See Art. 23 of this Code, the Regulation on the procedure for the provision of land through an electronic auction for permanent use for entrepreneurial and urban development activities, approved by the Cabinet of Ministers of the Republic of Uzbekistan dated June 30, 2018 No. 493 on measures to introduce modern and transparent mechanisms for the provision of land for permanent use for entrepreneurial and urban development activities.

Permanent ownership of land is provided to enterprises, institutions and organizations for agriculture and forestry, and in cases provided for by law, for other purposes.

Comment by LexUz

See part two of art. 8 of the Law of the Republic of Uzbekistan "On Forest" (New edition).

For permanent or temporary (temporary) use, land plots are provided: citizens of the Republic of Uzbekistan; industrial, transport and other non-agricultural enterprises, institutions and organizations; enterprises with foreign investment, international associations and organizations; foreign legal entities and individuals.

In cases stipulated by law, land plots are provided for use to other organizations and individuals.

See previous edition.

The rights of permanent ownership and permanent use of the land are subject to state registration with the issuance of a certificate of state registration of rights to the land.

(Part five of Article 20 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569) See previous edition.

The procedure for state registration of rights to a land plot and the issuance of a certificate of state registration of rights to a land plot is established by law.

(Part six of Article 20 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569) See previous edition.

(Part seven of Article 20 is excluded by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569)

Urgent use of land can be short-term - up to three years and long-term - from three to ten years. In case of industrial need, these periods can be extended for a period not exceeding, respectively, the terms of short-term or long-term temporary use. Extension of the temporary use of land is carried out by the authorities that provided these plots.

Land plots for livestock breeding may be provided to agricultural enterprises, institutions and organizations for up to twenty-five years.

Article 21. Land plots of joint ownership or use

See previous edition.

If it is impossible to divide a land plot on the basis of the fifth part of Article 10 of this Code, it shall be recognized as a land plot jointly owned or used by several legal entities and individuals, which is reflected in the state register of rights to real estate and transactions with them.

(Part one of Article 21 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569) Comment by LexUz

See paragraph 10, paragraph one of paragraph 11, paragraphs 12, 13 of the Decree of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 3, 2006 No. 3 "On some issues arising in judicial practice in connection with the application of the Land Code".

Article 22. Transfer of ownership and permanent use of land

See previous edition.

Upon the transfer of the right of ownership, the right of economic management or the right of operational management to an enterprise, building, construction or other real estate, together with these objects, the right of ownership and permanent use of the land plot occupied by these objects and necessary for their use also passes.

To individuals upon transfer of ownership (purchase, donation or inheritance, and others) to a residential building, the garden house passes along with the ownership of these buildings and the right of inherited lifetime possession of the entire land plot on which these buildings are located.

The transfer of the right of ownership and permanent use of a land plot occupied by an enterprise, building, construction or other real estate is made out by entering data on the new landowner or land user in the land cadastral book of the district, city on the basis of relevant agreements, decisions of owners or bodies and persons authorized by them and the issuance of a certificate of state registration of the right of permanent possession, permanent use or lifetime inherited possession of the land.

Upon the transfer of ownership, economic management rights, operational management rights to a part of an enterprise, building, construction or other real estate, the ownership or permanent use of a part of the land plot in the amount proportional to the share of the enterprise, building, construction or other passes to the new owner or owner of other property rights real estate, and in cases of the impossibility of such a demarcation of the land plot, as well as in the case of a dispute over the issues provided for in part three of this article, its division is carried out by the bodies of the State Committee of the Republic of Uzbekistan on land resources, geodesy, cartography and the state cadastre, which is approved by the decision of the district hokim, cities with subsequent state registration of ownership and permanent use of the land and the issuance of relevant certificates of state registration.

(those text of article 12 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569) Comment by LexUz

See article 482 of the Civil Code of the Republic of Uzbekistan, paragraph one of clause 11, clause 13 of the resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 3, 2006 No. 3 "On some issues arising in judicial practice in connection with the application of the Land Code".

See previous edition.

Article 23. Provision (sale) of land

The provision (sale) of land in the possession, use, lease and ownership is carried out in accordance with the allotment procedure.

Land allotment is carried out by the Cabinet of Ministers of the Republic of Uzbekistan, khokims of regions, the city of Tashkent, districts, cities in the manner prescribed by law.

Provision (sale) of a land plot owned, used, leased and owned is made only after the seizure (redemption) of this land in the prescribed manner.

Comment by LexUz

See Art. 36, 37, 38, 86 of this Code and the Regulation on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production, approved by the Cabinet of Ministers of the Republic of Uzbekistan dated May 25, 2011 No. 146.

For the construction of industrial enterprises, railways and highways, communication and power lines, trunk pipelines, as well as for other non-agricultural needs, non-agricultural lands or land unsuitable for agriculture or poor quality land are provided (sold). The provision (implementation) for the indicated purposes of land plots from the lands of the forest fund is carried out mainly at the expense of areas not covered by forest or areas occupied by shrubs and low-value plantings.

See previous edition.

It is prohibited to start ownership and use of the provided (realized) land plot before establishing the boundaries of this land plot in kind (on the ground) by the bodies of the State Committee of the Republic of

Uzbekistan on land resources, geodesy, cartography and the state cadastre and issuing documents certifying the right to a land plot.

(part five of Article 23 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569)

The procedure for the provision (sale) of land in the possession, use, rental and ownership is established by law.

Comment by LexUz

See Art. 479 - 488 of the Civil Code of the Republic of Uzbekistan, Regulation on the procedure for the private sale of trade and service facilities, together with the land plots on which they are located, and land plots in inherited lifetime possession, approved by the Cabinet of Ministers of the Republic of Uzbekistan dated April 11, 1995 No. 126, Regulation on the procedure for granting land plots for long-term lease to farmers, approved by the Decree of the Cabinet of Ministers of the Republic of Uzbekistan dated October 30, 2003 No. 476, Regulation on the procedure for granting land plots and exercising the right to inherited tenure of land for individual housing construction, approved by the decree Cabinet of Ministers dated January 28, 2019 No. 63, the Regulation on the procedure for the provision of land through an electronic auction for permanent use for entrepreneurial and urban development activities, approved According to the resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated June 30, 2018 No. 493 On measures to introduce modern and transparent mechanisms for the provision of land for permanent use for entrepreneurial and urban development activities.

(Article 23 as amended by the Law of the Republic of Uzbekistan dated August 30, 2003, No. 535-II - Gazette of the Oliy Majlis, 2003, No. 9-10, Article 149)

Section 24. Land Lease

Lease of a land plot is an urgent, reimbursable possession and use of a land plot under the terms of a lease.

