

Draft Social Due Diligence Report

February 2017

UZB: Central Asia Regional Economic Cooperation (CAREC) Corridor 2 (Pap-Namangan-Andijan) Railway Electrification Project

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10.02.17 № ГПН-Э/Э - 264

Head of the ADB Uzbekistan
Representative Mission, Mr.
Takeo Kanishi

Herewith we would like to extend our appreciation to You and to Your colleagues for the assistance provided within the preparation of the Project “Electrification of railway line Pap-Namangan-Andijan”.

Pleas, find enclosed the following reports for review and publication on the web-site of ADB:

1. Initial environmental examination;
2. Land acquisition and resettlement plan;
3. Social due diligence report for the bypass line 6.7 km Uichi-Uchkurgan.

In our turn we would like to inform You that these reports will be also published on the web-site of the JSC Uzbekiston Temir Yullari.

Head of PIU-E

Djuraev A.M.

CURRENCY EQUIVALENTS

(as of 3 February 2017)

Currency unit	–	Uzbekistan sum (UZS)
UZS1.00	=	0.000304854
\$1.00	=	UZS3,280.25

ABBREVIATIONS

ADB	-	Asian Development Bank
AP	-	Affected Person
AH	-	Affected Household
CC	-	Civil Code
CSC-		Construction Supervision Consultant
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 (PIS)
PIU	-	Project Implementation Unit
PPTA-		Project Preparatory Technical Assistance
RoW	-	Right of Way
SCLRGCS	-	State Committee on Land Resources, Geodesy, Cartography and State Cadaster
SES	-	Socioeconomic Survey
SPS	-	Safeguard Policy Statement
TC	-	Tax Code
TL	-	Transmission Line
ToR	-	Terms of Reference
UTY	-	O'zbekiston Temir Yo'llari
UZS	-	Uzbek Som

NOTE

In this report, "\$" refers to US dollars.

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A. INTRODUCTION AND PROJECT BACKGROUND

I. Project Background

1. The Government of Uzbekistan has requested ADB assistance for the electrification of the railway line Pap–Namangan-Andijan. The proposed Central Asia Regional Economic Corridor 2 (Pap–Namangan-Andijan) Railway Electrification Project (the project) will electrify the missing 148.6 km of non-electrified track linking major cities in the populous Fergana Valley with Tashkent. This will facilitate direct and efficient operation of both freight and passenger train services and thereby promotes economic and social development of the Fergana Valley.
2. The project will be aligned with the following impacts: (i) stimulated economic growth in the Fergana Valley, and (ii) increased regional trade along CAREC Corridor 2. The outcome will be the level of passenger and freight service on the Pap–Namangan-Andijan railway line improved.
3. The Project is expected to be implemented within a period of three years starting from May 4, 2017 and estimated completion date is June 2020.
4. The Project includes the following components:
 - 1) Electrification of the main track (148.6 km), including the 3.5 km line from Blok Post 136.1 to Uchkurgan- *Voltage of transmission lines will be 27.5 kV*
 - 2) Electrification of the new alignment (6.7 km)-*Voltage of transmission lines will be 27.5 kV*
 - 3) Construction of two new traction substations in Namangan (Raustan) and Khakulabad
 - 4) External power supply transmission line (TL) of 52km to transmit electricity to two new substations to be constructed as follows:
 - 110 kV TL for Khakulabad (12 km)
 - 220 kV TL for Namangan/Raustan (40 km)
 - 5) Installation of catenary system for the existing track, 6,7 km bypass and within Andijan Depot and purchase of machinery/equipment for maintenance of catenary system
 - 6) Installation of signalling, telecommunications and SCADA
5. These activities are included in the project scope and will be funded through proposing loan. Besides this, the project includes components considered as associated and existing facilities which will be implemented through Government own sources. Such facilities cover:
 - construction of the 6,7 km bypass,
 - construction of additional maintenance floor within Andijan Depot.
6. Per ADB SPS (2009), these activities are considered as associated facilities which are not funded as part of the project (funding may be provided separately by the borrower/client or by third parties), and whose viability and existence depend exclusively on the project and whose goods or services are essential for successful operation of the project. However, the ADB's SPS requires to carry out a due diligence of the implemented social safeguards activities and will provide recommendations (if any) including corrective actions, such that ADB's reputation is not compromised vis-à-vis the associated facility.

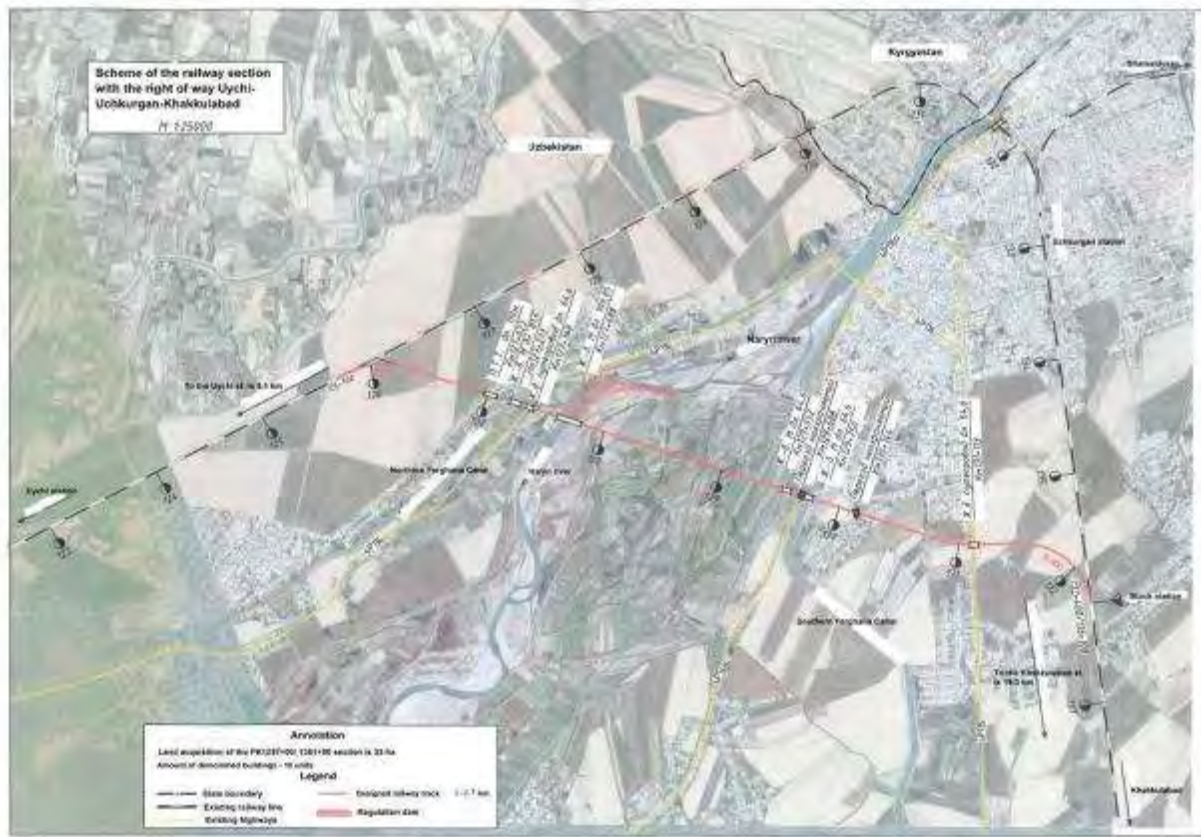
7. For the construction of new alignment (6.7km), land plots and buildings are affected for which land allocation has been already initiated by UTY and khokimiyats¹ and the land allocation procedures have already been applied according to the national legal requirements.
8. As part of Project's social safeguards component, for these components (namely 6.7 km new bypass alignment) a due diligence assessment has been conducted and recommendations and proposed actions are provided in this Social Due Diligence Report (SDDR).

II. Construction of new 6,7 km alignment

9. Constructed new track starts from km 125 + 700 (Uychi station) to km 132 + 400 (Khakkulabad), the route runs along a new direction of length 6.7 km. Rectification will diversify the railway line to the border with the Republic of Kyrgyzstan that currently is creating difficulties with track maintenance in terms of accessing to the territory of neighboring country.
10. From the point of unlocking the railway track with 620 m radius extends to the right and passes irrigated lands on the PC 1272 + 22 crosses the North Fergana Canal (NFC). Before the NFC railway track crosses the highway. Right Bank Canal is densely populated residential area and partially will be resettled. Tunnel type overpass 96,61m length will be constructed to cross highway. Construction of concrete bridge length of 64.6 m is planned for crossing the NFC. An automobile road runs along the left bank of the NFC and railway overpass length of 53.2 m will be constructed to cross it. Then the railway route comes to the Naryn River, which is one of the main water sources of the Ferghana valley. Naryn river splits into two branches at the project area. It is proposed to build concrete bridge over right branch (length 270.80 m). The left branch will be reverted into the right branch through construction of dams. The left branch of NFC and flood plain will be passed by construction railway embankment. Further railway track passes irrigated land and at point PC 1295 + 34.5 crosses Hakulabadsay (smaller canal) concrete bridge length of 57,5m will be constructed to cross it. At the point PC 1297 + 35.5 railway track crosses the South Fergana Canal (SFC), by construction of concrete bridge length of 64.6 m. Then the railway track route passes through farmland and at the point PC1311 crosses highway 4R116. A railway overpass length of 53.2 m will be built for intersection railway with automobile road. Further 600 m radius of the track of the railway line adjacent to the checkpoint at the PC 1361 of the existing railway line. At the intersections of railway with smaller roads, at the PC in 1296 and + 82 + 45 PC 1301 protected and unprotected passes will be constructed. A scheme of new alignment is provided in Figure 1.
11. The route passes mostly through agricultural lands and some parts of residential area (Kizil Ravat village and Uachkurgan city), which requires land acquisition and resettlement activities.

