

Uzbekistan

Proposed Bukhara and Samarkand Sewerage Project (II phase)

Resettlement Policy Framework

Tashkent, April, 2015

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GLOSSARY AND ABBREVIATION

RPF	Resettlement Policy Framework
SP	Sewer pipelines
SED	Sanitary and Ecological department
PIU/PCU	Project implementation unit/Project Coordination Unit
EA	Executive Agency
WB	World Bank
GRM	Grievance Redress Measures
RAP	Resettlement Action Plan
PAP	Project Affected Person
OP 4.12	The World Bank Operational Policy number 4.12 on Involuntary Resettlement

This Resettlement Policy Framework (RPF) guides the management of economic and social impacts related to the loss of land or assets - or loss of access to land or assets - in the Second Phase (Additional Financing) of the Bukhara and Samarkand Sewerage Project. An RPF for the original project was disclosed in June 2009. This RPF has been revised to account for the investments planned under Additional Financing as well as for any legislative or institutional changes that have occurred since then. This RPF was prepared by the Project Coordination Unit (PCU) of the Bukhara and Samarkand Sewerage project with input from the respective Project Implementation Units (PIU) in Bukhara and Samarkand.

I. Project Objectives and Components

1. The objective of the Bukhara and Samarkand Sewerage Project for Uzbekistan is to improve the efficiency and sustainability of wastewater operations in two cities, Bukhara and Samarkand. The project development objective is to mitigate adverse environmental impacts from wastewater and improve the efficiency and sustainability of wastewater management in Bukhara and Samarkand. This will be achieved through (i) identifying whether faltering service delivery is due to initial poor design and workmanship, or to deferred maintenance and poor operations, (ii) rehabilitating those sections of the existing sewerage system where the deterioration has gone too far to be compensated through crash maintenance programs; (iii) expanding the public sewerage system to selected central historical areas, currently unconnected to public sewerage; and (iv) installing more energy-efficient wastewater pumps and aeration systems at the wastewater treatment plants. Thus, the project will improve service delivery at the least possible cost, reduce energy costs, and redirect manpower and funding away from repairing breakdowns towards preventive maintenance. Ultimately, greater environmental and health benefits should result, both for the resident population and for visiting tourists. The planned investments will take place on public land. Nevertheless, possible economic and social impacts under the project include: loss of garden plots used for planting fruit trees, vegetables, or other crops; loss of (non-residential) building; loss of income from businesses; loss of agricultural income; loss of income from annual crops. This RPF has been prepared to guide the preparation of site-specific Resettlement Action Plans to manage any such impacts.

2. In Bukhara, the proposed project will constitute the first segment of a phased approach to improve coverage and efficiency of the sewerage system. The investment component will include:

- Rehabilitation / replacement of existing sewers (59.27 km)
- Rehabilitation of existing wastewater pumping stations (4 stations)
- Expansion of existing sewer system (8.6 km)
- Rehabilitation of wastewater treatment plants (including influent and effluent samplers, flow measurement, new fine screens, new grit chambers, new aeration system, new return sludge pumps, and rehabilitation of laboratory)

In Samarkand, the proposed project will constitute the first segment of a phased approach to improve coverage and efficiency of the sewerage system. The investment component will include:

- Rehabilitation / replacement of existing sewers (54.3 km)
- Construction of new wastewater pumping stations (2 stations)
- Expansion of existing sewer system (6.6 km)
- Rehabilitation of wastewater treatment plants (including influent and effluent samplers, flow measurement, new fine screens, new grit chambers, new aeration system, new return sludge pumps, and rehabilitation of laboratory)

II. Reasons for a Resettlement Policy Framework (RPF)

3. In the process of project preparation, the World Bank screening confirmed that the proposed project, in particular, the rehabilitation of the existing sewerage pipelines, pumping stations, and the waste-water treatment

plants is not expected to involve land acquisition because all of the land needed for these investments is state-owned, located on existing rights of way designated for municipal infrastructure, and not occupied by residents (legal or illegal) or enterprises. Nonetheless, land will be needed for constructing a new sewerage pumping station in Bukhara and new sewerage pipelines in both Bukhara and Samarkand, but the exact locations for their construction in both cities will not be known until after the project is under implementation because the final designs are not yet in place.

4. Although the exact locations of the new pipelines have not been established, a reconnaissance of the potential sites where new construction is likely to occur suggests that there may be a need to displace small enterprises (for example, kiosks along the pipeline right of way) or possibly require residents to cease using small plots of land to grow crops or trees. Thus, in accordance with the Bank safeguard policy OP 4.12 on Involuntary Resettlement, the Government of Uzbekistan prepared and publically discussed and disclosed a Resettlement Policy Framework (RPF) as a condition of project Appraisal. Public consultations with stakeholders were held on April 14, 2015, in Bukhara and Samarkand. Minutes of the meetings are provided in Annex I. These are also available online (see section International relation>Bukhara and Samarkand sewerage project; of the website: www.buxoro.uz)

5. The purpose of the RPF is to clarify the policies and principles and organizational arrangements for the delivery of compensation and other entitlements in the event that social and economic impacts related to temporary or permanent land acquisition and/or displacement occurs; the process by which these will be determined and delivered; and arrangements for possible grievance redress mechanisms, as well as independent monitoring of the implementation of a specific resettlement action plan (RAP) that may become necessary as a result of the Project. For any project component requiring land acquisition to be financed by the Bank, specific RAPs consistent with the principles in this RPF will be submitted to the Bank for approval when detailed investment planning information and the scope of the civil works becomes available, and the extent of the land acquisition needed for the investment is known. In the event a RAP is necessary, any compensations will be paid prior to commencement of public works.

III. Legal Framework for Land Expropriation

6. According to the Land Code of the Republic of Uzbekistan, all land in Uzbekistan is state property and permits for use of land are granted and monitored by the State through the rayon and oblast administrations. National legislation envisages the following types of land transfers: for use, lease, or ownership by legal entities (only with objects of trade and services infrastructure), and for lifelong inheritable ownership (with housing), use, or lease by individuals. While all land transactions are subject to State regulation; some transactions occur with special permission of the State

7. The laws and procedures for expropriating agricultural and urban land are treated differently under Uzbek Law. While agricultural land issues are covered and treated under the Land Code, urban land issues are covered under the Civil Code, the Housing Code, and the Urban Construction Code.

8. The Land Code identifies several categories of land users, who are eligible for compensation for losses and damages in connection with land acquisition:

- Land tenants– citizens who were allocated land plots for individual housing construction and/or dehkan farming on the basis of life-long tenure
- Lessees (leaseholders) – farmers, who were allocated land plots for agricultural production purposes, on the basis of a long-term lease
- Land owners– users of land plots occupied by trade and services infrastructure, which are used as private property. Land, occupied by trade and services infrastructure, however, may not be sold separately from the latter
- Land users– all other enterprises, organizations and institutions, which are entitled to use non-agricultural lands. This is the largest category, which includes enterprises and institutions of all types (private and public). Examples include hospitals, schools, private enterprises, and factories.

9. Legislation envisages compensation for damages to land users in full, including lost profits, in the following instances: (a) seizure, purchase or temporary occupation of land; (b) limitation of the rights of users; (c) deterioration of land quality due to the effects of construction works, servicing, and other activities that lead to reductions in the quantity or quality of agricultural products. According to the legislation, compensation for loss of agricultural production is not provided if: (i) land is acquired for the construction and servicing of individual housing; (ii) land is acquired for the construction of schools, boarding-schools, orphanages, preschool and healthcare establishments; and (iii) land was allocated for water management purposes and for the construction of irrigation and water related facilities.

Agricultural Land

10. According to the legislation of the Republic of Uzbekistan, the following State organizations are responsible for implementing resettlement activities: Regional and district hokimiyats; Regional land acquisition commission; District department of Geocadastre; District evaluation commission; District HGME; District department of nature protection; District SED; and the District departments of fire supervision. The procedures, functions, and powers of organizations responsible for implementation and observation of procedures for land acquisition for purposes other than agriculture and forestry, are established by the Resolution of the Cabinet of Ministers No. 248 of 27 May 1992. According to the Resolution, the following are the procedures for acquiring agricultural lands:

- The PIU submits an application to the Oblast Hokimiyat for the selection of lands subject to acquisition for construction of facilities within the project framework.
- The Oblast Hokimiyat considers the submission within five days, and requests the *permanent regional land acquisition commission* to: (a) define the location of constructions and facilities, and (b) select a land plot for design of their construction. During detailed design there will be established a commission consisting of representatives of all interested shareholders
- The department of the Goskomzemgeodezkdaster (Geocadastre) within the city hokimiyat selects alternative land plots to be allocated for construction of the facilities. It also (a) assesses the losses of land incurred by land users (b) defines options to restore land for farming, including removal and temporary storage of topsoil; (c) elaborates proposals for compensation with an equivalent land area of the same or better quality in other areas in consultation with citizens; and (d) in the case of permanent occupation of irrigated lands, estimates the requirements and cost for the reclamation of replacement lands.
- Simultaneously, a detailed estimate of the potential losses of agricultural production and other potential damages to land owners and land-users is obtained. The procedures for assessing the compensation for losses of agricultural production are specified in the RCM No. 223 of 16 June, 1995. Accordingly, any losses of agricultural production are assessed by an Evaluation Commission, whose members are determined by the head of the district hokim, along with the respective landowners and land-users. The findings of the evaluation commission is finalized in a certificate of the right to land use, which has to specify the acquired agricultural lands, the agreed conditions, and the total value of the losses of agricultural production and losses of land users. All of the above documents will be submitted to the regional land acquisition commission for approval.