Comment by LexUz

See Art. 535 of the Civil Code of the Republic of Uzbekistan, Art. 1, 5 of the Law of the Republic of Uzbekistan "On Lease".

The land plot on a contractual basis for rent is provided by:

to citizens and legal entities of the Republic of Uzbekistan - khokims of districts and cities;

Comment by LexUz

See paragraphs one, four, five, six. 6, paragraphs one, four of Art. 7 of this Code.

enterprises with foreign investment, international associations and organizations, foreign legal entities and individuals - the Cabinet of Ministers of the Republic of Uzbekistan.

Comment by LexUz

See paragraphs one, sixth of art. 4 of this Code.

Agricultural enterprises, institutions and organizations may assign land to tenants on an inter-farm lease basis only for agricultural production.

Comment by LexUz

See part four of Art. 14 of the Law of the Republic of Uzbekistan "On agricultural cooperative (shirkat)". See previous edition.

Sublease of the leased land or part thereof is prohibited, except as otherwise provided by law.

Comment by LexUz

See paragraph 8 of the first part of Art. 39 of this Code, part four of Article 14 of the Law of the Republic of Uzbekistan "On agricultural cooperative (shirkat)".

(Part four of Article 24 as amended by the Law of the Republic of Uzbekistan dated August 30, 2003, No. 535-II - Vedomosti of the Oliy Majlis, 2003, No. 9-10, Article 149)

Land plots leased out cannot be an object of sale, pledge, gift, exchange. To obtain loans, the right to lease a land plot may be pledged. The lessee has the right to transfer his lease rights to the land plot as a pledge without the consent of the lessor only in cases when it is provided for by law or by a lease agreement.

Comment by LexUz

See part ten of art. 8, parts one, three of art. 43 of the Law of the Republic of Uzbekistan "On pledge". See previous edition.



The terms and conditions of the lease of land are determined by agreement of the parties and are fixed by agreement. Land intended for agricultural purposes may be leased for a period of up to fifty years, but not less than thirty years.

Comment by LexUz

See part one of Art. 14 of the Law of the Republic of Uzbekistan "On agricultural cooperative (shirkat)", part one of Art. 11 of the Law of the Republic of Uzbekistan "On Farming".

(Part six of Article 24 as amended by the Law of the Republic of Uzbekistan dated August 30, 2003, No. 535- II - Vedomosti of the Oliy Majlis, 2003, No. 9-10, Article 149)

The tenant has the preemptive right to renew the lease of land after the expiration of its term, other things being equal.

Comment by LexUz

See Art. 553 of the Civil Code of the Republic of Uzbekistan, part two of Art. 14 of the Law of the Republic of Uzbekistan "On Lease".

The procedure for payment for the lease of land and its size are determined in the lease in accordance with the law.

Comment by LexUz

See part four of Art. 28 of this Code, Art. 544 of the Civil Code of the Republic of Uzbekistan, Section XVI (Land Tax) of the Tax Code of the Republic of Uzbekistan, Art. 12 of the Law of the Republic of Uzbekistan "On Lease".

Early termination of the land lease agreement is made by agreement of the parties, and if such an agreement is not reached, by a court decision.

Comment by LexUz

See parts one, two, five of art. 36 of this Code, Art. 551, 5 approx. 50.5 of the Civil Code of the Republic of Uzbekistan, Art. 13 of the Law of the Republic of Uzbekistan "On Lease".

Comment by LexUz See case law.

The procedure for the provision of land for rent is determined by the Cabinet of Ministers of the Republic of Uzbekistan.

Comment by LexUz

See the Temporary procedure for leasing land to foreign legal entities and individuals, enterprises with foreign investment, international associations and organizations in Tashkent, approved by the Cabinet of Ministers of the Republic of Uzbekistan dated July 6, 1994 No. 346, the Regulation on the procedure for providing land in long-term lease to farms, approved by the resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated October 30, 2003 No. 476.

#### Article 28. Payment for land

In the Republic of Uzbekistan land use is paid.

Legal entities and individuals holding and owning land plots pay land. Payment for land is charged in the form of an annual land tax, the amount of which is determined depending on the quality, location and water supply of the land.

Rates, the procedure for calculating and paying land tax are established by law.

Comment by LexUz

See Section XVI (Land Tax) of the Tax Code of the Republic of Uzbekistan. See previous edition.

When transferring land plots for rent, land payment is charged in the form of rent. Rent is equivalent to land tax. Persons who have received land plots for rent pay the land rent to the budget in accordance with the procedure established for land tax payers.

Comment by LexUz

See part two of art. 544 of the Civil Code of the Republic of Uzbekistan, Section XVI (Land Tax) of the Tax Code of the Republic of Uzbekistan, Art. 12 of the Law of the Republic of Uzbekistan "On Lease".

(Part four of Article 28 as amended by the Law of the Republic of Uzbekistan dated December 28, 2007 No.

3PY-138 - C3 PY, 2007, No. approx. 50.5, Article 533)

Article 33. Documents certifying the right to a land plot

See previous edition.

The document certifying the right to a land plot is a certificate of state registration of the right to a land plot. A certificate of state registration of the right to a land plot is issued on the basis of a decision of local authorities on the provision (division) of a land plot to legal entities and individuals or a lease, purchase and sale and other types of alienations, a state warrant for ownership of the land plot, decisions owners or persons authorized by them.

The right to a land plot becomes effective after state registration of the right to it in the prescribed

(those text of article 33 is in the wording of the L aw of the Republic of Uzbekistan dated July 24, 2018 No.

3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569) Comment by LexUz

See part four of Art. 35 of this Code, part two of Article 84 of the Civil Code of the Republic of Uzbekistan, the Regulation on the state registration of rights to real estate, approved by the Cabinet of Ministers of December 29, 2018 No. 1060.

Article 35. State registration of rights to land plots

The rights of legal entities and individuals to land are subject to state registration.

Comment by LexUz

See Art. 84 of the Civil Code of the Republic of Uzbekistan, Art. 13 of the Law of the Republic of Uzbekistan "On state cadastres", art. 13 of the Law of the Republic of Uzbekistan "On the state land cadastre."

State registration of rights to land is carried out at the location of land. The following are entered in the state register:

- 1) information about the person who acquired the right to land;
- 2) land plot descriptions (land category, purpose of use, types of land, area, share in joint ownership or use, borders, cadastral number and other characteristics);
- 3) information on the terms of the contract for the provision of land, encumbrances and easements;
- 4) decisions of authorized bodies on the inclusion of land in the exclusion zone for state or public needs;
- 5) other information established by law.