¹ 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.

Figure 1: New 6,7 km alignment



III. Objective and Scope of the Social Due Diligence Report

12. Present due diligence assessment was conducted based on desk review of available materials, site visits and consultation with specialists, stakeholders and population from the project area.

13. The following materials have been reviewed:

- Report on Land acquisition and resettlement (RLAR) prepared by UTY (including the details on impacts and APs),
- The Uchi and Uchkurgan District Decisions on demolition of residential buildings and social structures and about allocation of land plots for construction of residential houses and social facilities belonging to natural and legal persons that were subjected to demolition (Appendix 1).
- Act on land selection for new railway line between the stations Uychi and Khakkulobod which are located in Uychi and Uchkurgan districts in Namangan province (Appendix 4).

14. The following LAR-related aspects have been reviewed in the scope of due diligence of new 6.7km bypass construction:
- i) Legal framework applied for land acquisition and resettlement activities per local legislation
 - ii) Identification of impacts: full or partial, permanent or temporary (agricultural and non-agricultural land; Housing and/or commercial structures, other impacts)
 - iii) Mitigation measures proposed by UTY/local government that cater to the impacts
 - iv) The implementation status of LAR-related activities, particularly: have the local government (khokimiyat) decision in place on land allocation?, status and/or plan for compensation valuation and payments, status of land been acquisition and houses demolishing etc.
 - v) Public consultation and disclosure procedures implemented
 - vi) Additional assistance and livelihood restoration measures: Rental and shifting assistance provided by law (if any)
 - vii) Establishment of GRM in place, Grievances recorded and resolved (if any)
15. Based on due diligence assessment, recommendations and proposed actions have been provided on LAR-related activities.

B. LAR- RELATED LEGAL FRAMEWORK IN UZBEKISTAN APPLIED FOR THE NEW BYPASS

I. LAR-related legal framework in Uzbekistan

16. Several legal and regulatory documents provide the general basis of alienation of lands in Uzbekistan for the state and social needs and compensation to the land owners in accordance with the registered rights for the use of land as presented in table 1 below.

Table 1. Main legal documents related to LAR activities

Name of legal document	Date of approval and amendments	Short description
Land Code of the Republic of Uzbekistan	The Code was approved by the Law of the Republic of Uzbekistan dated 30.04.1998 with amendments dated 30.08.2003 and 03.12.2004.	The Code regulates the issues of withdrawal and provision of the land plots for non-agricultural needs and compensation for losses of agricultural production.
Civil Code of the Republic of Uzbekistan	The Code was approved by the Laws of the Republic of Uzbekistan dated 21.12.1995 No 163-1 and 29.08.1996 No 256-1, in accordance with the latest amendments dated 22.09.2010 No ZRU-260	The Code provides definition of the property, basic concepts for the objects of property, basics for termination of the property rights and rights for compensation for losses in connection with the loss of the property rights.

Name of legal document	Date of approval and amendments	Short description
Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No 146	25.05.2011	The resolution defined measures on improvement of the order of allocation of the land plots for town construction activities and for other non-agricultural needs.
Resolution of the Cabinet of Ministers of the Republic of Uzbekistan No 97	29.05.2006	The resolution defined the order of compensation of losses for the citizens and legal persons in connection with withdrawal of the land plots for the state and social needs.

17. The detailed description of main LAR-related requirements reflected in the above mentioned regulations are presented below.

Land code (30 April 1998)

18. 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).

19. 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).

20. 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.

21. 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.

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

22. 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.

23. 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.

24. 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.

25. 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.

26. 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 resolution². Period to restore lost products was adopted as four years.

27. The results of the assessment can be challenged by the customer³. 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.
28. 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 khokims 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.
29. 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.

Civil Code (29 August 1996)

30. 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.
31. 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:

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

3 Resolution of the Cabinet of Ministers of the Republic of Uzbekistan #161 dated 28 July, 2008

- 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).
32. 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”.
33. 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.
34. 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.

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

35. 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.
36. 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.

37. 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.

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

39. 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.

II. Legal ground of LAR- activities applied for new 6.7km bypass

40. According to the RLAR provided by UTY, within the framework of implementation of this project component the order of provision of compensations to affected persons in case of loss of property and other objects of property is also supported by the following legal and regulatory documents:

- i) Decree of the President of the Republic of Uzbekistan;
- ii) The law of the Republic of Uzbekistan “On evaluation activity” dated 19.08.1999 No 811-1;
- iii) Decrees of the President of the Republic of Uzbekistan No PP-843 dated 24.04.2008 “On the further improvement of activities of the evaluation organizations and increasing of responsibility for the quality of provided services”;
- iv) The law of the Republic of Uzbekistan No 269-II dated 30. 08. 2001 «On protection and utilization of the objects of the architectural heritage”.

41. In the scope of country regulations on LAR, the first stage of LAR implementation is the adoption of District (Khokim) decision on allocation of land plots for construction of residential houses and

social facilities belonging to natural and legal persons that were subjected to demolition. As presented in the RLAR provided by UTY and attached documents, the current situation is the following:

1) The following two Uychi District Decisions have been signed:

- No 9 dated 13 January 2017 “Decision on allocation of land plots for construction of houses and social objects for the citizens, whose house and social objects are subject for demolition, located in the territory of Electrification of “Pap-Namangan-Andijan” railway track (between PK -1257-PK-1324/1361+00 Block-post-Uychi) and constructing new railway part based on the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On measures to facilitate implementation of investment projects supported by international financial institutions and bilateral donors”,
- No 10 dated 13 January 2017 “Decision on demolition of houses located in the land of new contracting track and electrification of “Pap-Andijan-Namangan” track based on the President’s Decree Nr R4636 dated 14 April 2016 “On measures to facilitate implementation of investment projects supported by international financial institutions and bilateral donors”.

2) The following two Uchkurgan District Decisions were signed:

- No 1207 dated 6 December 2016 “Decision on demolition of residential houses and social structures located between PK -1257-PK-1324/1361+00 Block-post-Uychi”,
- No 1209 dated 7 December 2016 “Decision on allocation of land plots for construction of residential houses and social facilities belonging to natural and legal persons that were subjected to demolition and located between PK -1257-PK-1324/1361+00 Block-post-Uychi”.

42. On the basis of the above-mentioned Decisions the affected persons were allocated with the land plots in lieu of the land plots that were released for construction of the bypass railway line from the reserved district lands of Khokimiats (see details on LAR mitigation measures in chapter (D).

43. District Decisions by Uychi and Uchkurgan Khokims, including the lists of affected properties and persons are given in Appendix 1.

C. SCOPE OF LAND ACQUISITION AND RESETTLEMENT IMPACTS WITHIN THE NEW BYPASS

I. LAR impacts identified within the new alignment

44. According to the District Decisions by Uychi and Uchkurgan Khokims, there are in total 24 residential and 2 non-residential buildings to be demolished, of which 7 houses are located in Uychi district and 17 houses and 2 non-residential buildings are located in Uchkurgan district.

45. There is no information included in District Decisions regarding the affected agricultural lands; meanwhile, according to the RLAR provided by UTY, there are 2 users of agricultural lands in Uychi district (2 orchards). Moreover, according to the Act on land selection for new railway line between the stations Uychi and Khakkulobod which are located in Uychi and Uchkurgan districts

in Namangan province of UTY for 6.7 km bypass provided by UTY earlier, the total affected land surface is 33 ha (see Appendix 4).

46. Meantime, according to the analysis of the alignment and google earth made by ADB PPTA surveyors, there is a 6.5 ha of agricultural lands affected, from which 8 are farms. For this estimation the buffer zone of 12.5 meters was taken from the axis (25m corridor), however, the surfaces of affected buildings was not possible to identify based on google earth.
47. The summary of land impacts based on District Decisions, UTY RLAR and ADB PPTA surveyors is presented in the Table 2 below and the list of APs with details of impacts are presented in Appendix 1 (attachments to the District Decisions).

Table 2: Summary of impacts based on District Decisions, UTY report and ADB's due diligence assessment

District	LAR impacts and land allocation per District Decisions					RLAR provided by UTY		Preliminary survey by ADB PPTA surveyors ⁴	
	Number of Buildings to be demolished (residential and non-residential)	Affected surface of residential and non-residential buildings (m ²)	Number of AHS ⁵	Affected land on agricultural land, forest (ha)	Land allocation for residential and non-residential buildings (ha)	Number of Land users (agricultural land) ⁶	Total affected land (ha) ⁷	Number of Land users (agricultural land)	Total affected agricultural land (ha)
Uychi	7 (residential)	N/A	13	N/A	1.03 ⁸	2 (orchard)	33	8 (Farm)	6.5
Uchkurgan	17 (residential) 2 (non-residential)	N/A	19	N/A	1.42 ⁹ (residential) 0.246 (non-residential)	N/A		8 (Farm)	6.5
Total	24 (residential) 2 (non-residential)	N/A	32	N/A	2.45 (residential) 0.246 (non-residential)	2	33	8 (Farm)	6.5

4 Was calculated and analyzed based on the google earth with the buffer zone 12.5 from the axis (25m corridor).

5 The data is based on the number of affected buildings and APs included in District decision.

6 There are no land users (farms/forest and other lands) included in the District Decisions, but in the RLAR provided by UTY there are two agricultural land users stated.