According to information received from Project Coordination Unit of “Uzkommunkhizmat” agency, Phase II of “Bukhara and Samarkand Sewerage Project” will be implemented without demolition of any buildings, houses and other structures.

Urban Land and Structures

11. In compliance with the Housing Code of the Republic of Uzbekistan, the Cabinet of Ministers of the Republic of Uzbekistan issued Resolution Number 97 on May 29, 2006 setting out the procedures for the compensation individuals and legal entities in the event that the urban land they occupy or use is needed to be acquired for State and public needs. The following are the general provisions and specific procedures covered in the Resolution No. 97.

12. General Provisions. The following are the general principles and procedures that will be carried out for acquiring a land plot or portion thereof (hereafter referred to a land plot) and compensating individuals and legal entities for residential , manufacturing, or other special purpose buildings, facilities, and plantings subject to demolition in connection with land withdrawal for government or public needs.

- (a) Withdrawal (or acquisition) of a land plot for public needs shall be carried out with landowner's consent or upon agreement with the land-user/tenant, by a resolution of the Hokim of a particular jurisdiction (rayon, town, city, oblast), or by the resolution of the Cabinet of Ministers of the Republic of Uzbekistan.
- (b) If the landowner, land-user, or landholder disagrees with the resolution of the Hokim of the relevant jurisdiction or the Cabinet of Ministers on withdrawal of a land plot, then the resolution may be appealed in a court.
- (c) A resolution on the withdrawal of a land plot and demolition of residential, manufacturing, or other assets (that is, buildings, facilities, and plantings) shall be made in accordance with the general layouts, as well as the detailed plans for the development of residential areas and neighborhoods in cities and settlements.
- (d) Unjustified demolition of residential, manufacturing, or other buildings, facilities, or plantings shall be prevented.
- (e) Based on a resolution of the Cabinet of Ministers, the Hokims of the respective rayons/towns shall adopt their own resolutions on withdrawing a land plot and demolishing residential, manufacturing, and other buildings, facilities, and plantings.
- (f) The Hokimiyats of the respective rayons/towns shall notify the owners of relevant residential, manufacturing and other buildings, facilities, and plantings in writing and against a receipt about the resolution at least six months before the targeted demolition date. The notification shall be supported by copies of the respective resolutions on withdrawal of the land plot and demolition of residential, manufacturing, and other buildings, facilities, and plantings located on the land plot.
- (g) Landowners may appeal the Resolution of the respective Rayon/Town Hokim on demolition and approval of the value of residential, manufacturing, and other-purpose buildings, facilities, and plantings subject to demolition in the Khokimiyats of the Oblasts as well as in the court system.
- (h) The value of residential, manufacturing, or other-purpose buildings and facilities built without proper authorization shall not be reimbursed.
- (i) If the withdrawn lands are allocated to enterprises, institutions, or agencies, those entities will be responsible for the payment of compensation, provision of houses or apartments, and temporary housing, as well as the reimbursement of all relocation costs based on the decision of the respective Rayon/Town Hokim.

13. The following are the specific procedures and terms for compensating individuals and legal entities for houses, buildings, facilities, and plantings.

Procedure for Calculating Compensation to Individuals and Legal Entities for the Residential Houses or Apartments, Buildings, Facilities, and Plantings to be Demolished

- (a) The respective Hokimiyats shall establish commissions (hereafter referred to as the "Commission") to determine the size and type of compensation. The Commission will be headed by the Deputy Hokim of the rayon/town and include the representatives of financial and other departments of Hokimiyats, the State Inspector for Supervision over Land Use and Protection, local authorities, landowner (that is, land-user or landholder) in charge of the land plot to be withdrawn, representative of the enterprise, institution, or agency to which the land plot is to be allocated, as well as representatives of other relevant authorities at the discretion of Hokimiyats.
- (b) The technical condition of houses or apartments, buildings, and facilities are appraised, and the value of plantings to be withdrawn will be determined by the Rayon/Town Land Resource and State Cadastre

Departments at the expense of the applicant. In case of disagreement with the results of the appraisal by the Rayon/Town Land Resource and State Cadastre Departments, the owner has the right to contract independent licensed appraisers which will be paid for by the applicant. The appraisal materials are to be submitted to the Commission.

- (c) If the land plot to be withdrawn is owned by an individual who has acquired a lifetime ownership with the right of inheritance through an auction, the individual will be provided with lifetime ownership to an equivalent new land plot with the right of inheritance. The appraisal will be performed by the licensed appraisers of the Rayon/Town Land Resource and State Cadastre Departments in current prices at the expense of the applicant.
- (d) Any materials resulting from the dismantlement of houses or apartments, other buildings, and facilities (except unauthorized constructions) shall remain at the disposal of the developer or landowner (land-user, landholder) who pays full-scale compensation to the owner. In specific cases, at the request of the owner of the demolished property or plantings, and by the decision of the respective Hokim, the materials resulting from the dismantling of the property may be transferred to the owner. In this case, the Commission shall determine the value of the materials transferred to the owner at current market prices, taking into account wear-and-tear.
- (e) The specific timing and procedures of monetary compensation payment shall be set forth by resolutions of the relevant jurisdiction. However, monetary compensation is to be paid prior to commencement of demolition process.

Procedure and Terms for the Provision of Housing to the Owners of Houses to be Demolished

- (a) If privately owned are to be demolished, the individuals, members of their families, as well as the individuals permanently residing in these houses or apartments at their own choice and subject to agreement of the parties, will be provided with an equivalent suitable dwelling with the floor space meeting the public norms on an ownership basis, and will receive compensation for the value of the plantings, or will get compensated for the value of demolished houses or apartments, other buildings, facilities, and plantings. Equivalence is determined as being an amount equal to the value of the house or apartment to be demolished. If the value of the house or apartment to be demolished is higher than the value of the housing provided, the owner will be compensated for the difference.
- (b) The respective Rayon/Town Hokimiyats will be responsible for providing housing and/or paying other types of compensations to the owners of the demolished houses or apartments out of the funds from local budget revenues.
- (c) In order to get living quarters, the owner of the residential house or apartment to be demolished after receipt of a notification about the upcoming demolition shall, within a month's time, file an application agreed with family members and other people residing (registered) in the house or apartment to the respective Rayon/Town Hokimiyat requesting assignment of living quarters in exchange for the housing to be demolished, specifying family members, number of permanently residing persons, as well as any available benefits which entitle them to extra housing floor space in addition to the public norm.
- (d) After the respective Rayon/Town Hokimiyats approves the Commission resolution on the size and type of compensation, assignment of living quarters in exchange for the demolished residential house or apartment, or, at the request of the owner, on provision of monetary compensation, the owner shall file with the Hokimiyat a letter providing a guarantee to vacate the residential house (apartment) subject to demolition.
- (e) A house or apartment may only be demolished subject to agreement of the parties and after the owner was provided with living quarters in exchange for the house or apartment to be demolished.
- (f) In specific cases, subject to agreement of the owner of the house or apartment to be demolished, the Rayon/Town Hokimiyat may provide living quarters in houses, which are in the course of construction, specifying in the resolutions the exact timing when the house is to be commissioned. If the living

quarters in the houses being constructed are not provided by the established date, the Hokimiyat shall be responsible for providing the living quarters within a month's time.

(g) Belongings of the owner of the residential house (apartment) to be demolished shall be moved to a new location at the expense of the developer or landowner (land-user, landholder) to whom the plot was allocated.

(h) The respective Rayon/Town Hokimiyats will compensate the owner of the house to be demolished due to the withdrawal of the land plot.

Procedure and Terms for Provision of Land Plots for Private Housing Construction to Individuals in Exchange for Residential Houses (Apartments) to Be Demolished

(a) In case of demolition of privately owned residential houses or apartments in connection with a land plot acquired for public purposes, the owners of the property, their family members, as well as individuals permanently residing in these houses or apartments at their request could be provided with a land plot for private housing construction within the established norms. Here, temporary housing under the terms of a lease shall be provided for the development period of up to two years along with full-scale compensation for the value of the houses or apartments, buildings, facilities, and plantings to be demolished.

