

Resettlement Plan

Project Number: 49042-005 (DRAFT)
October 2017

TAJ: CAREC Corridors 2, 5, and 6 (Dushanbe–Kurgonteppa) Road Project–Additional Financing

Chashmasoron (km 33+475) – Vakhsh bridge (km 73+050).

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Asian Development Bank

PNo.49042-005: CAREC Corridors 2, 5, and 6 (Dushanbe –
Kurgonteppa) Road Project - Additional Financing
Subject: Draft Land Acquisition and Resettlement Plan.

Dear Sir,

We are sending you the earlier approved Draft Land Acquisition and Resettlement Plan of the above mentioned project for your no-objection to disclose on ADB's website.

Attachment: Draft Land Acquisition and Resettlement Plan.

Sincerely,

Executive director

Arabzoda N.S.

REPUBLIC OF TAJIKISTAN



MINISTRY OF TRANSPORT



LAND ACQUISITION AND RESETTLEMENT PLAN

DUSHANBE-KURGONTEPPA ROAD

Dushanbe, October 2017

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Funding Agency



Asian Development Bank

Implementing Agency:

**Project Implementation Unit for Roads
Rehabilitation**

Executing Agency:

Ministry of Transport

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National Bank of Tajikistan - Official exchange rate of currencies against Somoni (TJS),
<http://www.nbt.tj/en/> 1 TJS= USD 8.82 on June 07, 2017

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ABBREVIATIONS AND ACRONYMS

AH	Affected household
ADB	Asian Development Bank
ALMGC	Agency for Land Management, Geodesy and Cartography
CAREC	Central Asia Regional Economic Cooperation
CC	Civil Code of the Republic of Tajikistan
DF	Dekhan farm
DMS	Detailed measurement survey
DP	Displaced persons
EA	Executing agency
EMC	External Monitoring Consultant
FGD	Focus group discussions
GRC	Grievance redress committee
GRM	Grievance redress mechanism
Ha	Hectare
HH	Household
IR	Involuntary resettlement
LAR	Land acquisition and resettlement
LARP	Land Acquisition and Resettlement Plan
LC	Land Code of the Republic of Tajikistan
LURC	Land Use Rights Certificate
M&E	Monitoring and evaluation
MOT	Ministry of Transport
NGO	Non-government organization
NoL	No objection letter
PIURR	Project Implementation Unit for Road Rehabilitation
PMC	Project Management Consultant
PPTA	Project preparatory technical assistance
PSA	Poverty and social assessment
RoW	Right of way
RT	Republic of Tajikistan
SPS	Safeguard Policy Statement
SPISPM	State Committee on Investment and State Property Management
TJS	Tajikistani Somoni (currency)
ToR	Terms of Reference

GLOSSARY

Displaced Persons (DP)	'In the context of involuntary resettlement, displaced persons are those who are physically displaced (relocation, loss of residential land, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihoods) as a result of (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas.' (ADB SPS 2009)
Detailed Measurement Survey (DMS)	With the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of DPs. The final cost of resettlement can be determined following completion of the DMS.
Compensation	Payment in cash or in kind to replace losses of lands, housing, income and other assets caused by the Project. All compensation is based on the principle of replacement cost, which is a method of valuing assets to replace the loss at current market rates, plus any transaction costs such as administrative charges, taxes, registration and titling costs.
Cut-off Date	The date after which people will not be considered eligible for compensation.
Dekhan Farm	Midsized land, which is legally and physically distinct from household plots, for which full land use rights, but not ownership, is allocated to either individuals or groups. Regulations concerning dekhans in Tajikistan are laid out in Law No. 48 on Dekhan Farms, from 2002.
Encroachers	People who move into the Project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the Project.
Entitlements	The range of measures comprising cash or in-kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution/business restoration, which are due to DPs, depending on the type, extent and nature of their losses, and which suffice to restore their social and economic base.
Eligibility	Any person who resided in the Project area before the cut-off date that suffers from (i) loss of house, (ii) loss of assets or ability to access such assets, permanently or temporarily, or (iii) loss of income sources or livelihood, will be entitled to compensation and/or assistance.
Household	All persons living under one roof or occupying a separate housing unit, having either direct access to the outside (or to a public area) or a separate cooking facility. Where the members of a household are related by blood or law, they constitute a family. http://www.businessdictionary.com/definition/household.html
Hukumat	District administration in Tajikistan
Income restoration	This is the re-establishment of sources of income and livelihood of the affected households.
Income Restoration Program	A program designed with various activities that aim to support displaced persons to recover their income / livelihood to the pre-Project levels. The program is designed to address the specific needs of the affected persons based on the Socioeconomic (SES) survey and consultations.
Inventory of Losses (IOL)	This is a process in which all fixed assets (i.e. lands used for residence, commerce, agriculture; houses; kiosks, stalls and shops; ancillary structures, such as fences, gates, paved areas and wells, affected trees and crops etc.) with commercial value and sources of income and livelihood inside the Project right-of-way (Project area)