7 The data is based on Act on land selection for new railway line between the stations Uychi and Khakkulobod which are located in Uychi and Uchkurgan districts in Namangan province of UTY for 6.7 km bypass.

8 The formula of calculation is as follows: $(0.06*13)+0.25=1.03$ ha (13 APs, 0.25 is for roads and ditches).

9 The formula of calculation is as follows: $(0.06*17)+0.40=1.429$ ha (17 APs, 0.40 is for roads and ditches)

II. Environmental mitigation measures and related LAR impacts

48. The Initial Environmental Examination (IEE) under the Project states that after project implementation level of noise will significantly increase in compare with existed situation. Area where new alignment will be constructed is residential area and agricultural lands without any source of significant noise pollution.
49. Measurements of background noise level were conducted within current IEE in both settlements – Kizil Ravat village and Uchkurgan city. Calculations of noise level were done for three points in Kyzyl Ravat village and Uchkurgan city. The points were selected at the distance on 12 meters from railway (RoW) in front of the houses which will be on the closest distance to railway¹⁰.
50. As a result of due diligence assessment carried out as a part of IEE for the new alignment section, it was revealed that the baseline level is low and thus projected noise level after the project should not exceed internationally recognized standards eg. IFC, which ADB requires in SPS. To comply with this, the following mitigation measures are being proposed in IEE:
- limit the speed to 50 km/h when traversing the Kizil Ravat village
 - Construct a noise barrier near two houses and planting a tree belt along the other 10 properties
 - No night train between 22.00 and 07.00
 - Additional mitigations will be required if night trains will be scheduled in future
51. Two types of suggested mitigations, namely: (i) construction of acoustic barriers, and (ii) greenings area between railway and receptors may affect the LAR impacts in the new bypass section, particularly:
- 1) The construction of acoustic barrier is proposing for P1a and P1b, since there is limited distance between railway axis and receptors. Calculations showed that acceptable noise level could be achieved for points "P1a" and "P1b" by construction 1.7 and 1.5 meters high acoustic barriers. The length of the barriers should be not less than 160 meters for P1a and P1b (both sides of railway – total 320 meters). A distance between barriers and railway (noise source) should be 6 meters¹¹.

¹⁰ See Project IEE, section 4.1, para 118.

¹¹ See Project IEE, section 4.1, para 121.

Figure 2. Location of P1a and P1b in Kyzyl Ravat village¹²



2) In accordance with national regulations, greening of area adjusted to railway also can serve as a sound consumption barrier. A green stripe width of 10 meters can reduce noise level up to 5 dB. Therefore, implementation of greenings of the area adjusted to railway for the rest receptors will decrease noise level until acceptable 55 dB¹³.

52. According to the Corrective Action Plan developed as a result of due diligence within IEE¹⁴, the NOKS (Department of capital construction under UTY) is responsible for inclusion construction of acoustic barrier for points "P1a" and "P1b" which are two houses (see figure 2), as well as greening area in the project design, meantime this must be done during the construction phase by the UTY Contractor and the acoustic barriers should be constructed upon new part of railway will be commencement and the cost will be on UTY.

53. According to the information provided by UTY, the RoW taken for the construction of new 6.7 km bypass was defined as 25-28 meters¹⁵, thus it can be assumed that the suggested construction of acoustic barriers for two houses with distance of 6 meters between barriers and railway, and the green stripe width of 10 meters will be within this defined RoW and the mentioned two houses to be demolished should already been included in District decisions (Appendix 1). In this case, no additional lands will be needed for the proposed noise mitigation measures. However, additional verification is needed after the revision of project design for inclusion of the construction of suggested acoustic barriers and green stripe to ensure that these measures doesn't require additional lands and/or demolishing of houses in compare to those already included in District Decisions.

D. MITIGATION MEASURES PROPOSED FOR LAR IMPACTS

54. In order to compensate the LAR impacts due to acquisition of land plots and demolishing of houses/structures for the construction of new 6.7km bypass, the following mitigation measures (compensation mechanisms) have been proposed by UTY in accordance with local legislation:

¹² See the Figure 14 in Project IEE.

¹³ See Project IEE, section 4.1, para 122.

¹⁴ See Project IEE, section 4.1, table 13.

¹⁵ The official document of applied RoW shall be provided by UTY.

Compensation for Land

55. Land in the country is owned by the State, thereby the compensation for agriculture land will be on a “land for land” basis. According to the Land code of Republic of Uzbekistan, the acquisition 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 land is 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 (who lose their land permanent) 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 UTY. In cases where in all or parts of the lease holding become unviable, unaffected portions of a plot will also be compensated.
56. The land allocation and compensation for land users is regulated by the *Resolution of Cabinet of Ministers № 146*, which defines that due to acquisition and temporary occupation of land plot or part thereof, the following is 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.
57. 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. UTY will pay the cost to the local Khomiyat.
58. 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 m².¹⁶ 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.

Compensation for Structures

59. Buildings will be compensated at fair market price. For partial impacts (structure wall, fences etc.), cash compensation at replacement rates will be paid to restore the remaining structure to its original state. 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.

¹⁶ Resolution of Cabinet of Ministers 272 (30.12.2006) stipulated that for individual housing 600 m² is to be allocated.

60. The land allocation and compensation for land users is regulated by the *Resolution of Cabinet of Ministers № 97*. In accordance with Clause 8 due to acquisition of land plots the following types of compensation will 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 acquisition 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.

61. It is important to note that according to the Resolution #97 (Clause 12, Appendix 2). All materials appeared in the result of dismantling of demolished residential houses (apartments), other buildings and structures (except for unauthorized/non-titled 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 khokims 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.

Compensation for Crops and Trees

62. Loss of income from crops planted on the affected land will be compensated at fair market price based on an allowance equivalent to 1 year average net income computed based on the average income over the past 3 years. 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 plus number and cost of saplings (Clause 10, Resolution N 146). In the case of loss of timber trees, compensation will be based on the market value of their dry wood volume.

63. As already mentioned above, according to the Resolution #97 (Clause 12, Appendix 2) in specific cases, at will of the owner of demolished residential house (apartment), buildings, structures, materials appeared in the result of dismantling, as well as the **plantings**, based on the decision of khokims 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 (see also the para 61).

Loss of business

64. In accordance with local regulations (Resolution N 146) the cash compensation will be paid to legal entities that lost their income due to land acquisition or demolishing o buildings at market value for all damages/opportunity costs incurred. The compensation for lost profit is based on the average of annual income for last 3 years and he period needed for the restoration of demolished structure/business (the period of land allocation, design and construction). Burden of proving lost profit will be rest on the AP based on recognized documented evidence (financial reports etc.).

Shifting and Relocation Allowances

65. Due to permanent acquisition of residential buildings and further physical displacement the shifting allowance will be paid by UTY to the affected household.

66. 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 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;

67. According to clause 19 of the above mentioned resolution #97 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.

Loss of crops due to temporary land acquisition along the Right of Way

68. Affected households will be compensated 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 will be served to the APs to harvest the crops if possible prior to construction. Where feasible, the schedule of construction will be adjusted to avoid the crop season. Restoration of land will be done by the contractor to previous use and farmers will be allowed to continue their cultivation post the construction.

Evaluation procedure for lands and buildings

69. According to the *Resolution of Cabinet of Ministers № 97* (Clause 10) the evaluation of residential houses (apartments), buildings, structures, and determination of plantings costs, located at acquired land plots, will be done by appraisal companies at the expense of an applicant. 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 will be carried out in accordance to clear methodology described in the regulations approved by the governmental resolution N 146. Period to restore lost products was adopted as four years.

Other entitlements and mitigation measures

70. All the provisions laid out in UZB laws, decrees and policies for the vulnerable should be provided to any vulnerable affected households and persons. There are a 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.
1. 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:
 - 1) Families with children under the age of 14 years (hereinafter - the allowance for families with children),
 - 2) Families who receive allowance for child care until the age of two years (hereinafter - the allowance for child care), and
 - 3) Material assistance to low-income (poor) families (hereinafter - material assistance).
 2. 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)
 3. 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).
 4. 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".
 5. 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.
6. 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.
7. 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.
8. In addition willing members of vulnerable households will also be prioritized¹⁷ 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.
71. The legislation 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.

E. PUBLIC CONSULTATION, INFORMATION DISSEMINATION AND GRM

72. Before construction of the new alignment, Public Consultations were not conducted by local government and/or UTY. Within the preparation of draft LARP of the Project, as part of Public Information Disclosure, representatives of Kyzyl Ravat and Yangiyer settlements affected by this associated project’s components participated at the Public Consultations on November 23, 2016. Detail information about the PC is presented in draft LARP of the Project (Annex 2).
73. During the PC the population affected by the Project, including people living on the new bypass 6,7 km section, was informed and consulted on all important aspects of the Project. However, it was clearly noted, that the LAR-related activities for the new alignment section are not included in the draft LARP prepared for the suggested Project components to be financed by ADB. The following LAR related topics have been presented to the community members:
- Introduction on Project background and components
 - Expected project LAR impact (permanent and temporary)
 - 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 stages of LARP finalization and approval
 - GRM proposed for the project
74. The main issues raised during the discussion were related to road restoration, which are currently used by Contractor. It was noted that local road has been deteriorated due the movements of

¹⁷ Applicants should meet eligibility requirements in terms of qualification and skills.

trucks. Many questions were asked regarding resettlement issues and compensations which have been addressed by the representative of khokimiyat responsible for the LAR-related activities for the new alignment. At the moment of PCs in November 2016, the District Decisions haven't been signed yet and affected persons haven't been officially notified, though some of them mentioned that they have been informally informed that their houses/buildings are subject for demolishing for the construction of new bypass.