See previous edition.

State registration of the rights of legal entities and individuals to land plots is carried out by the relevant authorized body within ten days from the date of receipt of the application with the necessary documents on the rights to land plots, with the exception of cases provided by law.

(Part three of Article 35 as amended by the L aw of the Republic of Uzbekistan dated April 30, 2004, No. 621- II - SZ RU, 2004, No. 25, Article 287)

A certificate of the state registration of land rights is issued indicating the date and number of the registration entry.

Comment by LexUz

See part two of art. 84 of the Civil Code of the Republic of Uzbekistan, part six of art. 13 of the Law of the Republic of Uzbekistan "On the state land cadastre."

See previous edition.

The grounds for denial of state registration of rights to land teaching c current are:

the presence in the state registration authority of documents evidencing a dispute about the ownership of this land plot;

the presence in the state registration body of information on the seizure of this land in the manner prescribed by law.

Comment by LexUz

See paragraph 31 of the Regulation on the procedure for state registration of rights to real estate and transactions with them, approved by the Cabinet of Ministers of the Republic of Uzbekistan dated January 7, 2014 No. 1.

(Part five of Article 35 as amended by the L aw of the Republic of Uzbekistan dated August 30, 2003, No. 535-II - Vedomosti of the Oliy Majlis, 2003, No. 9-10, Article 149)

The procedure for state registration of rights to land is established by law.

Comment by LexUz

See paragraphs 13-15 of the Regulation on the procedure for maintaining the state land cadastre, approved by resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 31, 1998 No. 543 and sections

I, I I, I II, V II, V III, X of the Regulation on the procedure for state registration of rights to real estate and transactions with them, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated January 7, 2014 No. 1.

Article 37. Withdrawal, redemption of land for state and public needs

The withdrawal of the land plot or part thereof for state and public needs is carried out with the consent of the landowner or by agreement with the land user and the tenant by decision of the hokim of the district, city, region, or by decision of the Cabinet of Ministers of the Republic of Uzbekistan.

Comment by LexUz

See paragraphs 2, 3 of the Decree of the President of the Republic of Uzbekistan dated August 1, 2018 No. UP-5495 "On measures to fundamentally improve the investment climate in the Republic of Uzbekistan".

If the landowner, land user and tenant disagree with the decision of the hokim of the district, city, region, or the decision of the Cabinet of Ministers of the Republic of Uzbekistan on the seizure of the land, this decision may be appealed to the court.

Enterprises, institutions and organizations interested in the seizure of land for the construction of enterprises, buildings and structures must, prior to the start of the design, agree with the landowners, land users and tenants, as well as with the hokim of the district, city, region or the Cabinet of Ministers of the Republic of Uzbekistan, the location of the object, the approximate size of the site and the conditions for its allocation, taking into account the integrated development of the territory. Financing of design work before the specified preliminary approval is not allowed.

Land acquisition for state and public needs and preliminary approval of the location of the facility, as well as registration of land allotment are made in the manner prescribed by law.

The redemption of a land plot owned by legal entities and individuals, including foreign ones, together with the object of trade and the service sector or residential premises and another building or part of the building for state and public needs is made according to the decision of the district, city, or regional governor, respectively, or the decision of the Cabinet of Ministers of the Republic of Uzbekistan with the guarantees provided for in Article 41 of this Code.

Comment by LexUz

See paragraph 17 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 3, 2006 No. 3 "On some issues arising in judicial practice in connection with the application of the Land Code", paragraphs one, eight of paragraph 2, paragraphs 8 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan from September 14, 2001 No. 22 "On Judicial Practice in Housing Disputes".

## **CHAPTER 5. RIGHTS AND OBLIGATIONS OF THE LAND OWNER, LAND USER, TENANT AND OWNER OF THE LAND PLOT**

Article 39. Rights of the landowner, land user, tenant and owner of the land

The landowner, land user, tenant and owner of the land have the right:

1) independently manage the land in accordance with its intended purpose;

Comment by LexUz

See part one of Art. 20 of the Law of the Republic of Uzbekistan "On agricultural cooperative (shirkat)", part one of Art. 22 of the Law of the Republic of Uzbekistan "On Farming", paragraphs one, two of the first part of Art. 12 of the Law of the Republic of Uzbekistan "On dekhkan economy."

2) ownership of crops and planting of agricultural crops and plantations, agricultural produce and income from its sale;

Comment by LexUz

See part two of art. 19 of the Law of the Republic of Uzbekistan “On Farming”, Art. 15 of the Law of the Republic of Uzbekistan “On dekhkan economy”.

3) to use in the prescribed manner for the needs of the economy available on the land common minerals, forest land, water bodies, as well as exploit other useful properties of the land;

Comment by LexUz

See Art. 31 of the Law of the Republic of Uzbekistan “On Subsoil”, Art. 18, 1 8 1, 2 6, 2 7 of the Law of the Republic of Uzbekistan “On Water and Water Use”, Art. 31 - 32 of the Law of the Republic of Uzbekistan “On Forest”.

4) carry out irrigation and drainage of land, agricultural and other land reclamation works;

5) to receive water for irrigation of crops, plantations and other purposes from irrigation sources in accordance with the limits;

Comment by LexUz

See Art. 18, 1 8 1, 2 6, 2 7, 30 of the Law of the Republic of Uzbekistan “On Water and Water Use”.

6) in the prescribed manner to erect residential, industrial, cultural and other and other buildings and structures, to carry out their restructuring and demolition in accordance with the intended purpose of land plots and design documentation. Land users and tenants have the right to carry out these actions in agreement with the landowners;

Comment by LexUz

See Art. 26 of this Code, Art. 53 - 55 of the Urban Planning Code of the Republic of Uzbekistan, the Regulation on individual housing construction, approved by resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 30, 2006 No. 272.

7) to compensate for losses incurred (including lost profits), in case of withdrawal of the land, or compensation for costs in case of voluntary abandonment of the land;

Comment by LexUz

See Art. 86 of this Code, Art. 14 of the Civil Code of the Republic of Uzbekistan, the Regulation on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated May 25, 2011 No. 146, Resolution of the Cabinet of Ministers of the Republic of Uzbekistan on November 16 2019 No. 911 “On additional measures to improve the procedure for providing compensation for the seizure and provision of land and ensuring the guarantee of property rights of individuals and legal entities”.

8) to transfer for temporary use and on-farm lease the land plot or part thereof in the manner prescribed by law.