	are identified, measured, their owners identified, their exact location determined, and their replacement costs calculated.
Jamoat	A sub-district level administration
Land Acquisition	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land/assets for public purposes in return for in-kind replacement or compensation at replacement costs.
Land Acquisition and Resettlement Plan (LARP)	A time-bound action plan with budget setting out compensation for affected land/assets and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Non-titled	Means those who have no recognizable rights or claims to the land that they are occupying.
Poor	The poor are persons registered by the Hukumats as poor. The 'poorness' is based on the total score of points assigned for income of each household member, home condition, number of household's members, number and type of belongings such as a car and agricultural machinery, possession of animal livestock as the main poverty indicators.
Presidential Land	Means land for which use rights have been allocated by a Presidential Decree but ownership remains with the state.
Rehabilitation	This refers to additional support provided to DPs losing productive assets, income, employment or sources of living, to supplement payment of compensation for acquired assets, in order to achieve, at a minimum, full restoration of living standards and quality of life.
Replacement cost	The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any.
Reserve Fund Land	Means land owned by the state and controlled by the district administration that may be rented, mainly for agricultural use.
Resettlement	This includes all measures taken to mitigate all adverse impacts of the Project on DP's property and/or livelihood. It includes compensation, relocation (where relevant), and rehabilitation as needed.
Severely Affected	This refers to affected households who will (i) lose 10% or more of their total productive land and/or assets, (ii) have to relocate; and/or (iii) lose 10% or more of their total income sources due to the Project.
Sharecropper	A person who cultivates land s/he does not own for an agreed proportion of the crop or harvest.
Significant impact	Means 200 or more people will experience major impacts, which are defined as; (i) being physically relocated from a house, or (ii) losing 10% or more of their income generating assets.
Vulnerable	Anyone who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and includes; (i) female-headed households with dependents; (ii) disabled heads of household; (iii) poor households; (iv) landless; (v) elderly households with no means of support; (vi) households without security of tenure; (vii) ethnic minorities; and (viii) small farmers (with landholdings of two hectares or less).

EXECUTIVE SUMMARY

I. Project Background

1. Dushanbe is the capital and largest city of Tajikistan, and is home to 775,000 people. Kurgonteppa is the capital of the Khatlon region and the third largest city in Tajikistan, with a population of about 100,000. Kurgonteppa is home to a number of industrial enterprises, universities, colleges, and hospitals. The project road passes through terrain that varies from flat to mountainous, and connects Dushanbe to Afghanistan. Except for a 3.4 km section immediately south of Dushanbe, the road is two-lane with few in-built safety features. The road could be a powerful engine for regional integration and inclusive economic growth, however, this potential is limited by three factors: (i) road capacity, (ii) road condition, and (iii) road safety.

2. Traffic volumes on the road have grown steadily, averaging around 13% per annum over the 2000-2014 period. Present traffic ranges from approximately 7,000-10,000 vehicles per day in the central section of the road to around 16,000 vehicles per day in the peri-urban sections on the outskirts of Dushanbe and Kurgonteppa. The road is projected to reach its capacity by 2020 for most of its length. Although its surface is on average in reasonable condition, with an average international roughness index (IRI) of around 6, this figure masks several significant sections where the pavement is deteriorating rapidly. Overall, the road pavement requires improvement either immediately or in the near to medium term. This is due to the emergence of cracking and potholes and damage to structures and drainage systems. The road also has a poor safety record, with a high concentration of accidents in the more heavily trafficked sections adjacent to Dushanbe and Kurgonteppa in particular.

3. The project will support the government's program to progressively improve the road by (i) expanding its width from two to four lanes, to address the impending capacity constraints; (ii) improving its surface condition by structural overlays of the existing pavement and construction of new pavements, to address the condition constraints; and (iii) providing well-designed safety facilities to address the existing road safety deficiencies. The project will also serve to take stock, draw lessons and analyze the institutional gaps on road safety and road asset management with a view to incrementally strengthening MOT's capacities on these aspects. This approach will support a policy dialogue that will run in parallel with the progressive improvement of the road and will be closely coordinated with other development partners active in the transport sector.