75. According to the RLAR provided by UTY, UTY representatives conducted interviews and discussions with the following gatherings (assembly) of citizens of rural areas (KFY/SSG) - "Ozbekiston" and the gatherings (assembly) of citizens of the following mahallas (MFY/SMG) - "Yeshlik", "Mustakkilik" on LAR-related issues in December 2016.
76. 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 in the land. According to the RLAR provided by UTY, upon signature of the Decision by Hokim of Uchkurgan District, all persons subjected to resettlement were notified in writing on the basis of this decision by the representatives of the District Khokimiat¹⁸.
77. It was learnt that there is no GRM at the project level, therefore, people do not know where and how to apply in case of complaints or inconveniences due to project works. However, it shall be noted, that the 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. Besides, there is a 1st deputy of khokim responsible for industry, capital construction communications and utilities, who is usually responsible for any issues/complaints regarding the construction and land allocation.

F. STATUS OF IMPLEMENTATION OF LAR-RELATED ACTIVIES

78. Based on the desk investigations of the District Decisions, the following LAR implementation tasks to be implemented in the frame of those Decisions as presented in the table 3 below.

Table 3. LAR implementation tasks according to the District Decisions

N	Task	Responsible agency
1	To evaluate the houses and social objects to be demolished in a fixed order in the territory of project location in district khokimiyat and to prepare the proposal.	District department of finance and Land management and property cadaster state enterprise

¹⁸ UTY ensured to provide all documents confirming conduction of public consultation and AP's notification later.

N	Task	Responsible agency
2	To prepare necessary documents for allocation of land plots in order to construct social objects (consumer services sites) and individual houses in the territory of project location	District land resources and state cadaster department
3	To prepare a proposal based on the decision of District Hokim for placement of construction objects instead of houses and social objects to be demolished.	District architecture and construction department
4	To create a working group and to approve this group according to attachment of decision.	First deputy of Hokim
5	To open deposit accounts for those, whose houses to be demolished.	Acting manager of AT Halq Bank
6	To create necessary infrastructure in the reconstruction territory.	District road HPTF enterprise, District electric network enterprise, District Suvvaqova (water supply) enterprise, "Telecom AJ" of district department, "Vodiygas taminot" (gas supply) unitary enterprise of district branch
7	To render practical assistance in reconstruction issues and to allocate representatives to construction coordination headquarters, to provide safety movement of transport and pedestrians during reconstruction works, to stop registering works of houses.	District state tax inspection and district internal affairs department

79. The due diligence shows, that no payments have been done to APs. According to the RLAR provided by UTY, as well as additional discussions with UTY Social Safeguards Specialist, the reasons for non-payment of compensations to the resettled people are connected to the fact that at present the Decree of the President of the Republic of Uzbekistan "on measures on organization of construction of the electrified railway line Pap-Namangan-Andijan" is at the stage of concurrence by the Ministries of the Republic of Uzbekistan. Besides, the District Decisions have been issued in December 2016 (Uchkurgan) and January 2017 (Uychi), and taking into account that based on the rules of the resettlement procedure, the resettlement of household cannot take place in autumn-winter period of the year, therefore the resettlement activities are planned to be started at the beginning of April 2017. As UTY Social Safeguards Specialist informed, the detailed impacts on properties and compensation evaluation results will be available by the end of February 2017.

80. At the moment of the visual inspection by UTY in December 2016, it was revealed that the affected parts of houses were not demolished (see Appendix 2).

81. As per UTY RLAR, no complaints were received on the part of the residents.

G. CONCLUSIONS AND SUGGESTED CORRECTIVE MEASURES

82. Based on the results of social due diligence exercise, the identified issues, needed corrective actions, and mitigation measures proposed to ensure the proper implementation of land acquisition and resettlement of affected people for the construction of new 6.7 km alignment are summarized below in table 4 and detailed description is provided in Section I of this chapter.

Table 4. Identified issues and Corrective actions on LAR implementation

No	Identified issue	Action	Responsible party	Implementation period
Corrective Actions on Impact Verification and Valuation of Compensation				
1	No available data with UTY on the following impact data: -affected surfaces of agricultural/residential/commercial land plots ¹⁹ , -affected surfaces of buildings to be demolished - affected improvements other than houses, such as crops, trees etc.	Detailed information with supporting documents on impacts for all type of losses, including the trees and crops shall be provided by UTY.	Department of capital construction (NOKS) under UTY	Within month from official submission and approval of SDDR by ADB
2	No compensation payment for already cut trees ²⁰	Obtain permission of cutting trees from Goskomprroda and pay compensations for cut trees.	PIU monitor implementation	Two months from submission of IEE report.
3	It is assumed that there may be illegal/not registered affected houses/buildings which are not entitled for compensation according to local legislation. It is assumed, that such houses/buildings (if any) are not included in the district decisions and will not be compensated.	1. Conduct impact assessment to ensure that no illegal/not registered affected houses/buildings are affected by the Project. 2. In case if such impacts are identified, develop and ensure payment of rehabilitation allowance to non-titled AHs.	Department of capital construction (NOKS) under UTY with involvement of UTY social safeguards specialist	Within 1 month from submission of SDDR by ADB.
4	It is assumed that there may be illegal/non-titled affected households/persons (tenants) which are not entitled for compensation according to local legislation.	1. Conduct impact assessment to ensure if there are illegal/ non-titled households/persons affected by the Project. 2. In case if such impacts are identified, develop and ensure payment of compensation to non-titled AHs for building/ Structures, non-land improvements.	Department of capital construction (NOKS) under UTY with involvement of UTY social safeguards specialist	Within 1 month from submission of SDDR by ADB.
5	The IEE suggested mitigation measures for noise, namely: construction of acoustic barriers near two houses, and greenings area between railway and receptors. Additional verification is needed	Detailed information with supporting documents on impacts caused by the construction of suggested acoustic barriers and green stripe to ensure that these measures doesn't require additional lands and/or	NOKS under UTY with involvement of UTY social safeguards specialist is responsible for inclusion construction of acoustic barrier and greening activities in	Within 2 weeks after the inclusion of the construction of acoustic barriers and greenings area in the

¹⁹ According to the google earth survey, the affected agricultural land is with around 6.5ha (of which 8 farms) with 25 m corridor buffer zone in Uychi and Uchkurgan districts.

²⁰ According to the environmental due diligence it was revealed that trees have been already cut during the construction works without prior payment for which the corrective measure is suggested(see Project IEE, Table 13).

No	Identified issue	Action	Responsible party	Implementation period
	to ensure that the suggested measures are within the defined RoW of 25 meters and not cause additional LAR impacts besides those already included in District decisions..	demolishing of houses in compare to those already included in District Decisions.	the project design and further impact verification. PIU monitors the inclusion and construction of acoustic barriers and greening area and its possible LAR impacts. In case on new impact identified as a result of suggested mitigation measures, they shall be included in District Decisions accordingly.	project design. The required information shall be provided before the implementation of any LAR activities (demolishing of houses and physical relocation). Acoustic barriers should be completed upon new part of railway will be commencement.
6	No available data with UTY on the compensation package to be proposed to APs, namely: valuation of compensation for affected land plots, buildings, other improvements (crops, trees etc.) and shifting allowances.	Detailed information with supporting documents on compensation package to be proposed to APs for all types of losses shall be provided by UTY.	Department of capital construction (NOKS) under UTY.	One month from submission of SDDR by ADB.
Suggested mitigation measures				
7	No separate PCs are conducted with affected people on resettlement issues and compensations after the adoption of district decisions.	Organization of PCs with affected people to present the details of impacts and further compensation and relocation process.	Department of capital construction (NOKS) under UTY in cooperation with district khokimiyats.	Within 10 days after the evaluation results of compensation packages are available within khokimiyats.
8	Poor GRM at the construction site ²¹ .	1. Establishment of Project level GRM in parallel with the local formal GRM available in khokimiyats. 2. Present the Project level GRM to affected people during the further PCs.	1-2. NOKS develop and PIU monitor	Two weeks after submission of SDDR by ADB
9	vulnerable AHs should be provided all the necessary benefits on priority	1. Identify the vulnerable AHs based on the list attached to district decisions. 2. Assessment of special needs and assistance of vulnerable AHs. 3. Ensure overall legal and	Department of capital construction (NOKS) under UTY in cooperation with district khokimiyats.	1-2 Two weeks after submission of SDDR by ADB. 3 During the implementation

²¹ This issue was identified also in the IEE of the Project (see IEE, table 13).

No	Identified issue	Action	Responsible party	Implementation period
		organizational assistance to vulnerable AHs during the implementation.		of LAR before the start of construction works.
10				
11				
12	According to local legislation, all materials appeared in the result of dismantling of demolished residential houses, buildings, structures, as well as plantings and trees 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.	All salvage materials appeared in the result of dismantling of demolished residential houses, buildings, structures, as well as plantings and trees located at the land plot to be acquired shall be allowed to be taken away by the APs prior to demolition at no charge.	Department of capital construction (NOKS) under UTY.	During the construction works upon proper notification of APs on demolishing.