Comment by LexUz

See parts of the seventh, eighth art. 20, parts three, four of Art. 24 of this Code.

To obtain loans, a citizen landowner may pledge the right of inherited lifetime possession of a land plot, including acquired on an auction basis, for conducting dekhkan farming and individual housing construction.

Comment by LexUz

See Art. 1 - 26, 3 0, 3 2, 4 3 of the Law of the Republic of Uzbekistan “On Pledge”, clause 18 of the joint decision of the Plenum of the Supreme Court of the Republic of Uzbekistan and the Supreme Economic Court of the Republic of Uzbekistan dated December 22, 2006 No. 13/150 “On some issues of application of civil law ensuring the fulfillment of obligations arising from loan agreements.”

In accordance with the legislation, the landowner, land user, tenant and landowner may have other rights.

Comment by LexUz

See Art. 6, 9 of the Law of the Republic of Uzbekistan “On Mortgage”, paragraph 17 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated September 24, 1999 No. 16 “On some issues arising in judicial practice in connection with the application of the Civil Code”

Article 40. Obligations of the landowner, land user, tenant and landowner

The landowner, land user, tenant and landowner must:

1) to rationally use the land in accordance with the intended purpose, increase soil fertility, apply environmental production technologies, and prevent environmental degradation in the territory as a result of its economic activity;

- 2) to maintain in good condition the existing irrigation and drainage networks, utilities;
- 3) carry out a set of measures for the protection of land provided for in A
- 4) timely pay land tax or rent for land;

Comment by LexUz Article 79 of this Code;

See Art. 28 of this Code, part two of Article 544 of the Civil Code of the Republic of Uzbekistan, Section XVI (Land Tax) of the Tax Code of the Republic of Uzbekistan, Art. 12 of the Law of the Republic of Uzbekistan "On Lease".

- 5) not violate the rights of other landowners, land users, tenants and landowners;
- 6) bring agricultural and forest land provided for the development of mineral deposits, construction and other works, bypassing the need for them, at their own expense in a condition suitable for use in agriculture, forestry or fisheries, and when performing these works on other lands - in a condition suitable for their intended use;

Comment by LexUz

See part four of Art. 25, paragraphs one, seven, eight of the fourth art. 79 of this Code, paragraphs one, sixteenth of the first part of Art. 33 of the Law of the Republic of Uzbekistan "On Subsoil".

- 7) take measures to prevent or limit as much as possible the negative impacts on agricultural, forest and other lands beyond those provided (realized) in their possession and use and in the ownership of land during the development of mineral deposits, as well as during other works;

Comment by LexUz

See part three of art. 79 of this Code.

- 8) timely submit to the local organs of state power established by the legislation of information on the use of land;

Comment by LexUz

See paragraph 26 of the Regulation on the procedure for maintaining the state land cadastre, approved by resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated December 31, 1998 No. 543.

- 9) to compensate in the prescribed manner the damage caused to other landowners, land users, tenants and owners of land.

Comment by LexUz

See Art. 14, 9 85 of the Civil Code of the Republic of Uzbekistan. See previous edition.

- 10) to compensate the damage caused by the violation of land legislation, in the manner prescribed by law, in the event of the forced termination of rights to the land;

- 11) take measures to prevent unauthorized seizure of land and (or) unauthorized development, as well as the suspension of illegal construction on an unauthorized seized land.

(Article 40 is supplemented by paragraphs 10 and 11 by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569)

In accordance with the law, landowners, land users, tenants and landowners may have other responsibilities.

Comment by LexUz

See paragraph 15 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 3, 2006 No. 3 "On some issues arising in judicial practice in connection with the application of the Land Code".

Article 41. Guarantees of rights to land plots

Intervention in the activities of landowners, land users, tenants and landowners by state, economic and other bodies and organizations, as well as their officials, is prohibited, except as otherwise provided by law.

Comment by LexUz

See Art. 84 and 8 5 of this Code, paragraph four of Art. 5, Art. 18 of the Law of the Republic of Uzbekistan "On state control of the activities of business entities."

Violated rights of landowners, land users, tenants and landowners are subject to restoration in the manner prescribed by law.

Comment by LexUz See Art. 91 of this Code.

Losses caused by the violation of the rights of landowners, land users, tenants and owners of land (including lost profits) shall be compensated in full.

Comment by LexUz

See Art. 86 of this Code, Art. 14, 9 85 of the Civil Code of the Republic of Uzbekistan, Regulation on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production, approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated May 25, 2011 No. 146, Resolution of the Cabinet of Ministers of the Republic of Uzbekistan November 16, 2019 No. 911 “On additional measures to improve the procedure for providing compensation for the seizure and provision of land and ensuring the guarantee of property rights of individuals and legal entities”.

Withdrawal for state or public needs of land plots provided to individuals can be made after allocation, at their request, of the hokim of a district, city, region of an equivalent land plot, construction at a new location by enterprises, institutions and organizations for which the land plot is allocated, residential, industrial and other buildings in return for the seized and full compensation of all other losses (including lost profits) in accordance with Article 86 of this Code.

Comment by LexUz

See paragraph 5 of the resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated May 2, 1997 No. 3 “On judicial practice in cases involving the possession, use and disposal of privatized residential premises”.

Land for agricultural or forestry enterprises, agricultural research institutions, experimental and educational farms may be withdrawn for state or public needs, provided that, at their request, construction of residential, industrial and other buildings is completed instead of seized and full compensation for all other losses (including lost profits) in accordance with Article 86 of this Code.

The redemption of the object of trade and the service sector, as well as residential premises and other buildings or part of the buildings, together with the land on which they are located, owned by legal entities and individuals, for state and public needs, as well as their confiscation is carried out in the manner prescribed by law.

Comment by LexUz

See paragraph 17 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 3, 2006 No. 3 “On some issues arising in judicial practice in connection with the application of the Land Code”.

Article 42. Restriction of the rights of landowners, land users, tenants and landowners

The rights of landowners, land users, tenants and owners of land plots may be limited in the interests of the state, environmental protection, construction and operation of utilities, other landowners, land users, tenants and owners of land plots, as well as the safety of citizens only in cases provided by law.

Comment by LexUz

See Art. 29, 3 0, parts one, two of Art. 72, part one of Article 73, part one of Article 74, part one of Art. 75 of this Code, Art. 48 of the Law of the Republic of Uzbekistan “On Nature Protection”, part two, third art. 7, parts four, six, seven. 25, part one of Art. 28, part one of Art. 32, part five of Article 33, Art. 37, part two of Art. 39, Art. 41, part one of Art. 43, part four of Art. 44, part one of Article 46 of the Law of the Republic of Uzbekistan “On Protected Natural Areas”, clause 4 of the Regulation on Protected Areas and the Protection of Geodetic Points in the Republic of Uzbekistan, approved by Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated February 16, 1998 No. 69.