(b) A land plot for private housing construction and monetary compensation shall be provided to the owner of the demolished houses or apartments by the respective Rayon/Town Hokimiyat. If the withdrawn land plots are to be allocated to enterprises, institutions, or agencies, these entities will be responsible for providing compensation land plots for private housing construction and compensation payments to the owners of the demolished residences.

(c) To obtain a land plot, the owner of a house or apartment to be demolished after receipt of notification on the upcoming demolition shall, within a month's time, file with the respective Rayon/Town Hokimiyat an application for assignment of a land plot for private housing construction specifying the family members, number of permanently residing persons, and the need for temporary housing.

(d) After the respective Rayon/Town Hokimiyat approves the Commission resolution on the size and type of compensation, the owner shall file with the Hokimiyat a letter providing a guarantee to vacate the house (apartment) subject to demolition within the term specified by the respective Rayon/Town Hokimiyats.

(e) A house or apartment may be demolished only after the owner is provided with a land plot for private housing construction and with temporary housing on terms of a lease for the period of development of the land plot of up to two years.

Procedure for Compensating Legal Entities for Damages Resulting from Land Withdrawal for Government and Public Needs

(a) In the case of withdrawal of a land plot that accommodates residential, manufacturing, or other buildings, facilities, or plantings owned by a legal entity, the legal entity is to be provided with equivalent property and is fully compensated for all damages due to the withdrawal of land plot for public needs.

(b) Land-owners/users/tenants/proprietors of land plots in urban areas shall be compensated for the damages in agriculture and forestry-based production in accordance with the land laws of the Republic of Uzbekistan.

(c) Legal entities shall be compensated for damages resulting from withdrawal of land plots by the respective rayon/Town Hokimiyat. If the withdrawn land plots are to be allocated to enterprises, institutions, or agencies, then payment of compensation, provision of living quarter and temporary housing, as well as moving the property to the new location shall be carried out at the expense of such enterprises, institutions, and agencies according to the resolution of the respective Rayon/Town Hokimiyat.

(d) To be compensated for the withdrawal of a land plot, the legal entity following the receipt of notification of

the upcoming demolition shall, with a month's time, file an application specifying the type of compensation with the respective Rayon/Town Hokimiyat.

- (e) After the respective Rayon/Town Hokimiyat approve the resolution of the Commission, the legal entity shall file with the Hokimiyat a letter providing a guarantee to vacate the residential house, other buildings, and facilities subject to demolition within the term specified by the respective Rayon/Town Hokimiyats.
- (f) Residential, manufacturing, and other special purpose buildings as well as facilities belonging to a legal entity may be demolished only after the type and size of compensation and timing of payment thereof are agreed to with the owner.

Procedure and Terms of Movement and Restoration in a New Location of Residential Houses, Buildings, and Facilities Subject to Demolition

- (a) At the request of individuals and legal entities, the residential, manufacturing, and other-purpose buildings and facilities owned by them, which are subject to demolition may be moved and restored in a new location in accordance with a resolution of the respective Rayon/Town Hokimiyats, and shall be funded out of local budget revenues. The individuals and legal entities who own the housing shall be provided with temporary housing under a lease for the period of land plot development up to two years.
- (b) The property will be moved and restored within the limits of a given locality on land plots assigned in accordance with the established norms, subject to a condition that the technical state of houses, buildings, and facilities allows for their movement, *i.e.* the condition of the engineering structures and structural components must be able to withstand disassembly, transport, and reassembly in a new location. The Commission will determine the feasibility of moving the houses, buildings, and facilities based on a feasibility study and design estimates developed by specialized design agencies at the expense of the developer to whom the withdrawn land plot is allotted. The movement of residential, industrial, or other buildings and facilities and their restoration in a new location shall be carried out within the timeframe set forth by the respective Rayon/Town Hokimiyats. However, the term should not exceed a period of one year.
- (c) All costs associated with the movement of residential, manufacturing, and other buildings and facilities and restoration thereof in a new location, rent of temporary housing, movement of property of individuals or legal entities to the temporary housing and from there to the restored buildings/facilities based on the decision of the respective Rayon/Town Hokimiyats shall be borne by the developer or land owner (land-user, landholder) to whom the plot was allocated.
- (d) Relocation of equivalent residential, manufacturing, or other-purpose buildings and facilities owned by a legal entity shall be carried out only after the type, the size, and the timing of payment of compensation are agreed to with the owner.

Procedure and Terms of Settlement in Cases of Construction of Houses and Buildings in a New Location for Individuals and Legal Entities Whose Residential Houses (Apartments) are Subject to Demolition

- (a) At the request of individuals and legal entities whose houses or apartments are subject to demolition, residential houses and buildings may be constructed in a new location and transferred to their ownership. In this case, no monetary compensation for the demolished residential houses or apartments is paid.
- (b) Construction of residential houses and buildings in a new location and their transfer to the ownership of individuals and legal entities whose residential houses or apartments are subject to demolition shall be carried out by the respective Rayon/Town Hokimiyats.
- (c) If the withdrawn land plots are to be allocated to enterprises, institutions, or agencies, then the construction of residential houses and buildings in a new location and transfer thereof to the ownership of individuals and legal entities, whose residential houses or apartments are subject to demolition, will be carried out at the expense of such enterprises, institutions, or agencies.

- (d) Construction of residential houses and buildings in a new location for individuals and legal entities, whose residential houses or apartments are subject to demolition shall be carried out within the limits of a given locality (population center). Here, for the period of construction of residential house/building at the new location, the respective Rayon/Town Hokimiyats will provide the individuals and legal entities concerned with temporary housing on terms of a lease.
- (e) All costs related to the leasing of temporary housing, movement of property of the individuals and legal entities to the temporary housing, and from there to the residential houses built in a new location based on the decision of the respective Rayon/Town Khokimiyats, shall be borne by the developer or land owner (that is, land-user, landholder) to whom the withdrawn land plot was allocated.
- (f) In order to get the residential house/building constructed in the new location in exchange for the house or apartment to be demolished, the individuals and legal entities, owning houses or apartments subject to demolition shall, within one month after receipt of notification about demolition, file an application specifying the family members, number of permanently residing persons, as well as the available housing benefits with the respective Rayon/Town Hokimiyats.

Additional Procedures or Principles Relating to Expropriation of Urban Land

14. Based on the Civil Code, the Housing Code, and the Urban Construction Code, the real estate value and corresponding compensation are determined on the basis of the registered price in the Cadastre. However, this price may be an underestimation of the real price of the property. In some cases, the registered price can be several times below a real estate's actual market value. The real estate owner is given a choice between cash compensation or the provision of real estate of equal value on a different plot of land. Given that all land in Uzbekistan is state-owned, loss of land is not compensated in cash. Enterprises or businesses that are expropriated will be compensated by a new plot of land and building, thus allowing affected people to pursue their activities.

15. There is no provision for compensation for loss of income or profits. This is in contrast to the Land Code, according to which farmers are compensated for lost income.

16. It is important to note that because of State ownership of lands in Uzbekistan, land use is only possible with the permission of local authorities on the basis of a lease or on other terms. Accordingly, land use issues are fully covered by land legislation and are not governed by provisions of customary law, traditional practices, or neighborhood relationships, etc. Thus, according to Uzbek laws, those who use or occupy land without a lease or other type of official permission will not be entitled to legal compensation. The State will have the right to seize the land from those "illegal land users."

IV. Review of the Consistency of Uzbek Legal Framework for Expropriation with OP 4.12 and Gap Filling Measures

17. The following describes the few inconsistencies between the Uzbek legal framework and the World Bank policy. Wherever Uzbek Laws and World Bank policies are not in agreement, the World Bank policies and principles agreed upon in this RPF will be followed within the scope of the proposed project, regardless of the source of funding.

18. *Treatment of those without legal rights to use land.* While World Bank OP 4.12 embodies the principle that a lack of legal land title does not disqualify people from resettlement assistance, under relevant Uzbek legislation, discrepancies with this principle arise. However, as mentioned above, within the scope of this project, informal users of land without title or lease who use the land will be entitled to rehabilitation assistance or some form of support to assist persons who have lost their source of livelihood in either improving their livelihoods or at least restoring their income levels to pre-project levels.

19. *Loss of Income.* It should also be noted that impacts are likely to be relatively minor, thus, no significant loss of income is expected. While the Land Code allows the provision of compensation for lost agricultural income, there is no provision for loss of income from businesses under the Uzbek law. Therefore, under the

project, compensation for lost income and income restoration assistance will be provided to people who lose a share of their holdings, and those who lose their business or source of livelihood, or any part thereof. This will be in the form of “Rehabilitation Assistance” meaning assistance comprising job placement, job training, cash compensation, transition support, or other forms of support to assist displaced persons in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. Besides that, additional assistance payments for socially vulnerable households are provided, as necessary (see entitlement matrix).