83. The detailed description of identified issues and proposed corrective/mitigation measures are presented below.

I. Corrective actions and mitigation measures suggested for implementation of LAR activities

- 1) There is no available data with UTY on the impact details, particularly: affected surfaces of agricultural/residential/ commercial land plots, affected surfaces of buildings to be demolished, affected improvements other than houses, such as crops, trees etc.
Corrective action required: Detailed information with supporting documents on impacts for all type of losses, including the trees and crops shall be provided by UTY. The required monitoring template for the provision of requested data is attached in Appendix 5. The template shall be filled and reported to ADB by UTY in monthly progress reports with attached supporting documents (District decisions of khokimiyats etc.).
- 2) No compensation payment for already cut trees. According to the environmental due diligence it was revealed that trees have been already cut during the construction works without prior payment for which the corrective measure is suggested in IEE²².
Corrective action required: The detailed information on number of cut trees, their valuation results and compensation payment per each AP shall be reported to ADB by UTY in monthly progress reports with attached supporting documents.
- 3) It is assumed that there may be illegal/not registered affected houses/buildings which user AHs are not entitled for compensation according to local legislation. It is assumed, that such houses/buildings (if any) are not included in the district decisions and will not be compensated. To ensure the further livelihood restoration of such affected non-titled AHs, the further actions need to be implemented as follows: mitigation measure is proposed.

²² See the Project IEE, Table 13.

Corrective actions required:

- Conduct impact assessment to ensure that no illegal/not registered affected houses/buildings are affected by the Project. This task can be implemented by the Social Safeguards Specialist of UTY or UTY may involve survey specialist (s) for the implementation of this impact assessment task. In case of involvement of survey specialist (s) the UTY shall prepare and share the ToR of survey specialist (s) with ADB prior the start of surveys.
 - In case if such impacts are identified, the UTY shall involve qualified valuator to evaluate the rehabilitation allowance for non-titled AHs. The ToR of qualified valuator shall be shared with ADB prior the start of valuation. The suggested mechanism of calculation of rehabilitation allowance to be provided to non-titled AHs losing building/structure is as follows: *compensation at market price for the building/structure to be demolished minus the legalization costs/fees to be paid in case of legalization/registration of such building/structure.*
 - The rehabilitation allowance shall be provided to non-titled AHs before start of demolishing of the buildings/structures. The non-titled AHs shall be properly consulted on these processes.
 - The detailed information on identified non-titled AHs or proper grounds proofing their absence, the valuation results of rehabilitation allowances for identified non-titled AHs (if any), as well as the payment per each non-titled AH shall be reported to ADB by UTY in monthly progress reports with attached supporting documents.
- 4) It is assumed that there may be illegal/non-titled affected households/persons (tenants) which are using the affected land plots without registration and are not eligible for compensation according to local legislation.

Corrective actions required:

- Conduct impact assessment to ensure if there are illegal/ non-titled households/persons affected by the Project due to loss of crops, trees and other non-land improvements (excluding the buildings/structures). This impact assessment shall be implemented by the Social Safeguards Specialist of UTY or by the same survey specialists to be involved as described in the previous clause.
- In case if such impacts are identified, the UTY shall involve qualified valuator to evaluate the compensation for non-titled AHs. The suggested mechanism of calculation of compensation to be provided to non-titled AHs non-land improvements (excluded the buildings) is as follows: *Loss of income from crops planted on the affected land will be compensated. Allowance equivalent to 1 year average net income computed based on the average income over the past 3 years to be paid. 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). 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.*
- The compensation shall be provided to non-titled AHs before start of demolishing of the buildings/structures. The non-titled AHs shall be properly consulted on these processes.
- The detailed information on identified non-titled AHs or proper grounds proofing their absence, the valuation results of compensation for identified non-titled AHs (if any), as well as the payment per each non-titled AH shall be reported to ADB by UTY in monthly progress reports with attached supporting documents.

- 5) The IEE suggested mitigation measures for noise, namely: construction of acoustic barriers near two houses, and greenings area between railway and receptors. Additional verification is needed to ensure that the suggested measures are within the defined RoW of 25 meters and not cause additional LAR impacts besides those already included in District Decisions.

Corrective actions required:

- NOKS under UTY will be responsible for inclusion of the construction of acoustic barrier and greening activities in the project design.
- After the suggested measures included in the design, detailed information with supporting documents shall be provided by UTY to ensure that the suggested measures doesn't cause impacts and doesn't require additional lands and/or demolishing of houses in compare to those already included in District Decisions.
- The detailed information shall include the exact location of suggested acoustic barriers and greenings area on the map, the detailed information of land plots/buildings affected by that construction (affected surfaces, type of land/structure, name of owners/user), as well as supporting grounds that those affected land plots and buildings are included in District decisions.
- In case if new impacts identified as a result of suggested noise mitigation measures, they shall be included in District Decisions accordingly.
- The detailed information listed above shall be reported to ADB by UTY in monthly progress reports with attached supporting documents.

- 6) No data is available with UTY on the compensation package to be proposed to each AP included in District Decisions, namely: valuation of compensation for affected land plots, buildings, other improvements (crops, trees etc.) and shifting allowances.

Corrective action required:

Detailed information with supporting documents on impacts for all type of losses, including the trees and crops shall be provided by UTY. The required information shall be filled in monitoring template attached in Appendix 5. The template shall be filled and reported to ADB by UTY in monthly progress reports with attached supporting documents (District decisions of khokimiyats etc.).

- 7) No separate PCs were conducted with affected people included in District Decisions on resettlement issues and compensations after the adoption of those decisions.

Corrective actions required:

- Organization of PCs with affected people to present the details of impacts and further compensation and relocation process.
- The minutes of PCs shall be reported to ADB by UTY in monthly progress reports with attached supporting documents.
- UTY shall provide also the copies of official notifications on District Decisions provided to APs by khokimiyats in monthly progress reports.

- 8) Poor GRM at the construction site.

Corrective actions required:

- Establishment of Project level GRM in parallel with the local formal GRM available in khokimiyats. It is suggested that the same GRM will be used which is proposed in the draft LARP for CAREC 2: Pap-Namangan-Andijan Railway Electrification Project, taking into account that this GRM was already presented during the PCs conducted in affected Uychi and Uchkurgan districts in the frame of the preparation of the draft LARP for above mentioned project. The suggested GRM is attached in Appendix 6.

- The suggested Project level GRM shall be presented to affected people during the further PCs.
- The monitoring of GRM implementation, particularly: the detailed on received grievances, their resolution process and final conclusion shall be reported to ADB by UTY in monthly progress reports with attached supporting documents.

9) No special rehabilitation measures are proposed for vulnerable AHs.

Corrective actions required:

- Identification of vulnerable AHs included in district decisions based on the data provided by khokimiyats. The identification can be carried out by the Social safeguards specialist of UTY.
- Assessment of special needs and assistance of vulnerable AHs during the relocation and ensure overall legal and organizational assistance to vulnerable AHs during the implementation.
- Detailed information on identified vulnerable AHs and their special needs, as well as provided assistance shall be reported to ADB by UTY in monthly progress reports with attached supporting documents.

10). According to local legislation, all materials appeared in the result of dismantling of demolished residential houses, buildings, structures, as well as plantings and trees 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.

Corrective actions required: All salvage materials appeared in the result of dismantling of demolished residential houses, buildings, structures, as well as plantings and trees located at the land plot to be acquired shall be allowed to be taken away by the APs prior to demolition at no charge.

II. Implementation Schedule

84. Upon the official submission of this SDDR to UTY by ADB, the proposed corrective actions shall be implemented according to the Schedule provided in Table 4.

III. Unanticipated impacts

85. Any unanticipated impacts identified during Project implementation will be compensated in accordance with the local legislations, as well as mitigation measures proposed in table 4 and Section II of this chapter D. The information on identified unanticipated impacts shall be monitored to AND in monthly progress reports.

H. MONITORING AND REPORTING

86. Monitoring of the proposed corrective actions will be the responsibility of UTY. UTY, with its social safeguards specialist will regularly monitor and measure the progress of implementation of the LAR-related activities, as well as the all proposed mitigation measures. UTY will prepare monthly monitoring reports to ensure that the implementation of the LAR-related activities and proposed corrective measures has produced the desired outcomes. The PIU will provide ADB with an effective basis for assessing the progress of land acquisition and resettlement activities, corrective measures and identifying potential difficulties and problems.

87. The monitoring will involve administrative monitoring to ensure that implementation is on schedule and problems are dealt with on a timely basis UTY through its PIU will:

- monitor the progress of implementation of LAR-related activities and proposed corrective measures,
- verify the compliance with safeguard measures and their progress toward intended outcomes,
- document and disclose monitoring results and identify necessary corrective and preventive actions in the monthly monitoring reports,
- submit monthly progress monitoring reports (MRMR) to ADB.