4. The 39.575 km Phase 2 road section covered by this LARP stretches from Chashmasoron (km 33+475) to Vakhsh bridge (km 73+050).

II. Scope of Land Acquisition and Resettlement and Impact Summary

5. The main objective of this LARP is to identify persons affected by the Project and to assist them to restore their livelihoods. The LARP complies with Republic of Tajikistan legislations and the requirements of ADB's Safeguard Policy Statement (SPS 2009).

6. The scope of the LARP includes: (i) description of the Project, (ii) profile of the DPs and affected communities, (iii) impact, (iv) information disclosure and public consultations with DPs, (v) grievance redress mechanism, (vi) legal framework, (vii) entitlements, assistance and benefits, (viii) resettlement budget and financing plan, (ix) institutional arrangements (x) LARP implementation schedule, and (xi) monitoring of LARP implementation.

7. The affected households (AHs)/Displaced Persons (DPs) Census Survey and DMS of all affected assets was carried out in April and May 2017.

8. The census identified 171 Project-affected households, with a total of 1,327 household members. Detailed information on different categories of affected households (AHs) and displaced persons (DPs) by impact type, is provided in the impacts section (Chapter 2 of this LARP).

9. In total, 171 households (1,327 DPs) will be affected as follows:

- 51 residential land plots (partially affected)
- 24 commercial land plots (partially affected)
- 12 agricultural land plots (mostly narrow strips of land)
- 1,104 fruit trees, 249 fruit saplings and 706 pine trees and 198 other decorative trees
- 20 residential buildings
- 25 ancillary residential structures
- 21 main non-residential buildings and 12 ancillary structures
- 77 gates, fences and land improvements
- 15 businesses
- 14 business operation employees (partially affected petrol station will not lose any employment)

10. In addition, 452,224 m² of jamoats' land and 12 community assets such as school fence-wall, flag posts, monuments to people killed in road accidents, road maintenance structures, jamoat eateries and fences will be affected.

11. The LARP identified 87 affected land plots. There are no agricultural land plots which will be affected for more than 10% of the total area.

12. A total of 20 residential buildings (1,096.49 m²) and 25 (743.8 m²) ancillary buildings will be demolished. Out of 33 non-residential buildings and structures, 21 (849.45 m²) are main business buildings and 12 (249.94 m²) are supporting business structures such as water reservoirs, tandoor ovens, storages etc. There are 52 fencing walls, 17 paved areas, 20 sheds and 9 gates as well as other improvements and structures such as decorative curbs, 2,343 concrete poles, retaining walls, wells etc. on land affected by the Project.

13. Under this Project, 69 AHs (without double counting) will lose 1,104 fruit bearing trees and 249 fruit tree saplings. The owners will receive full compensation for the loss of fruit and saplings. In addition, 29 AHs will lose 706 pine trees and 198 other decorative trees.

14. Due to the Project's impact, 15 operating businesses with 78 DPs will be affected. In total, one petrol station to be demolished, one petrol station losing 33% of its capacity, one pub and 12 shops/kiosks. All business losses will be compensated as per the Project-specific entitlements. There are 14 business operators/eligible workers and compensated/indemnity will be provided for the duration of 6 months as per the Entitlement Matrix. A partially affected petrol station does not have any employment losses.

15. A total of 39 AHs with 318 DPs will experience severe impact on their livelihood. These households will receive a severe impact allowance equal to 3 months' average national wages. All AHs losing homes will re-build on the remainder of their land plot.

16. The census found 49 AHs (415 DPs) with members belonging to vulnerable groups including 19 single-woman-headed household, 17 AHs (135 DPs) having poorness as a single indicator for vulnerability. These AHs will receive a vulnerability allowance equal to three national average monthly salaries. Families affected by the Project who have a family member with a disability, large families with more than five dependent children, single women-heads of household living below the poverty line and elderly households with no means of living are entitled to the vulnerability allowance amounting to three national average monthly wages.

