

Resettlement Plan

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UZB: Horticulture Value Chain Infrastructure Project Andijan Agro-Logistic Center

Prepared by the Rural Restructuring Agency (RRA), Republic of Uzbekistan for the Asian Development Bank.

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CURRENCY EQUIVALENTS

(As of March 19, 2018)

Currency Unit	–	Sum (UZS)
\$1.00	=	UZS 8140.00

NOTE

In this report,

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

ABBREVIATIONS

ADB	- Asian Development Bank
ALC	- agro-logistic center
AP	- affected person
AH	- affected household
CC	- civil code
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
PIS	- preliminary impact assessment
PMO	- project management organization
PSC	- project management and supervision consultant
PPTA	- project preparatory technical assistance
RRA	- Rural Restructuring Agency
SCLRGCS	- State Committee on Land Resources, Geodesy, Cartography and State Cadaster
SES	- socioeconomic survey
SPS	- safeguard policy statement
TC	- tax code
ToR	- terms of reference
UZH	- Uzbek Food Holding
UZS	- Uzbek Som

GLOSSARY

Affected Persons	Affected persons (APs) are the members of the affected households those who experience full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. APs could be of three types: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. In the project, affected persons are similar to the economic displaced persons as per ADB's SPS.
Affected Household	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 as affected persons.
Compensation	Payment for an asset to be acquired or affected by a project at replacement cost.
Cut-off-date	The date after which people will not be considered eligible for compensation i.e. they are not included in the list of AHs as defined by the census. Normally, the cut-off date is the date of the detailed measurement survey which will be based on the detailed and final engineering design.
Displaced Persons (DPs)	In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. In the project, physical displacement is not anticipated.
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.
Entitlement	The range of measures comprising cost of compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to AH, depending on the type and degree nature of their losses, to restore their social and economic base. All entitlements will be given to all affected households as per the entitlement matrix.
Inventory of Loss	The inventory of assets getting affected by project.
Illegal/Non legalizable/Non recognizable	HHs that are 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.
Kokimiyat	Local government authority that interfaces between local communities and the government at the regional and national level. It has ultimate administrative and legal authority over local populations residing within its jurisdiction.
Land acquisition	The process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purposes, in return for fair compensation.
Land Use rights	According to Land Code (article 17) real persons (can have the land plot under the right of lifelong inheritable possession and land parcel use transferred as descent. This right is given to individual residential housing construction and collective gardening and vineyard (orchards), peasant farms. Juridical persons (enterprises, stores, and

	business) can possess land parcels according to the right to permanent possession, permanent use, temporary use, lease and property. In the above case when person wants to sell the Property (land and building), he will sell the building & structure and subsequently land parcel will be sold as an attachment (right is being sold).
Leaseholder	Juridical person (farm) running agricultural production with the use of land parcels granted to him on a long-term lease. Lease term is limited up to fifty years but not less than for ten years. Leaseholder cannot sell - buy, mortgage, present, exchange the land
Low Income	According to the GoU low-income households are classified as households where the monthly per capita income is less than the equivalent of UZS 144,157 (approximately US\$ 2.1 per capita per day), which is close to the internationally accepted income poverty line of approximately US\$2.0 per capita, per day for developing countries. According 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	Is a local level community-based organization recognized official by the GoU that serves as the interface between state and community and is responsible for facilitating a range of social support facilities and ensuring the internal social and cultural cohesiveness of its members. Mahalla leaders are elected by their local communities.
Meaningful Consultation	A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues.
Replacement cost	Replacement cost is the principle to be complied with in compensating for lost assets. Calculation of which should include: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, APs and host populations will be consulted to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. Baseline data on housing, house types, and construction materials will also be collected. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account.
Severely Affected Households	Severely affected households are those who lose 10% or more of their productive asset (income generating productive land) and or physically displaced.
Significant impact	200 persons or more will experience major impacts, which are 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, the elderly headed household, households headed physically challenged persons.

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EXECUTIVE SUMMARY

1. **Project Description.** The Government of Uzbekistan (Government) has requested Asian Development Bank (ADB) assistance for the establishment of three agro-logistics centers (ALCs), initially for horticulture, in three locations—Andijan, Samarkand, and Tashkent—taking into account international best practices. The ALCs will help expand horticulture export and thus promote better linkages with production, post-harvest processing, and handling following international quality, and safety standards. Increased export and domestic marketing of horticultural products will increase price transmission to small-scale producers, and small- and medium-sized agribusinesses. Currently works for feasibility study are being conducted by the International consulting company (Mercasa) with local counterpart (NBT) (hereinafter: Feasibility Consultant), including the necessary social and environment due diligence and to prepare the project to the full satisfaction of government requirements as well as those of the ADB.
2. The project implementation period will be five years (2018–2023). The Rural Restructuring Agency (RRA) will be the executing agency for the Project. Both RRA and the Ministry of Foreign Trade (MFT) will be the project implementing agencies. A project management office (PMO) will be established under RRA which will be responsible for the overall land acquisition and resettlement (LAR) activities. An international consulting firm will be engaged by the Project Management Office (PMO) based in RRA. A project management and supervision (PSC) consulting firm will be recruited to assist the project implementation and supervision.
3. **Background.** This draft Land Acquisition and Resettlement Plan (LARP) has been prepared for the establishment of **ALC in Andijan, Andijan district** under the “Horticulture Value Chain Infrastructure Development Project” (hereinafter: Project), to be financed by the Asian Development Bank (ADB) to assess the possible land acquisition and resettlement impacts of the project based on the preliminary (feasibility) design.
4. This draft LARP complies with requirements of relevant Uzbek laws and regulations and ADB’s Safeguards Policy Statement (SPS) of 2009 and is based on the data obtained from secondary sources, as well socio-economic survey, therefore it shall be updated and an implementation-ready LARP shall be prepared upon the finalization and approval of detailed design which will allow to assess the project’s actual impact through census and detailed measurement survey (DMS).
5. The LARP contains the extent of impact to be caused by the proposed land acquisition due to construction of ALC and access road. Land for permanent acquisition was identified through the selected site for construction of ALC based on the preliminary design and confirmation by khokimiyat. Meantime, the alignment for access road to ALC is not final at this stage and also can be subject to possible modifications during the detailed design, however according to the current preliminary design it will be passed within the existing road. The preliminary impact assessment has been done based on the preliminary design. The census and SES surveys were carried out covering all AHs permanently affected due to construction of ALC and access road. The census/SES couldn’t cover the AHs of agricultural laborers; thus it should be updated during the LARP finalization stage.
6. The executing agency (PMO), with assistance of PSC, will be responsible for finalizing the LARP into an implementation-ready document based on detailed design and the impacts shall be updated accordingly. The detailed steps to be carried out by PMO to finalize and

update the draft LARP are presented in the chapter on LARP finalization and implementation.

7. **Impacts.** The impact of the project in terms of land acquisition is limited to one districts of Andijan, including one massive. The project will have only permanent impacts in terms of land acquisition. Permanent land acquisition includes loss of land permanently required for the construction of proposed ALC and access roads.
8. The preliminary impact assessment survey was carried out based on the feasibility study and preliminary design. As per the preliminary assessment survey, only one land parcel is permanently affected with total area of 51.43ha t. The number affected land users/AHs due to loss of permanent land acquisition is also only one. Meantime, there are 16 agricultural laborers' AHs which may lose their work due to permanent land acquisition of farmland's part. According to the interview with the farmer, he will basically keep all the current laborers if favorable land plot is provided close to his house. If favorable agricultural land plot is not provided, some of the laborers might lose their job since the farmer may not continue farming at the newly allocated land any more. Thus, the total number of AHs has been considered as 17 at this stage.
9. Preliminary impact assessment survey shows that the permanently affected land plot is severely affected by the project (39.4%). Out of totally affected 51.43ha agriculture land a total of 44.58 ha (86.6%) is arable crop land, of which 41.08ha (79.8%) is used as arable/crop cultivation using for cultivating of wheat and cotton land and 3.5ha (6.8%) as orchard/garden land with 6000 mulberry trees to be affected by the project. Besides, the farmer is providing mulberry leaves for growing silk (cocoon), the loss of this profit is also subject for compensation under this LARP.
10. There are no structures and businesses affected by the project.
11. No adverse impacts on people are expected through environmental media (i.e. odor, noise, vibration etc.) which may result in land acquisition and/or relocation either permanently or temporarily. The potential adverse impacts from environmental media (i.e. odor, noise, vibration etc.) will be fully assessed after final design is completed.
12. **Affected Households and Persons:** The estimated total number of AHs is 17 with total number of 92 APs based on the one identified permanent affected land parcel/AH, as well as AHs of 16 permanent affected agricultural laborers.
13. According to preliminary impact assessment, there are no vulnerable AHs affected by the Project. Meantime, the only affected household is severely affected by the Project losing more than 10% of its income generating asset.
14. The summary details on various impacts are shown in Table ES below. The actual number of AHs and APs will be identified and verified via final census/SES survey during the LARP finalization stage.

Table ES: Summary of impacts

#	Type of Impact	Permanent	Remarks
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		impact	
1	Number of affected Villages	1	
2	Number of affected land parcels	1	1 agricultural land plot
3	Affected land area (ha)	51.43	
4	Affected agricultural land area (ha)	51.43	Including the arable land, including the irrigation channels/ditches and secondary roads of arable land and orchard/garden
5	Affected arable/crop land area (ha)	44.58	Included in item (51.43ha) Included 3.5ha garden/orchard
6	Affected Orchard/ Garden land area (ha)	3.5	Included in item 4 (51,43ha)
7	Affected Non-agricultural land area (ha)	0	
8	Number of severely AHs	1	
9	Number of vulnerable AHs	0	
10	Number of affected Trees	6000	
11	Number of affected residential/ non-residential structures	0	
12	Number of affected businesses	0	
13	Number of affected permanent agricultural laborers (AHs)	16	
14	Number of total AHs	17	
15	Number of total APs	92	Including 12 APs of 1 AHs covered by census, as well as extrapolated number of 80 APs of 16 agricultural laborers' AHs

15. **Consultations.** Public consultation (PC) was conducted on March 16, 2018 in administrative buildings of Andijan district khokimiyat. Representatives of three settlements surrounded the project site – Terak tagi and Dekhonodob participated the meeting. PC participants were introduced with project's main features, results of environmental assessment and preliminary results of finding in terms of resettlements impacts. The Feasibility Consultant introduced Grievance Redress Mechanism and ADB requirements on public disclosure process.
16. In total, 70 people from local communities have been participated in PC from 3 settlements surrounding the project site, of which 33 (47%) were females. Meantime, individual consultations have been carried out during the implementation of census/SES.
17. The participants were explained that the project currently on the conceptual stage which will be followed detail design stage. If any changes in the project design will take place, the LAR impact assessment will be revised per new circumstances and new round of public consultation will be conducted with affected people.
18. The project information will be disseminated through disclosure of resettlement planning documents. Resettlement information leaflet containing information on project design, compensation, eligibility, entitlement, grievance redress mechanism, and further implementation plan etc. will be translated in to local language (Russian and Uzbek) and will be distributed to affected persons upon the approval of draft LARP by RRA and ADB. Copy of the draft LARP (full report) will also be translated to local language and will be made available at district level especially in the Khokimyat. The draft LARP will be disclosed on ADB's website (in English Language) and in the website of RRA (in English, Russian and

Uzbek) upon approval. The same procedure will also be followed during the disclosure of updated/final LARP during the detailed design.

19. **Grievance Redress Mechanism (GRM).** A grievance redress mechanism will be established at the project level by co-opting the local grievance mechanism to allow affected persons appealing any disagreeable decision, practice or activity arising from land or other assets compensation. APs will be fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and time of compensation. PMO will ensure that grievances and complaints on any aspect of the land acquisition, compensation, and resettlement are addressed in a timely and satisfactory manner. The GRM for the current project takes into account the national legislation, the specificity of the project sites and results of public consultations. The GRM was updated into the format applicable for both aspects – environmental and social in terms of environmental impact and mitigation measures.
20. The proposed GRM includes three levels of complaints redressing received from affected persons, which starts from project site level and up to Economic court of RUz. The aggrieved persons can also use the ADB Accountability Mechanism (AM) through the direct citizens' application to the Head Quarter in Manila. RRA and its PMO will keep records of complaints received for its use and monitoring as well as for review by ADB during regular supervision missions.
21. **Legal Framework and Compensation Eligibility.** The legal and policy framework of the project is based on national laws and legislations related to land acquisition and compensation policy in Uzbekistan, and ADB's Safeguard Policy Statement 2009 (SPS). Based on the analysis of applicable laws and policies and ADB's Policy requirements, project related land acquisition and resettlement (LAR) principles have been adopted. APs entitled for compensation or at least assistance provisions under the project are (i) All APs losing land either covered by legal title/traditional land rights, legalizable, or without legal status; (ii) Tenants and sharecroppers whether registered or not; (iii) Owners of buildings (as and when applicable), crops, plants, or other objects attached to the land; and (iv) APs losing business, income, and salaries. Compensation eligibility will be limited by a cut-off-date which will be the start of final AP Census during the detailed measurement survey, following the detailed design.
22. **Institutional Arrangements.** The PMO's resettlement specialist, with assistance of national and international resettlement consultants of PSC will ensure that the draft LARP prepared under the project's Preparatory Technical Assistance (PPTA) during the feasibility study is finalized/updated during detailed design and implemented prior to start of the civil works. The PMO will perform systematic coordination with khokimiyats, other local authorities and stakeholders to ensure the proper finalization and implementation of the LARP.
23. **Budget.** The preliminary estimation of compensation rates of affected land plots, and other losses (crops, trees) was made based on sample unit rates for several types of assets based on similar project data, as well as based on average rates informally available through the consultations with cadaster and khokimiyats. Other related costs such as transaction cost, registration fee, related to new plot to be allocated; LARP finalization cost have been estimated based on average data from similar projects.
24. The land acquisition and resettlement cost estimate for the project includes eligible compensation, assistance and support cost for LARP implementation as per the entitlement matrix. Compensation by the project will include land development cost to make the

replaced land usable, compensation for crops and other associated assets, if any. Total Indicative compensation cost land acquisition and resettlement (including the service cost for land allocation) is 4284550.65 Thousand UZS equivalent to 526357.57 USD to be covered by PMO, and the administrative cost of LARP finalization is 5750.00 Thousand UZS equivalent to 706.39 USD to be covered by PSC.

25. Thus, the total LARP finalization and implementation cost for the project amounts to **4290300.65 Thousand UZS** equivalent to **527063.96 USD**.
26. Both compensation amount and administrative cost include 15% of contingency to meet the LARP implementation cost and any additional cost to be incurred in the future. This is an indicative cost which needs to be further updated and finalized based on detailed design and actual DMS/census results. RRA (PMO) will ensure that necessary fund allocation is done in advance in the overall project budget so that compensation is paid on a timely matter.
27. **Implementation Schedule and Monitoring.** The PMO, with assistance of PSC will submit semiannual social monitoring reports (SSMR) to ADB which will broadly include; setting up of relevant institutions, status on land for land compensation especially finding the alternate land, land development in the alternate site, status on disbursement of compensation and assistance, number of consultations carried out, number of grievance recorded and redressed, status on progress of physical construction, difficulties (if any) found during the implementation of LARP and further mitigation measures etc. The action plan for LARP finalization, implementation and monitoring activities is presented below in Table ES 2.

Table ES 2: Monitoring and Implementation Action Plan

LAR Activities	Responsible party
A. Detailed Design	
Finalization of Detailed Design ¹	PSC
Involvement of survey team and appraisal company	PSC
Issuance of Decree by khokimiyats on land allocation ²	Andijan khokimiyat
Conducting the PC based on verified list of APs (Issuance of notification on cut-off-date following detailed design)	PSC, PMO
Conducting the final AP census/DMS	PSC, PMO
Update of LARP based on Detailed Design and final AP census/DMS (including PCs)	PSC, PMO
Submission of Final LARP for ADB Approval	PMO
Disclosure of approved LARP	PMO
B. LARP Implementation	
Issuance of IDs to APs	PMO, PSC
Consultation and GRM	PMO, PSC
Payment of compensation to APs	Khokimiyats, PMO
Payment of all eligible assistance	Khokimiyats, PMO
Takeover possession of acquired property	PMO
Handover land to contractors	PMO
C. Internal Monitoring by RRA	

¹ The schedule is subject for updating depending from detailed design finalization date. In this LARP detailed design is considered the status of design, which can be sufficient to assess the final actual impact (dinal DMS and census).

² The LARP finalization progress closely depends from the issuance of decree by khokimiyats on land allocation.

SRMR to be submitted to ADB (Contentious)0	PSC, PMO
LARP Completion Report to be submitted upon completion of LARP implementation	PSC, PMO

1. INTRODUCTION AND PROJECT BACKGROUND

1.1 Overview and Background of the Project

1. The Government of Uzbekistan (Government) has requested Asian Development Bank (ADB) assistance for the establishment of three agro-logistics centers (ALCs), initially for horticulture, in three locations—Andijan, Samarkand, and Tashkent—taking into account international best practices. Such infrastructure will provide all necessary facilities and services under one roof: storage, auction, food safety certification, customs clearance, quarantine, transport, shipping, expert market advice, trade finance and commercial banking etc. Significantly larger volumes of products with improved quality could be marketed with better post-harvest logistics, notably cold storage and transport integrated with quality and safety standard certification, customs clearance, and quarantine provided through wholesale and export processing facilities in the vicinity of production areas.

2. The ALCs will help expand horticulture export and thus promote better linkages with production, post-harvest processing, and handling following international quality, and safety standards. Increased export and domestic marketing of horticultural products will increase price transmission to small-scale producers, and small- and medium-sized agribusinesses. It will also help increase diversification of the agriculture sector from cotton to horticulture as it has more financial, economic, and less social and environmental concerns than cotton in the medium and long term.

3. Currently works for feasibility study are being conducted by the International consulting company (Mercasa) with local counterpart (NBT) (hereinafter: Feasibility Consultant), including the necessary social and environment due diligence and to prepare the project to the full satisfaction of government requirements as well as those of the ADB.

4. The project implementation period will be five years (2018–2023). The Rural Restructuring Agency (RRA) will be the executing agency for the Project. Both the Rural Restructuring Agency (RRA) and the Ministry of Foreign Trade (MFT) will be the project implementing agencies. A project management office (PMO) will be established under RRA which will be responsible for the overall land acquisition and resettlement (LAR) activities. An international consulting firm will be engaged by the Project Management Office (PMO) based in RRA. A project management and supervision (PSC) consulting firm will be recruited to assist the project implementation and supervision.

5. This draft Land Acquisition and Resettlement Plan (LARP) has been prepared for the establishment of **ALC in Andijan, Andijan district** under the “Horticulture Value Chain Infrastructure Development Project” (hereinafter: Project), to be financed by the Asian Development Bank (ADB) to assess the possible land acquisition and resettlement impacts of the project based on the preliminary (feasibility) design.

6. This draft LARP complies with requirements of relevant Uzbek laws and regulations and ADB’s Safeguards Policy Statement (SPS) of 2009 and is based on the data obtained from secondary sources, as well socio-economic survey, therefore it shall be updated and an implementation-ready LARP shall be prepared upon the finalization and approval of detailed design which will allow to assess the project’s actual impact through census and detailed measurement survey (DMS).

1.2 Project Components

7. The main technical features of Project components are described below and the map of Project location is presented in Figure 1.1.

8. The Project includes the following components:

- (i) Construction of ALC with all relevant structures and utilities
- (ii) Construction of access road to the ALC with for about 850-900m of length (the selected site has no direct access from the existing road) within the land to be provided for ALC and existing auto road Andijan-Asaka direction.
- (iii) Construction of new railway line connection to the main railway line of 600-650m to serve the ALC within the land to be provided for ALC.
- (iv) Construction of water treatment plant and Installation of drinking water pipeline to be passed land to be provided for the ALC. The exact RoW and length will be clarified when the final design will be ready during the final LARP preparation.

1.3 Selection of the Project site and Impact Minimization

9. The Feasibility Consultant developed list of criteria to be used for selecting locations and conducted series of discussions with the involved stakeholders on this matter. Below-indicated are the criteria utilized:

- (i) Availability of land plot with a size of 50 ha (with potential expansion up to 100 ha) which is not used by households, farmers, or others;
- (ii) Distance to the main cities:
 - a. Tashkent – max. 20 km (45 minutes);
 - b. Andijan and Samarkand – 10/20 km (20/30 mins);
- (iii) Easy (close) connection to transportation infrastructure:
 - a. railways;
 - b. inter – state / province roads;
- (iv) Access to supplies:
 - a. power (electricity);
 - b. gas;
 - c. water.
- (v) Plain territory (no mountain or hilly areas);
- (vi) No watercourse (river, spring waters, small river streams)
- (vii) No environmentally protected area;
- (viii) No large-scale/chemical industries around;
- (ix) Not complicated Legal procedures for land acquisition; conducting construction works, connections to supplies and transportation infrastructure, etc.;
- (x) Preferably rectangular shape of the land plot.

10. The Feasibility Consultant's Team visited each site and assessed proposed land plots against the all criteria³. Assessment of sites was carried out in cooperation with relevant local district and provincial Khokimiyats (administrations) and they expressed their agreement with the selected site in an official letters addressed to the RRA.