20. *Loss of Structures.* It is not expected that there will be any residential structures that will need to be acquired in the project site. However, in the event that there are other structures (barns, kiosks, small commercial buildings, fences, etc.) that will need to be demolished, “depreciation” will not be considered in calculating the compensation payable for affected structures, if cash is being offered as compensation. Typically, alternative structures are offered as compensation.

21. *Census.* The census of the affected household will be carried out as part of the preparation of the RAP to collect the database for household demographics, their land and immovable assets, assess any impacts on income streams and financial sustainability of households or businesses, tenure status, and any other salient characteristics which may require special assistance, such as the elderly, handicapped or otherwise vulnerable households. According to Uzbek legislation the owner of demolished house (apartment) after receiving of the notice of the forthcoming demolition should submit within one month period the application agreed with the family members and others together living (registered) persons to khokimiyats of the respective raions (cities) for allocation of dwelling premises instead of demolished housing with the indication of family structure, number of constantly living persons, and also privileges available for them for obtaining of additional living space over the social norm of the area of housing. Under this project, the cost of the census or any registration will be borne by the project. This will not entail any cost, beyond time, or require any special efforts on the part of the Project Affected Person (PAP).

22. *Replacement cost for structures:* Is the market cost of the materials to build a replacement structure with an area and quality equal to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors’ fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset. According to the established order replacement cost includes market cost of the affected structure or the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure. National legislation allow for deductions for salvage material, age and wear of materials. Replacement cost includes market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors’ fees, plus the cost of any registration and transfer taxes. Under this project and following the Bank’s policy OP 4.12, no deductions shall be made for salvage materials or, aging, wear and tear.

23. *Lack of official legal right of some affected groups should not be an obstacle to receiving of compensation or possibility of recovery.* Compensation is envisaged only for officially registered owners. In case there is any affected household with non-registered land use, for this project, the Executive Agency (EA/PIU) will ensure legalization of right for land tenure which makes the affected household eligible for compensations. Informal structures and assets such as fences or gardens that are affected should be fully compensated at market value.

21. *Additional measures*

- Affected persons will be consulted in the course of the preparation and implementation of a specific Resettlement Action Plan (RAP). In addition to information provided as part of the census, the different project options, methodology for calculating compensations, entitlement matrix, process for complaining, etc. will be presented as part of the public consultation organized to present and discuss the RAP.
- All households, regardless of their legal status, will be informed six to eight months in advance of the construction works to ensure that they are fully aware of the planned project activities and remind them of

the options they will have regarding how they will be compensated for the loss of their home, business, trees, and crops. The final designs for the sewerage pipelines will indicate the number and location of structures and land currently in use, and affected persons will be visited in their homes as part of the census and called to the hokimiyat to discuss procedures and entitlements.

- All households, regardless of their legal status, will be informed about the expected Project activities at least six to eight months in advance, and will be instructed not to plant any trees in the rights of way of sewerage pipelines or other sewerage facilities.
- The cut-off date will be clearly communicated to all PAPs and the community. The cut-off date is the final day of the census undertaken for the RAP. It is a date, after which people who are not included in the list of PAPs as defined by the census will not be considered eligible for compensation. The census will be carried out to collect data on the affected households, whose small structures (fences, fruit trees, etc.) are affected by the project. The specific date will be included in the RAP and communicated to people both individually during the census as well as announced publicly.
- In addition, the local authorities also agree not to require illegal occupants to pay any charges for demolishing a building or illegally planted tree and to compensate illegal occupants for any structures, crops, fruit trees and loss of livelihoods that are impacted by the project.
- Compensation will assist affected persons in restoring their pre-project incomes and standard of living following the implementation of the RAP.
- Costs of transfer of property—purchase or swap—are waived or borne by the investor or municipality, including taxes, fees, documentation and court appeals.
- Compensation will be fully provided before any civil works or demolition may begin.
- Under Uzbek law, compensation is not provided if agricultural land is acquired for the construction and servicing of individual housing; or the construction of schools, boarding-schools, orphanages, preschool and healthcare establishments; or for water management purposes and for the construction of irrigation and water related facilities. However, under the Project, the above mentioned conditions will not preclude payment of compensation.

V. Valuation and Compensation for Losses (Agricultural Land)

22. In the case of agricultural land, the leasehold and dekhan farmers affected by the proposed project will be compensated for any reduction in income they will experience due their not being able to cultivate the land to be acquired. The following describes the methods by which compensation for both permanent and temporary losses of land will be calculated.

Calculation of compensation for permanent acquisition of land under annual crops. Agricultural producers shall be paid the amount of gross annual income for one year from standing crops on their affected plot. Gross income shall be calculated as current market prices of crops, based on average production during the previous three years, and crop area (prices for crops shall be multiplied by crop area) and then multiplied by the average production for the previous three years (see table 1). Additional compensation will be received until the new land/trees provided produces crops/fruits of equivalent value to what was lost, shall be performed separately for each crop, so that an average weighted annual income is obtained.

Calculation of compensation for temporary acquisition of lands under annual crops. For the first year, the calculation is performed in the same way as for permanent acquisition (multiplication of current crop price by crop area, and by average production). If temporary acquisition lasts for more than one year, agricultural producers shall receive compensation for the second and any consecutive years equal to annual net income in current prices, received from all standing crops on the plot. Net income is calculated by extracting gross expenditures for crop production from gross annual income. Valuation shall be performed separately for each crop, so that an average weighted annual net income is obtained.

Table 1. Method for calculating compensation for losses of annual crops

Main crops	Average production in project area for the last three years (c/ha)	Average market price (UZS/kg), current year	Annual income (thous. UZS from 1 ha)	Net income from 1 ha, (thous.UZS)	Permanent land acquisition for 1 year –loss compensation per 1 year for 1 ha	Temporary land acquisition for 1 year –loss compensation per 1 year as for 1 ha
	1	2	3	4*	5	6
Cotton						
Wheat						

Note: Examples of calculations in case works affect two agricultural seasons

Column 4* equal revenue minus expenses (operating+administration) minus applicable taxes

Calculation of compensation for permanent seizure of the lands occupied by permanent crops. The agricultural producers are paid the sum of gross profit for one year, gained from all the trees on the site. The gross profit from a tree is calculated as a cost of production in actual prices on the basis of the data on average crop capacity of one tree for the last three years and data on the number of trees. The calculations are taken for every type of trees in order to obtain a weighted average value of the annual profit. In addition, the agricultural producers are to be paid for a loss of profit which could be gained from all the trees throughout the remaining years of the fruit bearing period. The compensation for the loss of profit for one tree is calculated as the net profit for the previous year in actual prices multiplied by the number of years of the remaining productive life of the tree. The period of fruit bearing is calculated as the difference between the maximum age of fruit bearing and the age of the tree at the time of the calculation. To calculate compensation for permanent acquisition of land occupied under permanent crops, one needs data on every type of tree as follows: number of trees, average crop capacity of one tree for the last three years, actual prices for fruit product, age of trees, and maximum age of fruit bearing.

If the farmers-gardeners are offered the lands equal in quality in lieu of the seized ones, then, in addition to the compensation of the profits for one year, they will be given the funds to plant a new garden. The compensation would include the cost for planting saplings (the cost of the saplings themselves, transportation costs and costs for planting), as well as the loss of profit for the period when a tree achieve the age of fruit bearing (table 1 presents the costs for new tree planting and the age of the tree at the start of fruit bearing for the different types of trees).

Calculation of compensation for temporary seizure of lands occupied by permanent crops. These costs include the costs for restoring a garden, sapling planting, as well as loss of the profit for the period when the tree achieves the age of fruit bearing. To calculate compensations for a new garden planting in case of granting new land and in case of temporary seizure of the lands, one needs the data for every type of trees: number of trees, cost for planting one tree, net profit from one tree for one year in actual prices, and starting age of fruit bearing.

VI. Entitlements and Compensation

22. The following entitlement matrix describes the eligibility for compensation and/or assistance for impacts/losses for different types of assets and categories of project affected persons, applicable under the

Project.