Article 58. The procedure and conditions for the provision of agricultural land to agricultural and other enterprises, institutions and organizations

See previous edition.

Agricultural land is provided to agricultural and other enterprises, institutions and organizations with the consent of the landowners and in agreement with the land users from whom the land is being taken, by decision of the district or regional hokim on the basis of land allotment projects.

Rights to land plots of newly formed, reorganized or liquidated agricultural and other enterprises, institutions and organizations arise or terminate, respectively, from the moment of formation, reorganization or liquidation in the manner prescribed by law on the basis of the decision of the hokim of the district or region.

Comment by LexUz

See Art. 42, 49, 53, 55 of the Civil Code of the Republic of Uzbekistan

The provision of agricultural land to agricultural enterprises, institutions and organizations is carried out within the boundaries convenient for economic activities. Tiling, wedging and other shortcomings in the use of land by agricultural enterprises, institutions and organizations, as a rule, are not allowed.

The elimination of strip patterns, wedges and other shortcomings in the land use of agricultural enterprises, institutions and organizations is carried out in the order of inter-farm land management.

(Article 58 as amended by the Law of the Republic of Uzbekistan dated August 30, 2003, No. 535-II - Sheets of the Oliy Majlis, 2003, No. 9-10, Article 149)

### **CHAPTER 13. COMPENSATION FOR DAMAGES TO LAND OWNERS, LAND USERS, TENANTS, OWNERS OF LAND PLOTS AND LOSS OF AGRICULTURE AND FORESTRY**

Article 86. Compensation of losses to landowners, land users, tenants and owners of land

Losses caused to landowners, land users, tenants and owners of land plots shall be compensated in full (including lost profits) in the following cases:

seizure, redemption or temporary occupation of land;

See previous edition.

Restrictions on their rights in connection with the establishment of water protection zones, coastal strips, zones of sanitary protection of water bodies, zones of formation of surface and underground waters, zones of resort natural areas, zones of state biosphere reserves, protection zones around state reserves, nature reserves, state nature monuments, objects of material cultural heritage, dumps, roads, pipelines, communication lines and power lines;

(paragraph three of the first part of Article 86 as amended by the Law of the Republic of Uzbekistan dated January 4, 2011 No. 3PY-278 - C3 PY, 2011, No. 1-2, Article 1)

deterioration of land quality as a result of the impact caused by the construction and operation of reservoirs, canals, collectors and other objects that emit substances harmful to crops and plantations, and other actions of legal entities and individuals, leading to a decrease in yield and deterioration in the quality of agricultural products.

Compensation for losses is carried out by enterprises, institutions and organizations that are allocated land plots, as well as enterprises, institutions and organizations whose activities entail restrictions on the rights of landowners, land users, tenants and owners of land plots or a deterioration in the quality of nearby lands, in the manner established by law.

Comment by LexUz

See Art. 14, 9 85 of the Civil Code of the Republic of Uzbekistan, sections I, II of the Regulation on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production, approved by the Cabinet of Ministers of the Republic of Uzbekistan dated May 25, 2011 No. 146, Resolution The Cabinet of Ministers of the Republic of Uzbekistan on November 16, 2019 No. 911 "On additional measures to improve the procedure for providing compensation for the seizure and provision of land and ensuring the guarantee of property rights of individuals and legal entities", paragraph ten of paragraph 6, paragraph 19 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 3, 2006 No. 3 "On some issues arising in judicial practice in connection with the application of the Land Code".

Article 87. Compensation for losses of agricultural and forestry production

Losses of agricultural and forestry production caused by the seizure of agricultural and forest land, including agricultural land owned and used by individuals, for use for purposes not related to agriculture and forestry, restriction of the rights of landowners, land users and tenants or deterioration in quality lands as a result of influence caused by the activities of enterprises, institutions and organizations are subject to compensation in addition to compensation for losses provided for in Article 86 of this Code forestry;

Losses of agricultural and forestry production are compensated by legal entities and individuals:

to which are withdrawn agricultural and forest lands for needs not related to agriculture and around the objects of which protective, sanitary and protective zones are established with the exception of agricultural and forest lands from circulation or their transfer to less valuable lands.

See previous edition.

Losses of agricultural and forestry production are not reimbursed:

upon withdrawal of land for the construction of individual and multi-apartment residential buildings and their maintenance; upon withdrawal of land for the organization of burial places, for the construction of state educational and medical institutions, boarding schools, orphanages; in the allocation of land for water management for the construction of reclamation facilities and hydraulic structures; in the provision of land for the formation of protected natural areas; when withdrawing land for defense purposes; upon withdrawal of land for the needs of arranging the state border of the Republic of Uzbekistan.

(Part three of Article 87 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569) See previous edition.

Legislative acts and decisions of the Cabinet of Ministers of the Republic of Uzbekistan may establish other cases in which legal entities and individuals are exempted from compensation for losses of agricultural and forestry production.

(Part four of Article 87 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569)

The size and procedure for determining the compensable losses of agricultural and forestry production are established by law.

Comment by LexUz

See sections I, II of the Regulation on the procedure for compensation for losses of owners, users, tenants and owners of land, as well as losses of agricultural and forestry production, approved by the Cabinet of Ministers of the Republic of Uzbekistan dated May 25, 2011 No. 146, paragraph 19 of the Resolution of the Plenum of the Supreme Court of the Republic of Uzbekistan dated February 3, 2006 No. 3 "On some issues arising in judicial practice in connection with the application of the Land Code".

Article 88. Use of funds received in order to recover losses of agricultural and forestry production

See previous edition.

Funds received in order to recover agricultural losses are used for their intended purpose in: the development of new lands and the comprehensive reconstruction of irrigated lands;

development and implementation of state programs to improve soil fertility, rational use and protection of agricultural land; construction and reconstruction of the collector-drainage network, capital planning and increasing the water supply of irrigated lands;

radical improvement of hayfields and pastures;

compilation or adjustment of design and other documentation on land management, land cadastre, land monitoring and soil surveys;

creation of automated land information systems.

By decision of the khokim of the region, the funds indicated in the first part of this article may be used to implement other measures aimed at increasing agricultural production, the rational use and protection of agricultural land.