11. Attempts have been made to minimize land acquisition and resettlement through the carefully analyses of possible impacts for each proposed site location and by adopting

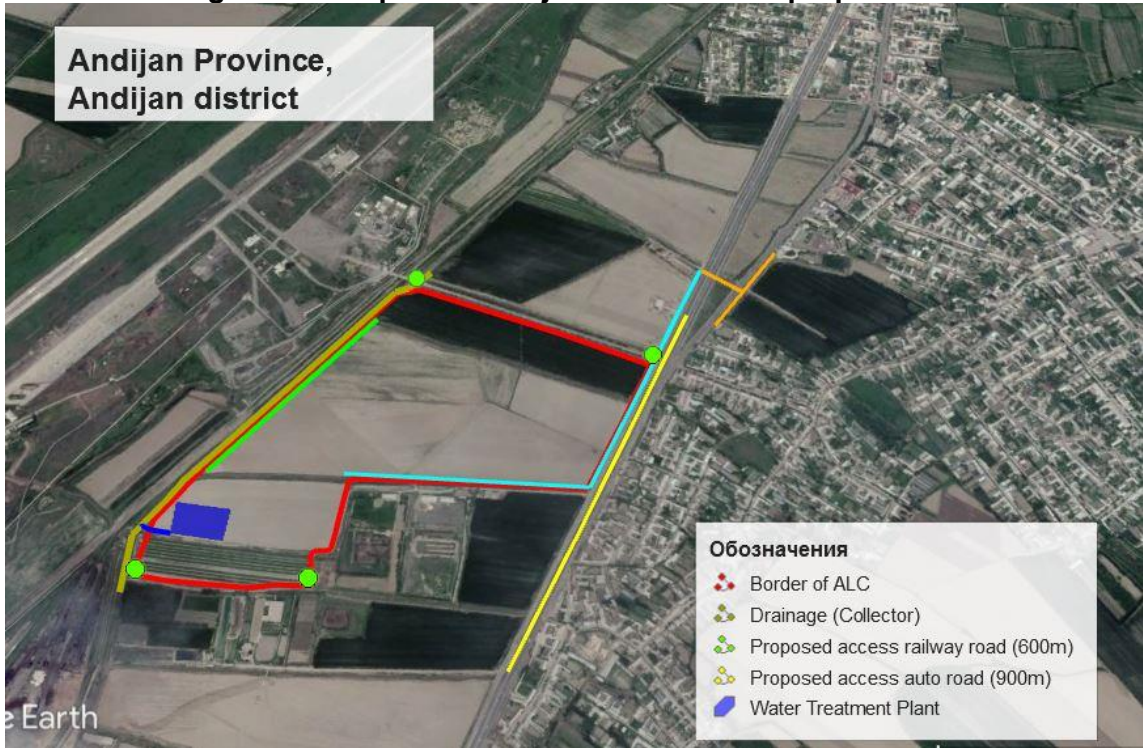
³ The results of the analysis of proposed site options are presented in the preliminary Feasibility Study Report.

mitigation measures such as the choice of sites for the construction of ALC. Particularly, as a result of close work with engineers it was possible to avoid the impacts of two residential houses on the left side of the Project site, as well as the access road options have been assessed to avoid the impacts of near located residential area, trees and other improvements.

Figure 1.1: Map of the Project Location



Figure 1.2: Map of the Project location with proposed installments



1.4 Overall objectives of the Land Acquisition and Resettlement Plan (LARP)

12. The purpose of the LARP is to identify all persons and entities who will be affected by the construction of the project, to estimate the extent of the impact (i.e., what type of loss they will suffer and their value), and how they will be compensated or their incomes restored, to ensure that they are not worse off than in a “without project” situation. In all cases, the overall aim is to at least, restore the livelihoods and quality of life of the affected persons (APs).

13. The primary objective of the LARP is to provide necessary details for compensation, relocation and rehabilitation, including: i) identification of the extent of losses and impact of the project; ii) information disclosure, consultation and participation; iii) policy and framework for compensation payments and rehabilitation; (iv) rehabilitation program for severely affected and vulnerable households; v) complaints and grievance redress mechanism; vi) resettlement budget and financing plan including the estimated compensation for lost assets, relocation, and rehabilitation; vii) the institutional framework and implementation schedule of resettlement plan; and viii) monitoring of LARP implementation.

1.5 Current status of the LARP

14. The LARP contains the extent of impact to be caused by the proposed land acquisition due to construction of ALC and access road. The draft LARP:

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

15. Land for permanent acquisition was identified through the selected site for construction of ALC based on the preliminary design and confirmation by khokimiyat.

16. The land allocation for the construction of ALC has been already confirmed by khokimiyat (local government) and the land allocation procedures will be applied according to the national legal requirements upon the approval of the Project by ADB and Government of Uzbekistan (see Appendix 1).

17. The executing agency (PMO), with assistance of PSC, will be responsible for finalizing the LARP into an implementation-ready document based on detailed design and the impacts shall be updated accordingly.

2. SCOPE OF LAND ACQUISITION AND INVOLUNTARY RESETTLEMENT

2.1 General

18. The impacts on land acquisition and involuntary resettlement are categorized into two parts such as permanent impacts and temporary impacts in terms of land acquisition.

- (i) **Permanent impacts:** Permanent land acquisition includes loss of farmland required for the for construction agro-logistics center (ALC), for the construction of access road for the ALC, as well as for the construction of water treatment plant and installation of drinking water pipeline. The construction of water treatment plant will be done within the farmland to be allocated for the construction of ALC and will not cause additional impacts. The main part of drinking water pipeline also will be located within the ALC's area, while the small part will be passed through the public reserve land along the highway not causing any additional impacts.
- (ii) **Temporary impacts:** Temporary land acquisition may include loss of land required temporarily during construction of the ALCs and/or access roads (if any) which may cause loss of crops/trees and other improvements due to the construction process, but this will revert to existing occupiers of the land once construction has been completed. In this stage, no temporary impacts are identified under the Project. In case of other impacts on assets and/or income which may occur during the construction process, must be carefully recorded and compensated by the Contractor based on the principles and entitlement matrix defined by this LARP.

19. Thus, this draft LARP covers permanent impact (land acquisition) due to construction of ALC and access road.

2.2 Impact Assessment Approach and Methodology

20. The preliminary impact assessment survey for this draft LARP was carried out based on the preliminary design for the construction of ALC and access road which will further be updated during the detailed design and serve as a basis for the preparation of implementation-ready LARP and as the basis for the civil works.

21. As per the current technical details and technical layout available during the feasibility study, preliminary impact assessment survey (inventory of potential impacts) was carried out for Project components having permanent land acquisition. In order to accurately assess the possible impacts of land acquisition and other losses, the following activities have been undertaken at this stage:

- (i) **Identification of affected lands:** The feasibility schema has been superimposed on google maps in order to identify the number of land parcels and their demarcation including the quantification within the defined location. The list of affected assets/parcels was developed based on google map and the data on ownership status, type of lands (agricultural/ non-agricultural) and structures (non-residential), names of farmers was collected through consultations with the khokimiyat (local government) and local cadastral office. The respective letter with details of affected land plots and farmers has been provided to RRA by khokimiyats (see Appendix 1).
- (ii) **Inventory of Losses:** The data about the affected crops and trees was collected through the direct observation in the field, as well as consultations with khokimiyat and APs. No detailed measurement survey (DMS) and detailed inventory have been implemented at this stage.
- (iii) **Census and Socio-Economic Survey (SES):** To identify the exact number of AHs and their members, including some elementary social characteristics such as gender and ethnicity, as well as current socio-economic condition of affected people and household's census and SES surveys were carried out covering all AHs permanently affected due to construction of ALC and access road. The census/SES couldn't cover the AHs of agricultural laborers, only data on their number, employment type and some

preliminary gender distribution could be obtained from the farmer (owner of affected farmland).

- (iv) **Estimation of LARP budget:** The preliminary estimation of compensation rates of affected land plots and other losses (crops, trees) was made based on sample unit rates for several types of assets based on similar project data, as well as based on average rates informally available through the consultations with cadaster and khokimiyats. Other related costs such as transaction cost, registration fee, related to new plot to be allocated; LARP finalization cost have been estimated based on average data from similar projects. Preliminary estimation of compensation rates aimed to provide an initial cost estimate for the LARP based on the proposed entitlement matrix.

2.3 Permanent Impact

22. The following section describes the findings of the preliminary impact assessment survey (inventory of potential impacts). As per the survey, only one land parcel is permanently affected due to the project. The number affected land users/AHs due to loss of permanent land acquisition is also only 1. Meantime, there are 16 agricultural laborers which are working for this affected farmer will loss their work due to permanent land acquisition of farmland's part, thus the total number of AHs has been considered as 17. The details on affected AHs and APs are provided in subchapter 3.11.

23. There is only one district and one massive⁴ which will be affected due to permanent land acquisition (see Table 2.1).

Table 2.1: List of Affected Districts and Missives (permanent impact)

#	Name of the Province	Name of the District	Name of the Massive	Total number of Missives
1	Andijan	Andijan	A.Ismailov	1

Source: Preliminary Impact Assessment Survey, March 2018.

2.3.1 Impact on Land

24. There is only one land parcel hold by one farm (leaseholder)⁵ with total area of 130.5ha being affected by land acquisition. The land affected by access road is public land with no impacts, all affected agricultural land is affected by construction of ALC. Details are shown in Table 2.2.

Table 2.2: Affected Land Parcels and Severity of Impact

#	Name of the Province	Name of the District	Number of Affected Land Parcel	Number of Affected Land Users	Total Land holdings (ha)	Total affected land (ha)	Severity of Impact due to permanent acquisition (%)
1	Andijan	Andijan	1	1	130.5	51.43	39.4
Total			1	1	130.5	51.43	39.4

Source: Preliminary Impact Assessment Survey, March 2018.

⁴ It is a local level community-based agricultural unit of farmers.

⁵ The farm is a juridical person (legal entity) running agricultural production with the use of land parcels granted to him on a long-term lease. The farmland is given for 49 years to the registered farmer with no limit in hectare.

25. Severity of impact occurs when 10% or more of the total productive asset (income generating) such as agricultural land, in this case, is affected. Data on the total land holding size of the affected households has been collected and accordingly, the severity of impact has been calculated. As per the preliminary impact assessment survey, the permanently affected land plot is severely affected by the project (39.4%).

26. Out of totally affected 51.43ha lands a total of 44.58 ha (86.6%) are agricultural land to be acquired permanently for the project, of which 41.08ha (79.8%) is used as arable/crop cultivation land and 3.5ha (6.8%) as orchard/garden land (see Table 2.3).

Table 2.3: Affected Agricultural Land per Type

#	Name of the District	Permanent land acquisition (ha)			
		Total affected land	Arable/Crop Cultivation	Part of irrigation land using for channels/ditches and secondary roads	Orchard/Garden
1	Andijan	51.43	41.08	6.85	3.5
Total		51.43	41.08	6.85	3.5

Source: Preliminary Impact Assessment Survey, March 2018.

2.3.2 Impact on Crops and Trees due to Land Acquisition

27. As per the census survey, it is found that there are only two types of crops being cultivated which will be affected due to land acquisition. These crops are wheat and cotton. Meantime, on the affected 3.5 ha orchards/garden land plot there are 6000 mulberry trees to be affected by the project. The number of affected trees has been done based on observed number of trees in 1 ha and calculation of planting lines (see Tables 2.4 and 2.5).

28. Besides, the farmer is providing mulberry leaves for growing silk: the farmer has an annual contract with Andijan province “Agropilla” Limited Liability Company to provide them with cocoon. According to SES data from the AH, it was identified that he produces 25 boxes of cocoons (1 box approximate 56 kg) during the one month (in May annually) and deliver to “Agropilla LLC” as approximate UZS 13,000 per kg. This income loss is also subject to compensation under the LARP after the official verification by khokimiyat during the LARP finalization stage.

Table 2.4: Loss of Crops/tress due to Permanent Land Acquisition

#	Name of the District/Project component	Permanent land acquisition			Type of main
		Total affected cultivated area, ha	Average net profit from 1 ha, UZS	Loss profit from affected land, UZS	cultivated crops
1	Andijan	41.08	539.038,0	88.574.642	Cotton/Wheat
2	Andijan (orchard)	3.5	3.299.087	406.187.225	Mulberry
Total		44.58	-	494.761.867	-

Source: Preliminary Impact Assessment Survey, March 2018.

Table 2.5: Loss of Trees due to Permanent Land Acquisition

#	Name of the District/Project component	Permanent land acquisition			Type of main affected fruit trees
		Total affected orchards, ha	Average number of trees in 1 ha	Number of affected trees	
1	Andijan (orchard)	3.5	1715	6000	Mulberry
Total		3.5	1715	6000	Mulberry

Source: Preliminary Impact Assessment Survey, March 2018.

2.4 Impact on Structures

29. According to the preliminary impact assessment, there are no structures affected by the project.

2.5 Impact on Business and Income

30. According to the preliminary impact assessment, there are no businesses affected by the project.

31. Meantime, there are in total 16 permanent agricultural laborers working on the affected 1 farmland with formal agreement with farmer (details are given in Table 2.6). According to the interview with the farmer, he will basically keep all the current laborers if favorable land plot is provided close to his house as a result of LARP implementation. If favorable agricultural land plot is not provided, some of the laborers might lose their jobs since the farmer may not continue farming at the newly allocated land any more. In case, if the agricultural laborers will lose their work due to permanent land acquisition of 51.43 ha of farmland without keeping the current contracts with farmers, all the entitlements will be provided based on the entitlement matrix of this LARP. This must be identified during the LARP finalization stage based on land allocation document issued by khokimiyat

Table 2.6: Agricultural labor per type

Agricultural labor type	Involved on total land holdings (130.5 hectare)	Involved on Affected land plots (51.43 hectare)
	No.	No.
Seasonal	-	-
Permanent	43	16
Total	43	16

2.7 Temporary Impacts

32. In this stage, there are no temporary impacts identified. In case of other temporary impacts on assets and/or income which may occur during the construction process, must be carefully recorded and compensated by the Contractor based on the principles and entitlement matrix defined by this LARP.

2.8 Public Utilities

33. According to the preliminary impact assessment, no impacts will be caused on any public utility/common use property by the project.

2.9 Summary of Impacts

34. The Project will have various impacts in terms of loss of land, crops, structures, income, etc. Summary details on various impacts per Project components are shown in Table 2.7.

Table 2.7: Summary of Impacts

#	Type of Impact	Permanent impact	Remarks
1	Number of affected Villages	1	
2	Number of affected land parcels	1	
3	Affected land area (ha)	51.43	
4	Affected agricultural land area (ha)	51.43	Including the arable land + irrigation channels/ditches and secondary roads and orchard/garden
5	Affected arable/crop land area (ha)	41.08	Included in item 4 (51,43)
6	Affected Orchard/ Garden land area (ha)	3.5	Included in item 4 (51,43ha)
7	Affected Non-agricultural land area (ha)	0	
8	Number of severely AHs	1	
9	Number of vulnerable AHs	0	
10	Number of affected Trees	6000	
11	Number of affected residential/ non-residential structures	0	
12	Number of affected businesses	0	
13	Number of affected permanent agricultural laborers (AHs)	16	
14	Number of total AHs	17	
15	Number of total APs	92	Including 12 APs of 1 AHs covered by census, as well as extrapolated number of 80 APs of 16 agricultural laborers' AHs

35. No adverse impacts on people are expected through environmental media (i.e. odor, noise, vibration etc.) which may result in land acquisition and/or relocation either permanently or temporarily. The potential adverse impacts from environmental media (i.e. odor, noise, vibration etc.) will be fully assessed after the detailed design is completed.

3 SOCIO ECONOMIC INFORMATION AND PROFILE

3.1 General

36. The main objective of the Socio-Economic Survey (SES) is to provide a description of the key socio-economic features of the affected population and communities, such as education levels, modes of livelihood, sources of income, poverty/income levels as well as house type. This will increase the understanding of potential impacts of land loss on affected households and identify options for rehabilitation.

37. In this draft LARP, the socio-economic profile is presented based on preliminary census/SES carried out in March 2018 for all households affected due to permanent agricultural land acquisition (only 1 AH), except of the agricultural laborers due to their unavailability. Thus, the census/SES data presented in this chapter is the actual with reference to only 1 AH and 12 APs. The questionnaire used for Census/SES is presented in as Appendix 3.

3.2 Overview of the project Region⁶

38. Andijan province is located in the eastern part of Uzbekistan, in the Ferghana Valley, regarded as a jewel of Uzbekistan. It borders with Namangan and Ferghana provinces of Uzbekistan and Jalalabad and Osh provinces of Kyrgyzstan.

39. Andijan district, where one of the agro-logistic centers is planned to be built, is predominantly urban or semi-urban district. Its close proximity to Andijan city means that it mainly specializes in producing wheat, cotton, fruits and vegetables. Out of 2031 commercial farms, only 174 farms produce cotton or wheat, but cotton and wheat production accounted for 2/3 of the irrigated land. It means that commercial farms that specialize in production of cotton and wheat have average land area of 65.6 ha, while fruits and vegetables producers have average size of 3.2 ha.

40. Andijan province is most densely populated province, with abundant labor resources. Almost 3 mln people reside in the province, out of which labor force constitutes 1.4 mln. Official estimation of the unemployed is 77,5 thousand people. In the immediate vicinity of the proposed agro-logistics center (Andijan city and Andijan district) there are more than 15 thousand unemployed people.

41. The general statistical information on Project region is presented in the Table 3.1 below.

Table 3.1: General Information about the Project Area

Item	Andijan province statistical data
Area thousands km ²	4.30
Number of districts and towns	16
Total population, thousands	2,936.5
Rural population, thousands	1,391.5

⁶ The data is based on data presented in the "Detailed Social and Gender Assessment" carried out for the Project.

Population density (population per square km)	689
Working age population, thousands	1,769.3
Share of employed population, %	71
Share of employed in rural areas, %	44
Unemployment, %	5.6

Source: Provinces of Uzbekistan statistical bulletin, State Committee on Statistics of Uzbekistan, 2017.

3.3 Gender distribution of Aps

42. Census has covered 1 affected household with 12 affected persons. It includes 7 (58.33%) males and 5 (41.67%) females (Table 3.2). The head of household is male. The actual household size is 12 persons, while the usual average household size in Uzbekistan is about 5 persons. The size of surveyed AHs approximately is comparatively bigger then the average rural Uzbekistan household size.

Table 3.2: Gender Profile of Affected Persons

Gender	No	% of the total
Male	7	58.33
Female	5	41.67
Total	12	100%

3.4 Ethnicity of Affected Persons

43. An Indigenous People (IP) group as defined by the IP Safeguards of the SPS (2009) is not present in Project area. However, the SPS defines IPs as a generic term that includes ethnic groups. 100% of the 12 APs are Uzbek.

3.5 Gender, Age and Marital status of APs

44. The APs have an average age of 28.5 years (16-25 age group). All APs are married. The details are presented in tables 3.3 and 3.4.

45. The head of surveyed household is male of 36-45 age. The age distribution of the surveyed population shows that the 0-15 and 16-25 age groups are the most represented group among the household members (33.34.83% and 33.33%).

Table 3.3: Age Distribution of AH members by Gender

Age Cohort	Male		Female		Total	
	No.	%	No.	%	No.	%
0-5	1	8.33	1	8.33	2	16.67
6-15	1	8.33	1	8.33	2	16.67

16-25	3	24.99	1	8.33	4	33.33
26-35	1	8.33	-	-	1	8.33
36-45	1	8.33	-	-	1	8.33
46-55	-	-	-	-	-	-
56-65	-	-	1	8.33	1	8.33
66 and more	1	8.33	-	-	1	8.33
Total	8	66.65	4	33.35	12	100,00%

Table 3.4: Marital Status of AH members

Marital Status	Male		Female		Total	
	No.	%	No.	%	No.	%
Married	3	100	3	100	6	100
Single (not married)	-	-	-	-	-	-
Widowed	-	-	-	-	-	-
Divorced	-	-	-	-	-	-
Not applicable	-	-	-	-	-	-
Total	3	100			6	100%

3.6 Education level

46. The head of interviewed AH has secondary education. The overall literacy level is comparatively low among the affected household members. Out of 12 household members (APs), 9 (75%) have primary or secondary education, while no one has higher education. Meantime, the secondary education is higher for female members than for male. Details are shown in Table 3.5 below.

Table 3.5: Education of AH members by Gender

Educational Level	Male		Female		Total	
	No.	%	No.	%	No.	%
Illiterate	-	-	-	-	-	-
Kinder garden	2	25	1	25	3	25
Primary	3	37.5	0	0	3	25
Secondary	3	37.5	3	75	6	50
Higher	-	-	-	-	-	-
College	-	-	-	-	-	-
University	-	-	-	-	-	-
Total	8	100	4	100	12	100%

3.7 Employment Status

47. The distribution of APs per employment status is presented in table 3.6 below. According to the survey results the heads of AH is involved only in agricultural activities as a main type of employment and source of income.

48. Almost 33.33% of APs (2 males and 2 females) are involved in agricultural related activities, 33.33% are housekeeping (only 2 female APs). Retired APs are also 2 (33.33%) (1

male and 1 female). No one of APs has private jobs or engaged to government jobs In all, no APs reported to be unemployed at the time of survey. Meantime, all 12 APs are unskilled.

Table 3.6: Occupation Status of AH members by Gender

Occupation Status	Male		Female		Total	
	No.	%	No.	%	No.	%
Agriculture	2	66.67			2	33.33
Business						
Government Jobs						
Private Jobs						
Daily Wage						
Pension	1	33.33	1	33.33	2	33.33
Student						
Self Employed						
Housewife			2	66.67	2	33.33
Under employment						
Unemployed						
Disabled						
Others (Specify)						
Total	3	100	3	100	6	100%

3.8 Source of Livelihood and Income

49. As shown in the Table 3.7, the agricultural activity serves as a first source of income for the affected household (63.33%) and the only other source of income mentioned by surveyed AHs is the pension (36.67%). The average household monthly income from agricultural activities is 950.000 UZS, while from the pension it amounts to 550.000 UZS.

Table 3.7: AHs Source of income

Source of income	Average %age of Income per type Per Household (%)	Total Average Income Per Household per type (UZS)
1. Agriculture	63.33	950000
2. Business, self-employed	-	-
3. Government Jobs	-	-
4. Private Jobs	-	-
5. Daily Wage	-	-
6. Pension	36.67	550000
7. Social allowances by Gov	-	-
8. Other	-	-

Table 3.8: Proportion of Agricultural and Non-Agricultural Annual Incomes per Household

Average Income By Non Agricultural Activities Per Household (UZS)	Average Income By Agricultural Activities Per Household (UZS)	Total Average Income Per Household (UZS)	%age of agricultural income to non-agricultural income
6.600.000	11.400.000	18.000.000	172.73

3.9 Household Expenditure, Indebtness and State Benefit

50. According to survey results, the total average annual expenditure of the AHs is 15.600.000 UZS which is less then the the total average annual income almost by 13%. No one of APs has loan for agricultural purposes from the government or other private banks.

3.10 Vulnerable Households

51. According to the census/SES results, there are no vulnerable households affected by the Project. However, during the LARP finalization stage, this data shall be verified and updated based on final actual census/SES covering all AHs, including the agricultural laborers.

3.11 Summery on Affected Households (AHs) and Affected Persons (APs)

52. The preliminary census/SES was carried out only for one AH permanently affected due to permanent acquisition of part of his agricultural land plot (1 AHs, 12 APs), for them the census/SES data presented in this section is the actual. Thus, for the other AHs particularly the affected AHs of 16 permanent agricultural laborers, the numbers has been estimated/ extrapolated.

53. Thus, to estimate the number of APs for the 16 agricultural laborers' AHs, it was extrapolated based on the the average household size of 5 persons. Thus, applying this average to the number of 16 AHs, the number of affected persons (AH members) can be estimated as 80 (16*5).

54. Thus, the total number of AHs amounts to 17 and number of APs amounts to 92. The actual number of AHs and APs will be identified and verified via final census/SES survey during the LARP finalization stage. Impact wise details on affected households and persons are shown in Table 3.9.