III Socioeconomic Information and Profile of the Affected Population

17. The Socioeconomic survey (SES) and census survey in the Project area were conducted in March and April 2017. In total, 92 AHs (704 persons) and people from the broader Project population who may not be economically or physically displaced, were surveyed. The SES included owners, renters and users of affected lands and buildings, owners and renters of permanently and temporarily affected businesses, DPs who will permanently lose employment as well as persons who will not be displaced. The SES included 17 AHs from Obikiik 6 AHs from Galaobod, 6 AHs from Hiloli, 37 AHs from Ayni and 26 AHs from Kizil-Kala,

18. The surveyed population lives in villages located along the Project road. Each village has basic facilities and utilities such as electricity, mostly combined primary and secondary schools, basic healthcare (hospitals are located in larger district centers) and religious facilities. Piped water is available in some villages, while other villages rely on wells, collection of rainwater in basins and cisterns, and purchasing water for daily usage.

19. Generally, the Project population is well educated. There were no illiterate people in the surveyed sample. More than 50% of the sample have completed secondary education. The main (self-reported) sources of income are employment, small businesses and income from pensions. Most of the households' income is concentrated in the two lowest categories: 200-1,000 TJS (35.87%) and 1,100-2,000 TJS (40.22%) per month. The average monthly expenditure for the surveyed households is 2,880 TJS, with the largest portion (36.87%) spent on the repayment of loans.

20. When decision-making processes are considered, the SES study showed that women are consulted and take part in the decision-making processes in all major family activities. The highest participation is noted when it comes to health care for children and children's education, social functions and obligations and daily family activities. Women's participation in financial matters and purchasing/selling of assets, amounts to 69.56% and 71.74% respectively. Other reported women's activities are gardening, paid agricultural labor, tending to livestock and running small businesses.

21. The surveyed people stated that they believe the main Project benefits are: opportunities for the future, faster business and regional development, improved access to places and services, reduction in vehicle operation costs and accidents, and the appearance of the road and surrounding areas. The only concern stated was economic displacement and loss of assets.

IV Information Disclosure, Consultations and Participation

22. The PPTA Consultant (Project Preparatory Technical Assistance) and the Project Implementation Unit for Road Rehabilitation (PIURR) conducted five consultations with the DPs and wider Project communities, one consultation with stakeholders in the Project district and two female focus group discussions. In total, 214 persons (191 project communities' residents, 3 key stakeholders and 20 women in focus groups) participated in the consultations. Participants received information about the Project, LAR processes, bidding process and expected time for the beginning of the works, as well as the Project Information Brochure detailing the Project-specific entitlements, government decree on the cut-off date, MoT letter on the establishment of the GRM and details on the GRM procedure. Participants were supportive of the project and shared their concerns and suggestions on issues such as road safety, the need for animal underpasses and adequate compensation, among other issues.

23. After the Republic of Tajikistan Government and ADB approvals, the implementation-ready LARP will be uploaded to the ADB and MoT websites.

V Grievance Redress Mechanism

24. The scope of the GRM is to address issues related to involuntary resettlement, social and environmental performance, and information disclosure. The DPs will have the right to file complaints and/or queries on any aspect of the Project, including land acquisition and resettlement, and appeal any decision, practice or activity related to the Project. The PIURR will ensure that grievances and complaints about any aspect of the project are addressed in a timely and effective manner.

25. The Grievance Redress Committees were established at the jamoat (sub-district) of each project district, by requirement of MoT letter No. 516, issued on 20 May 2016, and will function for the duration of the project's implementation. There were three GRCs formed. A Focal Person (FP) was appointed at each jamoat and at the MoT PIURR. The PIURR FPs participated in all consultations with communities and shared their contact details with participants for questions related to the Project and in the event of grievances for the entire duration of the Project, including the preparation and implementation of the LARP. All efforts will be made to settle issues at the Project level.

VI Legal Framework of the Republic of Tajikistan

26. The Constitution, Land Code and Civil Code of the Republic of Tajikistan are the fundamental laws on which the legislation is based. The framework for the Project is based on ADB SPS 2009 requirements and applicable laws, regulations and policies. The three important elements of ADB's involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. Where differences exist between local law and ADB policies and practices, the resettlement for this Project will be resolved in favor of the later.

27. The following core involuntary resettlement principles were adopted for this Project:

- Land acquisition, and other involuntary resettlement impacts will be avoided or minimized by exploring all viable alternatives in the Project design;
- Consultations with DPs on compensation, disclosure of resettlement information to DPs, and participation of DPs in the planning and implementation of rehabilitation measures will be ensured;
- Vulnerable groups will be provided with special assistance;
- Payment of compensation to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets (except for illegally used land) at replacement rates;
- Payment of compensation and resettlement assistance prior to the contractor taking physical possession of the land and prior to the commencement of any construction activities;
- Provision of income restoration and rehabilitation; and
- Establishment of appropriate grievance redress mechanisms.