Appendix 1: District decisions on allocation of lands (including the lists of to be demolished houses and names of people to be resettled)

Uchkurgan district

**The decision
of the Hokim of Uchkurgan district
of Namamngan region of the Republic of Uzbekistan**

07.12.2016

No. 1209

Uchkurgan city

About allocating land plot for constructing of houses and social objects for the citizens, whose house and social objects are subject for breaking down located in the territory of Electrification of “Pap-Namangan-Andijan“ railway track and constructing “new Uychi-Block-Post station to PK-1257-PK-1324/1361+00” railway track in Uchkurgan city, Yoshlik mahalla gathering of citizens also, Uzbekistan village gathering of citizens, Mustaqillik mahalla gathering of citizens based on the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On Measures of investment project implementation of International financial institutions and foreign government financial organization funds”

Having review the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On Measures of investment project implementation of International financial institutions and foreign government financial organization funds”, the letter No. N-7/294-16 dated 30 August 2016 of JSC “Uzbekiston Temir Yollari”, the Resolution No. 120-F dated 19 October 2016 of Uchkurgan district Hokim, the Resolutions No. 272 dated 30 December 2006 and No. 97 dated 29 May 2009 of the Cabinet of Ministries of the Republic of Uzbekistan, the act of district committee on examination of issues regarding land plot allocation (realization) within district Hokimiyat, based on the Article 6 of the Law of Land code, Articles 10, 24, 25 of the law “On local government” of the Republic of Uzbekistan;

Decide to

1. Take as a basis the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On Measures of investment project implementation of International financial institutions and foreign government financial organization funds”, the letter No. N-7/294-16 dated 30 August 2016 of JSC “Uzbekiston Temir Yollari”, the Resolution No. 120-F dated 19 October 2016 of Uchkurgan district Hokim, the Resolutions No. 272 dated 30 December 2006 and No. 97 dated 29 May 2009 of the Cabinet of Ministries of the Republic of Uzbekistan, the act of district committee on examination of issues regarding land plot allocation (realization) within district Hokimiyat.
2. With the reason of Electrification of “Pap-Namangan-Andijan“ railway track and constructing “new Uychi-Block-Post station to PK-1257-PK-1324/1361+00” railway track based on the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On Measures of investment project implementation of International financial institutions and foreign government financial organization funds” allocate a land plots for (a) 17 households of Uchkurgan city, Yoshlik mahalla gathering of citizens also, Uzbekistan village gathering of citizens, Mustaqillik mahalla gathering of citizens (see attachment) in the territory of Uchkurgan district, Uzbekistan village gathering of citizens, Mustakillik mahalla gathering of citizens in 71-cutout of backup land fund of district hokimiyat for constructing of 17 houses the

- 1.02 ha and for ditches and roads 0.40 ha total 1.42 from this for each of 17 households 0.06 ha for property and for (b) 2, which social object are broken down, in the territory of Uchkurgan district, Uzbekistan village gathering of citizens, Mustakillik mahalla gathering of citizens in 71-cutout of backup land fund of district hokimiyat for constructing of social objects for Madaminov Husniddin 960.0 square meters and "Uchkurgan" the society with limited responsibility 1500.0 square meters total 2460.0 square meters.
3. Assign task to District architecture and construction department (the head S. Hudjaev) to control the construction works based on the assigned projects for the owners of broken down households and owner of broken down social objects in the assigned territory.
 4. The approval of this decision should be asked during the upcoming session the District Council of Deputies.
 5. Assign task to General department of District Hokimiyat (head H. Kamalov) to disseminate the copies of the decision to appropriate organizations.
 6. The control of execution of this decision is commissioned to B.Tulamirzayev acting as First Deputy of District Hokimiyat.

N. Hayitaliev
Hokim of the district

**The decision
of the Hokim of Uchkurgan district
of Namangan region of the Republic of Uzbekistan**

06.12.2016

No. 1207

Uchkurgan city

About breaking down houses and social objects located in the territory of Electrification of "Pap-Namangan-Andijan" railway track and constructing "new Uychi-Block-Post station to PK-1257-PK-1324/1361+00" railway track in Uchkurgan city, Yoshlik mahalla gathering of citizens also, Uzbekistan village gathering of citizens, Mustaqillik mahalla gathering of citizens based on the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 "On Measures of investment project implementation of International financial institutions and foreign government financial organization funds"

1. In accordance with the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 "On Measures of investment project implementation of International financial institutions and foreign government financial organization funds", letter No. N-7/294-16 dated 30 August 2016 JSC "Uzbekiston Temir Yollari", the resolution of Cabinet of Ministries of the Republic of Uzbekistan No. 97 dated 29 May 2006 "about the approval of the reimbursement regulation of losses to citizens and legal entities in connection with withdrawal of land plots for state and public needs" and the order of Uchkurgan district Hokim No. 120-F dated 19 October 2016

Decide to

1. Take as a basis the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 "On Measures of investment project implementation of International financial institutions and foreign government financial organization funds", letter No. N-7/294-16 dated 30 August 2016 JSC "Uzbekiston Temir Yollari", the resolution of Cabinet of Ministries of the Republic of Uzbekistan No. 97 dated 29 May 2006 "about the approval of the reimbursement regulation of losses to citizens and legal entities in connection with withdrawal of land plots for

state and public needs” and the order of Uchkurgan district Hokim No. 120-F dated 19 October 2016.

2. Remove the hoses in the territory of Uchkurgan city, Yoshlik mahalla gathering of citizens, also the social objects in the territory of Uzbekistan village gathering of citizens, Mustakillik mahalla gathering of citizens to the other land plots in a fixed order based on the attachment.
3. Assign tasks to the district department of finance (Sh. Ismanov) and Land management and property cadaster state enterprise (F. Qodirov) to evaluate the hoses and social objects which is under breaking down in a fixed order in the territory of Uchkurgan city, Yoshlik mahalla gathering of citizens, also the social objects in the territory of Uzbekistan village gathering of citizens, Mustakillik mahalla gathering of citizens and district hokimiyat to prepare the proposal
4. Assign task to District land resources and state cadaster department (A. Temirov) to prepare necessary documents for allocation of land plots in order to construct social objects (consumer services sites) and individual houses in the territory of Uchkurgan city, Yoshlik mahalla gathering of citizens , also the social objects in the territory of Uzbekistan village gathering of citizens, Mustakillik mahalla gathering of citizens, also to District architecture and construction department (S. Hudjaev) to prepare a proposal based on the decision of District Hokim for placement of construction objects instead of broken down houses and social objects.
5. Assign task to acting as first deputy of Hokim B.Tulamirzaev to create a working group and to approve this group according to attachment.
6. Propose to JSC “Uzbekiston Temir Yollari” to pay compensation expenses set by state company for property cadaster services.
7. Assign task to acting as manager (S. Mirzaahmedov) of Uchkurgan branch of AT Halq Bank to open deposit accounts for those, whose house are under breaking down.
8. To assign to District road HPTF enterprise (Sh. Madrahimov), District electric network enterprise (A. Qurbonov), Uchkurgan district Suvvaqova (water supply) enterprise (Q. Qurbonaliev), “Telecom AJ” of Uchkurgan district department (Sh. Ahmedov) and “Vodiygas taminot” (gas supply) unitary enterprise of Uchkurgan district branch (Sh. Alihanov) to create necessary infrastructure in the reconstruction territory.
9. Assign task to District state tax inspection (J. Mamadaliev) and district internal affairs department (M. Dadajanov) to render practical assistance in reconstruction issues and to allocate a representatives to construction coordination headquarters, to provide safety movement of transport and pedestrians during reconstruction works, to stop registering works of houses.
10. The control of execution of the following decision remains with me.

N. Hayitaliev
Hokim of the district

The list of citizen (annex to the decision of Uchkurgan district hokim)

Whose houses and social object are subject for breaking down located in the Uchkurgan city, Yoshlik mahalla gathering of citizens also, Uzbekistan village gathering of citizens, Mustaqillik mahalla gathering of citizens based on the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On Measures of investment project implementation of International financial institutions and foreign government financial organization funds”, the resolution of Cabinet of Ministries of the Republic of Uzbekistan No. 97 dated 29 May 2006 “about the approval of the reimbursement regulation of losses to citizens and legal entities in connection with withdrawal of land plots for state and public needs”

No.	Full name of citizens	Name of the object	Description
1	Gulmatov Asomiddin Kamoldinovich	Residential	As a garden Fenced
2	Muborakov Shahobiddin Zayniddinchojaevich	Residential	As a garden Fenced
3	Kuchkarov Yusubjon Son of Muhammadsidik	Residential	As a garden Fenced
4	Alimov Rahimjon	Residential	The house is constructed
5	Alimova Gulnora Rahimhanovna	Residential	Fenced
6	Alimova Mahliyo Rasuljonovna	Residential	Fenced
7	Nazirova Manzurahon Abdurahimovna	Residential	Greenhouse Fenced
8	Yuldasheva Mukarramhon Abdurahmanovna	Residential	Greenhouse Fenced
9	Mavlanov Muzaffar Rustamovich	Residential	Greenhouse Fenced
10	Yuldasheva Manzura Habibullaevna	Residential	The house is built
11	Boltaboev Abdurahman	Residential	Greenhouse Fenced
12	Nazirova Odinahon Abduqahharovna	Residential	The house is built
13	Nozirov Rustam Azimovich	Residential	Greenhouse Fenced
14	Madaminov Bahodir	Residential	Residential The building will not be demolished
15	Madaminova Komilahon	Residential	Residential The building will be demolished
16	Madaminov Muhsinjon	Residential	Residential The building will not be demolished
17	Madaminov Mansurjon	Residential	Residential The building will not be demolished
18	Madaminov Husniddin	Nonresidential	The building will be demolished
19	SLR "Uchqurgon"	Nonresidential	The building will be demolished

Uychi district

**The decision
Of Uychi district
Of Namangan Region
Of the Republic of Uzbekistan**

No. 9

13.01.2017

Uychi city

About allocating land plot for constructing of houses and social objects for the citizens, whose house and social objects are subject for breaking down, located in the territory of Electrification of “Pap-Namangan-Andijan” railway track and constructing new railway part based on the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On measures to facilitate implementation of investment projects supported by international financial institutions and bilateral donors”