Table 3.9: Affected Households and Affected Persons

Impact type	Number of AHs	Number of APs
1. Affected farmland	1	12
2. Affected permanent agricultural laborers involved in agricultural activities on affected farmland	16	80
Total	17	92

4 INFORMATION DISCLOSURE, CONSULTATION AND PARTICIPATION

4.1 General

55. This chapter describes the process of Public Consultation (hereinafter referred to as PC) with the affected communities and APs.

56. The main objectives of the public consultations are as follows:

- to make people aware about the project and let the beneficiaries know about the positive outcome of the project in terms of electrification of the railway,
- to disseminate information to the people about the project in terms of its activities and scope of work; and understand the views and perceptions of the people affected and local communities with reference to acquisition of land or loss of property and its due compensation,
- to involve them as stakeholders in project planning and further during implementation.
- to seek local peoples' views on minimizing probable adverse impacts on land acquisition and involuntary resettlement,
- to understand views of affected people on resettlement options and generate idea regarding the expected demand of the affected people,
- to seek peoples' participation and involvement during collection of actual information during the detailed measurement surveys,
- to discuss about the general policy principles of national laws and ADB Safeguard Policy Statement, 2009 and to make them aware about the broad eligibility and entitlements,
- to discuss about the nature of impacts, such as, permanent and temporary in terms of land acquisition and involuntary resettlement for the permanent facilities and transmission lines.

57. Consultations were carried out with stakeholders at early stages of project preparation. Series of visits were organized to the project provinces and meetings with project with internal and external stakeholders/involved parties, such as provincial and district khokimiyats (administrations), dehqan/farmers' markets administrations, cold storages management and farmers as well as with RRA, Uzbekozikovich holding and Uzagroexport companies. Informal consultations were carried out with RRA and khokimiyats to seek their guidance on various issues related to land acquisition and resettlement planning activities. Officials of cadastral department were consulted to collect maps and parcel details of the project affected area.

58. Public consultation (PC) was conducted on March 16, 2018 in administrative buildings of Andijan district khokimiyat. PC was carried out jointly with environment team, Khokimiyats and the local people from the project areas were targeted. Representatives of three settlements surrounded the project site – Terak tagi and Dekhonodob participated the meeting. PC participants were introduced with project's main features, results of environmental assessment and preliminary results of finding in terms of resettlements impacts. The Feasibility Consultant introduced Grievance Redress Mechanism and ADB requirements on public disclosure process. The information was presented with using Power Point Presentation (Presentation, photos and list of participants from the consultation are provided in Appendix 2).

59. The participants were explained that the project currently on the conceptual stage which will be followed detail design stage. If any changes in the project design will take place, the LAR

impact assessment will be revised per new circumstances and new round of public consultation will be conducted with affected people.

60. The following LAR related topics have been presented to the community members:

- Introduction on Project background and components
- Expected project LAR impact
- The aim of preparation of draft LARP
- Main phases of LARP preparation, implementation and approval (including the start of civil works)
- The content of draft LARP
- Types of losses subject for compensation under the project LARP
- Groups of APs eligible for compensation
- Main provisions of entitlement matrix
- Main stages of LARP finalization and approval
- GRM proposed for the project

61. Besides the presented topics, also the preliminary impact data was presented to the community representatives indicating that this is estimate picture and should be verified/updated based on DMS during the LARP finalization stage.

62. During PC people were requested to give their opinions and suggestions. In addition, participants were provided with contact information of PPTA's international and national Resettlement Specialists for further suggestions and questions.

63. In total, 70 people from local communities have been participated in PC from 3 settlements surrounding the project site, of which 33 (47%) were females.

64. Affected persons due to permanent and temporary land acquisition will be consulted at individual household basis during census and socio economic survey during the LARP finalization stage.

65. The key issues discussed, questions raised during the meeting are presented in the next section. Details on consultations and List of participants are presented in Appendix 2: Minutes of Public Consultation).

4.2 Findings of the Public Consultation

66. Most of the project affected people are aware about of the project in general terms; however, a few sections of the people are not aware about the project. People are supportive about the project as it will improve the economic situation in the region, especially for those who are involved in agricultural activates. Participants noted importance and their high expectations from this project as a source of new job opportunities for local populations and economic benefits for farmers and producers of whole Andijan province. The main issues raised during the public consultation were related to the environmental mitigation issues and possible job opportunities, no issues have been raised about resettlement, the Q&A presented in the Table 4.1. This draft LARP incorporates comments and suggestions from all concerned stakeholders.

Table 4.1: Issues raised and discussed during the PC

#	Issues raised	Response	Addressed in LARP/EIA
1	What kind of water sources will be used for ALC?	Two options are considering currently: ground water wells and connection to water supply main trunk. The main trunk will be construction in 3 km to the north-east in 2019	Details provided in EIA, Chapter 4.
2	Will the ALC have a waste water treatment? There is no centralized sewage water on the site	Yes, waste water treatment plant is part facilities of ALC. The water treatment will ensure quality of treated water in accordance with national standards for discharging water into surface	Details is provided in EIA, Chapters 3 and 4
3	What is total amount of investment for this project	It is planned that total cost of the project will be 197 USD	Detail is provided in EIA, Chapter 1
4	How many work places will create this ALC	Based on similar ALCs operating in other countries, numbers of workers, including qualified staff will not less than 1000 people.	Details are provided in EIA, Chapter 5
5	Will be it possible for local population to get job on this ALC?	Yes, one of the target of this project is improve living conditions of population. Creation new jobs for locals will part of the project	Details are provided in EIA, Chapter 5

4.3 Future Consultation Strategy and Information Disclosure

67. Consultation will be continued throughout the project cycle. Additional rounds of consultations with APs will be required while updating the LARP after the detailed design exercise. The next rounds of consultations will occur after the detailed design and when compensation and assistance are provided. For future consultations, following steps are envisaged in the project:

- PMO with assistance of PSC will organize public meetings and will apprise the communities about the progress in the updating of LARP.
- PMO with assistance of PSC will organize public meetings to inform the community about the compensation and assistance to be paid.
- Key features of the entitlements will be disclosed among the APs.
- Attempts will be made to ensure that vulnerable groups understand the process and to take their specific needs into account.

68. The project information will be disseminated through disclosure of resettlement planning documents. Resettlement information leaflet (Appendix 4) containing information on project design, compensation, eligibility, entitlement, grievance redress mechanism, and further implementation plan etc. will be translated in to local language (Russian and Uzbek) and will be distributed to affected persons upon the approval of draft LARP by RRA and ADB. Copy of the draft LARP (full report) will also be translated to local language and will be made available at district level especially in the Khokimyats. The draft LARP will be disclosed on ADB's website (in English Language) and in the website of RRA (in English, Russian and Uzbek) upon

approval. The same procedure will also be followed during the disclosure of updated/final LARP during the detailed design.

69. As part of information disclosure, the final version of LARP will be translated into local language and will be delivered to local communities and relevant authorities (hokimiyats). For the interested parties the final LARP (English and Russian versions) will be available at the offices of the PSC on construction site and local offices of RRA.

70. In order to maintain the transparency of the public disclosure process, the semiannual social monitoring reports (SSMRs), as well as the internal monitoring reports on LARP implementation will be published on the ADB and RRA websites as well.

5 GRIEVANCE REDRESS MECHANISM

5.1 Objectives

71. In accordance with ADB SPS (2009), Grievance Redress Mechanism (GRM) will be established after the project effectivity. The main goals of GRM are ensuring the receipt and timely redress of grievances and concerns submitted by the aggrieved project affected persons, and resolve complaints at the project level and prevent escalation to the national courts or ADB Accountability Mechanism. A grievance mechanism will be established to allow affected persons appealing any disagreeable decision, practice or activity arising from land or other assets compensation. APs will be fully informed of their rights and of the procedures for addressing complaints whether verbally or in writing during consultation, survey, and time of compensation. The grievance mechanism shall not impede access to the country's judicial or administrative remedies. Affected persons can approach a court of law at any time and independent of the project level grievance redress process.

72. Along with the ADB requirements on development and approval of grievance redress mechanism by implementation of investment projects, grievance redress procedure in Uzbekistan is also regulated by the national legislation of Republic of Uzbekistan, in particular by the law "On Citizens' Applications" and the "Law on the order of submission of appeals of physical and legal entities" ((#378, 03 December 2014)). According to the "Law on the order of submission of appeals of physical and legal entities", the application or complaint shall be considered within fifteen days from the date of receipt in the state authority, which is obliged to resolve the issue on the merits, as well as require additional study and (or) check, a request for additional documents - up to one month. The submission procedure for grievances and citizens' applications has been discussed during the public consultations in the project districts.

5.2 Grievance Redress Mechanism

73. The GRM for the current project takes into account the national legislation, the specificity of the project sites and results of public consultations. According to the Resolution 97 (29 May 2006) the Khokimiyats of the respective rayons (cities) are obliged to notify owners of residential, production and other buildings, constructions and plantings on the made decision in writing for signature not later than six months prior to demolition, attaching to the notice copies of the relevant decisions of the khokims of rayons (cities) and regions on the basis of the decision of the Cabinet of Ministers of the Republic of Uzbekistan on any land acquisition, demolition of residential, production and other buildings, constructions and plantings located on the land.

74. The APs will have the right to file complaints and queries on any aspect of land acquisition compensation and resettlement. PMO (involve the personnel from The Agency for Implementation of Investment Projects in RRA and the Ministry of Foreign Trade (MFT)) will be responsible for establishment of GRM after the project effectivity and act as the GRM secretary to make sure that the GRM is operational to effectively handle environmental and social concerns of project affected persons. PMO will be assisted by project management and supervision consultant (PSC) in GRM implementation. The proposing GRM was discussed with RRA specialists and it was presented during the public consultations. PMO will ensure that grievances and complaints on any aspect of the land acquisition, compensation, and resettlement are addressed in a timely and satisfactory manner. All possible avenues are made available to the APs to resolve their grievances at the project level. Under the proposed project level grievance mechanism, affected households may appeal any decision, practice or activity connected with the assessment or valuation of land or other assets, acquisition and

compensation. APs will be made aware of the procedures they can follow to seek redress, including, if necessary resort to the courts through the Government's grievance mechanism. The project grievance mechanism will be disseminated via the final LARP leaflet that will be distributed to affected households through the makhalla or village assembly of citizens or farmers councils during the disclosure consultations.

75. In addition, the GRM was discussed with PPTA Resettlement team and updated into the format applicable for both aspects – environmental and social in term of environmental impact and mitigation measures. After discussion with all parties, the following multi-level GRM is proposed for the project and is described below in Table 5.1.

Table 5.1: Grievance Redress Mechanism and Levels

Level/Steps	Process
Level 1: Contractor's office (construction period) or district khokimiyat	<p>Design/LARP implementation period: In this phase, when the Contractor is not involved yet, the aggrieved person may apply to the local khokimiyat</p> <p>Construction period: The aggrieved person may apply to the Contractor's office in each project site. The social and environmental specialist will be in charge for receiving and registration complaints. PMO local representatives will collect information about received complaints on daily base. The alternative entry point for complaints will be also khokimiyats due to their obligations defined by national legislation. 1st deputy of khokim responsible for industry, capital construction communications and utilities is usually responsible for any issues/complaints regarding the construction and land allocation. (S)he will work closely with the PMO and inform them in case of complaints.</p> <p>After registration of received complaints, the Contractor's representatives and/or the khokimiyats will review nature/specificity of the complaint and will forward it to relevant party for resolving. Depending on nature of complaint it may go to Contractor, Land Cadaster, Makhalla or district branch of Nature Protection Committee. In parallel, PMO local representatives will inform PMO in Tashkent about received complaint and further actions undertaken for its solution.</p> <p>PMO representatives will be assisted by PSC in GRM implementation. All the responses shall be provided to complainants in a written manner.</p> <p>At this level complaint should be resolved during 15 days.</p>
Level 2: PMO's secretariat in Tashkent	<p>In case the grievance was not redressed on the first stage or applicant is not satisfied with the decision made/solution, s/he can submit the grievance directly to PMO's secretariat in Tashkent. In accordance with established procedure, the secretariat will review the complaint and will forward complaints to respective department to made decision on its redress. In case the grievance is not related directly to the project, the further instance will be recommended to the applicant where s/he should apply for the decision making.</p> <p>In case, if the complaint is required more time and resources for resolution, the PMO may establish complaint handling team with following members such as representatives from PMO local representative office, PSC, Contractor, district kokimiyat: cadastral department and mahalla or village assembly of Citizens or/and farmer's councils, or/and women association.</p> <p>All complaints will be resolved in 15 days, and in case additional details are required, a maximum of 30 days will be used to resolve and close the complaint with prior notification of complainant. All the responses shall be provided to complainants in a written manner.</p>
Level 3:	<p>If the issue was not solved or the applicant is dissatisfied with the</p>

Level/Steps	Process
Economic Court	decision/resolution, the aggrieved person may submit grievance to Economic Court (Court of Law) where decision will be made in accordance with relevant national legislation. However, APs can approach the court of law at time during the grievance redressal process independent of GRM and the grievance mechanism should not impede access to the country's judicial or administrative remedies

5.3 GRM Records and Documentation

76. Most of grievances on environmental, land acquisition and resettlement issues are redressed at 1-2 levels. All grievances received from the population will be registered in a logbook which should be available at all levels: at the site office of Contractor, each PMO local representative office. Besides, there are also logbooks in the khokimiyats where the grievances from the population are usually registered. Even so, the information on received by Contractor grievances and applications from the aggregated persons, and undertook measures should be submitted to the representatives of local PMO offices for the accounting all grievances. Thereafter the information on all received grievances will be collected at the PMO.

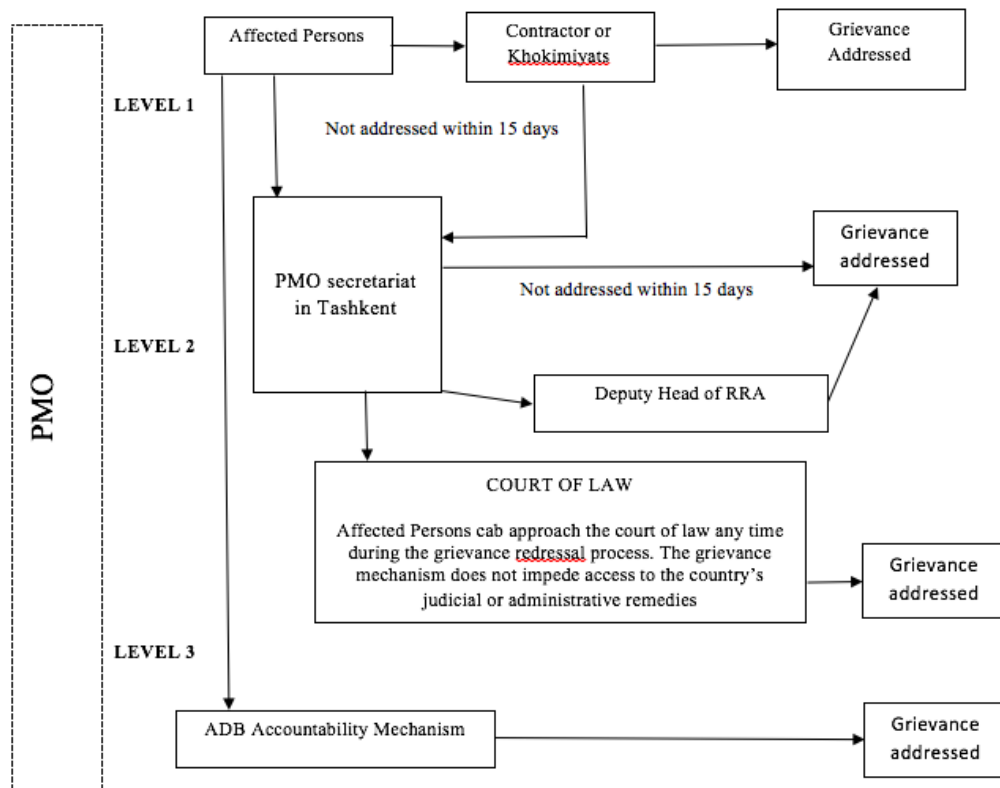
77. The contact information of the Contractors, PSC, PMO local offices and PMO Tashkent secretariat will be disclosed to community members and APs during the public consultations in LARP finalization stage, as well as during the pre-construction public consultations.

78. The Contractor and PSC should include the information on grievances in monthly progress reports submitted to the PMO, who in their turn will include aggregated information to the semiannual environmental monitoring reports (EMR) to be submitted to ADB.

79. The aggrieved persons can also use the ADB Accountability Mechanism (AM) through the direct citizens' application to the Head Quarter in Manila, particularly to Complaints Receiving Officer, Accountability Mechanism Asian Development Bank Headquarters 6 ADB Avenue, Mandaluyong City 1550, Philippines Email: amcro@adb.org, Fax +63-2-636-2086.

80. AM is the last resort and ADB has its availability as a recourse in case other mechanisms for dealing with harmful project effects are not successful. GRM is required by SPS and the use of project level GRM should be encouraged first.

Figure 5.1: Grievance Redress Mechanism



6 POLICY AND LEGAL FRAMEWORK

6.1 General

81. The legal and policy framework of the project is based on national laws and legislations related to land acquisition and compensation policy in Uzbekistan and ADB Safeguard Policy Statement 2009 (SPS). Based on the analysis of applicable laws and policies and ADB's Policy requirement, project related LAR principles have been adopted.

6.2 Laws, Regulation and Provision relating to LAR in Uzbekistan

6.2.1 Constitution

82. 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).

6.2.2 Land code (30 April 1998)

83. 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).

84. 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).

85. 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.

86. 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.

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

87. This resolution regulates compensation for losses to individuals and legal entities due to seizure of land plots for state and public needs. This regulation is mainly dealing with land plots, houses, building and structures of individuals and legal entities.

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

- procedure for calculating the amount of compensation to individuals and legal entities for the demolishing houses (apartments, buildings, structures and plantings) due to seizure of land plots for state and public needs;

- procedure and conditions for providing residential premises for owners of demolishing houses;
- procedure and conditions for providing land plots to individuals for individual housing construction instead of the demolishing residential house (apartment);
- procedure of losses compensation to legal entities due to seizure of land plots for state and public needs;
- procedure and calculation terms for transfer and reinstatement at the new place of dwelling houses, buildings and structures to be demolished;
- Procedure and calculation terms of in case of construction in a new place of dwelling houses, buildings for individuals and legal entities, houses (apartments) of which are to be demolished.

89. Khokimiyats of respective districts (cities) are required to notify in writing the owners of residential, industrial and other buildings, structures and trees about the decision, not later than six months before the demolition, with the annex to the notice copies of the relevant decisions of the Council of Ministers of the Republic of Karakalpakstan, khokims of provinces and Tashkent city on seizure of land, demolition of residential, industrial and other buildings, structures and trees located on the land plot.

90. According to the Clause 8 withdrawal of land plots shall be made with the provision that the following types of compensation shall be provided:

- Provision of other equal suitable dwelling with the floor space not less than social norm for residential areas to citizens for ownership and payment of the planting costs;
- Payment to citizens the cost of the demolished residential facilities, other buildings, structures and plantings;
- Provision to the citizens of a land plot for individual housing construction within the limits of stipulated norms with the provision of temporary housing on the conditions of lease agreement for the period of land plot utilization for up to two years with compensation, in full volume, the cost of demolished houses (apartments), buildings, structures and plantings;
- Provision to legal persons of equal property and compensation other incurred losses caused by withdrawal of a land plot for state and public needs;
- Compensation, in full volume, losses caused by withdrawal of a land plot for state and public needs;
- Relocation and restoration at a new place residential houses, buildings and structures that belong to citizens and legal persons and that will have to be demolished;
- Construction at a new place residential houses, buildings and provision them to citizens and legal persons for ownership.

91. According to the Clause 11 evaluation of residential houses (apartments), buildings, structures, and determination of plantings costs, located at acquired land plots, shall be done by appraisal companies at the expense of an applicant. Property evaluation approaches vary from one executing agency to another but engaging independent appraisers (private companies) has become common practice. For the calculation of losses in the form of demolitions of buildings and structures is determined by their market value. Only evaluation of the losses of agricultural and forestry production is carried by the self-financing State Enterprises for Land Surveying and Real Estate Cadastre subordinated to Goscomzemgeodescadastre. In case of land acquisition the evaluation of losses of agricultural and forestry production carries out in accordance to clear

methodology described in the regulations approved by the governmental resolution⁷. Period to restore lost products was adopted as four years.

92. The results of the assessment can be challenged by the customer⁸. In case of need, to validate the evaluation report in accordance with the legislation, it can be an examination of the evaluation report by another appraisal organization. Appraisal organization conducting the examination, expresses an impartial judgment on the reliability of the valuation report, without a new (self) evaluation and without making its own conclusions, containing a project cost estimate. In case of disagreement of the customer with examination of the evaluation report such a dispute is subject to consideration by the court. In contentious situations at the request of the judiciary an Expert Commission created for examination of appraisal materials. Regulations on the organization of work of the Expert Commission and its composition approved by the above mentioned governmental resolution #161.

93. It is important to note that according to the Clause 11 all materials appeared in the result of dismantling of demolished residential houses (apartments), other buildings and structures (except for unauthorized construction), located at the land plot to be acquired, shall be retained at the disposal of property developer or land owner (land user, leaseholder) who shall make full compensation to the owner. In specific cases, at will of the owner of demolished residential house (apartment), buildings, structures and plantings, materials appeared in the result of dismantling, based on the decision of hokims of relevant districts (towns), may be handed over to the owner. In this case the committee shall determine the cost of materials to be handed over to the owner at the market prices actual at the moment of demolition taking into account amortization

94. In case of withdrawal of land plots that are used by citizens on the basis of lifetime ownership with right of inheritance, purchased on auction basis, they shall be provided with equal new land plot with the right of lifetime ownership with right of inheritance.

6.2.4 Civil Code (29 August 1996)

95. 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.

96. 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).

⁷ Resolution of the Cabinet of Ministers of the Republic of Uzbekistan #146 dated 25 May 2011, annex 2.

⁸ Resolution of the Cabinet of Ministers of the Republic of Uzbekistan #161 dated 28 July 2008.

97. 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”.

98. 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.

99. 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.

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

100. 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.

101. 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.

102. 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.

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

104. 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.

6.2.6 Tax code

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

6.2.7 Labor code and employment law

106. 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.

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

108. The national legislation, instead, limits the matter to the payment as mandated by the Labor Code of fixed employment termination indemnities due by an employer to his employees

and to the obligation of the project proponent to reimburse the employer of the cost of those indemnities mandate by the Civil Code. Such an approach excludes from job loss compensation informal employees without a declared salary, applies only to permanently affected jobs and does not automatically guarantee that the APs receive their job termination dues⁹.