Funds received in order to compensate for losses of forestry production are accounted for separately and are used to create and restore forests and fruit plantations, afforestation of sands, coastal stripes of water bodies and rivers, as well as to other measures aimed at improving the condition of forest lands.

(those articles of Article 88 as amended by the Law of the Republic of Uzbekistan dated July 24, 2018 No. 3PY-487 - National Database of Legislation, July 25, 2018, No. 03/18/487/1569)

## LAW OF THE REPUBLIC OF UZBEKISTAN



## **ON INTRODUCING AMENDMENTS AND ADDITIONS TO THE LAW OF THE REPUBLIC OF UZBEKISTAN “ON FARMING”\_Extract**

To introduce into the Law of the Republic of Uzbekistan dated April 30, 1998 “On Farming” (Bulletin of the Oliy Majlis of the Republic of Uzbekistan, 1998, No. 5-6, Art. 86; 2001, 1-2, Art. 23, No. 5, Article 89; 2004, No. 1-2, Article 18) amendments and additions, approving its new edition (attached).

President of the Republic of Uzbekistan I. KARIMOV

Tashkent city,

August 26, 2004,

No. 662-II

### **LAW OF THE REPUBLIC OF UZBEKISTAN**

On farming (new edition)

#### **III. PROVISION OF LAND PLOTS FOR FARMING. LAND USE AND WATER CONSUMPTION**

Article 10. Land plots provided for farming

The following plots of land are provided for farming:

from reserve lands;

from agricultural land not provided to legal entities and individuals;

The lands of research institutions, higher educational institutions, academic lyceums, professional colleges and secondary schools, as well as the lands of the water fund cannot be allocated to farms.

Land plots located along the State border of the Republic of Uzbekistan, large and small rivers, reservoirs, are provided for farming in the manner prescribed by law. It is forbidden to provide land for livestock, poultry and other farms whose activities are related to the reproduction, grazing and keeping of animals (cattle, poultry, fur and other animals, fish, bees, animals of zoological parks, vivariums, etc.), in five hundred meter strip along the State border of the Republic of Uzbekistan.

Article 11. The procedure for the provision of land for farming

For farming, land is leased on the basis of an open tender for up to fifty years, but not less than thirty years. Upon receipt of the land for farming, the preferential right, *ceteris paribus*, shall be enjoyed by persons living in the area where the farm is being created.

Land plots from reserve or agricultural land not provided to legal entities and individuals are provided by decision of the district hokim, adopted on the basis of the decision of the district council of people's deputies according to the conclusion of the district commission for the consideration of the provision (sale) of land and the district council of farmers, dekhkan farms and owners of personal land following the results of the competition.

The land lease agreement is signed by the head of the farm and the district khokim.

The decision of the district khokim on the refusal to provide land for farming can be appealed in court or by a body subordinate to a higher authority.

The persons who received land plots for farming and have a house in a rural locality retain a private land plot.

The establishment of the boundaries of the land plot of a farm in kind (on the ground) and the preparation of documents for leasing a land plot to a farm in accordance with land management projects are carried out by the land management services at the expense of the State budget of the Republic of Uzbekistan, as well as other sources of financing not prohibited by law.

Article 13. Land use

The rights and obligations of a farm in the ownership and use of a land plot are determined by law.

Land provided to the farm is used strictly for its intended purpose. They cannot be privatized, nor can they be objects of sale, pledge, gift, exchange and sublease.

The right to lease a land plot may be granted by the farm as a pledge for obtaining loans.

A land plot provided to a farm may be divided upon the reorganization of the farm if the newly formed land plots are not less than the minimum sizes provided for in Article 5 of this Law.

The size of the land and its boundaries can be changed only with the consent of the head of the farm.

In the event of the death of the head of the farm, the right to lease the land inherits in accordance with the law for the duration of the lease.

Upon reaching retirement age or disability, as well as in the case of conscription for military service, full-time admission to higher educational institutions, election to elected posts, the head of the farm may transfer the right to lease a land plot to one of his family members that meets the requirements of part one Article 4 of this Law, in accordance with the legislation for the duration of the lease in accordance with the statement of the head of the farm, filed in the name of the district hokim.

After the expiration of the lease of land, the farm is entitled to extend the lease for a new term. In the event of the death of the head of the farm, the right to extend the lease for a new term has his heir.

The land lease agreement may be changed or terminated by agreement of the parties, and if the parties do not reach agreement, by the court.

In case of liquidation of the farm, the lease of the land plot is subject to termination in the manner prescribed by law.

#### IV. RIGHTS, RESPONSIBILITIES AND PROPERTY OF FARMING

##### Article 16. Farm Rights

The farm has the right:

organize production activities of the farm on the provided land in accordance with the specialization provided for by the charter and the lease;

carry out the placement of crops, taking into account specialization and on the basis of concluded contracting agreements;

conclude futures contracts with advance payment for purchased products;

dispose of manufactured products, including the right to sell them to consumers at their own discretion;

set prices for manufactured products, work performed and services rendered;

conclude contracts for the supply of electricity, fuels and lubricants, mineral fertilizers, chemical and biological plant protection products, the provision of water management, technical and other services.

to receive income (profit) from entrepreneurial activity in an unlimited amount, subject to taxation in the manner prescribed by law;

to manage the received income (profit), cash available on his accounts in a bank institution;

acquire stocks and other securities;

to obtain loans, attract on a contractual basis cash and other property of other legal and physical entities and direct them to production and reproduction;

to provide collateral for obtaining loans for your property, as well as the right to lease a land plot;

enjoy all types of benefits and preferences provided for small and private enterprises;

to acquire, rent the necessary equipment, means of production and other property, to carry out the construction and repair of buildings and structures;

introduce modern technologies, achievements of science and technology into production;

cooperate with scientific and educational institutions;

apply to the court to protect their rights and legitimate interests.

The farm may have other rights in accordance with the law.

##### Article 17. Duties of a farm

The farm is obliged:

ensure targeted, efficient and rational use of the land on the conditions determined by law and the lease;

comply with environmental requirements and other environmental protection rules;

take measures to improve the reclamation state of the land plot, preserve and increase its fertility, provide for the allocation of funds for these purposes in the business plan;

start using the land within a year from the moment of its provision, unless otherwise specified by the lease;

ensure the supply of agricultural products for state needs in accordance with the concluded contracting agreements within the prescribed volumes;

comply with the established requirements for varietal placement of cotton and grain crops;

use water resources in accordance with the agreement on water consumption, take measures for water conservation, targeted and rational use of water resources;

in the prescribed manner, take part in the cleaning and repair of irrigation and collector-drainage networks that are on the balance of the water consumer association of which the farm is a member, and also keep them in technically sound condition, comply with established operating rules;  
comply with the procedure and conditions for the protection and use of water protection zones, coastal strips, sanitary protection zones of water bodies;  
comply with the encumbrance of the land and easements;  
ensure compliance with labor law requirements, safe working conditions for their employees, including family members working in the farm, temporarily employed (seasonal) citizens;  
in case of termination of the lease, return the land to the lessor without reducing the size of the originally provided land area and causing another form of damage;  
timely pay taxes and other obligatory payments, as well as payments for the services rendered in the prescribed manner;  
comply with agricultural requirements in the production of agricultural products;  
protect agricultural plants from pests, diseases and weeds.  
The farm may carry other duties in accordance with the law.