Entitlement Matrix

Asset	Impact	Affected Parties	Compensation Entitlements
Loss of garden plot (tomorka) or dekhan farm plot land used for vegetables, or other crops	All permanent losses irrespective of the severity of impact	Owner of house, dekhan farmer (legal or illegal user or occupant of garden plot)	Land for land compensation with a plot of equal value.
Loss of business income	Permanent or temporary loss of income	Business owners, workers, including those who own or work in shops, kiosks, or other businesses that are not legally registered	<p>Owner: provision of allowance for lost income during interruption (up to 3 months) plus start up costs.</p> <p>Worker: provision of compensation equal to one year of wages based on tax declaration or official minimum salary</p> <p>Provision of rehabilitation assistance if required (assistance with job placement, skills, training).</p>
Loss of agricultural income (trees)	Permanent impact	Leasehold farmers, dekhan farmers, and households covering both legal and illegal land users.	<p>Cash compensation equivalent to gross income for 1 year (based on the average of the prior 3 years); and commission decides in which case calculate income:</p> <p>(a) If given replacement plot of equal value, cash compensation based on net value of average yearly production times the number of years to grow another tree of similar productivity, plus purchase price of seedlings and starting materials, or</p> <p>(b) If replacement plot is not allocated, cash compensation based on net value of average yearly production times the number of years of the remaining productive life of the tree(s).</p> <p>In addition, to (a) and (b), rehabilitation assistance will be given if required (assistance with job placement, skills training).</p>
Loss of agricultural income from annual crops during	Temporary impact	Leasehold farmer, dekhan farmer, covering both legal and illegal users of land	<ul style="list-style-type: none"> Gross income from all crops. If construction lasts more than one year, the farmer will be compensated for each year that the land is needed for project construction or until

Asset	Impact	Affected Parties	Compensation Entitlements
construction			<p>productivity of land is fully restored.</p> <ul style="list-style-type: none"> • Contractor pays monetary compensation for period of usage in accordance with local commercial rental rate. • Land shall be rehabilitated to original state at the end of the lease period. • Measures to protect the environment shall be taken.
Loss of agricultural income: annual crops	Permanent impact	Leasehold farmer, Dekhan farmer, and households, covering both legal and illegal land users.(If illegal users grow crops on land needed for the project, they will be compensated for lost income)	<ul style="list-style-type: none"> • Land as compensation for land with a plot of equal cost and productivity; or • Gross income from all crops grown on affected land for 1 year, and reduction of state order amount in the case of land under cotton or wheat production •The structures/ trees constructed / planted informally in the territory of public lands
Losses of substructures such as fences, shed /tents etc.	Permanent and temporary impacts	Owner of the structure (formal and informal)	Structures will be compensated at market value (cost of building new, equivalent structure). No deductions will be made for wear and tear or for salvage materials.
Vulnerable people	Permanent and temporary	Low income households, female-headed households with fewer than 2 adult income-earners, the elderly headed HHs with unemployed family members and disabled. Other markers of vulnerability may be added to the matrix depending on the census	Additional measures are provided to ensure vulnerable groups receive their entitlements and are able to fully participate in Resettlement Action Plan, such as: additional help to lodge complaints, to move salvage material, to collect fruit/farm crops, additional training for income restoration, etc. Specific measures will vary according to the circumstances. Needs will be assessed during the census and proposed measures detailed in the RAP.

VII. Land Acquisition Planning and Implementation

23. Once the final design of project investments is completed and accepted by the oblast and city, and the scope of any land acquisition is determined, a specific abbreviated RAP will be submitted to the World Bank for approval. If approved, all compensation and other entitlements will need to be paid prior to proceeding with

the civil works. The RAP will include the following:

- Census of affected persons and an inventory of assets to ascertain their current standard of living and assess expected impacts
- Description of compensation and other assistance to be provided
- Description of the local consultations carried out to engage affected persons in designing the RAP
- Local publication of the RAP for comment in the appropriate medium, location, and language
- Institutional responsibility for implementation and procedures for grievance redress
- Arrangement for monitoring and implementation
- Time-table and budget

24. The PIU will be responsible for the application of the RPF, including commissioning and overseeing the census of affected persons, inventorying of assets, and preparing the abbreviated specific RAP in collaboration with local officials and with the participation of affected persons. The implementation of the specific RAP will begin only after approval by the Bank. The borrower will be responsible for covering all costs associated with preparing, implementing and evaluating the specific RAP.

25. The RAP will be implemented by hokimiyat level officials, for the most part, with support from the oblast administration, civil works contractors, and officials of the Mahalla Committee. The PCU in Tashkent and the PIU in Bukhara are responsible for carrying out any RAP in accordance with OP 4.12. Evaluation and compensation will be managed by the oblast level Commission established for this purpose. The Commission will include representatives from hokimiyat and raion/oblast administrations and officials representing different relevant offices (for example, vodokanal, agriculture, roads, land resource management, and registration). For purposes of eligibility, the cut off date in any location is the last day of the census. Persons who occupy affected areas after that date are not entitled to compensation provisions. PIU will monitor all steps of the RAP and report on progress to the World Bank.

VIII. Grievance Redress Measures

26. During the land acquisition process, complaints regarding valuation, payment, support, and follow-up are possible. As discussed above, national laws and bylaws provide for procedures for multi-party consultations and coordination at all stages of land acquisition in order to avoid possible conflicts and violation of land users' rights. These procedures envisage participation of all land users and their representatives in decision-making on the selection of the acquired land, on land acquisition, in preparation of land marking plans, etc., and on the extent of losses and damages incurred. Decisions and certificates, not agreed upon or not endorsed by all consultation participants (including users of land plots and users of neighboring plots), shall have no legal effect. If persons, legally entitled to use land plots subject to acquisition, disagree with decisions of organizations and institutions in matters of compensations and other decisions, they may submit their claims to local authorities (district and regional hokimiyats). Illegal users of land or other members of the public can also submit questions or complaints if they feel they have been adversely affected by the project.

27. All project-related complaints will follow the following steps, as will be described in the project's public information brochures and posted in local offices. Brochures describing the grievance redress mechanism were distributed on meetings with makhallas and within other relevant authorities. A brochures are available in the office of relevant authorities.

- Affected persons take their complaints to the Chairman of the Mahalla who registers the complaint and attempts to resolve it. If the complaint is not resolved in one week, it is passed to the city hokimiyat level
- A designated person in the hokimiyat receives the complaint, registers it, and attempts to resolve it. If there is no resolution in two weeks, the person has the option to take the case to the civil court system.
- While reports and grievance resolution will be handled by the hokimiyat, persons who feel that their grievances are not given adequate attention may also seek assistance from the PIU in presenting their concerns to the hokimiyat, or their case in the civil court system. PIU also can provide all information related to RAP and World Bank procedures. Monitoring of the GRM is under the responsibility of the PIU that will collect and centralize and report on all grievances and answers provided to the Bank.

Contact details will be announced to the local population at the time of RAP consultation meetings in addition to the brochures that are already available.

IX. Monitoring and Evaluation

28. Land acquisition activities are subject to internal and external monitoring. The PCU will hire an independent consultant to carry out an independent assessment of the land acquisition process upon completion of payments of the compensations, to ensure that the land acquisition and provision of compensation were carried out as planned. Specific monitoring indicators will include:

- Information campaign and consultation with the affected person(s)
- Status of land acquisition and payments for compensation
- Selection and distribution of replacement land areas structures
- Payments for loss of income

29. The cost of administrative oversight and monitoring and evaluation activities will be included in the respective vodokanal or hokimiyat budget and reflected in the budget of the specific RAP.

X. Community Consultation and Disclosure of Resettlement Policy Framework

30. During the preparation of the RFP, public consultations session were organized in Bukhara and Samarkand. The Bukhara and Samarkand PIUs with the Bukhara and Samarkand RGPE “Suvokava” held consultations with communities, teachers and administrators, and students. 250 attendees in Samarkand and 300 attendees in Bukhara took part in public consultations consisting of representatives of Khokimiyat (delegates), Sanitary-epidemiology services, State committee for protection of Nature, Bukhara and Samarkand city residents and other beneficiaries. The session was opened with introductory speech of Bukhara and Samarkand deputy city Khokim and director of Bukhara and Samarkand RGPE “Suvokova”, who briefly described the tasks of “Bukhara and Samarkand Sewerage Project” and the goals of conducted public consultations. Further specialists of Bukhara and Samarkand RGPE “Suvokova” demonstrated presentation, which disclosed the main project objectives.

31. After the presentation the public consultation participants made several specific questions and proposals. The questions were answered by the deputy Khokims of Bukhara and Samarkand city and directors of Bukhara and Samarkand RGPE “Suvokova”. All participants received appropriate answers that satisfy RPF and legislation of Republic of Uzbekistan. The draft RPF was placed on website <http://www.suvokova.uz/> and <http://www.buxoro.uz/> on April 14, 2015, and hard copies were made available in the *vodokanals* and other government offices for public viewing on April 14, 2015. The minutes of the meetings are attached in Annex I.