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

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

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

110. The Uzbekistan's legislation does not define compensation as targeting the rehabilitation of the APs livelihood. It instead focuses on the mere compensation of directly measurable physical impacts or incomes. This may create some reconciliation problem with ADB requirements especially for what concerns the compensation of indirectly affected items that become unusable after impacts or for the provision of severe impacts, vulnerable APs and relocation allowances. Thereby, requirements of ADB for vulnerable segments of the population agree with category of residents, determined by the Government. However, to meet the ADB SPS principle to improve the standards of living of the displaced poor and other vulnerable groups at least national minimum standards, the vulnerable households will be provided with a one-time additional allowance.

6.3 ADB Safeguard Policy Statement, 2009

111. 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 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 terms relative to pre-

⁹ Based on the Labor Code of 1996, last amended on 2015 (Article 67) loss of employment is to be compensated with 2 months average salary plus a severance pay of a maximum of 1 month average salary depending on the length of the employment lost. Also according to the Civil Code (Article 14) all losses (including real damage, lost profits) are to be compensated.

project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

112. 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 as a result of project interventions.

113. 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:

- (i) 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.
- (ii) Carry out meaningful consultations with affected 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 affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) 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.
- (iv) 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.

- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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.
- (ix) 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 affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- (x) 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.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) 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.

6.4 Policy comparison

114. Comparison of the Uzbekistan LAR Policy with the ADB Involuntary Resettlement Safeguard Policy indicates that key elements of the ADB Policy 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, related governmental resolutions). The key policy difference relates to AP's without title, or registration (businesses and structures. However, the LARP ensures that: (a) compensation is provided at replacement cost for market value for all items, (b) non-titled APs are eligible for compensation for non land assets, provision for additional assistance especially severe impacted households and APs who are vulnerable. A policy comparison between ADB's SPS and Uzbekistan's national legislation is presented in Table 6.1

Table 6.1: Comparison of LAR Provisions between ADB Policy and National Legislation

Issues	ADB's SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
1. Livelihood rehabilitation	ADB Policy requires rehabilitation/ improvement of AP livelihood standards.	Notion of livelihood rehabilitation not sanctioned by national law.	<i>No Policy reconciliation needs.</i> Application already reconciled in previous ADB projects but to be formalized regarding <i>indirect/livelihood impacts rehabilitation for severely affected APs.</i>
2. Compensation entitlements	A. APs with formal title have to be compensated for lost land/other assets. B. APs with legalizable title have right to be compensated for lost land and assets after the EAs helps them in legalizing their assets. C. APs with no legal title are compensated for lost non-land assets.	A. APs with formal title are compensated for lost land/other assets. B/C. APs with legalizable or no legal title. Legalizable are not distinguished and considered non-legal as legalization is a burden of the APs. Non-legal APs have no right to be compensated for land and non-land assets.	A. Same in principle/application. <i>No reconciliation needed.</i> B/C. Critically different in principle and application. Application already reconciled in previous ADB projects but for smoother application, the <i>formal Reconciliation on both counts is needed</i> through a Decree for ADB projects as well as through inclusion of additional safeguard covenants into the loan agreements which are equivalent of the international treaty or agreement.
3. Compensation	A. Permanent loss of land. Replacement land as preferred option or cash compensation at full market rate. At least for legal/legalizable APs. B. Loss of structures/buildings. Cash compensation at replacement cost for lost item free of depreciation, transaction costs, and other deductions.	A. Permanent loss of land. Replacement land for legal APs. B. Loss of structures/buildings. Cash compensation at replacement cost for lost item free of depreciation, transaction	A. Same in principle/application for legal APs. <i>Reconciliation needed</i> for smoother application <i>both for principle and application</i> to allow the compensation all non-land losses of legalizable and non-legal APs. It is hoped that this could be achieved through a special Decree for ADB projects or through inclusion of additional safeguard covenants into the loan agreements which are equivalent of the international treaty or agreement. B. <i>No reconciliation of principles and application needed.</i> However, it is required the establishment of a protocol

Issues	ADB's SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
	<p>C. Business losses and loss of jobs.</p> <p>- 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>- Indemnity for lost income ensuring AP 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 APs.</p> <p>D. Loss of trees, crops and other improvements: irrespective of legal land occupancy status compensation at market rate. Application based on tree/crop type/productivity and volume or other methods ensuring AP rehabilitation.</p>	<p>costs, and other deductions.</p> <p>C. Loss of business and jobs. - Cash compensation at market value for all damages/opportunity costs incurred. Burden of proving opportunity costs rest on the AP based on recognized documented evidence but no clear methodology.</p> <p>- 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>D. Loss of unproductive and productive trees and crops. There are different approaches using in evaluation of unproductive and productive trees and crops but they are in</p>	<p>allowing the compensation of structures/ building at replacement cost, when the salvaged materials remain with the developer or landowner provides full reimbursement to the owner. It is hoped that this can be formalized without legal reform but only a Decree for ADB projects or through inclusion of additional safeguard covenants into the loan agreements which are equivalent of the international treaty or agreement.</p> <p>C. 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, as well as 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 APs automatically receive their compensation. Application has been already reconciled on a case by case basis for previous projects but needs to be mainstreamed through a relevant Decree for ADB projects.</p> <p>D. Same in principle, different in application. Already adjusted for previous ADB projects but for</p>

Issues	ADB's SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
		general comparable to the tree valuation methods allowed under the SPS 2009. Compensation for the lost trees/uncompleted agriculture production is a separated from compensation for lost profits.	smoother implementation, the <u>Application reconciliation is needed</u> through a decree for ADB projects ensuring systematic law implementation and also cash compensation is provided by default, ensuring and use of valuation standards fitting SPS.
4. LAR Planning, assessment and valuation of impacts	A. Resettlement Plan (LARP). LARP preparation includes: a) impacts assessment (measurement and inventory survey), AP census and Socio-economic survey, Valuation survey; b) definition of entitlements, income/livelihood restoration strategy, compliance & grievance mechanisms, institutional arrangements; c) consultation results; d) monitoring schemes; e) budget and implementation schedule.	A. Resettlement Plan. There are no requirements to prepare integrated and stand-alone LARPs. LAR planning entails similar but less extensive/simpler assessment/survey efforts than ADB Policy.	A. Partly different in principle and application. <u>No reconciliation needed</u> as law/regulation is silent on this matter and SPS requirements have been already applied in previous ADB projects. Still, clear instructions regarding ADB projects ensuring the measurement and inventory of all impacts, the counting of all AP and detailed valuation survey are needed for mainstreaming purposes.
5. Procedural mechanisms	A. Information disclosure. Resettlement-related documents to be timely disclosed in the AP language. B. Public consultation. Meaningful public consultations are to be held with the APs. APs should be informed about their entitlements and options, as well as resettlement alternatives C. Grievance procedure. A Grievance Redress Mechanism (GRM) is to be	A. Information disclosure. No disclosure requirement exists. B. Public consultation. Matters of local importance to be publicly discussed with local authorities. But no requirement to consult directly the APs C. Grievance Procedures. Each state agency/ministry must follow to detail instructions (approved by government) on registering and reviewing the	A. Different in principle and application. <u>Already reconciled for ADB projects.</u> B. Same in principle but different in application. Already reconciled for ADB projects. <u>Better application needed.</u> C. <u>No reconciliation is needed.</u>

Issues	ADB's SPS (2009) and ADB practice for application*	Republic of Uzbekistan	Reconciliation Needs
	established for each project. Information on GRM to be communicated to the APs D. Asset acquisition conditions. Property can be acquired only after full compensation is paid to the APs	concerns and claims from citizens. D. Asset acquisition conditions. Property can be acquired only after full compensation is paid to APs	D. Same in principle, but unsystematic in application. <u>Application to be improved.</u>
6. Assistance to vulnerable and severely affected AP	A. These APs are to be identified and special assistance is provided to restore/ improve their pre-project level of livelihoods.	A. There are no special laws or regulations for livelihood restoration due to land acquisition and involuntary resettlement impact. However, there are a number of legislative documents related to social support and livelihood improvement measures considered by the government of Uzbekistan to consider social allowances and needy families through two Cabinet of Ministers resolutions (#350, 12 December 2012 and #44, 15 December 2013) and to consider disabled people through the Law on social protection of disabled people (#422-XII, 18 November 1991). Thus, support of vulnerable segments of the population is provided on the regular base by the Government on central and local levels and does not require additional payments in connection with the project implementation.	A. Critically different in application. <u>Formal reconciliation of the application mechanisms details may be needed.</u> To be elaborated in a Decree for ADB projects.

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

6.5 Core LAR Policy Principle for the project

115. Based on the above, the core involuntary resettlement principles are proposed as follows:

- Land acquisition, and other involuntary resettlement impacts will be avoided or minimized through all viable alternative project designs;
- Construction schedule shall be matched with off-the agricultural season so that loss of crops can be avoided
- Land for land compensation will be opted for permanent land acquisition
- Compensation at replacement cost will be provided for non-land assets (crops, trees, structures), as well as compensation for loss of incomes, relocation assistance will be provided to APs

- Consultation with APs on compensation, disclosure of resettlement information to APs, and participation of APs in planning and implementing sub-projects will be ensured;
- Vulnerable and severely affected APs will be provided special assistance;
- Non-titled APs (e.g., informal dwellers or squatters, or APs without registration details) will receive applicable rehabilitation allowances defined by Entitlement matrix in lieu of land compensation and will be fully compensated for losses other than land;
- Relevant information from the LARP will be disclosed to the APs in the local language;
- Payment of compensation 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 package;
- Appropriate grievance redresses mechanisms will be established to resolve APs' grievances, if they occur.
- 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;
- People moving in the project area after the cut-off date will not be entitled to any assistance.
- All common property resources (CPR) lost due to the project will be replaced or compensated by the project and UTY will ensure that replacement of all utilities and CPRs are also undertaken consistent with ADB SPS, 2009.

7 ELIGIBILITY AND ENTITLEMENT

7.1 Eligibility

116. APs eligible for compensation or at least assistance provisions under the project are:
- (i) All APs losing land either covered by legal land rights, legalizable, or without legal status;
 - (ii) Tenants and sharecroppers whether registered or not;
 - (iii) Owners of buildings, crops, plants, or other objects attached to the land; and
 - (iv) APs losing business, income, and salaries.

7.2 Cut-off-Date

117. Compensation eligibility will be limited by a cut-off- date which will be the start of final AP census following the detailed design. The cut-off-date will be published and communicated to APs by the PMO prior to the start of final AP census survey during detailed design exercise. Consultations will be carried out at each Khomiyat office with prior notice so that affected people can participate in the consultation to know about the land acquisition and resettlement process and procedure including the broad eligibility and entitlement. The project's final design and alignment will be shared with the people and the tentative date of carrying out final DMS and final AP census surveys will be communicated where the cut-off-date will be declared as the end of AP census surveys. APs who settle in the affected areas after the cut-off date will not be eligible for compensation. They however will be given sufficient advance notice prior to construction.

7.3 Compensation and Valuation of Assets

7.3.1. Valuation of Assets

118. 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

119. Among the legal acts related to the evaluation of real estate and used in determining compensation for alienated land, demolition and resettlement, should be highlighted:

- Resolution of the Cabinet of Ministers dated 29.05.2006, №97 "On Approval of the procedure of damages to citizens and legal persons in connection with the withdrawal of land plots for state and public needs";
- Resolution of the Cabinet of Ministers dated 25.05.2011, №146 "On measures to improve the procedure for granting land plots for urban development activities and other non-agricultural purposes" (annex 2 – Regulations on the indemnification of possessors, users, tenants and land owners, as well as losses of agricultural and forestry production);
- National property valuation standards of Uzbekistan (IF) N 10 "Valuation of real estate" (registered by the Ministry of Justice of 18.11.2009, N 2044);
- Decision of the Khokim of the city of Tashkent dated 21.11.2014, №953 "On approval the Regulations on the damages to businesses and individuals, whose non-residential buildings were demolished in connection with withdrawal of land plots in the city of Tashkent for state and public needs";

- Resolution of the Board of the Central Bank of the Republic of Uzbekistan “On Approval of the Procedure of valuation the right to lease the land plot” (Registered 8.04.2004 by Ministry of Justice, reg. №1336);

120. Sequencing of legal acts and their contents characterize the state and public understanding of the theory and practice of market valuation. This confirms by a number of definitions and norms declared in the Law “On valuation activity”. For example:

- “Valuation activities are the activities of appraisal organization, aimed at determining the value of the assessment”¹⁰
- “Appraisal organization - a legal entity licensed to carry out valuation activities. Appraisal organization in its activity is independent. No interference consumer services (hereinafter - Customer), or other interested parties in the evaluation activities of the organization. Creation of the appraisal organization and realization of valuation activities by public authorities and administrations are prohibited, unless otherwise provided by law”¹¹.

121. While the evaluation activities carried out by independent organizations (private companies having certified valuers), the state plays an important role in the regulation of evaluation activities. The State Committee for State Property Management and Development of Competition (Goskomkonkurentsii) is responsible for: i) developing and approving regulations, including standards for the valuation of the property; ii) licensing of valuation activity; iii) certification of experts-appraisers, as well as organize their training and professional development. The Society of Appraisers of Uzbekistan shall protect the rights of appraisers, increase their capacity, provides an independent expert opinion, when requested, to validate findings of valuation report, etc.

122. According to the UNECE publication “Land Administration Guidelines with Special Reference to Countries in Transition” (1996), “In countries of east and central Europe currently in transition the cadastral system was based on the Russian model, and focused on land use. Land was “valued” in terms of its agricultural potential based on soil types, climate, rainfall, etc. and the farmers were then instructed to grow appropriate crops. This concept of the term “value” is only indirectly connected with the sort of valuations that are needed to manage land in a market economy”¹². This principle may explain why the Land Code has no information on land valuation.

7.3.2. Compensation for Land

123. Land in the country is owned by the State. Compensation for agriculture land will be on a “land for land” basis, with land being provided to land user by the District Khokimiyat following assessment by the Land Acquisition and Resettlement Committee (LARC). Such land will be of equal value/productivity in a nearby location and with comparable associated services/ facilities, or compensation to provide such services. In addition to this, the APs will be provided with transitional allowance in terms of loss of income equivalent to 4 years of net average income. Transaction costs, registration fees, if any, will be borne by the EA. In cases where in all or parts of the lease holding become unviable, unaffected portions of a plot will also be compensated. In

¹⁰ Law “On Valuation Activity”, Article 3, Clause 1, dated 19 August 1999, last amended 14 May 2014

¹¹ Law “On Valuation Activity”, Article 4-1, Clause 1,2,5, dated 19 August 1999, last amended 14 May 2014

¹² Available at: <http://www.unece.org/fileadmin/DAM/hlm/documents/Publications/land.administration.guidelines.e.pdf>

case of unregistered agricultural land, the assistance will be provided by RRA (PMO) in acquiring required legal documents for registration at no cost for APs.

124. Land development cost to be paid to develop new lands or through irrigation and agro-irrigation activities to raise the productivity of existing lands in accordance with the unit rate set by Cabinet of Minister Resolution # 146 and in case of absence such value category of agricultural land such as pasture, reserve land and others will be calculated by application of special unit rate set by this Resolution. The period for rehabilitation of under-received products shall be considered as being equal to four years, during which the land plot shall be selected for development of new lands or for irrigation improvement of existing irrigated lands. RRA (PMO) will pay the cost to the local Khokimyats.

125. In the case of severe impact, where 10% or more of a productive asset (leased and unleased land) is to be acquired, a severe impact allowance will be paid. This will be equal to the net income from an annual crop production (inclusive of winter and summer crop in addition to standing crop compensation). This is in addition to the compensation for land loss as land to land compensation.

126. Residential land will also be compensated on a land-for-land basis. Land replacement has to be in the immediate vicinity of the affected land (if such land is available) or another location agreeable to the AHs. Each affected residential land plot will be allocated a replacement plot of 600 m².¹³ The land allocated for housing will have the following terms: (i) right for lifelong inheritable possession, and (ii) house has to be built within two years.

127. For affected land that was used for business purpose (commercial land), land for land compensation will be applied in proportion with the business requirement. The first option would be to provide land at same location but away from the ROW in line with the road design location. The second option would be to provide land at the nearest available location agreeable to AH.

7.3.3. Compensation for Structures

128. Buildings will be compensated at replacement cost irrespective of the legal title. For partial impacts (structure wall, fences etc.), cash compensation at replacement rates will be paid to restore the remaining structure to its original state. Structures and buildings will be valued through calculating the replacement cost based on cost of materials, type of construction, labor, transport and other construction costs as on date. No deductions will be applied for depreciation or transaction costs. In case of partial impacts on structures (structure wall, fences etc.), cash compensation at replacement rates will be provided to restore the remaining structure. Salvaged materials will be allowed to be taken away by the APs prior to demolition at no charge. Unaffected portions of a structure will also be compensated if they become unlivable after impact occurs. The access to similar or better levels of infrastructure will be provided to displaced households (water, gas and electricity connections, access to social infrastructure etc).

129. Assessment of the affected structures will be done by a certified valuation expert hired by PSC under the project cost.

130. The affected households losing structures/buildings who need to physically relocate will each be provided with additional severe impacts allowance equal to 3 months of minimum salary.

¹³ Resolution of Cabinet of Ministers 272 (30.12.2006) stipulated that for individual housing 600 m² is to be allocated.

7.3.4. Compensation for Crops and Trees

131. Loss of income from crops planted on the affected land will be compensated at replacement cost based on 1 year of production cost (inputs) plus an allowance equivalent to 1 year average net income computed based on the average income over the past 3 years.

132. Loss of income from fruits trees will be compensated based on the average annual income for the past 3 years multiplied by 4 times to reflect the duration from planting to reach the productive stage (including the cost of saplings)¹⁴. In the case of loss of timber trees, compensation will be based on the market value of their dry wood volume. The compensation for trees will be free of deduction for the value of the wood left to the AH.

7.3.5. Loss of Income/Livelihood

133. Affected household losing business will be compensated for the period of business interruption¹⁵ up to 6 months, or 6 months cash compensation in case of permanent closure of business. This will be calculated based on the estimated average monthly income in the past 3 years multiplied by the number of months of business interruption. Workers from the affected businesses will be paid for lost wages for the duration of business interruption up to 6 months. In case of affected non-titled business, the rehabilitation allowance equivalent to 3 months of minimum wage will be paid to the AH. The workers from the affected non-titled businesses also will be paid with a rehabilitation allowance equivalent to 3 months of minimum wage. It is noted that there can be agricultural laborers being affected due to land acquisition. In case of agricultural workers/laborers losing their employment as a result of land acquisition, compensation corresponding to their salary for the remaining part of the agricultural year or contractual period whichever is higher, will be paid. Besides, severity of impact is also applicable to all permanent and potentially seasonal laborers as they will lose 100% of their main income. In this case the laborers will be provided with a severe impacts allowance (equal to 3 months of minimum salary). Meantime, if the affected farmer(s) will keep the affected agricultural workers to work on other farmlands held by them or will keep them to work on their new lands to be allocated for them due to project impacts, no compensation will be provided to agricultural workers taking into account the absence of actual impact. It is noted that there can affected households losing livelihood/employment due to physical displacement. In such cases these AHs will get a rehabilitation allowance equivalent to 3 months of average monthly income in case of provision of relevant grounds of such loss.

7.3.6. Shifting and Relocation Allowances

134. The project may cause physical displacement due to permanent acquisition of residential buildings, thus shifting and relocation allowances will be paid to the affected household. Affected household losing structures/ buildings who need to relocate will each be provided with a relocation allowance and shifting allowance.

135. According to clause 8 of the Regulations approved by the governmental resolution #97 dated 29.05.2006 defined provision to the citizens of a land plot for individual housing construction within the limits of stipulated norms with the provision of temporary housing on the

¹⁴ According to the Clause 12 of Resolution #146, Annex 2, the 4 years is defined to compensate the lost profit for the period when the land development works and planting are done on the newly allocated land plot to reach the productive stage.

¹⁵ Business interruption includes the time for receiving a new land plot, and designing/building of a new commercial structure.

conditions of lease agreement for the period of land plot utilization for up to two years with compensation, in full volume, the cost of demolished houses (apartments), buildings, structures and plantings.

136. According to clause 19 of the Regulations approved by the governmental resolution #97 dated 29.05.2006 transportation of belongings of the owner of the demolished residential house (apartment) to the new apartment shall be done for the account of a property developer or land owner (land user, leaseholder) to whom withdrawn land plot is allocated.

7.3.7 Allowance for Vulnerable Household

137. There are a big number of legal acts regulating the social safeguard policy including law, Presidential Degrees, Governmental Resolutions and other under law acts. Regional administrations provide financial support to certain categories of vulnerable people such as lonely women, left without wage-earner; families, where there is disabled member of family; lonely elderly people; mothers for children until they reach the age of 2 years; poor families whose incomes below the subsistence level. The details of legal regulations for each of the mentioned categories are provided below.

138. Payments for Vulnerable households are paid on the basis of the Resolution of Cabinet Ministers of the Republic of Uzbekistan #44 on 15.02.2013 "On Approval of the order of appointment and payment of social allowances and material (financial) assistance to low-income families". The Resolution defined 3 categories of families which can receive a social allowances and/or material assistance as follows:

- (i) Families with children under the age of 14 years (hereinafter - the allowance for families with children),
- (ii) Families who receive allowance for child care until the age of two years (hereinafter - the allowance for child care), and
- (iii) Material assistance to low-income (poor) families (hereinafter - material assistance).

139. The Resolution (Clause #9) defines that the preemptive right to receive allowances for families with children, allowance for child care and material assistance are the following categories of families:

- families who have lost both parents, and the raising of child (children) is done by relatives;
- families where one or both parents are disabled persons;
- widow (er) who are raising two or more children under the age of 14 years, living separately from other family members;
- Family with disabled child (ren);
- Mothers (fathers) who are raising a child (children) in single-parent family. At the same time the fact of raising a child by the mother (father) in a single-parent family sets by the local self-government body;
- families in which one or both parents are unemployed, registered in the centers of employment promotion and social protection as job seekers;
- single pensioners (lonely elderly people)

140. The categorization of the families is done by a detailed methodology which is based on several factors such as owned real estate and other property (including the agricultural land and agricultural income form 1 ha), monthly income of each member of family etc. According to this

resolution, family recognized by Assembly of the citizens in one of those categories, is entitled to receive only one type of allowance or material assistance at the same time (Clause #6).