#### Article 18. The authorized fund of the farm

The statutory fund of a farm is determined by the head of the farm.

Money, securities, buildings, structures, other property or property rights having a monetary value can be a contribution to the authorized fund of a farm. At the same time, the head of the farm enters the authorized fund of the farm the property, equipment and money declared at an open tender for the provision of a land plot for farming.

If during the formation of the charter fund of the farm, the head of the farm transfers to the farm the property that is the common (shared or joint) property of his family members, then it is required to obtain a notarized consent of all owners of this property.

The increase and decrease in the authorized fund of the farm is carried out by decision of the head of the farm by amending the charter of the farm.

#### Article 19. Ownership of a farm

The ownership of the farm is protected by the state.

Ownership of buildings, constructions, crops and planting of crops and plantations, livestock, poultry, manufactured products, agricultural machinery, implements, equipment, vehicles, cash, intellectual property, as well as other property on the balance of the farm, owned by the farm.

Sources of formation of farm property may be cash and material resources of the head of the farm, income (profit) obtained from the sale of goods (work, services), income from securities, other sources not prohibited by legislative acts.

The farm has the right to create, grow, acquire, sell, rent or receive for temporary use property in the manner prescribed by law.

Upon liquidation, a farm in the manner prescribed by law may freely dispose of property created during the period of activity at its own expense.

#### Article 20. Means and calculations of a farm

The farm has the right to open accounts in a bank institution for conducting cash transactions and storing funds and to freely dispose of these funds. Withdrawal of funds from the current account of the farm can be made only with the consent of the head of the farm or by court order.

#### Article 21. Inheritance of Farm Property

Farm property is inherited in accordance with the law. Heirs who continue to work on the farm are exempted from paying the state fee for issuing a certificate of inheritance.

## POSITION ON THE PROCEDURE FOR THE PROVISION OF LAND FOR LONG TERM RENT TO FARMERS

### 1. GENERAL PROVISIONS

1. These Regulations have been developed in accordance with the Land [Code of the Republic of Uzbekistan](#), the [Law of the Republic of Uzbekistan "On Farms"](#) and establish the procedure for the provision of land for long-term leases to farms.
2. Land plots are leased to farms on the basis of an open tender. Lease terms are set in accordance with the law.
3. Land plots for long-term lease to farms are provided from agricultural lands and reserve lands.
4. Land allocated to research institutions, higher educational institutions, academic lyceums, vocational colleges and secondary schools for educational, experimental, variety testing purposes, and land of the water fund to farmers shall not be provided.

A farm specializing in livestock production is created subject to the maintenance of at least 30 conditional livestock, as provided for in the business plan of the farm. The following conversion factors are used for livestock: cattle (cows, production bulls, fattening bulls) and horses - 1.0, young cattle - 0.6, sheep and goats - 0.1, pigs - 0.3 and poultry - 0.025. The minimum size of land provided to the farm based on each conditional livestock head is: on irrigated lands of Andijan, Namangan, Samarkand, Tashkent, Ferghana and Khorezm regions - not less than 0.30 ha; on irrigated lands of the Republic of Karakalpakstan, Bukhara, Kashkadarya, Jizzakh, Navoi, Surkhandarya and Syrdarya regions - not less than 0.45 ha; on non-irrigated (rainfed) lands - not less than 2 ha.

5. To farms specializing in the production of crop products, the minimum size of land provided for rent is: for cotton growing and grain growing - not less than 30 hectares; for gardening, viticulture, vegetable growing and cultivation of other crops - not less than 5 hectares.

6. The land plot is provided to the farm as much as possible in a single array, while maintaining the integrity of the contours, the boundaries of the plot are established by irrigators, collectors, roads and other topographic elements. The land provided to farmers should not create inconvenience for the use of land by other land users. Upon receipt of the land for farming, the preferential right, subject to other conditions being equal, is enjoyed by persons living in the area where the farm is being created, as well as young citizens who have the joint recommendation of the district council of farmers, dekhkan farms and owners of personal land and the district (city) Council of the Youth Union of Uzbekistan.

7-1. The pre-emptive right to use land released from cotton crops on long-term lease terms is granted to business entities (a group of interconnected enterprises): having logistics centers (storage capacities, primary or deep processing of fruits and vegetables, agricultural machinery), as well as experience in selling fruits and vegetables in the domestic and foreign markets; with experience in the creation and operation of modern greenhouses and intensive gardens; having its own and attracted financial resources to organize the production of agricultural products with added value along the entire chain in a cluster form; to assume

obligations to ensure the cultivation, processing and marketing of horticultural products, including for export, introduction of the most advanced resource for - and water-saving technologies, creation of new jobs.

7. Land leased to farmers must be used strictly for its intended purpose, cannot be privatized and be the object of sale, pledge, gift, exchange, and also cannot be subleased.

In case of improper use of agricultural land leased to a farm, crops that are not provided for in the crop agreement, this is considered as a gross violation of the lease agreement with all the ensuing consequences provided for in the current legislation and this Regulation.

8. A land plot provided to a farm may be divided during the reorganization of the farm if, during its division, the newly formed land plots are not less than the minimum sizes provided for by the [Law of the](#) Republic of Uzbekistan "On Farming" and this Regulation.

9. Materials for the provision of land for rent to farms are prepared by the departments of land resources and the state cadastre of districts at the expense of the state budget.

10. The provision of land, as a rule, is carried out at such times as to ensure that all documents on the establishment of a farm and the provision of land for rent are completed by the time harvesting is completed.

## 2. PROCEDURE FOR PROVIDING LAND PLOTS

11. The khokim of the district makes a decision on the allocation of land from agricultural lands not provided to legal entities and individuals, and (or) reserve lands, as well as on a tender for the provision of these lands to farms.