Having review the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On measures to facilitate implementation of investment projects supported by international financial institutions and bilateral donors”, the letter of JSC “Uzbekiston Temir Yollari”, the decision of Uychi district Hokim No. 99-F dated 18 October and the Resolutions No. 272 dated 30 December 2006 and No. 97 dated 29 May 2009 of the Cabinet of Ministries of the Republic of Uzbekistan “about the approval of the reimbursement regulation of losses to citizens and legal entities in connection with withdrawal of land plots for state and public needs, the act of commission for consideration of issues regarding selection and allocation of land plots for construction structures and building for organization, enterprises and institutions with District Hokimiyat, based on the Article 6 of the Law of Land code, Articles 10, 24, 25 of the law “On local government” of the Republic of Uzbekistan

Decide to

1. Take as a basis the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On measures to facilitate implementation of investment projects supported by international financial institutions and bilateral donors”, the letter of JSC “Uzbekiston Temir Yollari”, the decision of Uychi district Hokim No. 99-F dated 18 October and the Resolutions No. 272 dated 30 December 2006 and No. 97 dated 29 May 2009 of the Cabinet of Ministries of the Republic of Uzbekistan “about the approval of the reimbursement regulation of losses to citizens and legal entities in connection with withdrawal of land plots for state and public needs, the act of commission for consideration of issues regarding selection and allocation of land plots for construction structures and building for organization, enterprises and institutions with District Hokimiyat.
2. With the reason of Electrification of “Pap-Namangan-Andijan” railway track and constructing new railway part based on the Decree of the President of the Republic of Uzbekistan dated 14 April 2016 No. R-4636 “On measures to facilitate implementation of investment projects supported by international financial institutions and bilateral donors” allocate a land plots for 13 households of 7 houses located in Rovot town gathering of citizens Yangi yer mahalla in 251-cutout of backup land fund of district hokimiyat 0.06 ha for construction of houses, total 0.78 ha, 0.25 ha for roads and ditches, total 1.03 ha of land.
3. Assign a task to District architecture and construction department (I. Turdikulov) to control the correspondence to the requirements, land management and cadaster department (S. Nishanov) to enter necessary changes into land reports based on the approval of the following decision.

4. Assign task to General department of District Hokimiyat (O. Jakbarov) to disseminate the copies of the decision to appropriate organizations.
5. The approval of this decision should be asked during the upcoming session the District Council of Deputies.
6. The control of execution of the following decision remains with me.

A. Turdiev
District Hokim

LIST OF HOUSEHOLDS (annex to the decision of Uychi district hokim)

(located in the construction site of the new railway construction in Yangier Makhalla²³ of Rovot Town)

Nr	Home Owner	Names of the household heads and relationship	Land plot or housing unit to be provided
1	Sidiqjanov Isoqjon	Sidiqjanov Isoqjon	600 sq. metre land plot
		Sidiqjanov Shokirjon (son)	600 sq. metre land plot
		Sidiqjanova Naimakhon (daughter)	600 sq. metre land plot
2	Otamirzaev Juramirza	Otamirzaev Juramirza	600 sq. metre land plot
		Otamirzaev Atkham (son)	600 sq. metre land plot
		Otamirzaeva Shakhnoza (daughter)	600 sq. metre land plot
3	Turdieva Markhabo	Turdieva Markhabo	600 sq. metre land plot
4	Turdieva Mukhtasar	Turdieva Mukhtasar	600 sq. metre land plot
5	Yusupova Atika	Yusupova Atika	600 sq. metre land plot
		Yusupov Botirjon (son)	600 sq. metre land plot
6	Ulugshaev Ubaykhon	Ulugshaev Bakhromjon (son)	600 sq. metre land plot
7	Toshtanov Egamberdi	Toshtanov Egamberdi	600 sq. metre land plot
		Toshtanov Abdujabbor (son)	600 sq. metre land plot

Z.Mirzakobulov, Chairman of Rovot town administration

Y.Zokirov, Chairman of Yangier Makhalla

I.Toshpulatov, Secretary, Rovot town administration

²³ 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.

APPROVED:

Z.Mirzakobulov,

Chairman, Rovot Town Administration

10 January 2017

MINUTES OF MEETING

held at Yangier Makhalla organisation of Rovot Town Administration

9 January 2017, Rovot town

Chaired by: Z.Mirzakobulov, Chairman, Rovot Town Administration

Participated by: G.Nuriddinov, S.Nishanov, Sh.Ummataliev

Attendees: Secretary and Advisor of Rovot Town Administration, Chairman, Secretary, Advisor and Community Assistant of Yangier Makhalla organisation, and residents of Makhalla

AGENDA:

Allocation of land plots to the residents of Yangier Makhalla of Rovot town affected by demolitions resulting from construction of a new railway in accordance with the President's Decree Nr R4636 dated 14 April 2016 "On measures to facilitate implementation of investment projects supported by international financial institutions and bilateral donors".

The meeting was opened by and moderated by Z.Mirzakobulov, chairman of Rovot Town Administration.

The meeting considered the need for allocation of land plots for individual housing construction to the citizens to be affected by demolition during the course of construction of a new railway passing through the Yangier Makhalla of Rovot town.

The meeting established that 7 households shall be demolished, that the owners of these household have children and 13 families (headed by I.Sidiqjanov, Sh.Sidiqjanov, N.Sidiqjanova, J.Otamirzaev, Sh.Otamirzaeva, M.Turdieva, M.Turdieva, A.Yusupova, B.Yusupov, B.Ulugshaev, E.Toshtanov, A.Toshtanov) reside in these households due to the fact that in some instances, several families live in the same household, and the need for allocation of 600 square metre land plots for individual housing construction to each of these families has been studied by the meeting.

The meeting also discussed helping some of the affected persons during allocation of new land plots for individual housing construction in some of the related actions that need to be completed.

Tasks to be assigned to a number of responsible officials were discussed, too. Y.Zokirov, chairman of Yangier Makhalla organisation, presented a report during the meeting.

The meeting concluded with the chairperson assigning participants a number of tasks and actions.

Based on the aforesaid,

THE MEETING RESOLVED as follows:

1. To take note of the President's Decree Nr R4636 dated 14 April 2016 "On measures to facilitate implementation of investment projects supported by international financial institutions and bilateral donors" for information and implementation.
2. Y.Zokirov, chairman of Yangier Makhalla organisation, is to ensure his personal participation in all activities related to the demolition of residential buildings and to the new individual housing construction.
3. To allocate 13 land plots for individual housing construction, 600 square metres each, to the 13 families (headed by I.Sidiqjanov, Sh.Sidiqjanov, N.Sidiqjanova, J.Otamirzaev, Sh.Otamirzaeva, M.Turdieva, M.Turdieva, A.Yusupova, B.Yusupov, B.Ulugshaev, E.Toshtanov, A.Toshtanov) that reside in the 7 houses to be demolished.
4. To request the district Khokimiyat to approve the decisions made at this meeting.
5. The chairperson shall be responsible for controlling the implementation of this resolution.

Minutes taken by: I.Toshpulatov, special secretary for the Rovot Town Administration

Signed:

Z.Mirzakobulov, chairman, Rovot Town Administration

Y.Zokirov, chairman, Yangier Makhalla Organisation

A.Esonboev, secretary, Yangier Makhalla Organisation

Sh.Umarov, staff member, Rovot Town Administration

H.Ibragimova, advisor, Yangier Makhalla Organisation

CERTIFICATION STATEMENT

of the District Committee for selection and allocation of land to enterprises, organisations
and institutions for construction of buildings, facilities and for other special purposes

3 January 2017, Rovot town.

In accordance with Article 34 of the Land Code of the Republic of Uzbekistan, we, the undersigned:

A.Turdiev, District Khokim, chairman of the Committee;

S.Nishanov, Director of District Land Resources and State Cadastre Department;

B.Mamataliev, Director of District Agriculture and Water Resources Department;

G.Nuriddinov, Lead Specialist of District Khokimiyat;

I.Puzalov, Director of District Land Cadastre Service;

I.Sodikov, Director of District Nature Protection Inspectorate;

Z.Juraev, Director of Telecommunications Association;

N.Askarov, Director of District Gas Supply Department;

I.Atakhanov, Director of District Sanitary and Epidemiology Surveillance Centre;

M.Yuldashev, Director of District Power Distribution Company;

A.Akhmatjonov, Head of District Fire Fighting Department;

A.Muminov, Director of District Water Supply and Waste Water Enterprise;

N.Dadakhanov, Director of District Single Window Service Centre;

G.Khabibullayev, Director of District Road Maintenance Department;

Z.Mirzakobulov, Chairman of Rovot Town Administration;

Y.Zokirov, Chairman of Yangier Makhalla Organisation;

I.Turdikulov, Acting Director of District Architecture and Construction Department,

have organised a site visit in response to the request addressed to the District Khokim by a group of affected persons residing at Yangier Makhalla Organisation of Rovot town, seeking allocation of land located within the boundaries of Yangier Makhalla Organisation and currently listed as reserve land of the district Khokimiyat, for housing construction, and established that indeed, such land was available within the boundaries of Yangier Makhalla Organisation in Rovot town, and such land is indeed listed as state reserve of the district Khokimiyat, and this land is suitable for housing construction.