141. According to the Law “On Citizen’s Self-Governance Bodies” (Art. 11) “The Assembly of the citizens of the settlement, village (kishlak, aul) and city’s mahalla, inter alia, implementing measures to support socially vulnerable segments of the population, provides targeted and effective use of centrally allocated public funds for these purposes in the manner prescribed by the legislation”.

142. Besides the Resolution of Cabinet Ministers of the Republic of Uzbekistan #44 on 15.02.2013 “On Approval of the order of appointment and payment of social allowances and material (financial) assistance to low-income families”, the new Law was adopted in Uzbekistan on 26.12.2016 “On social services for the elderly, disabled and other socially vulnerable categories of population”. According to this Law (article#6), the socially vulnerable categories of population who need social services are as follows:

- the lonely and the elderly people living alone, in need of constant care;
- invalids of I and II groups, disabled children;
- incapacitated and limited in capability citizens;
- persons with socially significant diseases;
- orphans and children left without parental care.

143. The Law (clause #13) defines the following forms of social services to be provided to the above mentioned socially vulnerable categories:

- social support services, and consulting services;
- social services at home (home care);
- social services in the institutions on daytime and (or) on a short stay;
- social services in residential institutions.

144. Meantime, Decision of the president of the Republic of Uzbekistan has been also adopted on 28.12.2017 “On additional measures to further improvement of the system of state support to the elderly and disabled persons”. The Decision defines a set of complex measures and action plan to further improvement of the system of state support to the elderly and disabled persons for the 2017 - 2020 years.

145. Thereby, requirements of ADB for vulnerable segments of the population mainly agree with category of residents, determined by the Government. However, to ensure the provision of the ADB SPS principle to improve the standards of living of the displaced poor and other vulnerable groups at least national minimum standards, the vulnerable households will be provided with a one-time additional allowance equivalent to 3 months of minimum wage in connection with the project implementation. In addition willing members of vulnerable households will also be prioritized¹⁶ in project related employment. The Makhallas and district government have a record of all households in the communities and will be tapped in identifying and certifying vulnerable households. Vulnerable households include those belong to women headed household, poor household, household headed by elderly with no support and household having physically challenged people.

7.3.8 Common Property Resources

¹⁶ Applicants should meet eligibility requirements in terms of qualification and skills.

146. Any impact to the social infrastructures of local communities will be rehabilitated and restored as of pre-project condition.

7.3.10. Addressing Gender Issues

147. The LARP includes the following specific actions to address gender issues in the project:

- (i) During the updating of this LARP, both men and women will be consulted and invited to participate in the discussions during public meeting, providing inputs to DMS, and consultations on resettlement activities and relocation options.
- (ii) A male representative and a female representative of the AHs will be included as participants in the resolution of grievances and complaints.
- (iii) Special attention will be extended to elderly and disabled APs during relocation and in the provision of assistance as defined in the project policy.

7.4 Entitlement Matrix

148. Based on the above, a detailed entitlement matrix is presented in Table 7.1. The entitlement matrix is broad and all the likely losses as mentioned in the entitlement matrix may not be applied currently; however, in order to address any future unanticipated impact during detailed design, the same may be triggered.

Table 7.1: Entitlements Matrix

TYPE	SPECIFICATIONS	ENTITLED PERSONS	ENTITLEMENT
A. IMPACT ON LAND (PERMANENT LAND ACQUISITION)			
A.1. Agriculture land/Orchard Land	All land losses independent of impact severity (due to construction of ALCs and access roads and other utilities (if any))	Concerned Government Agency responsible for land development	<ul style="list-style-type: none"> Land development cost to be paid to develop new lands or through irrigation and agro-irrigation activities to raise the productivity of existing lands in accordance with the unit rate set by Cabinet of Minister Resolution # 146 and in case of absence such value category of agricultural land such as pasture, reserve land and others will be calculated by application of special unit rate set by this Resolution. The period for rehabilitation of under-received products shall be considered as being equal to four years, during which the land plot shall be selected for development of new lands or for irrigation improvement of existing irrigated lands.
		Leaseholders/Land user having user permit	<ul style="list-style-type: none"> Land for land compensation with plots of equal value/productivity class, comparable location and agricultural support services (or compensation to provide such services); Compensation for loss of land in terms of loss of income equivalent to 4 years of net average income of the affected crops from the affected agricultural land. 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, to be will be borne by RRA.
	Additional provision in case of severe impacts (10% or more loss of productive assets)	Leaseholders with lease agreement	<ul style="list-style-type: none"> Severe impact allowance equal to the net income from annual crop production (inclusive of winter and summer crop in addition to standing crop compensation) will be paid in addition to the compensation for land loss.
A.2. Residential	Land loss	APs who has right on lifelong	<ul style="list-style-type: none"> Land for land compensation through provision of a plot comparable in

land/ Commercial land		inheritable possession/ permanent possession	<p>value/location to the plot lost including services (or compensation to provide such services) to plots lost</p> <ul style="list-style-type: none"> • Cash Compensation at market replacement cost to be determined by the Independent Valuator. • Transaction cost, registration fee, related to new plot allotted, to be borne by RRA. • Unaffected portions of an affected arable plot will also be compensated, if the same becomes unviable after impact.
A3. Unregistered agricultural land	Land loss	Unregistered lessee who initiated to pay unpaid land taxes ¹⁷ and become a leaseholder.	<ul style="list-style-type: none"> • All entitlements for agricultural land losses as stated above for lease holder, however, they will be entitled for compensation for non land assets regardless of tax payments and registration. • Assistance in acquiring required legal documents for registration at no cost for APs.
A4. Unregistered agricultural land	Land loss	Non titled or non-legalizable affected household	<ul style="list-style-type: none"> • Non legalizable affected households will be entitled for compensation for non land assets only.
B. IMPACT ON LAND (TEMPORARY LAND ACQUISITION)			
B.1. Agriculture land/Orchard Land	All land losses independent of impact severity	Concerned Government Agency responsible for land development (in case there is damage to associated services such as irrigation facilities and other existing services)	<ul style="list-style-type: none"> • Land development cost for restoring the existing facilities and providing required services.
	All Affected Households (including non leased land owner)		<ul style="list-style-type: none"> • Compensation for all affected improvements (crops, fruit and wood trees) on the affected agricultural /orchard land based on replacement value for structures, rentals for land use, replacement value for crop and tree loss as stated above in the entitlement matrix. • Restoration of land plot after temporary usage.
C. IMPACT ON STRUCTURES			
Residential/ Commercial Structures	Full or partial loss of structures if to be displaced	All affected households irrespective of legal	<ul style="list-style-type: none"> • Compensation at full replacement cost¹⁸ for affected structure/fixed assets free of depreciation and transaction

¹⁷ Such taxes are different from all transaction-costs related to the processing of compensation which will be shouldered by the project.

¹⁸ The replacement cost is the principle to be complied with in compensating for all types of lost assets. Calculation of which should include: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.

		title and irrespective of nature of impact whether permanent land acquisition or temporary acquisition	<p>cost</p> <ul style="list-style-type: none"> • APs must have right to salvage materials with no deduction from the compensation. • Household losing structures/buildings who need to relocate will each be provided with a relocation allowance (equal to 3 months of minimum salary) while the new house or building is being erected. • In case of partial impacts on structures (structure wall, fences etc.), cash compensation at replacement rates to restore the remaining structure. • Household losing structures/buildings who need to relocate will each be provided with a temporary housing on the conditions of lease agreement or rental allowance in cash for the period of land plot utilization for up to two years while the new house or building is being erected. • Household losing structures/buildings who need to relocate will each be provided with shifting allowances to hire vehicle for transportation of the family members, goods and chattels to temporary and permanent relocation sites. • The access to similar or better levels of infrastructure will be provided to displaced households (water, gas and electricity connections, access to social infrastructure etc.”
	Loss of place to rent	Tenant	<ul style="list-style-type: none"> • New lease by landlord or 3 months cash equivalent of existing lease to allow for a new lease to be found and signed. • Compensation for lost rent paid in advance. The time is to be established by the independent valuer. • Tenant who has lost the rent and need to relocate will each be provided with shifting allowances to hire vehicle for transportation of the family members, goods and chattels to new lease sites. • Tenant without formal notarized lease to show proof or evidence in order to claim compensation.
	Additional provision of severe impact allowance in case of physical displacement	All physically displaced households	<ul style="list-style-type: none"> • Household losing structures/buildings who need to physically relocate will each be provided with a severe impacts allowance (equal to 3 months of minimum salary).
D. IMPACT ON CROPS AND TREES			

Agriculture land/ orchard land	Loss of crops for permanent land acquisition	All affected Households	<ul style="list-style-type: none"> • Compensation at full 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. • Advance notice to harvest the crops • Schedule of construction to avoid crop season
	Loss of fruit Trees (permanent and temporary land acquisition)	All Affected Households (including non leased land owner)	<ul style="list-style-type: none"> • Compensation for fruit trees will be based on the average annual income for past 3 years multiplied by 4 times (years) to reflect the duration from planting to reach the productive stage (including the cost of saplings). • Felled fruit trees will be kept by the AHs with no deduction from the compensation.
	Loss of timber trees (permanent and temporary land acquisition)	All Affected Households	<ul style="list-style-type: none"> • Compensation for timber trees will be compensated based on market value of dry wood volume. • Felled trees will be kept by the AHs with no deduction from the compensation.
E. IMPACT ON INCOME AND LIVELIHOOD			
E1. Employment from affected agricultural land	Loss of employment from affected agricultural land	Agricultural workers losing their contract	<ul style="list-style-type: none"> • Compensation corresponding to their salary (in monetary terms or in kind) for the remaining part of the agricultural year/or contractual period whichever is higher in monetary value. • Agricultural workers losing their contract will be provided with a severe impacts allowance (equal to 3 months of minimum salary). • In case of informal agricultural workers those work without any agreement will be paid an allowance equivalent to 3 months of minimum wage.
E2. Business and involved workers	Loss of business and employment (permanent or temporary interruption of business and employment)	Affected household losing business and involved workers	<ul style="list-style-type: none"> • Affected household losing business will be compensated for the period of business interruption¹⁹ up to 6 months, or 6 months cash compensation in case of permanent closure of business based on the estimated average monthly income in the past 3 years multiplied by the number of months of business interruption. • Workers from the affected businesses will be paid for lost wages for the duration of business interruption up to 6

¹⁹ Business interruption includes the time for receiving a new land plot, and designing/building of a new commercial structure.

			<ul style="list-style-type: none"> months. In case of informal workers working without any agreement will be paid an allowance equivalent to 3 months of minimum wage.
		Affected household losing non-titled (unregistered) business and involved workers	<ul style="list-style-type: none"> Affected household losing non-titled business will be paid a rehabilitation allowance equivalent to 3 months of minimum wage. Workers from the affected non-titled businesses will be paid an allowance equivalent to 3 months of minimum wage.
	Additional provision of severe impact allowance in case of physical displacement	All physically displaced households	<ul style="list-style-type: none"> Household losing structures/buildings who need to physically relocate will each be provided with a severe impacts allowance (equal to 3 months of minimum salary).
E3. Livelihood/employment due to physical relocation	Loss of livelihood/employment due to physical relocation	Affected household losing livelihood/employment due to physical displacement	<ul style="list-style-type: none"> Affected household losing livelihood/employment due to physical displacement will get a rehabilitation allowance equivalent to 3 months of average monthly income in case of provision of relevant grounds of such loss.
F. VULNERABLE HOUSEHOLDS			
Vulnerable Affected Households	All Impacts	Women headed household, Low Income household, household headed by elderly with no support and household headed physically challenged people	<ul style="list-style-type: none"> Rehabilitation allowance equivalent to 3 months of minimum wage. Priority for employment in project-related jobs, training opportunities, self-employment and wage employment assistance.
G. IMPACT ON COMMUNITY STRUCTURES AND ASSETS			
Community Structures and Assets	Loss or damage to public infrastructure and utility	Community owned Assets	<ul style="list-style-type: none"> Rehabilitation/replacement of affected structures/utilities (i.e. roads, pavements, pipelines) to pre-Project level.
H. TEMPORARY IMPACTS DURING CONSTRUCTION			
Temporary impact on private or public Land, assets and/or Income	Due to construction	All affected households and assets	<ul style="list-style-type: none"> PMO will ensure that any kind of temporary impact on private and public assets during project implementation for civil work purposes will be compensated by contractor based on replacement value for structures, rentals for land use, replacement value for crop and tree loss as stated above in the entitlement matrix.
I. ANY UNANTICIPATED IMPACTS			
Any unanticipated impacts identified during Project implementation will be compensated in full at replacement cost and the entitlement matrix shall be revised if required in case major unanticipated impacts occur during detailed and final design.			

8 RELOCATION AND INCOME RESTORATION

149. According to the findings of preliminary impact assessment, permanent land acquisition in the project doesn't lead to any physical displacement. In case of such impact will be identified due to design changes during the project execution, then relevant compensation and assistance will be given to the relocated AH in accordance with provisions of this draft LARP and defined entitlement matrix.

9 RESETTLEMENT BUDGET AND FINANCING PLAN

9.1 General

150. The land acquisition and resettlement cost estimate for the project includes eligible compensation, assistance and support cost for LARP implementation as per the entitlement matrix. Compensation in the project will include land cost including the land development cost to make the replaced land usable, compensation for trees, crops and other associated assets, if any. The estimated cost in this budget is indicative which needs further update during the detailed design. The unit cost and the evaluation is done based on the preliminary impact assessment (PIS). The assessment is done keeping in consideration the current market value/replacement cost of each lost assets. The LAR cost estimate includes the following:

- Land for land compensation, which includes cost in terms of land development in case of permanent land acquisition. Additional compensation to APs equivalent to 4 years of net average income of the affected crop/income to support the APs till they get alternate land in case of permanent land acquisition.
- Compensation for crops and trees for permanent land acquisition.
- Assistance for severely affected and vulnerable households
- Cost estimation for administrative costs of LARP finalization and implementation
- Contingency to cover the cost for LARP implementation and unanticipated impacts, if any

9.2 Compensation for Land for Land (Land Development Cost) in case of Permanent Land Acquisition

151. This compensation payment will be used to develop new land for agriculture. The compensation estimate and the amount will be paid to the government account. Steps and methodology for total compensation value is described below and calculation formula is shown in Appendix 6 (Table 1):

- Collection of soil quality data as mentioned in the cadastral department for each plot. Soil quality is usually mentioned in number keeping in consideration that the best soil is 100 point
- Collection of data on type of land whether cultivated or orchard/garden
- Collection of information on area of affected land
- Collection of data on value of land per hectare
- Calculation of unit cost per hectare by multiplying the value of land in to the soil quality.
- Calculation of replace cost for actual affected area by multiplying the cost per hectare in to the affected area.
- There is a multiplier which is based on the location coefficient. The multiplier value is based on the location of the land which is given according to the distance of affected land from the city.
- There is multiplier indexation which is based on land development.
- Total replacement cost is calculated by multiplying the replacement cost in to the multiplier
- Collection of data on net profit per hectare per year of land and assessment for net profit of the affected area by multiplying the net profit per hectare in to the affected area

- Loss profit from the affected land is calculated by multiplying the net profit of the affected area
- Total compensation value is calculated by summing up the total replacement cost+ loss profit from cultivated land+ loss profit from orchard.

152. Based on the above described methodology, the total compensation value for land development has been calculated for each district which totally amounts to **3.206.517 thousand UZS** and will be paid to the account of the concerned government agency to be used for land for land compensation. Details are given in Table 9.1.

Table 9.1. Cost for Land to Land Compensation in case of Permanent Land Acquisition (Land Development Cost)

№	Name of land user	Soil quality (Bonitet)	Total Affected Land Holding	Including, land		Loss amounts								TOTAL COMPENSATION, Thousand UZS
				cultivated	orchards	Replacement cost of 1 ha land, thousand UZS	Replacement cost of affected land, thousand UZS	Location coefficient (multiplier)	Total replacement cost, thousand UZS	Indexation	Net profit from 1 ha, thousand UZS	Loss profit from affected land, Thousand UZS	Loss profit from orchards, Thousand UZS	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1	Shamsiddin Niyoz Dalasi	50	47,93	41,08		38,080	1,564,326	2	2,346,490	2,923,726	539	22,144	-	2.945,870
2	Shamsiddin Niyoz Dalasi (Orchard)	50	3,5		3,5	38,080	133,280	2	199,920	249,100	3,299	-	11,547	260,647
Total:		50	51,43	41,08	3,5	76,160	1,697,606		2,546,410	3,172,826		22,144	11,547	3,206,517

9.3 Compensation to Affected Households for Permanent Land Acquisition (Loss of Income)

153. This compensation amount will be paid to the affected households for permanent land acquisition in terms of loss of income/ transitional allowance equivalent to 4 years of net income. This also includes compensation of loss of trees and crops etc. Steps and methodology to calculate total compensation value is described below and calculation formula is shown in Appendix 6 (Table 2):

- Collection of information on area of affected land.
- Collection of data on type of land whether cultivated or orchard/garden.
- Collection of data on average net profit per hectare of land.
- Assessment for net profit of the affected area is calculated by multiplying the net profit per hectare in to the affected area.
- Total Loss profit from the affected land is calculated by multiplying the net profit of the affected area in to 4 times.
- Total cost for loss of trees is calculated by multiplying the affected area of orchard land in to number of trees in to amount of each tree (including the cost of sapling).
- Total compensation value is calculated by summing up the total loss profit from cultivated land + cost of trees.

154. Based on the above described methodology, the total compensation value for loss of income has been calculated for each district which totally amounts to **494.762 thousand UZS** and will be paid to the bank account of affected household through transfer for loss of income (crops and trees) due to permanent land acquisition. Details are given in Table 9.2. Meantime, the affected farmer will get compensation from the income loss of production of mulberry leaves (cocoon) for growing silk as follows: according to SES data from the AH, it was identified that he produces 25 boxes of cocoons (1 box approximate 56 kg) during the one month (in May annually) and deliver to “Agropilla LLC” as approximate UZS 13,000 per kg. The farmer stated that after minus of all services (buying the order, salary for workers and preparation services) the average real profit is around UZS 100,000 per box it means the real profit in one year is around UZS 2,500,000 (two million five hundred thousand). Thus, this income lost of **2,500.0 thousand UZS** is also subject to compensation to the farmer after the official verification of profit by khokimiyat during the LARP finalization stage.

Table 9.2. Compensation for Income Loss for AHs (Permanent Land Acquisition)

№	Name of Land User	Total affected land, ha	Including				Total loss profit, thousand UZS	Replacement cost for trees, thousand UZS	Cost for trees, thousands UZS	Total loss, thousand UZS
			Cultivated	Orchard	Average net profit from 1 ha, thousand UZS	Loss profit from affected land, thousand UZS				
1	2	3	4	5	6	7	8	9	10	11
1	Shamsiddin Niyoz dalasi	47,93	41,08		539	22,144	88,575			88,575
2	Shamsiddin Niyoz dalasi (orchards)	3,5		3,5	3,299	11,547	-	46,187	360,000	406,187
Total:		51,43	41,08	3,5	3,838	33,690	88,575	46,187		494,762

9.4 Compensation for affected buildings/structures

155. No structures/buildings are affected by the project.

9.5 Compensation for affected businesses

156. No businesses are affected by the project.

9.6 Compensation for agricultural laborers

157. In case if the agricultural laborers will lose their work due to permanent land acquisition of agricultural land without keeping the current contracts with the farmer²⁰, , the compensation corresponding to their salary (in monetary terms or in kind) for the remaining part of the agricultural year/or contractual period whichever is higher in monetary value will be paid, while in case of informal agricultural workers those work without any agreement will be paid an allowance equivalent to 3 months of minimum wage.

158. Taking into account that during the preparation of this draft LARP it was not possible to obtain the data on average monthly income of affected agricultural laborers, therefore the they have been considered as informal agricultural workers, thereby the estimation of compensation was based on the mechanism defined for informal agricultural workers those work without any agreement: rehabilitation allowance equivalent to 3 months of minimum wage. The total estimated compensation amount for 16 agricultural laborers amounts to **8,267.5 thousand UZS**. The calculated total compensation for affected agricultural workers are given in Table 9.3.

Table 9.3. Calculation of Compensation for Affected Agricultural Laborers

Type of agr. laborers	Number of laborers	Unit Cost (UZS)	Compensation (UZS)	Compensation (Thousand UZS)
Permanent	16	516,720	8,267,520	8,267.5
Total	16		8,267,520	8,267.5

9.7 Allowance for Severely Affected and Vulnerable Households

159. Allowance for severely affected households losing more than 10% of productive income generating asset is equal to the net income from annual crop production, while for the severely affected relocated households and businesses it is based on three months of minimum wage. The calculated total allowance for severely AHs amount to **33,690.47 Thousand UZS**. Details are given in Table 9.4. Besides, the severely affected households (farmers) requested for job opportunities at the ALC, will be given priority for the job opportunities as long as they meet the job requirements.

160. Besides, severity of impact is also applicable to all permanent and potentially seasonal laborers as they will lose 100% of their main income. In this case the laborers will be provided with a severe impacts allowance (equal to 3 months of minimum salary). The relevant allowance will be calculated for the actual severely affected laborers under the final LARP.

²⁰ The actual impact on agricultural laborers will be confirmed during the LARP finalization stage.

Table 9.4. Calculation of Allowances for Severely Affected Households

#	Severity type	Number of AHs	Cost (UZS)	Compensation (UZS) *	Compensation (Thousand UZS)
1	Severely affected AHs losing more than 10% of productive income generating asset	1	33.690.470	33.690.470	33,690.47
Total		1			
<i>*This is the total actual cost of net income from annual crop production for 1 AH.</i>					

161. No vulnerable AHs have been identified by this draft LARP. However, in case if during the finalization of LARP, vulnerable AHs re identified, the rehabilitation allowance equivalent to 3 months of minimum wage will be calculated for such AHs.

9.8 Relocation assistance

162. The relocation assistance is paid to all households/businesses, which will be relocated. Project hasn't identified any AH to be relocated due to permanent impact to its business or residential house.

9.9 Cost for new land allocation registration fee

163. The project will cover also the cost of new land allocation registration fee for the affected business or residential house to be relocated. Project hasn't identified any AH to be relocated due to permanent impact to its business or residential house.

9.10 LARP finalization administrative cost

164. Besides the compensation budget, also the administrative cost for the finalization of LARP has been calculated to be covered by PSC and PMO. Particularly, these include the cost for final DMS/census/SES surveys, as well as involvement of qualified appraisal company for evaluation of compensations to be covered by PSC. The estimated cost amounts to **5000.00 Thousand UZS**. Details are given below in Table 9.5.

165. Meantime, for the land allocation procedures (zemelni otvod), PMO shall give relevant order the cadaster. The estimated cost amounts to **13.650,000 Thousand UZS**. Details are given below in Table 9.6.