**Annex 1: Minutes of the public consultations on the "Bukhara and Samarkand Sewerage Project"
carried out in Bukhara and Samarkand cities**

"Тасдиқлайман"

Бухоро шаҳар ҳокими ўринбосари

А. Қараев

Таклиф қилинаётган Халқаро Ривожланиш Уюшмаси иштирокидаги "Бухоро ва Самарқанд шаҳарларини оқова тизимини яхшилаш" инвестиция лойиҳаси асосидаги кўчиришнинг рамкавий сиёсати бўйича йиғилиш

ҚАРОРИ

14 апрель 2015 йил

Раислик этувчи

Қатнашдилар

Бухоро шаҳри

А. Қараев – Бухоро шаҳар ҳокими ўринбосари

Ф. Тўхтаев – Бухоро вилоят "Сувокова" ишлаб чиқариш давлат корхонаси бошлиғи

Нуров Ш. – Бухоро вилоят "Сувокова" капитал қурилиш бўлими

бошлиғи, Жўраев М. ЛМГ Бухоро бўлими бошлиғи, Ширкатлар

уюшмаси бошлиғи, Ободонлаштириш бошқармаси бошлиғи, Архитектура

бошқармаси, Кадастр бошқармаси, Ёнгиндан қўриқлаш бошқармаси, Маҳалла

жамғармаси, Электр тармоқлари корхонаси ва мутасадди ташкилотлар вакиллари

(Рўйхат бўйича).

КУН ТАРТИБИ:

1. Таклиф қилинаётган Халқаро Ривожланиш Уюшмаси иштирокидаги "Бухоро ва Самарқанд шаҳарларини оқова тизимини яхшилаш" инвестиция лойиҳаси асосидаги кўчиришнинг рамкавий сиёсати.
2. Таклиф қилинаётган Халқаро Ривожланиш Уюшмаси иштирокидаги "Бухоро ва Самарқанд шаҳарларини оқова тизимини яхшилаш" инвестиция лойиҳаси асосидаги атроф-муҳитга таъсир қиладиган омилларни баҳолаш сиёсати.

А. Қараев, Ф. Тўхтаев, Ш. Нуров, М. Жўраев, В. Ўринов

Раислик этувчи кун тартибидаги масалалар бўйича йиғилишни очди.

Ҳурматли йиғилиш қатнашчилари!

"Бугунги йиғилиш кун тартибида таклиф қилинаётган Халқаро Ривожланиш Уюшмаси иштирокидаги "Бухоро ва Самарқанд шаҳарларини оқова тизимини яхшилаш" инвестиция лойиҳаси асосидаги амалга ошириладиган ишлар, чора тадбирлар, Лойиҳанинг атроф муҳитга таъсири, аҳолининг лойиҳага нисбатан муносабати ва Лойиҳани амалга ошириш даврида бўладиган кўчиришнинг рамкавий сиёсати кўриб чиқилади."

Бухоро вилояти "Сувокова" ИЧДК бошлиғи Ф. Тўхтаев йиғилишни давом эттириб, йиғилиш қатнашчиларини таклиф қилинаётган Халқаро Ривожланиш Уюшмаси (Жаҳон Банки) иштирокидаги "Бухоро ва Самарқанд шаҳарларини оқова тизимини яхшилаш" инвестиция лойиҳасининг асосий мақсадини ва Лойиҳани амалга ошириш чора-тадбирлари тўғрисида таништириб чиқди. Лойиҳанинг асосий мақсади аҳоли турмуш тарзини яхшилаш, шаҳарда оқова тизимини узлуксиз ишлашини таъминлаш ва экологик муҳитни яхшилаш, бу борада Ўзбекистон ҳукумати ҳамда Жаҳон Банки ҳамкорлигида аҳолига хизмат кўрсатиш сифатини ошириш бўйича йирик инвестицияларнинг ажратилиши ва ушбу мақсадларни амалга оширишда ушбу лойиҳанинг ўрни хусусида фикр юритилар экан, мазкур лойиҳани атроф муҳитга таъсир доирасини камайтириш масалалари ҳам бирламчи вазифа қилиб олинди.

Бундан ташқари ушбу йиғилиш Экологик баҳолашнинг асосий қисми ҳисобланади.

Жаҳон банки атроф-муҳитни химоялаш сиёсати ва Ўзбекистон Республикаси экологик қонунларига асосан жамоатчилик консультацияси экологик баҳолашнинг энг асосий элементи ҳисобланади. Жамоатчилик йиғилишларини ўтказиш иккита асосий масалани ечади: асосий экологик муаммоларни аниқлаш ҳамда жамоатчиликни экологик баҳолаш натижалари билан таъминлаш, шу орқали жамоатчилик томонидан атроф муҳитга етказиладиган таъсирни камайтириш бўйича ўз мулоҳазаларини баён этишда кўмаклашиши.

Бундан ташқари лойиҳани амалга ошириш давомида бўладиган кўчиришнинг рамкавий сиёсати ишлаб чиқариш тўғрисидаги музокаралар олиб борилди. Йиғилиш сўнггида иштирокчилар томонидан керакли таклиф ва мулоҳазалар ўрганиб чиқилди, йиғилиш

ҚАРОР ҚИЛАДИ

1. Бухоро вилоят "Сувокова" ИЧДК бошлиғи Ф.Тўхтаевга лойиҳани амалга ошириш даврида кўрсатиб ўтилсинки Лойиҳани бажариш учун ширкат хужалиғи раислари, ободонлаштириш бошқармаси бошлиғи ва

бошқа ташкилотлар раҳбарлари Ўзбекистон Республикаси қонунида кўрсатилган қоидаларга қатъий амал қилсинлар.

2. Бухоро шаҳар бош меъмори, шаҳар кадастр бўлими бошлиғи Лойихани амалга ошириш учун техник хужжатларни йиғишда масъул этиб тайинлансин.

3. Бухоро вилояти "Сувокова" ИЧДК си ҳар ой ахборот бериб бурсин.

4. Қарорни бажарилишини назорат қилишни Ободонлаштириш доимий комиссияси зиммасига юклатилсин.

Протоколни ёзиб борди: Қорёғдиев С.

“Approved by”

Deputy Khokim of Bukhara city

Signed A. Karayev
(round seal)

MINUTES

Of Meeting on proposed Resettlement Policy Framework and Environmental Impact Assessment on the basis of Bukhara and Samarkand Sewerage Project with participation of International Development Association

April 14, 2015

Bukhara city

A. Karaev – Deputy Khokim of Bukhara city

Chairperson

F. Tukhtayev – Director of Bukhara Regional Production State Enterprise “Suvokova”

In attendance

Sh. Nurov – Head of Capital Construction Department of Bukhara Regional State Production Enterprise “Suvokova”, M. Jurayev - Head of PCU Bukhara Branch, the Heads of the Association of Partnerships, Head of the Department of Accomplishments, Department of Architecture, Inventory Department, Fire Protection Department, Fund of Makhalla, Electricity Supply Enterprise and representatives of authorized agencies (listed).

AGENDA:

1. Proposed Resettlement Policy Framework on the basis of Bukhara and Samarkand Sewerage Project with participation of International Development Association
2. Proposed Environmental Impact Assessment on the basis of Bukhara and Samarkand Sewerage Project with participation of International Development Association

A. Karaev, F. Tukhtayev, Sh. Nurov, M. Jurayev, V. Urinov

The Chairperson opened the meeting of the issues on the agenda.

Dear attendees of the meeting!

“On the basis of Bukhara and Samarkand Sewerage Project with participation of International Development Association, the Agenda of today’s meeting will review proposed works, measures, the impact of the Project on environment, the attitude of the population to the project and Resettlement Policy Framework which will be carried out during the implementation of the Project”.

The director of Bukhara RPSE “Suvokova” continued the meeting and introduced the attendees to the main proposed objective of the Bukhara and Samarkand Sewerage Project with participation of International Development Association and activities for the implementation of the Project. The main objective of the Project is to improve living conditions of the population, provide uninterrupted operation of sewerage system in the city and improve environmental condition. While discussing the allocation of huge investments on improvement of public services in collaboration with the Government of Uzbekistan and the World Bank and the role of the project in accomplishing of these tasks, the solutions for reducing the impact of the project on the environment were assumed as a priority task.

Public consultations as part of the Environmental assessment and draft framework

resettlement policy.

In accordance with the WB safeguard policy and environmental legislation of RUz, public consultation is one of the important aspects of EIA procedure. Conducting public consultations allows solving two issues simultaneously: to identify main environmental problems and disclose familiarize the public with the results of the preliminary environmental

assessment, receive comments under proposed actions for the decrease of environmental impact.

In addition, the issues of working out the resettlement policy framework which will be carried out during project implementation were negotiated. Necessary proposals and considerations were reviewed by the meeting attendees at the end of the meeting.