12. The decision of the khokim to conduct the competition should be published in local mass media, posted on the buildings of citizens' self-government bodies, the board (administration) of agricultural enterprises and organizations. The announcement should indicate: size, location, quality and other characteristics of the land plot, the intended specialization of the farm being created, the time and place of the competition. The competition should be held after one month from the date of the decision to hold the competition.

13. An application for the provision of land with an attachment of a business plan or program of activities of the created economy is submitted to the khokim of the district within one month from the date of the announcement of the competition. The application shall indicate the applicant's last name, first name and patronymic, his place of residence, location of the requested land plot, its area, intended specialization, when organizing a livestock farming farm - the number of livestock by types planned for maintenance, and the lease term for the land plot. The property, equipment and money declared at the tender are obligatory entered into the authorized fund of the farm during its formation. Statements of citizens are subject to registration in a special journal.

14. The khokim of the district submits statements to the district council of farmers, dekhkan farms and owners of personal land.

The district council of farmers, dekhkan farms and homeowners within two days considers applications and makes a conclusion based on the results of their consideration.

The conclusion of the district council of farmers and dekhkan farms and the owners of personal land, together with the applications, are sent to the district commission to consider the issues of granting (selling) land, which conducts a competition for the provision of land to farmers.

The composition of the district commission for the consideration of the provision (implementation) of land includes representatives of bodies on land resources and the state cadastre, agriculture, water management, nature protection, architecture and construction, the sanitary-epidemiological service, citizens' self-government bodies, as well as the chairman district council of farmers, dekhkan farms and owners of personal land and other persons.

The decision of the district commission for the consideration of the provision (implementation) of land plots is drawn up in a protocol and, together with all documents, including the opinion of the district council of farmers, dekhkan farms and owners of household lands, is sent for consideration to the district Kengash of people's deputies.

The district Kengash of people's deputies at the next session considers the documents submitted by the district commission for the consideration of the provision (implementation) of land plots and makes the appropriate decision, which is transmitted to the district hokim .

The khokim of the district, on the basis of a positive decision of the district Kengash of people's deputies, within three days makes a decision on the provision of a land plot for farming and within three days sends this decision to the regional commission for consideration of issues of provision (sale) of land, headed by the khokim of the region. At the same time, the decision of the district khokim is supplemented by the conclusion of the district council of farmers, dekhkan farms and the owners of personal land, the decision of the district commission to consider the provision (sale) of land, as well as the decision of the district Kengash of people's deputies.

15. The Regional Committee, headed khokim area, within 10 days consider the submitted documents and take a decision on the approval (or refusal to approve) solutions khokim district to provide land for farming. The decision to refuse is made in cases of violation of the conditions of the tender and other gross violations of the procedure for the provision of land for rent.

16. Land plots of reorganized agricultural cooperatives (shirkats) and other agricultural enterprises and organizations are provided by the decision of the district hokim based on the results of a competition held by a specially created commission.

The decision of the district hokim on the provision of land for farming is approved in accordance with [paragraph 16 of these](#) Regulations.

### 3. PROCEDURE FOR REGISTRATION OF THE RIGHT TO LAND FARMING SITE

17. After the decision of the district hokim to provide the land for lease to the farm by the land resources department and the state cadastre of the region, a land lease agreement is prepared within five days in accordance with the standard form.

18. The land lease agreement shall reflect the land area by type of land and the quality of irrigated land, establish the terms of land lease, the rights and obligations of the parties, stipulate the conditions for termination of the agreement and ways to resolve disputes regarding the use of the land. In the section "Special conditions of the contract" the existing encumbrances of the land plot, easements, irrigation conditions, issues of accounting for irrigation water and other conditions at the discretion of the parties are recorded.

19. The land lease agreement is signed by the khokim of the district and the head of the farm

after the adoption of the relevant decision by the regional commission to consider the issues of provision (sale) of land.

20. The quality condition of irrigated land is filled in according to the available soil maps, soil appraisal and other materials.

21. The contract, as its integral part, is attached to the plan of the land plot of the farm. In accordance with the accepted designations, the whole situation (irrigation, collector-drainage and road networks, land, contour numbers, farm boundaries) is shown on the plan of the land plot. The plan of the land plot is signed by the head of the department for land resources and the state cadastre of the region, the head of the farm and the representative of related land tenure, land use. The contract also indicates the weighted average soil bonitet score.

22. The contract for the long-term lease of a land plot is registered with the department for land resources and the state cadastre of the region and is a document certifying the right to lease a land plot by a farm.

23. After concluding the contract, within five days, the representative of the department of land resources and the state cadastre of the district, with the participation of representatives of adjacent land tenure and land users, displays the boundaries of the land plot leased to the head of the farm on the ground. If the border runs along the dry land, then it is plowed, and the rotation angles are fixed by boundary signs. The display of farm land is documented in an act that describes the contours of the land included in the farm land, describes the boundaries of the land being leased (elements of the terrain along which the border runs, sides of these elements along which it passes, and others).

24. The act is signed by the representative of the department of land resources and the state cadastre of the region, representatives of related land tenure and land use, and the head of the farm. The certificate is executed in two copies, one of which is stored in the department of land resources and the state cadastre of the district, the other - at the head of the farm.

25. After completion of registration of the provision of land for lease, a land survey is completed containing the following documents:

- application of a citizen on the establishment of a farm;
- the decision of the landowner or land user on the allocation of land;
- the conclusion of the district commission for the consideration of the provision (implementation) of land plots on the advisability of leasing a land plot or a protocol on the results of the tender held by the commission;
- decisions of the hokim of the district and the regional commission to consider the issues of provision (sale) of land plots on the provision of land for lease to farmers; land lease agreement;
- a farm business plan or program; an act of showing the boundaries of a farm land plot.

26. Land management work on registration of land for leasing to a farm is made in two copies, one of which is stored in the department of land resources and the state cadastre of the district, and the other at the head of the farm.

#### 4. FINAL PROVISIONS

27. Land plots allocated to farms are removed from the balance of agricultural cooperatives (shirkats), other agricultural enterprises with the introduction of appropriate amendments to the land cadastral and title documents of landowners and land users in the manner prescribed by law.

28. Decisions of the district hokim to refuse to provide the land plot, as well as the decision of the regional commission to consider the provision (implementation) of land plots to refuse to approve the decision of the district khokim, may be appealed to the court or to a higher authority, subordinate body, official.

29. Disputes arising from the provision of land to farmers are resolved in accordance with the law

Source: "Collection of legislation of the Republic of Uzbekistan", 2003, N 20, Art. 200  
"Collection of resolutions of the Government of the Republic of Uzbekistan", 2003, N 10, Art. 105