Table 9.5. Calculation of Administrative Cost

Item	Cost (UZS)	Cost (Thousand UZS)
1. Cost for LARP finalization surveys (SES, census, DMS)	2,000,000	2000.00
2. Cost for licensed evaluation for LARP finalization	3,000,000	3000.00
Total	5,000,000	5000.00

Table 9.6. Estimated Service Cost for Land Allocation (zemelniy otvod)

#	Activities	Cost (UZS)	Cost (Thousand UZS)
1	Field work (Analyzing the AHs on the basis of given layout)	2.500.000	2500
2	Cameral works	150.000	150
3	Preparing the land allocation documents project and its approval	1.500.000	1500
4	Re testing the project related documents for final approval	9.500.000	9500
Total		13.650.000	13.650,000

9.11 Summary Land Acquisition and Resettlement Cost

166. Total Indicative compensation cost land acquisition and resettlement (including the service cost for land allocation) is **4284550.65**Thousand UZS equivalent to **526357.57** USD to be covered by PMO, and the administrative cost of LARP finalization is **5750.00** Thousand UZS equivalent to **706.39** USD to be covered by PSC.

167. Thus, the total LARP finalization and implementation cost for the project amounts to **4290300.65 Thousand UZS** equivalent to **527063.96 USD**. Both compensation amount and administrative cost include 15% of contingency to meet the LARP implementation cost and any additional cost to be incurred in the future. This is an indicative cost which needs to be further updated and finalized based on detailed design and actual DMS/census results.

168. RRA (PMO) will ensure that necessary fund allocation is done in advance in the overall project budget so that compensation is paid on a timely matter. Summary cost estimate for land acquisition and involuntary resettlement is shown in Table 9.7.

Table 9.7. Summary Land Acquisition and Resettlement Cost

Items	Impacts (N, m ² ha)	N of AHs	Total Cost (Thousand UZS)
A. Compensation and Allowances			To be covered by PMO
Compensation for Land for Land (Land Development Cost) to be paid to Government for Permanent Land Acquisition	44.58	1	3206516.83
Compensation for Loss of Income- Trees (permanent Land Acquisition)	3.5	1	406187.23
Compensation for Loss of Income-Crops (permanent Land Acquisition)	44.58	1	88574.64
Compensation for affected buildings/structures			
Compensation for affected businesses			
Compensation for affected employees working for affected business			
Compensation for affected agricultural employees working on affected farmlands	51.43	16	8267.52

Allowances for Vulnerable AHs			0.00
Allowances for Relocated Households			
Allowances Severely Affected Households	51.43	1	33690,47
Transportation cost			0.00
Cost for new land allocation registration fee			0.00
Service Cost for land allocation (zemelny otvod)	51.43	1	13650.00
Sub Total A			3725696.22
Contingency (15% of the sub-total A)			558854.43
Total A (Thousand UZS)			4284550.65
Total A (USD)			526357.57
B. Administrative cost			To be covered by PSC
Cost for LARP finalization surveys (SES, census, DMS)			2000.00
Cost for licensed evaluation for LARP finalization			3000.00
Sub Total B			5000.00
Contingency (15% of the sub-total B)			750.00
Total B (Thousand UZS)			5750.00
Total B (USD)			706.39
Grant Total A+ B (Thousand UZS)			4290300.65
Grant Total A+ B (USD)			527063.96

NOTE: 1USD= 8140.0 UZS as of 19 March, 2018²¹

²¹ <http://www.cbu.uz>

10. INSTITUTIONAL ARRANGEMENTS

10.1 General

169. The Rural Restructuring Agency (RRA) will be the executing agency for the Project. Both RRA and the Ministry of Foreign Trade will be the project implementing agencies. A project management office (PMO) will be established under RRA which will be responsible for the overall land acquisition and resettlement (LAR) activities. An international consulting firm will be engaged by the Project Management Office (PMO) based in RRA. A project management and supervision (PSC) consulting firm will be recruited to assist the project implementation and supervision.

170. The PMO will have a social safeguards and resettlement specialist within its staff who will be responsible for ensuring that all the activities related to land acquisition and resettlement are being followed and implemented in accordance with Uzbekistan's legislation and policies and ADB's SPS. Meantime, national and international resettlement specialists will be hired under PSC who will assist the PMO dealing with safeguards issues under the Project. The PMO, with assistance of PSC national and international resettlement consultants will ensure that the draft LARP prepared during the feasibility study is finalized/updated during detailed design and implemented prior to start of the civil works.

171. There will be several other government agencies that will also be responsible for the LAR activities such as (i) Provincial/District Governments (Khokimiyat) and (ii) Goskomzemgeodezcadastre (State Committee on Land Resources, Geodesy, Cartography and State Cadaster (SCLRGCS) at district level.

172. Besides, independent licensed evaluation company will be involved to ensure that the evaluation of compensations under LARP comply with the provisions of LARP's entitlement matrix.

10.2 RRA (EA) and its Project Management Office (PMO)

173. RRA as the EA will establish a PMO with required staff, including a social safeguards and resettlement specialist within the PMO. RRA will also be responsible for selection of project management and supervision consultant (PSC). RRA through the PMO will be responsible for finalizing the detailed design and will facilitate coordination with the concerned government line agencies on LAR activities as well as with independent evaluation company. RRA through the PMO will be responsible for finalizing/updating the draft LARP, getting the government's endorsement, approval of the LARP from ADB and will ensure compliance in terms of complete payment of compensation to APs prior the start of construction.

174. The social safeguards and resettlement specialist within the PMO will coordinate with relevant government agencies on social matters, will prepare social monitoring reports to be submitted to ADB, and ensure the update/revision to the LARP and corrective action plan in case of unanticipated social and involuntary resettlement impacts resulting from change in design, location, etc. by PSC. The social safeguards and resettlement specialist should have up-to-date knowledge of various social safeguards policies of Government of Uzbekistan and ADB with specific importance to land acquisition and resettlement. Specific tasks and responsibilities of the social safeguards and resettlement specialist of the PMO will include the following:

- (i) Overall planning, co-ordination and implementation of social safeguards and resettlement activities including land acquisition with assistance of PSC.
- (ii) Coordinate with the national and international resettlement specialists within PSC to ensure that the draft LARP is finalized and updated in a timely manner based on the detailed design.
- (iii) Overall coordination in all social and resettlement issues in the PMO and ensuring that the project components comply with Government and ADB social safeguard policy.
- (iv) Ensure comments from ADB are integrated in finalized documents.
- (v) Endorsement of LARP and obtaining the approval from ADB.
- (vi) Disclosure of LARP and information dissemination on LARP to the Affected Persons through adequate consultations.
- (vii) Ensure the implementation of LARP is consistent with Government and ADB policies.
- (viii) Coordinate with line agencies such as local administration (Khokimiyat), SCLRGCS at province and district level, valuation by the valuation committees and independent evaluation company and finalization of compensation packages.
- (ix) Filing of application on land allocation procedures by khokimiyat.
- (x) Facilitating the transfer of funds from the EA for payment of compensation to APs.
- (xi) Coordination with rayon administration and contractor to ensure that the land is brought to pre project condition in case of temporary loss and land acquisition
- (xii) Help PMO to make the necessary budgetary arrangements available in advance for the preparation, updating and implementation of LARP.
- (xiii) Coordinate the monitoring of LARP implementation including reporting with assistance of PSC.
- (xiv) Addressing the grievances in a timely manner and keeping the records of each grievance with assistance of PSC.
- (xv) Seeking permission from ADB to go ahead with the construction where the compensation and assistance are provided to APs, upon submission of a LARP implementation completion report.
- (xvi) Preparation and submission of Semi-annual Social Monitoring Reports (SSMR) to ADB, preparation of other progress reports on social and resettlement issues as needed.

175. In the frame of LARP finalization, on behalf of PMO, the social safeguards and resettlement specialist will ensure that the following is properly implemented by PMO:

- 1) The land allocation order is sent to local cadaster and khokimiyats for initiation of further land allocation procedures and implementation thereof.
- 2) The overall needed data is available and properly provided to PSC's national and international resettlement consultants for the finalization of implementation-ready LARP (especially the data from local and government authorities and local cadaster on cadastral and property rights registration details and related documents).
- 3) The qualified independent appraisal company (eis) is hired and mobilized by PMO in defined timeframes to ensure the evaluation of compensation and allowances for AHs during the LARP finalization by PSC.
- 4) Overall assistance to PSC in coordination and communication with local and government authorities, local cadaster, and other stakeholders involved in LARP finalization activities.

10.3 Project Management and Supervision Consultant (PSC)

176. The national and international resettlement consultants within the PSC will assist PMO in updating of draft LARP into implementation-ready LARP, particularly the following activities will be undertaken by PSC consultants to assist PMO in LARP finalization task:

- (i) Assist the PMO in managing and implementing the project and ensuring compliance with the project implementation plan, the loan agreement, and the project agreement(s);
- (ii) Review and update the LARP conducted during the feasibility study stage based on detailed design in order to finalize them into an implementation-ready status, in particular: conducting the detail measurement surveys, census and socio-economic survey (SES) and consultations with affected people; finalizing the replacement cost profiles through the involvement of qualified evaluation company, update of entitlement matrix and GRM as needed and set up detailed monitoring framework;
- (iii) Assist the PMO in coordination with local authorities (khokimiyats) and other stakeholders involved in LARP finalization process;
- (iv) Assist the PMO in implementation of LARP, in particular, payment for compensation and other practical arrangements to affected people as per the final compensation and income restoration measures defined by the entitlement matrix and stated in LARP prior to construction commencement,
- (v) Assist the PMO with monitoring of the RP implementation for each subproject;
- (vi) Assist the PMO to update the LARP in case of design changes during the implementation, if any;
- (vii) In coordination with other PSC specialists and PMO staff, and with regards to LARPs, contribute to the preparation of bid documents for the turnkey contracts for establishing the ALCs in selected project sites, and assist RRA and MFT in bid evaluation if and when required; (ii) set up systems and procedures for LARP monitoring; and (v) build capacity of staff in RRA and MFT to undertake their tasks in LARP preparation, implementation and monitoring; and
- (viii) Contribute inputs to the PSC's quarterly progress reports for project management and supervision and the brief monthly summary reports, highlighting potential and actual issues/problems related to LAR issues and recommending corrective measures/actions for PMO's actions.

10.5 Other Relevant Government Line Agencies

10.5.1 Regional and District State Committee on Land Resources, Geodesy, Cartography and State Cadaster (SCLRGCS)

177. This is a permanent committee at Provincial and District levels who plays an enhanced role throughout implementation. It is responsible for:

- (i) identifying land losses incurred by land users plus agricultural output losses;
- (ii) determining the degree and area of land restitution, including removal and temporary storage of productive soil layer;
- (iii) determining the need for protective sanitary and water protection zones around constructions;
- (iv) preparing proposals on allocation of land plots of equal value under land for land;
- (v) investigating alternatives to acquiring currently used land through developing unused land;
- (vi) approving the Implementation Act and the attached plan.

10.5.2 District Khokimiyat

178. District Khokimiyat will be closely involved in the LARP review and implementation which forms the Commission on Land Acquisition and District Evaluation Commissions. These will form district land acquisition and resettlement committee (DLARC) which will undertake the following:

- (i) outline locations of constructions and structures affected by the project;
- (ii) select land for construction sites;
- (iii) approves the decree for the right to use of the land plot
- (iv) allocated the new land plots instead of the took land plots under “land for land” procedure.

179. Farmer's and Dehkan Counsels and Makhalla authorities will be involved in resettlement activities to ensure the rights and interests of affected households. Implementation of LARP will require close coordination with the local Mahalla and farmer associations. This coordination will help PMO in the following:

- (i) Organization of public consultations among the APs,
- (ii) Dissemination of information related to LARP,
- (iii) Checking timely disbursement of compensation to affected households,
- (iv) Obtaining early warnings on the grievances of APs,
- (v) Obtaining information regarding any unexpected impacts, if any, being incurred by the affected households.

10.4 Independent Evaluation Companies

180. Independent Valuation Firms will comprise of licensed private firm with valid license for valuation activities. These firms will be involved by PMO under the LARP finalization in order to evaluate the replacement cost of the affected assets, as well as applicable allowances.

181. Roles and responsibilities of various institutions related to LAR activities are presented in **Table 10.1** and presented in PAM.

Table 10.1: Institutional Roles and Responsibilities

Activity	Responsible Agency
A. Project Initiation Stage	
Finalization and Approval of draft LARP	RRA (PMO) /ADB
Hiring of Project management and supervision consultant (PSC)	RRA (PMO)
B. Detailed Design and LARP finalization/update	
Finalization of alignment and sites for project components based on detailed engineering design	RRA (PMO), PSC
Collection of updated cadastral details, ownership and user details based on detailed design	Safeguards Specialist (PMO)/ National and International Resettlement specialists (PSC)
Census and Socio Economic survey to update the previous data base of draft LARP	National and International Resettlement specialists (PSC)
Conducting Public Consultations with APs and other stakeholders	Safeguards Specialist (PMO)/ National and International Resettlement specialists (PSC), district Khokimiyat,

Activity	Responsible Agency
	Farmer's and Dehkan Councils and Mahalla authorities
Evaluation and calculation of replacement values of land/properties and other affected assets	Appraisal company hired by PMO/ National and International Resettlement specialists (PSC), SCLRGCS, District Khokimiyat and Independent
Finalizing entitlements	National and International Resettlement specialists (PSC), Safeguards Specialist (PMO)
Disclosure of final entitlements and rehabilitation packages	PMO with assistance of PSC
Preparation of final implementation-ready LARP	National and International Resettlement specialists (PSC), Safeguards Specialist (PMO)
Approval of Final LARP	RRA (PMO) /ADB
C. LARP Implementation Stage	
Disbursement of compensation and assistance	RRA (PMO) and Khokimiyat
Taking possession of land	RRA (PMO) through the assistance of district Khokimiyat
Implementation of proposed rehabilitation measures	RRA (PMO)
Grievances redress	RRA (PMO)
Monitoring and Reporting	RRA (PMO)
D. Design changes, if any	
Update the LARP/prepare CAP in case of design changes during the implementation, if any	National and International Resettlement specialists (PSC), Safeguards Specialist (PMO)
E. Completion Stage	
Restoration of approach roads and access if disturbed during construction due to temporary usage	PMO and PSC will ensure that contractor follows the norms as mentioned
Consolation with local people regarding any further grievance	PMO, PSC

10.5 Capacity building activity

182. It is proposed the Project's capacity building on social safeguards and resettlement aspects to be carried out by PSC for PMO will cover two main directions:

- i) **PMO's capacity** on LARP finalization and implementation - to enhance PMO's capacity on the LARP finalization, implementation and monitoring PSC's international resettlement specialist will provide short training for PMO's national resettlement specialist and further assistance in monitoring of LARP implementation and reporting to ADB, as well as guidelines for Contractor's activities on social safeguards aspects as required.
- ii) **Awareness program for ALC's** staff and renters in the project area – in part of social safeguards and resettlement, the training will cover public consultations and GRM operation activities in ALC and local PMO/PSC offices, as well as on construction place. The program will be developed by PMO's and PSC's resettlement specialists.

11. LARP FINALIZATION AND IMPLEMENTATION

11.1 General

183. The time for implementation of LARP will be scheduled as per the overall project implementation schedule. All activities related to the land acquisition and resettlement will be planned to ensure that compensation is paid prior to taking possession of land and commencement of civil works. Public consultation, monitoring and grievance redress will be undertaken intermittently throughout the project duration.

184. Construction can be initiated once the compensation is fully paid to all AHs.

11.2 Detailed Design Stage (Finalizing and Updating the Draft LARP)

185. Setting up relevant institutions for the LAR finalization activities will be the major task during the detailed design including the establishment of PMO at RRA, as well as the involvement of PSC. The national and international resettlement consultants of PSC will assist PMO for updating this draft LARP. The draft LARP will be updated based on detailed and final engineering design which includes final impact assessment, detailed measurement surveys and updating of compensation rates etc. The updated LARP will be sent to ADB for approval and upon the approval, the LARP will be disclosed on the ADB and PMO website. The following steps will be taken by the PMO to finalize and update the draft LARP:

- Finalization of detailed design for ALC and access road in order to identify the actual owners to be permanent and temporarily (if any) affected for loss of lands, structures, crops and other assets,
- Update of land details including ownership and a list containing the quantum of land being affected for each plot,
- Detailed measurement survey (DMS) and inventory of all types of losses (structures, crops, trees, and other assess) need to be carried out and recorded based on detailed design,
- Update of census and Socio-economic (SES) data,
- Update and valuation of compensations for each affected person/household based on final impact assessment data, including all applicable allowances,
- Public consultation with APs based on updated impact assessment data,
- Upon collection of all necessary data, the draft LARP needs to be updated/finalized to be submitted to ADB for approval and disclosure.

186. During the LARP finalization, PMO shall follow up with khokimiyats to ensure that the land allocation decisions and relevant procedures are initiated based on final verified data on AHs. The PMO shall ensure that relevant provisions on LARP finalization and compensation tasks and legal grounds (application of ADB SPS for LAR-related activities) are included in Presidential Resolution to be adopted upon approval of the project by ADB.

187. PMO shall follow up with PSC to ensure that the experience survey team and appraisal company are involved for LARP finalization surveys. The PMO shall ensure that all AP are aware that the cost for compensation evaluation is done by the project through the hired independent appraisal company.

188. The proposed ToR for Appraisal Company is attached in Appendix 5.

11.3 LARP Implementation Stage

189. Upon the approval of final/updated LARP, all the arrangements for fixing the compensation and the disbursement needs to be done which includes issuance of identity cards (IDs), payment of all eligible compensation and assistance; initiation of land development process; site preparation for delivering the site to contractors for construction and finally commencement of the civil work. Payment of compensation and allowances under updated final LARP will commence after a number of preparatory tasks have been completed. These tasks are:

- Disclosure and consultation
- Grievance resolution
- Disbursement of compensation and assistance
- Monitoring and reporting of LARP implementation
- Notice to proceed for Civil works construction
- Restoration of land
- Continual Monitoring

11.4 Implementation Workplan

190. Below is presented the preliminary action plan for LARP finalization and implementation for the project. The schedule of LARP implementation will be defined by final LARP.

Table 11.1: Implementation Action Plan

LAR Activities	Responsible party
A. Detailed Design	
Finalization of Detailed Design ²²	PSC
Involvement of survey team and appraisal company	PSC
Issuance of Decree by khokimiyats on land allocation ²³	Andijan khokimiyat
Conducting the PC based on verified list of APs (Issuance of notification on cut-off-date following detailed design)	PSC, PMO
Conducting the final AP census/DMS	PSC, PMO
Update of LARP based on Detailed Design and final AP census/DMS (including PCs)	PSC, PMO
Submission of Final LARP for ADB Approval	PMO
Disclosure of approved LARP	PMO
B. LARP Implementation	
Issuance of IDs to APs	PMO, PSC
Consultation and GRM	PMO, PSC
Payment of compensation to APs	Khokimiyats, PMO
Payment of all eligible assistance	Khokimiyats, PMO
Takeover possession of acquired property	PMO
Handover land to contractors	PMO
C. Internal Monitoring by RRA	
SRMR to be submitted to ADB (Contentious) ⁰	PSC, PMO
LARP Completion Report to be submitted upon completion of LARP implementation	PSC, PMO

²² The schedule is subject for updating depending from detailed design finalization date. In this LARP detailed design is considered the status of design, which can be sufficient to assess the final actual impact (dinal DMS and census).

²³ The LARP finalization progress closely depends from the issuance of decree by khokimiyats on land allocation.

12. MONITORING AND REPORTING

12.1 Overview and Objective

191. Monitoring will be the responsibility of PMO with assistance of PSC. PMO, with assistance of resettlement specialists of PSC will regularly monitor and measure the progress of finalization and implementation of the LARP. Before the finalization of LARP, the PSC shall provide PMO with progress monitoring report on LARP finalization activities which then shall be communicated with ADB. The objective of the monitoring is to assess the progress of implementation of LARP in terms of its process, targets, problems, mitigation measures, corrective action etc. so that the physical activity and implementation of the project progress smoothly. The extent of monitoring activities will be commensurate with the project's risks and impacts. In addition to recording the progress in compensation payment and other resettlement activities, PMO will prepare monitoring reports to ensure that the implementation of the LARP has produced the desired outcomes. The PMO will provide ADB with an effective basis for assessing land acquisition and resettlement progress and identifying potential difficulties and problems.

12.2 Monitoring

192. The monitoring will involve (i) administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis and (ii) overall monitoring to assess status of affected persons in terms of compensation and assistance and alternate land allocation with land development etc. RRA (PMO) is required to implement safeguard measures as provided in the LARP. RRA (PMO) through its PIU will:

- (i) monitor the progress of implementation of LARP,
- (ii) verify the compliance with safeguard measures and their progress toward intended outcomes,
- (iii) document and disclose monitoring results and identify necessary corrective and preventive actions in the periodic monitoring reports,
- (iv) follow up on these actions to ensure progress toward the desired outcomes, and
- (v) submit semiannual social monitoring reports (SSMR) to ADB.

193. Monitoring will include daily planning, implementation, feedback and troubleshooting, individual affected person file maintenance, community relationships, dates for consultations, number of appeals placed and progress reports. RRA through the PMO will be responsible for managing and maintaining affected person databases, documenting the results of the affected person census. Monitoring reports documenting progress on LARP implementation and a completion reports will be provided by RRA through its PIMO to ADB for review. The monitoring report will contain: (i) accomplishment to-date, (ii) objectives attained and not attained during the period and explanation for not attained, (iii) problems encountered, grievances received and addressed, consultations carried out during the reporting period, if any, and (iv) suggested options for corrective measures.

12.3 Monitoring Indicators

194. Fulfillment of the LARP policy and targets in the implementation process will be monitored through setting up indicators. The vital indicators to be monitored will include the contents of the activities and entitlement matrix. The LARP contains indicators for achievement of the objectives under the resettlement program. The indicators for achieving the proposed objectives during the implementation of the LARP are of two types: (i) Process Indicators

(indicating project inputs, expenditure, staff deployment, etc.) and (ii) Output Indicators (indicating results in terms of numbers of DPs/APs compensated, and assistances provided. Indicative monitoring indicators are presented in Table 12.1.