The meeting

DECIDED

1. To remind the director of Bukhara RPSE "Suvokova" F. Tukhtayev during the implementation of the project that the chairmen of partnerships, Head of Accomplishment Department and the heads of other organizations are to observe the regulations stated in the Law of the Republic of Uzbekistan for Project implementation.
2. To appoint the Principal Architect of Bukhara city and the Head of Inventory Department to be responsible for collecting technical documents for Project implementation.
3. Bukhara RPSE "Suvokova" is to submit monthly progress report.
4. To impose the control over the execution of the decision on Permanent Commission for Improvements.

Secretary of the meeting: S. Koryogdiyev

Within the framework of the State program of infrastructure modernization of Uzbekistan (2010-2020 strategy for the development of water supply and sanitation) carry out a full rehabilitation municipal services by improving infrastructure and equipped with modern facilities, improving the quality of services, training of workers and the introduction of new financing and management systems. Within Bukhara and Samarkand Sewerage Project, World Bank has supported water supply utilities.

As part of the strategy of collaboration between Republic of Uzbekistan and World Bank will be allocated large investments to improve the quality of public services in the city of Bukhara, and for this purpose is planned to implement "Bukhara and Samarkand Sewerage Project" Phase-II which will be financed by the World Bank and Republic of Uzbekistan, estimated amount equivalent to more than 66.0 mln. USD, of which 55mln. USD - IDA credit. Investments in the Phase-II envisages continue of the objectives of the project in Phase-I, otherwise issues related to improving the level and quality of sewage in Bukhara.

Public meetings as part of World Bank the environmental assessment procedure and draft of the RFP.

According to the World Bank's Policy conservation measures and environmental legislation of Uzbekistan the process of public consultation is an important element of the RPF procedure. Public meetings solves two problems at once: to identify major social problems, and to disclose to familiarize the public with the results of the preliminary environmental and social assessment to receive comments on the proposed

measures to reduce social impacts.

Public meetings on the "Bukhara and Samarkand Sewerage Project" Phase II were held in the hall meetings, 14 April 2015 in the Mayor Office of Bukhara and Samarkand. The announcement of the public meetings was placed in the local newspaper "Bukhoroi Sharif" on April 11, 2015.

At the same time, was prepared invitation and was sent to different departments.

Public meetings were attended by 300 people, which included representatives of authorities (deputies), sanitary and epidemiological services, the State Committee for Nature Protection, the people of Samarkand and other interested persons. Opening addresses were delivered to Khokim of Bukhara and director Bukhara RGPE "Suvokova" who spoke briefly about objectives of the project "Bukhara and Samarkand Sewerage Project" Phase II. Further specialists Bukhara RGPE "Suvokova" made a presentation where were disclosed main objectives of the project.

After the presentation, participants were asked a number of questions and suggestions on the subject of the meeting. Khokim of Bukhara and director of Bukhara RGPE "Suvokova" responded to all questions.

#	Questions and proposals, made by session participants	Answers of project representatives
1	Sh. Sharipov – Chairman of the central "Dilkusho" market asked about how RFP is being prepared and stages of the preparation	The project of RFP is being prepared by consultant and improved according to meeting decisions and World Bank comments. In this case it is important to aware public about RFP.
2	A. Karaev – Deputy Khokim of Bukhara city He proposed to establish a Working group in Bukhara city Khokimiyat for addressing project implementation issues.	"Bukhara city Khokim's proposal was supported".
3	E. Ashurov – Director of "ErkinIdievich" lawyer firm "He questioned about possible cases of buildings demolishing and forced resettlement in the frames of the project"	"Regional vodokanal representative confirmed that demolition of the buildings and forced resettlement will not be undertaken and the project will not impact households vicinities"
4	U. Khamroev – Director of construction company "Bukhoriylaravlodi" ltd regarding the compensation in the case of resettlement and coefficient of compensation payment	All expenses related to involuntary resettlement will be included in project cost, according to WB instructions.



«Тасдиқлайман»
Самарқанд шаҳар ҳокими ўринбосари
Абдуллаев У.

Таклиф қилинаётган Халқаро тараққиёт Уюшмаси иштирокидаги «Бухоро ва Самарқанд шаҳарларида оқовани тозалаш иншоотларини ва оқова тизимини қайта таъмирлаш» инвестиция лойиҳасининг II-босқичи асосидаги кўчиришнинг рамкавий сиёсати ва атроф-муҳитга таъсир қилишни баҳолаш ҳисоботи бўйича йиғилиш

ҚАРОРИ

14 апрель 2015 йил

Самарқанд шаҳри

Раислик этувчи

Абдуллаев У. – Самарқанд шаҳар ҳокими ўринбосари

Қатнашдилар:

Таджиев К.Н. – Самарқанд вилоят «Сувокова» ишлаб чиқариш Давлат корхонаси директори
Ахмедов Р.Э. – Самарқанд вилоят «Сувокова» ишлаб чиқариш Давлат корхонаси директори ўринбосари, Исаев С.З. – ЛМГ Самарқанд бўлими бошлиғи, Ширкатлар уюшмаси бошлиғи, Ободонлаштириш бошқармаси бошлиғи, Архитектура бошқармаси, Кадастр бошқармаси, Ёнгиндан сақлаш бошқармаси, Махалла жамғармаси, Электр тармоқлари корхонаси ва мутасади ташкилотлар вакиллари. (рўйхат бўйича)

КУН ТАРТИБИ:

1. Таклиф қилинаётган Халқаро тараққиёт уюшмаси иштирокидаги «Бухоро ва Самарқанд шаҳарларида оқовани тозалаш иншоотларини ва оқова тизимини қайта таъмирлаш» инвестиция Лойиҳасининг II-босқичи асосида кўчиришнинг рамкавий сиёсати ва атроф-муҳитга таъсир қилишни баҳолаш ҳисоботи.

У. Абдуллаев, К. Таджиев, Р. Ахмедов, С. Исаев

Раислик этувчи кун тартибидаги масалалар бўйича йиғилишни очди.

Хурматли йиғилиш катнашчилари!

«Бугунги йиғилиш кун тартибида таклиф қилинаётган Халқаро тараққиёт Уюшмаси (Жаҳон Банки) иштирокидаги «Бухоро ва Самарқанд шаҳарларида оқовани тозалаш иншоотларини ва оқова тизимини қайта таъмирлаш» инвестиция лойиҳасининг II-босқичи асосидаги амалга ошириладиган чора-тадбирлар, Лойиҳанинг атроф муҳитга таъсири, аҳолининг лойиҳага нисбатан муносабати ва Лойиҳани амалга ошириш даврида бўладиган кўчиришнинг рамкавий сиёсати кўриб чиқилади.»

Самарқанд вилоят «Сувокова» ИЧДК директори К.Таджиев йиғилишни давом эттириб, йиғилиш қатнашчиларини таклиф қилинаётган Халқаро тараққиёт Уюшмаси иштирокидаги «Бухоро ва Самарқанд шаҳарларида оқовани тозалаш иншоотларини ва оқова тизимини қайта таъмирлаш» инвестиция лойиҳасининг II-босқичи асосий мақсадини ва Лойиҳани амалга ошириш чора-тадбирлари тўғрисида таништириб чиқди. Лойиҳани асосий мақсади атроф муҳитни ҳимоя қилиш, аҳолини соғлигини сақлаш ва уни фаровонлигини ошириш ва ижтимоий ҳимояни кучайтириш. Бу борада Ўзбекистон Хукумати ҳамда Жаҳон банки ҳамкорлигида аҳолига хизмат кўрсатиш сифатини ошириш бўйича йирик инвестицияларнинг ажратилиши ва ушбу мақсадларни амалга оширишда ушбу лойиҳанинг ўрни хусусида фикр юритилар экан, мазкур лойиҳани атроф муҳитга таъсир доирасини камайтириш масалалари ҳам бирламчи вазифа қилиб олинди.

Бундан ташқари лойиҳани амалга ошириш давомида бўладиган кўчиришнинг рамкавий сиёсати ишлаб чиқиш тўғрисида музокаралар олиб борилди. Йиғилиш сўнгида иштирокчилар томонидан керакли таклиф мулоҳазалар ўрганилиб чиқилди, йиғилиш

ҚАРОР ҚИЛАДИ

1. Самарқанд вилоят «Сувокова» ИЧДК директори К.Таджиевга лойиҳани амалга ошириш даврида кўрсатиб ўтилсинки Лойиҳани бажариш учун ширкат хўжалик раислари ободонлаштириш бошқармаси бошлиғи ва бошқа ташкилотлар раҳбарлари Ўзбекистон Республикаси Қонунида кўрсатилган қоидаларга қатъий амал қилсинлар.
2. Самарқанд шаҳар бош меъмори, шаҳар кадастр бўлими бошлиғи, Лойиҳани амалга ошириш учун техник ҳужжатларни йиғишда масъул этиб тайинлансин. Самарқанд вилоят «Сувокова» ИЧДК ҳар ой ахборот бериб борсин.
3. Қарорнинг бажарилишини назорат қилишни Ободонлаштириш доимий комиссияси зиммасига юклатилсин.