Based on the above findings, the District Committee for selection and allocation of land to enterprises, organisations and institutions for construction of buildings, facilities and for other special purposes, and following comprehensive analysis at the site concerned, have

CONCLUDED as follows:

1. The District Committee for selection and allocation of land to enterprises, organisations and institutions for construction of buildings, facilities and for other special purposes has considered the above findings, and finds it expedient to allocate land plots of 0.06 hectares each to 13 households, resulting in 0.78 hectares, plus 0.48 hectares of land for storm drain and road construction, totalling 1.18 hectares of land, located at Yangier Makhalla of Rovot town, currently listed as the Khokimiyat's reserve land, in connection with the demolition of housing units located at Yangier Makhalla of Rovot Town, during the course of implementation of the President's Decree Nr R4636 dated 14 April 2016 "On measures to facilitate implementation of investment projects supported by international financial institutions and bilateral donors".
2. The land plots allocated for individual housing construction are located in Yangier Makhalla of Rovot town, and are enclosed in between the following objects:
 - on the north – by Rovot-Yangier automotive road;
 - on the south – farmland used by a farming enterprise;
 - on the west – by internal domestic roads;
 - on the east – by cultivated fields.
3. Construction of individual housing units at the land plots selected shall fully comply with architectural-development, sanitary-hygiene, nature protection and fire safety regulations and rules, and connection of all relevant utility networks is possible in accordance with the specifications provided by relevant utility operator enterprises.

This Certification Statement and the drawing/map attached hereto shall be valid for two months, and the District Khokimiyat is hereby requested to endorse it.

Signed:

A.Turdiev, Chairperson

Committee Members:

B.Mamataliev

I.Turdikulov

N.Askarov

A.Muminov

Z.Juraev

Z.Mirzakobulov

M.Yuldashev

G.Khabibullayev

S.Nishanov

G.Nuriddinov

I.Atakhanov

A.Akhmatjonov

I.Sodikov

N.Dadakhanov

Y.Zokirov

I.Puzalov

Appendix 2. Several photos of houses to be demolished



Appendix 3. Status of construction works in the Project site

At the stage of this due diligence conduction, some works on construction new alignment have been started. The following types of works were identified in the course of inspection by UTY of the new bypass railway line as of January 6, 2017:



a) civil works on construction of the earth embankment for the new bypass railway line are being conducted on the plough lands/suitable for production of agricultural crops. The owners of lands were notified on the start of construction works in December 2016.



b) Works on filling the foundations (4 pieces) for supports of overhead pass through the River Norin were conducted. The civil works are carried out in locations where there are no households and plough lands/lands suitable for production of agricultural crops, gardens/orchards. But the trees were partially cut.



c) Construction camp of the Specialized Track and Machinery Station (SPMS) and the Construction Trust “Kuprikkurilish” are carrying out the civil construction works for construction of the earth embankment of the track and overhead pass through the River Norin. The construction camp is located close to the road. At the moment of the visual inspection 4 workers were working. All works were manual. Condition of the work camp is in accordance with the requirements of safety rules and sanitary rules and norms.



Appendix 4. Act on land selection for new railway line between the stations Uychi and Khakkulobod which are located in Uychi and Uchkurgan districts in Namangan province

АКТ

От _____ 2016г.

от Хаккулобод

Мы, нижеподписавшиеся, комиссия под председательством Главного инженера Ковандского регионального железнодорожного узла АО «Узбекистон темир йуллари» Ахмедов Х.М. провели выбор площадки под строительство новой железной дороги между станциями ст. Уйчи - ст. Хаккулобод, находящиеся на территории Уйчинский и Учкурганский районов Наманганской области.

В результате натурного осмотра площадки (трассы), учитывая технические характеристики проектируемой железной дороги решили:

1. Отказание проектируемой трассы от существующей железной дороги осуществляется на 125 км ПК 7, примыкание к существующей железной дороге - 130 км (ПК1). Общая протяженность проектируемой железнодорожной трассы - 6,7км.
2. Объем земель по объём(у) строительства составляет 33 га. Количество вносимых строений - 15шт.
3. Проектируемая железнодорожная трасса имеет три пересечения с существующей магистральной автодорогой. В местах пересечений предусматривается строительство ИССО.
4. На выбранном участке земли присутствуют насаждения многолетних деревьев. В процессе проведения строительных работ потребуются их вырубка. Объем вырубляемых деревьев будет указан при разработке ЭЭП (Защитное от экологических последствий) (схема прилагается).

Председатель комиссии:

Главный инженер
Ковандского регионального
железнодорожного узла:

/Ахмедов Х.М./

Заместитель председателя
комиссии:

/Уммитов Э.Р./

Члены комиссии:

Первый
заместитель Хакима
Уйчинского района:

/Турдыев А.З./

Первый
заместитель Хакима
Учкурганского района:

/Туламирсаев Б./

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Капитального строительства
Ковандского РЖУ:

/Раджабов О.Р./

Инженер по кадастровой
работе РЖУ Ковандо:

/Кисметов Б.М./

Начальник Комбинатской
электростанции «Электрообъекты»:

/Бекиров Б.К./

Начальник Комбинатской
электростанции «Уте»:

/Хатамов Г./

Главный инженер
УП «Узэлектросеть»:

/Каримов Б.Б./

Инженер ОКС
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/Джумабоев М.Т./

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ресурсов и кадастра
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/Темиров А./

Начальник отдела земельных
ресурсов и кадастра
Учинского района:

Нижоннов С.

Главный архитектор хозяйства
Учугуртского района:

/Худматов С./

Главный архитектор хозяйства
Учинского района:

Турдикулов У.

Начальник отдела эксплуатации
Управления электроснабжения
АО «Узбекистонтемирбулари»:

/Норов Х.Х./

Инженер-технолог ДЭС:

/Калыров А.Б./

Проектные организации:

ОО «Сантрансстрой»
Начальник группы ЭТО:

/Завржновой В.Н./

Appendix 5. Template for monitoring of LAR impacts and compensations²⁴

Table 1.

Name of Districts	Name of affected person and its legal status (titled, non-titled)	Affected land surface (sqm)	Type of affected land (agricultural, non-agricultural)	Affected surface of building/ structure (sqm)	Type of affected building/ structure (residential, commercial, other)	Land allocated by District Decision (sqm)	Number of trees affected per type (fruit trees, wood trees)			Affected crops per type (sqm)			Vulnerability status per type of vulnerability (poor, women, elderly headed)	Compensation provided per each type of loss (land, building, improvements, allowances) (UZS)		

Table 2.

Number and surface of lands acquired	Number and surface of building/ structure demolished	Number of trees cut per type	Affected crops compensated	Number of APs compensated	Details on compensation paid to APs for each type of impact	Number of vulnerable AHs compensated	Number of non-titled AHs compensated	Number of complaints received	Number of complaints per status resolution (resolved/not-resolved, in process)

²⁴ Besides the filled template per each AP, the summery figures also shall be provided for each indicator in MPMRs.

Appendix 6. Proposed Grievance Redress Mechanism at Project level

1. The GRM for the current project takes into account the national legislation. 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 in the land.
2. The APs will have the right to file complaints and queries on any aspect of land acquisition compensation and resettlement. PIU (UTY) 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. PIU will ensure that grievances and complaints on any aspect of the land acquisition, compensation, and resettlement are addressed in a timely and satisfactory manner. 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.
3. The following multi-level GRM is proposed for the project described below in Table 1.

Table 1: Grievance Redress Mechanism and Levels

Level/Steps	Process
Level 1- any station of railway Pap-Namangan-Andijan or khokimiyat	<p>The aggrieved person applies to any station of railway Pap-Namangan-Andijan. Head of station or designated officer will be in charge for receiving and registration complaints. PIU representatives at the construction site will collect information about received complaints from supervising stations on daily base. The alternative entry point for complaints will be also khokimiyats due to their obligations defined by national legislation: (i) 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, (ii) there is a 1st deputy of khokim responsible for industry, capital construction communications and utilities, who is usually responsible for any issues/complaints regarding the construction and land allocation; he works closely with the head of stations, and in case of complaints they will inform each other.</p> <p>After registration of received complaints, PIU representatives will review nature/specificity of the complaint and will forward it to relevant party for resolving. In parallel, PIU representative will inform PIU in Tashkent about received complaint and further actions undertaken for its solution. Depending on nature of complaint it may go to Contractor, Land Cadaster, Makhalla or district branch of Nature Protection Committee. For example, complaints related to resettlement issues may be forwarded to Land Cadaster, hokimiyat and makhallas. In case of environmental issue, complaint will be forwarded to Contractor or District Nature Protection Committee. PIU representatives will be assisted by CSC and PIU's Environmental</p>

Level/Steps	Process
	Specialist in GRM implementation. At this level complaint should be resolved during 2 weeks.
Level 2 - UTY'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 UTY's secretariat in Tashkent. In accordance with established procedure, the secretariat will review the complaint and will forward complaints to respective department to make 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 UTY may establish complaint handling team with following members such as representatives from UTY area representative office, district kokimiyat: cadastral department and mahalla or village assembly of Citizens or/and farmer's councils, or/and women association. All complaints will be resolved in 15 days, and in case additional details are required, a maximum of 30 days will be used to resolve and close the complaint with prior notification of complainant.</p>
Level 3- Economic Court	If the issue was not solved or the applicant is dissatisfied with the 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

GRC Records and Documentation: Most of grievances on land acquisition and resettlement issues are redressed at 1-2 levels. All grievances received from the population will be registered in a logbook which should be available at all levels: at the site office of Contractor, each station of railway Pap-Namangan-Andijan. 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 PIU on the project site for the accounting all grievances. Thereafter the information on all received grievances will be collected at the PIU. The Contractor should include the information on grievances in monthly progress reports submitted to the PIU, who in their turn will include aggregated information to the monthly monitoring progress reports to be submitted to ADB.