Table 12.1: Indicative Monitoring Indicators

Type	Examples of Indicators
Process Indicator	<ul style="list-style-type: none"> • Number of consultation and participation events held with various stakeholders • Grievance mitigation Procedure • Placement of Project staff at the project level • Inventory of losses (based on final design) • Household Census (based on final design) • Placement of funds for land acquisition • Procedure of allocation of resettlement plots • Disclosure and consultation events • Grievance redress procedures in-place and functioning • Public awareness on RP policy and provisions • Cost of compensation collection by APs • Monitoring reports submission
Output Indicator	<ul style="list-style-type: none"> • Number of households having provided with alternate land • Number of households compensated and assisted • Number of severely households compensated and assisted • Number of households compensated for lost income • Number of households compensated for lost buildings • Amount of compensation disbursed • Amount of resettlement benefits disbursed

12.4 Reporting

195. The PMO will be responsible for managing and maintaining AP's database documenting the final results of the affected person census based on final design. Monitoring reports documenting progress on land acquisition and resettlement implementation and LARP completion reports will be provided by PMO to ADB upon completion of LARP implementation. Besides, PMO will report the progress of LARP implementation through semi-annual social monitoring reports (SSMR). The SSMRs will be posted on the ADB website upon acceptance of the report by ADB.

APPENDIX 1: Letter from Andijan khokimiyat on land provision

Unofficial Translation

TO:The rural restructuring agency under
ministry of Agriculture and
Water resources of the Republic of
Uzbekistan

The Khokimiyat of the Andijan province supports the implementation of the project to create a logistics centre and is ready to allocate for construction a plot of land with a total area of 51.43 hectares in the Andijan region (the "Shamsiddin Niyoz dalasi" farm).

Appendix: 3 pages

Khokim of the Andijan Province
Sh. Abdurakhmonov

ЎЗБЕКИСТОН РЕСПУБЛИКАСИ
АНДИЖОН ВИЛОЯТИ

ҲОКИМИ

170131, Андижон шаҳри,
Абдурауф Фитрат номи кўча, 239.



ҲОКИМ
АНДИЖАНСКОЙ ОБЛАСТИ
РЕСПУБЛИКИ УЗБЕКИСТАН

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«14» 02 2018г № 07/59-47

Агентству по реструктуризации
сельскохозяйственных
предприятий при Министерстве
сельского и водного хозяйства
Республики Узбекистан

Ҳокимият Андижанской области поддерживает реализацию
проекта по созданию логистического центра и готов выделить под
строительство земельный участок общей площадью 51,43 гектара в
Андижанском районе (массив «Шамсиддин Ниёз даласи»).

Приложение: 3 л.

Ҳоким области

Ш.Абдурахмонов

Андижон тумани, Қуңжи қишлоғи, А.Исмоилов массивидаги "Шамсиддин Ниёз даласи" фермер хўжалиги ихтиёрига ижарага ажратилган ер майдонларининг контурлар кесимида

ҚАЙДНОМАСИ

№	Фермер хўжалиги номи	Контур раками	Йуналиши	Ер баланси бўйича				2018 йилда экин режаси, га				
				Умумий ер майдони	Шундан			Фермер хўжалиги номи	Контур раками	Жами экин ери, га	шундан	
					Экин ери, га	Тутзор, га	Сув ости ерлар, зовурлар, га				Ғалла экилган, га	Пахта экиш режалашган, бугунги кунда шудгорланган, га
1	Шамсиддин Ниёз даласи	79	пахта-ғалла	7,96	7,46		0,50	Шамсиддин Ниёз даласи	79	7,46	7,46	
		80		1,75			1,75		80			
		81		4,95	4,85		0,10		81	4,85		4,85
		82		8,40	8,30		0,10		82	8,30		8,30
		83		9,90	8,30		1,60		83	8,30		8,30
		84		6,17	6,17				84	6,17		6,17
		85		1,80			1,80		85			
		86		7,00	6,00		1,00		86	6,00		6,00
		92		3,50		3,50			92			
	жами			51,43	41,08	3,50	6,85			41,08	7,46	33,62



APPENDIX 2: Minutes of Public Consultation

Venue: “Andijan district khokimiyat” main hall, Andijan district, Andijan

Date: March 16, 2018

Public Consultation on Horticulture value chain infrastructure development project:
Issues of Land Acquisition and Resettlement under the Project

Target audience: Regional and local authorities involved in Land Acquisition and Resettlement activities with the Project (specialist of khokimiyat, local cadaster, regional architectures, financial specialists, people from surrounding areas, farmers and AHs)

Agenda:

- Introduction on Project background and components
- Expected project LAR impact
- The aim of preparation of draft LARP
- Main phases of LARP preparation, implementation and approval (including the start of civil works)
- The content of draft LARP
- Types of losses subject for compensation under the project LARP
- Groups of APs eligible for compensation
- Main provisions of entitlement matrix
- Main stages of LARP finalization and approval
- GRM proposed for the project

PC was carried out jointly with environment team, Khokimiyats and the local people from the project areas were targeted. Representatives of three settlements surrounded the project site.

The participants were explained that the project currently on the conceptual stage which will be followed detail design stage. The presentation was made by PPTA consultants informing communities about the project and obtaining suggestions about the anticipated environmental and social (LAR) impacts and proposed compensation and mitigation measures. Project objectives and main findings of conducted LAR preliminary impact assessment, draft LARP and GRM was presented in Power Point presentation (attached). People were requested to give their opinions and suggestions. In addition, participants were provided with contact information of focal points of RRA, as well as the consultants for further suggestions and questions.

The issues raised and answers given are summarized below.

#	Issues raised	Response	Addressed in LARP/EIA
1	What kind of water sources will be used for ALC?	Two options are considering currently: ground water wells and connection to water supply main trunk. The main trunk will be construction in 3 km to the north-east in 2019	Details provided in EIA, Chapter 4.
2	Will the ALC have a waste water treatment? There is no centralized sewage water on the site	Yes, waste water treatment plant is part facilities of ALC. The water treatment will ensure quality of treated water in accordance with national standards for discharging water into surface	Details is provided in EIA, Chapters 3 and 4

3	What is total amount of investment for this project	It is planned that total cost of the project will be 197 USD	Detail is provided in EIA, Chapter 1
4	How many work places will create this ALC	Based on similar ALCs operating in other countries, numbers of workers, including qualified staff will not less than 1000 people.	Details are provided in EIA, Chapter 5
5	Will be it possible for local population to get job on this ALC?	Yes, one of the target of this project is improve living conditions of population. Creation new jobs for locals will part of the project	Details are provided in EIA, Chapter 5

Public Consultation, Registration List



Регистрационный лист
Общественные слушания по проекту: «Развития инфраструктуры цепочки добавленной стоимости в секторе плодоовощеводства». Март
16, 2018



Andijan district / Андижанский район

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12	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
13	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
14	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
15	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
16	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
17	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
18	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
19	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
20	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
21	Абдушев А.	Ишхоналар марб раис	Инд тн Ишхоналар	[Signature]
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28	Қудратов А.	Андижан тумани	Амнатдор МФЙ	
29	Мамитов О.	Андижан тумани	Тонмозор МФЙ	
30	Нусраев Е.	Андижан тумани	Сардор МФЙ	
31	Қаюмов О.	Андижан тумани	Тармоқлик МФЙ	
32	Нусраева С.	Андижан тумани	"Дўстлик" МФЙ	
33	Рашидов Т.	Андижан тумани	"Халқаро" МФЙ	
34	Қурбонов Р.	Андижан тумани	Имомхон МФЙ	
35	Қасимов О.	Андижан тумани	Ровшан МФЙ	
36	Қудратов О.	Андижан тумани	Бобозода МФЙ	
37	Мирзаев Т.	Андижан тумани	Дарвоза МФЙ	
38	Солтисов А.	Андижан тумани	Саломат МФЙ	
39	Ахмедов А.	Андижан тумани	Тармоқлик МФЙ	
40	М. Мадумаров	Андижан тумани	Заман-тумани МФЙ	
41	М. Урайтматов	Андижан тумани	Бешархон МФЙ	
42	Солтисов Т.	Андижан тумани	Дўстлик МФЙ	
43	Қаримов Т.	Андижан тумани	"Муштакилла" МФЙ	
44	М. Мамитов	Андижан тумани	"Қасимов" МФЙ	
45	О. Қадиров	Андижан тумани	"Таштуман" МФЙ	
46	М. Рахмонов	Андижан тумани	"Мамитов" МФЙ	
47	Д. Қурбонов	Андижан тумани	"Қудратов" МФЙ	
48	Т. Қасимов	Андижан тумани	"Дўстлик" МФЙ	
49	А. Рахмонов	Андижан тумани	"Таштуман" МФЙ	
50	А. Рахмонов	Андижан тумани	Қудратов тумани	

No.	Full Name / Ф. И. О	Worked place / Наименование места работы	Address / Адресс (Ю/Й, М/МЙ)	Signature/ Подпись
51	Идрисов Дилдор	Андижон тумани	Ташкент м.ф.и	Идрис
52	Исмаилов Рахматилла	Андижон тумани	Чирчиқ 10900	Исмаилов
53	Тоғлибаев Боқир	Ирригатор Туман	Андижон 10975	Тоғлибаев
54	Эргашев Расанбой	Андижон тумани	Ташкент м.ф.и	Эргашев
55	Уринов Уктам	Андижон т/н электросет	А.Ишадиев -35	Уринов
56	Косимов Жахонгир	Андижон туман	Ок-ёр к.ф.и	Косимов
57	Қолдоров Мазор	Андижон туман	Қўйганёр м.ф.и	Қолдоров
58	Матқасимов Улуғбек	Андижон туман	Қўйганёр	Матқасимов
59	Матқасимов Рано	Андижон тумани	Қўйганёр	Матқасимов
60	Қўлғашев Дилшодбек	Андижон туман	Қўйганёр	Қўлғашев
61	Бекаров Муҳаммад	Андижон туман	Туман вазири	Бекаров
62	Потомкин С.В.	Андижон туман	Микрофинансис "Қўйганёр" ф.и	Потомкин
63	Умидов Илхом	Андижон туман	Микрофинансис "Қўйганёр" ф.и	Умидов
64	Султонов Нодирбек	Андижон туман	Микрофинансис "Қўйганёр" ф.и	Султонов
65	Султонов Дилшодбек	Андижон туман	Микрофинансис "Қўйганёр" ф.и	Султонов
66	Исмаилов Абдурашид	МБТ LLC	Ташкент	Исмаилов
67	Luis MORENO	PERCASA	MADRID (SPAIN)	Moreno
68	Махмудов М.Г.	МБТ LLC	Ташкент	Махмудов
69	Исмаилов И.	МБТ	Ташкент	Исмаилов
70	Абдуваҳидов Э.С.	Ано раи. Статистика	Ташкент	Абдуваҳидов
71	Сафармуродов М.	Узбекистон Аудио-тумани	Ташкент	Сафармуродов
72				
73				
74				
75				

Photos from Public Consultation



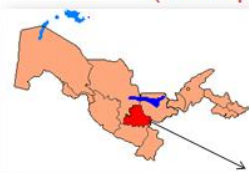
Presentation of Public consultation (in Uzbek)

**МЕВА-САБЗАВОТЧИЛИК
ТАРМОҒИДА ҚЎШИЛГАН ҚИЙМАТ
ЗАНЖИРИ
ИНФРАТУЗИЛМАЛАРИНИ
РИВОЖЛАНТИРИШ» ЛОЙИХАСИ**

Ер ажратиш ва қўчириш
масалалари

Март, 2018

Лойиха объекти
(Самарканд вилояти, Жомбой тумани)



Лойиха объекти (Андижон вилояти,Андижон тумани)



Ер ажратиш ва кўчириш таъсири турлари

1.Доимий таъсир

Доимий таъсир ўз ичига агрологистик мажмуасининг қурилиши учун ажратиладиган фермер хўжалиги ерлари ва агрологистик мажмуаси учун қуриладиган қириш йўллари.

2.Вақтинчалик таъсир

Вақтинчалик таъсир, агрологистик мажмуасининг қурилиши жараёнида хусусий ёки давлат ерларига, активларга ёки даромадларига бўладиган таъсирларни ўз ичига олади ва бу таъсир эса лойиҳа пудратчилари томонидан алмаштириш (тўлиқ қоплаш) қиймати асосида қопланиб берилади.

Лойиҳа доирасида кўриладиган таъсирлар (бошланғич маълумотлар асосида)

Лойиҳа доирасида бошланғич маълумотлар асосида кўриладган таъсирлар:

- **Самарқанд вилояти, Жомбой тумани:**

- 6 та фермер жўжалиги ерлари, жами 82.8 гектар (қишлоқ хўжалиги ерлари).
- 1 та тижорат иш жойининг кўчирилиши (ёғ кадағлаш цехи).

- **Андижон вилояти, Андижон тумани:**

- 1 та фермер жўжалиги ерлари, жами 53.5 гектар (қишлоқ хўжалиги ерлари).

Ер ажратиш ва кўчириш режасининг мақсади

Ер ажратиш ва кўчириш лойиҳасининг мақсади:

- Лойиҳа доирасида вақтинча ва доимий таъсир қилинувчи ердан фойдаланувчилар ва хўжаликлар сонини аниқлаш.
- Осиё Тараққиёт Банкининг 2009 йилдаги сиёсий-ижтимоий ҳимоя талаблари ва Ўзбекистон Республикаси қонун ҳужжатлари талабларига мувофиқ ер ажратиш ва кўчириш ишларининг тартиб ва механизмларини ишлаб чиқиш.

Ер ажратиш ва кўчириш режасининг таркиби

- Ер ажратиш ва кўчириш ишлари лойиҳасининг ҳуқуқий асослари,
- Лойиҳа доирасида доимий ва вақтинчалик таъсир остидаги объект турларининг (ер, бино иншоотлар, экинлар, дарахтлар ва ҳ.к.) кўрсатилиши;
- Ер ажратиш ва кўчириш лойиҳаси доирасида ҳуқуқий матрица баёноти ва баҳолаш тамойиллари;
- Таъсир остидаги шахсларнинг гуруҳланиши;
- Ер ажратиш ва кўчириш ишлари лойиҳасининг тадбиқ қилиниш фазалари ва институционал келишувлар;
- Эътирозларни кўриб чиқиш жараёни тартиби;
- Ер ажратиш ва кўчириш лойиҳаси мониторинги талаблари;
- Ер ажратиш ва кўчириш лойиҳаси жараёнида аҳоли билан расмий суҳбатлар/консултация жараёни босқичлари маълумотлари.

Таъсир ва йўқотишлар учун зарарлар кимларга тўланади

- Доимий ва вақтинчалик таъсир остидаги фермер хўжаликлар;
- Экин ва дарахтзорларини йўқотган жисмоний ва юридик шахслар;
- Турар ва нотурар жойларини йўқотган жисмоний ва юридик шахслар;
- Доимий ва вақтинчалик тижоратини йўқотган бизнес ва ишчи ходимлар.
- Лойиҳа доирасида ижтимоий иқтисодий сўровнома ўтказилгандан сўнг, қурилган бино-иншоотлар ёки қўрилган бошқа зарарлар лойиҳа доирасида қопланмайди.

Лойиҳа тадбиқининг кейинги босқичлари

1. Ер ажратиш ва қўчириш режаси лойиҳасининг ОТБ ва Ўзбекистон Республикаси қишлоқ ва сув хўжалиги вазирлиги ҳузуридаги қишлоқ хўжалиги қорхоналарини таркибий қайта тузиш агентлиги томонларидан тасдиқланиши:

2. Ер ажратиш ва қўчириш режаси лойиҳасининг тадбиқ қилиниши ҳамда ОТБ ва Ўзбекистон Республикаси ҳукумати томонларидан тасдиқланиши учун тайёрланиши:

- ✓ Батафсил ер ажратиш лойиҳаси асосида таъсир қилинувчи субъектлар ва объектлар рўйхатини янгилаш;
- ✓ Таъсир остидаги ер ва бино иншоатларни аниқлаш;
- ✓ Таъсир остидаги жисмоний ва юридик шахслар билан иқтисодий-ижтимоий сўровномалар ўтказиш;
- ✓ Таъсир остидаги субъектлар ва объектлар йўқотишлари учун қўрилган зарарларни баҳолаш;
- ✓ Ер ажратиш ва қўчириш лойиҳасининг тадбиқ қилиниши ҳамда ОТБ ва Ўзбекистон Республикаси ҳукумати томонларидан тасдиқланиши.

3. Тасдиқланган Ер ажратиш ва қўчириш лойиҳасининг татбиқ ва мониторинг қилиниши.

4. Қурилиш ишларининг бошланиши.

Зарар қопланадиган таъсир ва йўқотишлар

- Қишлоқ ва ноқишлоқ хўжалиги ерлари;
- Турар ва нотурар жойлар;
- Экин ва дарахтлар;
- Бизнес ва ишчи ходимларга доимий ва вақтинчалик таъсир;
- Ижтимоий ёрдамга муҳтож (кам таъминланган, боқувчисини йўқотган, ногиронлар, бола парвариши учун нафақа олувчилароила бошлиғи кекса одам бўлган ва оиласида жисмоний мажрух одам булган) гуруҳлар учун қўшимча ёрдамлар.

Ижтимоий ёрдамга мухтож ва жиддий таъсир таъсир қилинган хонадонлар

Жиддий таъсир қилинган хонадонлар

- Ўзларининг ишлаб чиқариш активларинг 10% ва ундан ортиқ миқдорда йўқотган ва жисмоний кўчирилган хонадонлар:
- Лойиха доирасида қилинган таъсир алмаштириш (тўлиқ қоплаш) қиймати асосида қопланади.

Ижтимоий ёрдамга мухтож хонадонлар га таъсир

- Кам таъминланган, боқувчисини йўқотган, ногиронлар ва бола парвариши учун нафақа олувчилар, оила бошлиғи кекса одам бўлган ва оиласида жисмоний мажрух одам булган) гуруҳлар учун кўшимча ёрдамлар.:
- Бир марта тўланадиган 3 ойлик енг кам иш ҳақи миқдоридаги ёрдам пули. Шунингдек улар лойиха доирасидаги қўрилиш ишларига ва ўқув машғулотларига биринчи бўлиб ушбу гуруҳ аъзолари олинади.

Эътирозларни кўриб чиқиш механизми

Лойиҳани амалга ошириш гуруҳи (Ўзбекистон Республикаси қишлоқ ва сув хўжалиги вазирлиги ҳузуридаги қишлоқ хўжалиги корхоналарини таркибий қайта тузиш агентлиги) атроф муҳит ва ижтимоий ҳимоя масалалари бўйича ушбу эътирозларни кўриб чиқиш механизми учун жавобгар ташкилот ҳисобланади.

Эътирозларни кўриб чиқиш механизми босқичлари

✓Босқич-1

Лойиҳа пудратчи ишхоналари (қўрилиш давомида) ва маҳаллий ҳокимият

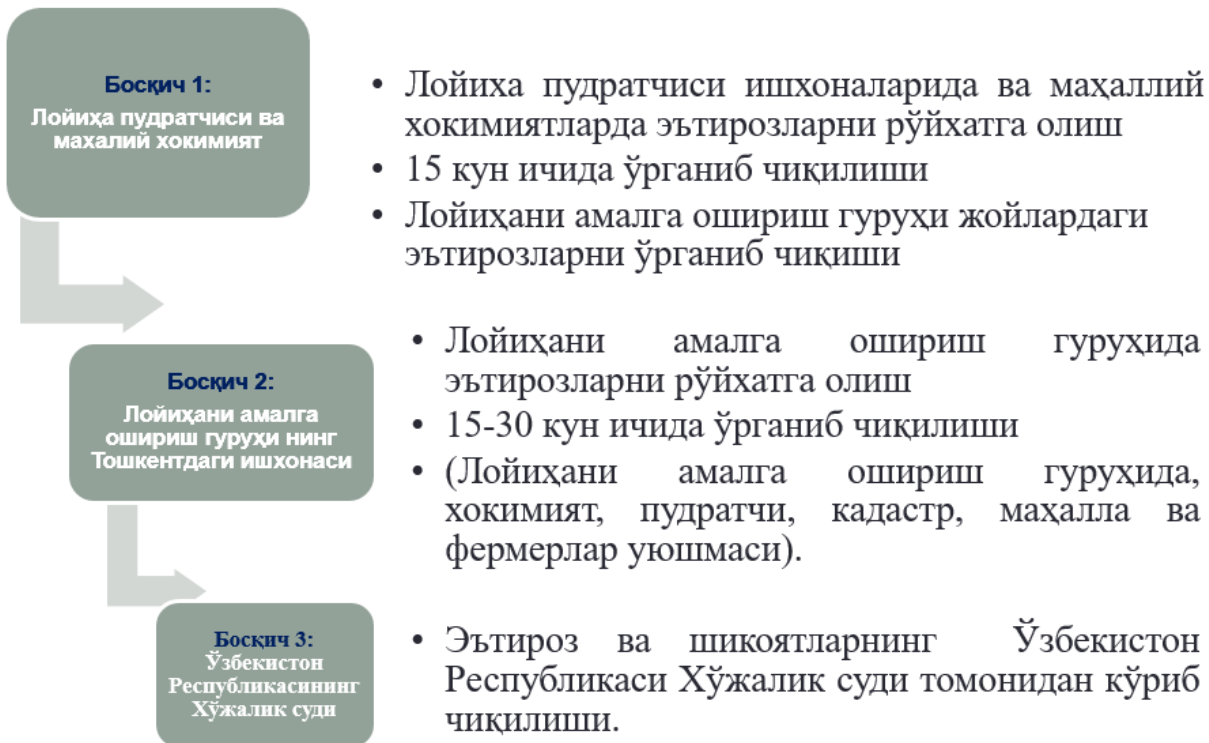
✓Босқич-2

Лойиҳани амалга ошириш гуруҳининг Тошкентдаги ишхонаси

Босқич-3

Ўзбекистон Республикаси Хўжалик суди

Эътирозларни кўриб чиқиш механизми



APPENDIX 3: DMS, Census, SES Questionnaire

A. GENERAL

A-1	Name of Project Component: 1. Samarkand 2. Andijan	
A-2	Type of Impact: 1. Permanent, 2. Temporarily	
A-3	Name of the Massive:	
A-4	Name of the Region:	
A-5	Name of the Province	
A-6	Type of Settlement 1. Urban 2. Rural	
A-7	Affect of Impact to: 1, Farm Land, 2.Structure, 3.Business, 4.Other (specify)	