Йиғилиш баёнини ёзиб борди: Б.Раббимов

**“Approved by”
Deputy Khokim of Samarkand city**

Signed A. Abdullaev
(round seal)

MINUTES

Of Meeting on proposed Resettlement Policy Framework and Environmental Impact Assessment Report on the basis of Bukhara and Samarkand Sewerage Project with participation of International Development Association

April 14, 2015

Samarkand city

Chairperson Abdullaev U – Deputy Khokim of Bukhara city

In attendance K. Tadjiev – Director of Samarkand Regional Production State Enterprise “Suvokova”

Ahmedov R.E. – Deputy Director of Samarkand Regional State Production Enterprise “Suvokova”, S.Z. Isaev - Head of PCU Samarkand Branch, the Heads of the Association of Partnerships, Head of the Department of Accomplishments, Department of Architecture, Inventory Department, Fire Protection Department, Fund of Makhalla, Electricity Supply Enterprise and representatives of authorized agencies (listed).

AGENDA:

1. Proposed Resettlement Policy Framework and Environmental Impact Assessment Report on the basis of Bukhara and Samarkand Sewerage Project with participation of International Development Association

U.Abdullaev, K.Tadjiev, R. Ahmedov, S. Isaev

The Chairperson opened the meeting of the issues on the agenda.

Dear attendees of the meeting!

“On the basis of Bukhara and Samarkand Sewerage Project with participation of International Development Association, the Agenda of today’s meeting will review proposed works, measures, the impact of the Project on environment, the attitude of the population to the project and Resettlement Policy Framework which will be carried out during the implementation of the Project”.

The director of Samarkand RPSE “Suvokova” continued the meeting and introduced the attendees to the main proposed objective of the Bukhara and Samarkand Sewerage Project with participation of International Development Association and activities for the implementation of the Project. The main objective of the Project is to improve living conditions of the population, provide uninterrupted operation of sewerage system in the city and improve environmental condition. While discussing the allocation of huge investments on improvement of public services in collaboration with the Government of Uzbekistan and the World Bank and the role of the project in accomplishing of these tasks, the solutions for reducing the impact of the project on the environment were assumed as a priority task.

In addition, the issues of working out the resettlement policy framework which will be carried out during project implementation were negotiated. Necessary proposals and considerations

were reviewed by the meeting attendees at the end of the meeting.

The meeting

DECIDED

1. To remind the director of Samarkand RPSE “Suvokova” - K.Tadjiev during the implementation of the project that the chairmen of partnerships, Head of Accomplishment Department and the heads of other organizations are to observe the regulations stated in the Law of the Republic of Uzbekistan for Project implementation.
2. To appoint the Principal Architect of Samarkand city and the Head of Cadastre Department to be responsible for collecting technical documents for Project implementation.
3. Samarkand RPSE “Suvokova” is to submit monthly reports on this matter.
4. To impose the control over the execution of the decision on Permanent Commission for Accomplishment works

Recorded by: B.Rabbimov

Minutes of Public Consultations under "Bukhara and Samarkand Sewerage Project" Phase-2, held on April 14, 2015 in Khokimiyat of Samarkand city

In the frameworks of State program for infrastructure modernization of the Republic of Uzbekistan (strategy for 2010-2020 for development of water supply and sewerage systems), it is conducted a full-scale restructuring of public utilities by improving infrastructure and providing with state-of-the-art equipment, upgrading the personnel qualification and introduction of new reforms of financing and management. In the frameworks of "Bukhara and Samarkand Sewerage Project" the World Bank rendered support to water utilities.

In the frames of the Cooperation Strategy between the Government of the Republic of Uzbekistan and the World Bank, it is envisaged to allocate huge investments for increase of the quality of public services in Samarkand. In this regard, it is planned to implement Phase-II "Bukhara and Samarkand Sewerage Project", which will be financed by the World Bank and the Government of the Republic of Uzbekistan, evaluated at the value of over 57 mln USD, of which IDA credit – 48 mln USD. Investments in the frames of the second phase envisage the continuing of fulfillment of project tasks and goals foreseen under phase I, i.e. addressing the issues related to the improvement of the standards and quality of sanitation in Samarkand.

Public consultations as part of the Environmental assessment and draft framework resettlement policy

In accordance with the WB safeguard policy and environmental legislation of RUz, public consultation is one of the important aspects of EA procedure. Conducting public consultations allows solving two issues simultaneously: to identify main environmental problems and disclose familiarize the public with the results of the preliminary environmental assessment, receive comments under proposed actions for the decrease of environmental impact.

Public Consultation under "Bukhara and Samarkand Sewerage Project" were conducted on April 14, 2015 at 16.00 in conference hall of Samarkand city Khokimiyat.

250 attendees took part in public consultations consisting of representatives of Khokimiyat (delegates), Sanitary-epidemiology services, State committee for protection of Nature, Samarkand city residents and other beneficiaries. The session was opened with introductory speech of Samarkand city Khokim and director of Samarkand RPE "Suvokova", who briefly described the tasks of "Bukhara and Samarkand Sewerage Project" and the goals of conducted public consultations. Further specialists of Samarkand RPE "Suvokova" demonstrated presentation, which disclosed the main project objectives.

After the presentation the public consultation participants made several specific questions and proposals. The questions were answered by the Khokim of Samarkand city and director of Samarkand RPE "Suvokova".

#	Questions and proposals, made by session participants	Answers of project representatives
1	<p>B.Usmanov – Chairman of Homeowner's Association of Samarkand</p> <p>"Is it foreseen construction of new sewer networks in Samarkand? What is the length of envisaged new networks"</p>	<p>"Yes, it is foreseen. It is planned to construct new sewer networks with the length 50.0 km by the Project"</p>
2	<p>U. Abdullaev – Deputy Khokim of Samarkand city</p> <p>He proposed to establish a Working group in Samarkand city Khokimiyat for addressing project implementation issues.</p>	<p>"Samarkand city Khokim's proposal was supported".</p>
3	<p>Sh. Shamsiev – Director of "Mustaqiladvokatura" lawyer firm</p> <p>"He questioned about possible cases of buildings demolishing and forced resettlement in the frames of the project"</p>	<p>"Regional vodokanal representative confirmed that demolition of the buildings and forced resettlement will not be undertaken and the project will not impact households vicinities"</p>
4	<p>S. Dadaev – Deputy director of Samarkand regional branch of JSC "Uzyulovchitrans"</p> <p>"Will the road coating be rehabilitated after construction works for rehabilitation/new construction of networks and installation of pipes"</p>	<p>"The project envisages the rehabilitation of damaged roads in the course of project implementation".</p>
5	<p>S. Boymatov – Chief sanitation doctor of Samarkand city</p> <p>"What is the level of equipping of RPE "Suvokova" laboratory for waste water analysis"? Do they have contemporary laboratory equipment?"</p>	<p>"In the frames of Project's Phase I it was purchased required laboratory equipment. Waste water analysis is conducted in line with the acting sanitary norms and rules of the Republic of Uzbekistan."</p>
7	<p>L.Abdullayeva – Chief doctor of 6-clinic of Samarkand</p> <p>"Is it expected a significant improvement of waste water quality and will the level of diseases</p>	<p>"Yes, the quality of treated waste waters will improve. It is expected upgrade of sanitary</p>

"Bukhara and Samarkand Sewerage Project (II phase)

	decrease after project implementation”	conditions and decrease of the level of diseases among the population of Samarkand. Improvement of sanitary conditions will also secure the development of business and tourism in the city”.
8	<p>F.Toshev – Director of “Zarafshon” newspaper editorial</p> <p>Is it planned public awareness for Samarkand residents about envisaged construction works and expected project outcomes?</p>	<p>In the frames of the project it is envisaged component for public awareness.</p> <p>In the course of project implementation it is planned a public awareness program for Samarkand residents with the help of national newspaper, radio and TV.</p>

Annex II

Sample Format for Urban Land

Name of PAP	Inventory of Assets Acquired through Land Acquisition and Value of Compensation Awarded	Compensation
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"Bukhara and Samarkand Sewerage Project (II phase)

	Land				Buildings			Other Fixed Assets			Total Value Of Comp.	Date Of Comp.	Date of Possession
	<%	>%	Sq. mete rs or ha.	Comp Value	Partly	Fully	Comp Value	Trees/ Crops	Temp.	Comp Value			

Annex III

Sample Format for Agricultural Land

№	Name of the farm enterprise	Name, surname of the head of farm enterprise	Which crop is grown	Quantity if lots to be acquired	Amount of land to be acquired, ha (temporary use)	Amount of land to be acquired, ha (permanent use)	Total area, ha
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							