B. DETAILS ON LAND PARCEL ONLY IN FARM AND LAND USE

B-1	Name of the farm (if applicable):	
B-2	Name of the Land Owner/User	
B-3	Gender of the Land Owner/User	
B-4	Age of the Land Owner/User	
B-5	ID Number:	
B-6	Total area (m ²)/ha	
B-7	Total affected area (m ²)/ha and in %	
B-8	Total Land Holding of the Household/Family in Hectare (affected and other land holding inside and outside project area)	
B-9	Ownership of Land: 1. Private, 2. State-owned	
B-10	Type of Owner 1 - Registered/Legalized; 2 -Unauthorized/Non-registered; 3- Other (specify)	
B-11	Legal Status of the Land Owner/User: 1- Owner (in case of private garden) ; 2.- Formal lessee/tenant (tenant for 49 years by the government) 3.-Share cropper 4.- Informal lessee	
B-12	In case of Agricultural land use: 1- Arable/Crop Cultivation; 2- Orchard/Garden (Fruit); 3- Pasture; 4. Plantation (Timber), 5. Grass land, 6- Other (Specify).....	
B-13	Irrigation Status 1- Irrigated; 2- Non-irrigated	

C. DETAILS ON ASSOCIATED USERS/PERSONS ON THE LAND

C-1	Agricultural Tenant/leaseholder (tenant for 49 years by the government) 1. Yes 2. No	
C-1.1	Type of Labor Contract 1. Seasonal 2. Permanent 3. Seasonal and permanent	
C-1.2	If Yes (How many in Numbers) in Seasonal	
C-1.3	Number of Men	
C-1.4	Number of Women	
C-1.5	If Yes (How many in Numbers) in Permanent	
C-1.6	Number of Men	
C-1.7	Number of Women	
C-1.8	Is there any formal rent agreement made between owner and agricultural Laborer? 1. Yes 2. No	
C-2	Agricultural Share Cropper 1. Yes 2. No	
C-2.1	If Yes (How many in Numbers)	
C-2.2	Number of Men	
C-2.3	Number of Women	
C-2.4	Is there any formal rent agreement made between owner and agricultural share cropper? 1. Yes 2. No	

D.	IMPACT ON CROPS	1. Yes; 2. No	<i>If no, forward to E</i>
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No	Name of the Crop	Affected Cultivated Area (Ha)	Average Yield or harvest (Tonne) from affected cultivated area	Market price per kilogram (Som)
D-1				
D-2				
D-3				
D-4				
D-5				
D-6				
D-7				
D-8				

E.	IMPACT ON PLANTS/TRESS ON AFFECTED LAND	1. Yes; 2. No	<i>If no, forward to F</i>
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No	Name of Plant/Trees	Quantity (Number of affected Unit)	Age of the tree (Approximate Average)	Type of Trees 1. Fruit Trees 2. Non-Fruit/Timber Trees 3. Others	Yield (kg/tree) in case of fruit trees per season	Cost to grow per unit (in case of seedlings)
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E-1						
E-2						
E-3						
E-4						
E-5						
E-6						
E-7						
E-8						
E-9						
E-10						
E-11						
E-12						

F. AFFECTED STRUCTURE

F-1	Is there any building/structure in the Affected Land which is subject to demolition by the project? 1-Yes; 2-No	<i>If no, forward to I</i>
F-2	If yes, How many.....	
F-3	Name of the owner/user	
F-4	Gender of the owner/user	
F-5	Age of the owner/user	

G- PHYSICAL DETAILS OF THE STRUCTURES

#	Description	Building/Structure No.1	Building Structure No.2	Building Structure No.3
G-1	Use of Building 1. Residential House, 2. Commercial, 3. Religious, 4. Community, 5. Cattle shed, 6. Boundary wall, 7. Garage, 8. Well, 9. Others (specify)			
G-2	Ownership of Building 1. Ownership Right, 2. Illegal			
G-3	Ownership Since Years			
G-4	Availability of legal documents to support claim for compensation 1. Yes, 2. No			
G-5	If Yes, name of the document			
G-6	Size of Land plot owned			
G-7	Total floor Area of Building (Square meter)			
G-8	Affected Area of Building (Square meter)			
G-9	Year of Construction			
G-10	Number of Story's			

H. DETAILS ON ASSOCIATED USERS/PERSONS IN THE STRUCTURE

H-1	Case of residential structure	
H-1-1	Residential Tenant 1. Yes 2. No	
H-1-2	Number of Men	
H-1-3	Number of Women	
H-1-4	How much rent do you pay per month (Som).....	
H-1-5	Is there any formal rent agreement made between owner and tenant? 1. Yes 2. No	
H-2	Case of commercial structure	
H-2-1	Commercial tenant 1. Yes 2. No	
H-2-2	Number of Men	
H-2-3	Number of Women	
H-2-4	How much rent do you pay per month (Som).....	
H-2-5	Is there any formal rent agreement made between owner and tenant? 1. Yes 2. No	

I. DETAILS ON AFFECTED BUSINESS AND EMPLOYEES

I-1	Is the business affected 1. Yes 2. No (<i>forward to J</i>)	
I-2	Name of the owner/user	
I-3	Gender of the owner/user	
I-4	Age of the owner/user	
I-5	Registration status of Business 1. Legal/registered (with permission/License), 2. Illegal/Unregistered (without permission/License)	
I-6	Type of Business 1. Small Scale 2. Medium Scale, 3. Large Scale, 4. Industrial	
I-7	Value if business sold (million som)	
I-8	Income per year (Som)	
I-9	Expenditure per Year (Som)	
I-10	Profit per Year (Som)	
I-11	Employees/Wage Earner 1. Yes 2. No	
I-12	If Yes (How many in Numbers)	
I-13	Number of Men	

I-14	Number of Women	
I-15	How much average salary do you pay per month per employee (Som).....	

J. AFFECTED HOUSEHOLD DETAILS

J-1	Name Head of Household:	
J-2	Age	
J-3	Sex 1. - Male 2- Female	
J-4	Ethnic Background 1. Uzbek; 2. Tajik; 3. Kazakh; 4. Karakalpak; 5. Jewish; 6. Russian; 7. Ukrainian; 8. Others (Specify)	
J-5	Number of families	
J-6	Number of family members	
J-7	Number of Male	
J-8	Number of Female	
J-9	Is it a woman headed household? Yes 2. No	
J-10	Is it a Below Poverty Line Household? Yes 2. No	
J-11	Is it headed by physically/mentally challenged person? 1. Yes 2. No	
J-12	Is it a household headed by Elderly Person? 1. Yes 2. No	
J-13	Main Occupation of the Head of the Household: 1. Agriculture; 2. Business; 3. Government Jobs; 4. Private Jobs; 5. Daily Wage; 6. Pension; 7. Others (Specify)	
J-14	Total Annual Income of the Household/Family (Som)	
J-14-1	The annual income in percentage; 1. Agriculture_____%; 2. Business_____%; 3. Government Jobs_____%; 4. Private Jobs_____%;5. Daily Wage_____%; 6. Pension_____%; 7.Any social allowance by Government 8. Others (Specify)_____	
J-15	Total Annual Expenditure of the Household (Som)	
J-16	Compensation Options for Structure loss	

	1. Structure for Structure 2. Cash for Structure	
J-17	If the Household has any loans: from government for agricultural purposes: 1- Yes ; 2- No (forward to J-20)	
J-18	If yes, from whom? 1- government; 2- private bank, 3- other	
J-19	If yes, what is the monthly amount to be paid for the loan (Som)?	
J-20	If the Household is leasing equipment for agricultural purposes: 1- Yes; 2- No	

K. FAMILY DETAILS OF AFFECTED HOUSEHOLDS

#	Name of the Family Member	Age	Sex 1.Male 2.Female	Marital Status 1. Married 2. Unmarried 3. Widow 4. Widower 5. Others	Education 1. Illiterate 2. Primary 3. Secondary 4. Higher 5. College 6. University 7. Kinder garden	Occupation 1. Agriculture 2. Business 3. Government Jobs 4. Private Jobs 5. Daily Wage 6. Retired 7. Student 8. Self Employed 9. Housekeeping 10. Under employment 11. Unemployed 12. Disabled 13. Others (Specify)	Type of Skill/handicraft/mastership 1. Skilled 2. Un Skilled
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							

#	Name of the Family Member	Age	Sex 1.Male 2.Female	Marital Status 1. Married 2. Unmarried 3. Widow 4. Widower 5. Others	Education 1. Illiterate 2. Primary 3. Secondary 4. Higher 5. College 6. University 7. Kinder garden	Occupation 1. Agriculture 2. Business 3. Government Jobs 4. Private Jobs 5. Daily Wage 6. Retired 7. Student 8. Self Employed 9. Housekeeping 10. Under employment 11. Unemployed 12. Disabled 13. Others (Specify)	Type of Skill/handicraft/mastership 1. Skilled 2. Un Skilled
13							
14							
15							

L. ANY COMMENTS/OBSERVATION/FEEDBACK:

NAME OF THE RESPONDENT

SIGNATURE:

DATE:

CONTACT PHONE:

APPENDIX 4. Information leaflet of draft LARP (In Uzbek)

“МЕВА-САБЗАВОТЧИЛИК ТАРМОҒИДА ҚЎШИЛГАН ҚИЙМАТ ЗАНЖИРИ ИНФРАТУЗИЛМАЛАРИНИ РИВОЖЛАНТИРИШ” ЛОЙИХАСИ



Лойиҳа ҳақида маълумот: “Мева-сабзавотчилик тармоғида қўшилган қиймат занжири инфратузилмаларини ривожлантириш” лойиҳасининг Осиё Тараққиёт Банки томонидан молиялаштирилиши; Самарқанд ҳамда Андижон вилоятларига 2 та Агрологистик мажмуани куриш

Лойиҳа таркиби:

Самарқанд вилояти, Жомбой тумани:

6 та фермер жўжалиги ерлари, жами 77,2 гектар (қишлоқ хўжалиги ерлари).

1 та тижорат иш жойининг кўчирилиши (ёғ кадағлаш цехи).

Андижон вилояти, Андижон тумани:

- 1 та фермер жўжалиги ерлари, жами 51.43 гектар (қишлоқ хўжалиги ерлари).

Ер ажратиш ва кўчириш лойиҳасининг вазифалари:

Мумкин бўлмаган жойларга кўчиришнинг олдини олиш ҳамда лойиҳа ва чизмаларини ўрганган ҳолда кўчириш ишларини камайтириш;

Янги жойга кўчирилган хонадонларнинг турмуш даражасини лойиҳадан олдинги даражага нисбатан реал тарзда ошириш ёки олдинги даражасини таъминлаш;

Янги жойга кўчирилган ижтимоий ёрдамга мухтож (кам таъминланган, боқувчисини йўқотган, ногиронлар ва бола парвариши учун нафақа олувчилар) гуруҳларнинг турмуш даражасини оширишга ёрдам бериш.

Ер ажратиш ва кўчириш лойиҳаси қуйдагиларни ўз ичига олади:

Жисмоний таъсир (яшаш, турар жой ва бошпанасини йўқотиш);

Иқтисодий таъсир Ер ажратилиши ва кўчирилиши ҳамда олдинги еридан фойдаланишда кўйилган чекловлар натижасида даромад ва тижоратини йўқотиш.

Ер ажратиш ва кўчириш лойиҳасининг мақсади:

Лойиҳа доирасида вақтинча ва доимий таъсир қилинувчи ердан фойдаланувчилар сонини аниқлаш.

Ўзбекистон Республикаси қонун ҳужжатлари ва Осиё Тараққиёт Банкининг 2009 йилдаги сиёсий-ижтимоий ҳимоя талабларига мувофиқ ер ажратиш ва кўчириш ишларининг тартиб ва механизмларини ишлаб чиқиш.

Ер ажратиш ва кўчириш таъсири турлари:

1. Доимий таъсир

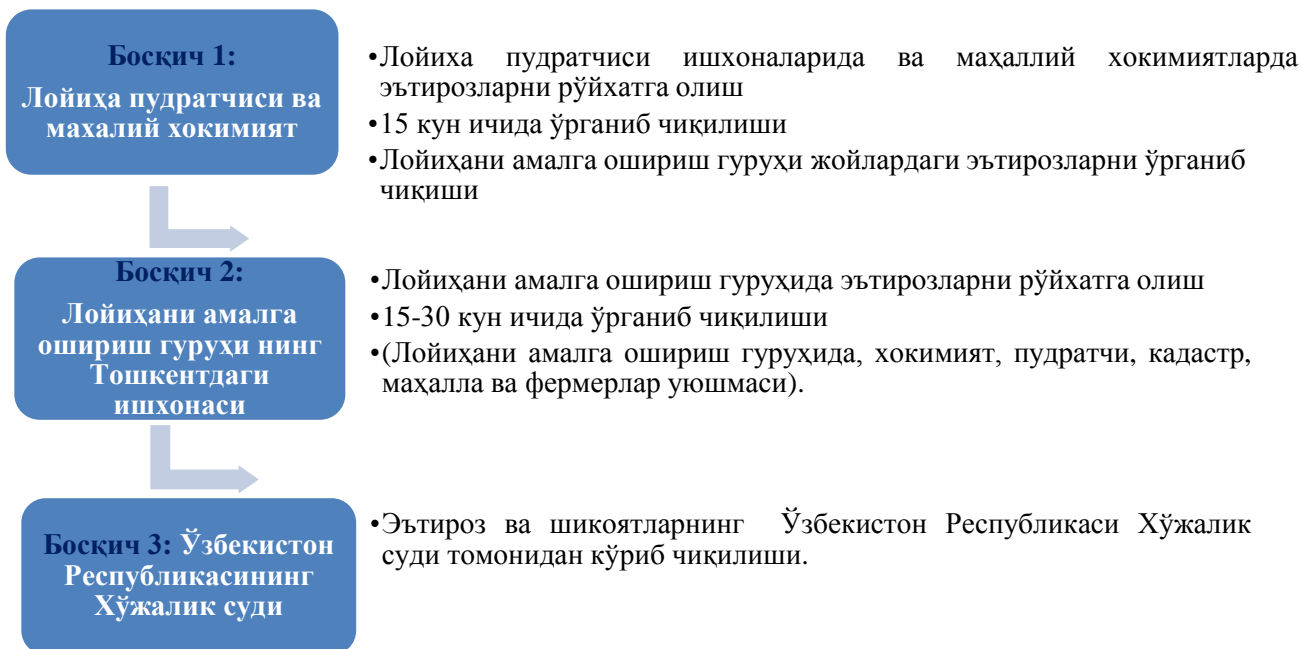
Доимий таъсир ўз ичига агрологистик мажмуасининг қурилиши учун ажратиладиган фермер хўжалиги ерлари ва агрологистик мажмуаси учун қуриладиган кириш йўллари.

2. Вақтинчалик таъсир

Вақтинчалик таъсир, агрологистик мажмуасининг қурилиши жараёнида хусусий ёки давлат ерларига, активларга ёки даромадларига бўладиган таъсирларни ўз ичига олади ва бу таъсир эса лойиҳа пудратчилари томонидан алмаштириш қиймати асосида қопланиб берилади.

Таъсир ва йўқотишлар учун зарарлар кимларга тўланади	Зарар қопланадиган таъсир ва йўқотишлар
<ul style="list-style-type: none">➤ Доимий ва вақтинчалик таъсир остидаги фермер хўжаликлар;➤ Экин ва дарахтзорларини йўқотган жисмоний ва юридик шахслар;➤ Турар ва нотурар жойларини йўқотган жисмоний ва юридик шахслар;➤ Доимий ва вақтинчалик тижоратини йўқотган бизнес ва ишчи ходимлар.	<ul style="list-style-type: none">➤ қишлоқ ва ноқишлоқ хўжалиги ерлари;➤ турар ва нотурар жойлар;➤ экин ва дарахтлар;➤ бизнес ва ишчи ходимларга доимий ва вақтинчалик таъсир;➤ ижтимоий ёрдамга муҳтож (кам таъминланган, боқувчисини йўқотган, ногиронлар ва бола парвариши учун нафақа олувчилар) гуруҳлар учун кўшимча ёрдамлар.

Эътирозларни кўриб чиқиш механизми:



APPENDIX 5. Terms of Reference of Appraisal Company

HORTICULTURE VALUE CHAIN INFRASTRUCTURE DEVELOPMENT PROJECT ToR FOR APPRASIAL COMPANY

Introduction

1. The Government of Uzbekistan (Government) has requested Asian Development Bank (ADB) assistance for the establishment of three agro-logistics centers (ALCs), initially for horticulture, in three locations—Andijan, Samarkand, and Tashkent—taking into account international best practices. The ALCs will help expand horticulture export and thus promote better linkages with production, post-harvest processing, and handling following international quality, and safety standards. Increased export and domestic marketing of horticultural products will increase price transmission to small-scale producers, and small- and medium-sized agribusinesses. Currently works for feasibility study are being conducted by the International consulting company (Mercasa) with local counterpart (NBT) (hereinafter: Feasibitly Consultant), including the necessary social and environment due diligence and to prepare the project to the full satisfaction of government requirements as well as those of the ADB.
2. The project implementation period will be five years (2018–2023). The Rural Restructuring Agency (RRA) will be the executing agency for the Project. Both the RRA and the Ministry of Foregin Trade (MFT) will be the project implementing agencies. A project management office (PMO) will be established under RRA which will be responsible for the overall land acquisition and resettlement (LAR) activities. An international consulting firm will be engaged by the Project Management Office (PMO) based in RRA
3. A project management and supervision (PSC) consulting firm will be recruited to assist the project implementation and supervision.
4. The draft Land Acquisition and Resettlement Plans (LARP) have been prepared for the establishment of **ALCs in Samarkand, Jomboy district and in Andijan, Andijan distict** under the “Horticulture Value Chain Infrastructure Development Project” (hereinafter: Project), to assess the possible land acquisition and resettlement impacts of the project based on the preliminary (feasibility) design.
5. This draft LARP complies with requirements of relevant Uzbek laws and regulations and ADB's Safeguards Policy Statement (SPS) of 2009 and is based on the data obtained from secondary sources, as well socio-economic survey, therefore it shall be updated and an implementation-ready LARP shall be prepared upon the finalization and approval of detailed design which will allow to assess the project's actual impact through census and detailed measurement survey (DMS).
6. This ToR is prepared to involve appraisal company to ensure that all valuations of affected assets, as well as the calculation of applicable allowances under the finalized LARPs are comply with the Uzbekistan's legislation and policies and ADB's SPS referring to the prepared draft LARP's provisions.

Objective and Scope of Work

7. The main objective for the assignment Implementation is as follows: To carry out valuations of affected assets, as well as the calculation of applicable allowances under the finalized LARPs to be complied with the Uzbekistan's legislation and policies and ADB's SPS

referring to the prepared draft LARP's provisions. Particularly, the valuator shall ensure that all valuation is done based on "Replacement cost" as it is defined by ADB's SPS, namely:

Replacement cost:	Replacement cost is the principle to be complied with in compensating for lost assets. Calculation of which should include: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, APs and host populations will be consulted to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. Baseline data on housing, house types, and construction materials will also be collected. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account.
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8. The Valuator will act under the direct supervision of PSC's and PMO's resettlement specialists.
9. The Valuator shall be familiarized with the provisions of draft LARP prepared for the Project and carry out the valuation of affected assets and calculation of applicable allowances in accordance with defined entitlement matrix in draft LARP. PSC's and PMO's resettlement specialists will provide the valuator with the training prior the start of works. The Valuator will provide at least 2 samples of valuation reports for prior review and approval by the Client.
10. Below are presented the main tasks of the Valuator under the assignment:
 - (i) To carry out an inventory of affected assets (building, crops, trees, other improvements to be affected by the project) in the presence of APs, and if it is impossible to ensure their presence, the works shall be implemented with participation of the local authorities' representative (khokimiyat). The inventory shall be carried out in a way to ensure that all details are available required by LARP provisions (types of crops, types and ag of trees, materials of buildings and other improvements etc.). The inventory shall be carried out also for temporary impacts.
 - (ii) The inventory data shall be included accurately in the forms agreed with the Client beforehand and shall be analyzed by comparing the information provided by cadaster data and property rights certificate/technical document where available.
 - (iii) All data shall be entered into the consolidated database. The format of the database shall be agreed with the Client.
 - (iv) The Valuator shall prepare Valuation Report for each unit (property) with clear separation of each asset/property and losses with final summery, particularly:
 - Valuation of affected properties/assets (building, crops, trees and other improvements)
 - Calculation of compensation for business and affected employees
 - Calculation of transportation costs for movable assets.
 - Calculation of allowances defined by LARP (allowance for relocation, severe impact, vulnerability etc.). The list of AHs entitled for allowances, will be provided by the Client.
 - (v) The calculation for the applicable allowances (if any) can be included in the Valuation Report or separate Calculation Report can be prepared to be agreed with the Client.

Deliverables and Reporting

- (i) The Valuator shall submit detailed valuation methodology prior the start of works (including the form inventory, as well as database format).

- (ii) The Valuator shall prepare Valuation Report for each unit (property) with clear separation of each asset/property, as well as Calculation Report for allowances where applicable.
- (iii) The Valuator shall submit a consolidated database in Excel with all collected data (inventory, costs etc.) based on format agreed beforehand.

Scale of Work and Payment

The preliminary scale of work is depends on the preliminary impact assessment data summarized in draft LARPs prepared for ALCs to be constructed in Samarqand and Andijan.

However, as the final number of needed reports is not known, the Valuator will be paid based on actual number of submitted Valuation Reports based on acceptance Act to be signed between the Valuator and the Client.

Annex 1. Uzbek national regulations on Valuation activities defined by draft LARP

Annex 2. Project's Entitlement Matrix defined by draft LARP

APPENDIX 6: Details on Calculation of Compensation Values

A. Compensation for Land

Table 1: Calculation for Land Development Cost (Land for Land for Permanent Acquisition)

Soil quality (Bonitet)	Total affected land	Type of Land		Loss Amount								Total Compensation
		cultivated	orchards	Replacement cost of 1 ha land	Replacement cost of affected land	Location coefficient (multiplier)	Total replacement cost	Indexation	Net profit from 1 ha	Loss profit from affected cultivated land	Loss profit from orchards	
1	2	3	4	5	6	7	8	9	10	11	12	13
data from department	PIS ²⁴ Survey	PIS Survey	PIS Survey	Statistics from local cadaster	Column 2X Column 5	Data from cadaster department	Column 6X Column 7	Data from cadaster department	Data from statistics department	Column 3 X Column 9x Column 10	Column 4 X Column 10	Column 8+column 11+column 12

Table 2: Calculation of Loss of Income for AHs (Permanent Land Acquisition)

Total affected land, ha	Including		Average net profit from 1 ha	Lost profit from affected land	Total loss profit	Replacement cost for trees	Total Compensation
	Cultivated, ha	Orchards, ha					
1	2	3	4	5	6	7	8
PIS Survey	PIS Survey	PIS Survey	Statistics from local cadaster	Column 1 X Column 4	Column 1 X Column 5 x 4 times	Column 3 X number of trees per ha X amount per tree	Column 6 +column 7

²⁴ PIS-Preliminary Impact Assessment Survey

APPENDIX 7: Several Photos from Preliminary Impact Assessment Survey Process