VII Entitlements, Assistance and Benefits

28. All DPs in the Project are entitled to compensation and resettlement assistance, irrespective of their land ownership status, to help restore their livelihoods to pre-Project levels. The combination of compensation measures and resettlement assistance offered to them depends on the nature of the lost assets and the magnitude of the Project's impact as well as the social and economic vulnerability of the displaced persons. The compensation packages must reflect replacement costs for all losses (such as land, crops, trees, structures, businesses, incomes, etc.).

29. According to the adopted Project Specific Entitlement Matrix, which is based on the Republic of Tajikistan's Laws and the requirements of ADB's SPS (2009), DPs eligible for compensation and/or at least rehabilitation are: (i) all DPs losing land covered by legal title; (ii) owners of buildings, crops, plants, or other structures attached to the land, regardless of their legal title, and (iii) DPs losing their businesses, income, and salaries, regardless of their legal status. The Project-specific Entitlement Matrix, relevant to the Project impacts is provided in Table E-1 below.

Table E-1: Project-Specific Entitlement Matrix

No	Asset	Displaced Person	Compensation Entitlements
Permanent Loss			
1	Agricultural land (all losses irrespective of severity)	Individual land-use rights holders	Cash allowance for loss of land use rights equal to net income in the last 5 years generated from the affected land area, at market rate, at the time of taking; or Provision of alternative land plot of equal value/productivity to the lost plot. If the remaining portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Collective land-use rights holders	Cash allowance for loss of land use rights equal to net income for the last 5 years generated from the affected land area at market rate at time of revocation; or Provision of alternative land plot of equal value/productivity to the lost plot. If the remaining part of the plot to be taken is too small to use, the whole plot is compensated or exchanged. Agriculture leaseholders will be compensated for 1 year of lost crops from the affected area.
		Renters and leaseholders	Rental allowance in accordance with the conditions of the rent agreement, but not less than the cost of rent for 3 months; or Continuation of rental agreement on alternative land plot or cash allowance for the lost income equivalent to 1 year of average crop productivity.
		Informal (if any) ¹	Provision of opportunity to lease a plot on state land. Relocation allowances.
2	Residential and commercial land	Owners	Cash allowance for loss of land use rights in cash equal to current annual land lease rates at the time of acquisition multiplied by 25; or Provision of alternative land plot of equal value/productivity (similar conditions and facilities) to plot lost. If the residual portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Renters	Rental allowance in accordance with the conditions of the rental agreement, but no less than the cost of rent for 3 months, or Continuation of the rental agreement on an alternative land plot.

¹Landless DPs without rights to use land, living on income from the illegally used land plot. DPs owning land adjacent to the illegally used parcel will be compensated for losses from the illegally used part as per the entitlement matrix.

No	Asset	Displaced Person	Compensation Entitlements
		Informal (if any)	Provision of opportunity to lease a plot on state land. Relocation allowance if applicable.
3	Buildings and structures	Owners of structures including “informal” and encroaching	Cash compensation at replacement rate for affected structure/other fixed assets (without deduction of depreciation, taxes, costs for salvageable materials and other transaction costs). All buildings and structures will be compensated in their entirety; or According to the owner’s choice, if feasible, a building for building/structure for structure exchange.
		Renters	Rental allowance in accordance with the conditions of the rental agreement, but not less than cost of rent for 3 months; or Continuation of the rental agreement for an alternative building/structure.
4	Crops	All DPs, including “informal” and encroaching	Cash compensation equal to gross income generated on the affected land area for 1 year at market rate at time of revocation. No compensation for land will be paid.
5	Trees	All DPs, including “informal” and encroaching	Compensation reflecting income replacement. Cash compensation for productive trees based on the net market value of 1 year of income multiplied by the number of years needed to grow a tree to a similar level of productivity, plus purchase of saplings and starting materials.
6.	Business and employment (temporary and permanent)	All DPs (including workers of affected businesses)	Owners of shops / commercial establishments: In case of permanent loss, compensation equal to 1 year’s net income (lost profits) plus cost of lost certificates/licenses/patents. The income is based on the official tax declaration, or (if tax declaration is unavailable) it is accepted as the official monthly average wage ² multiplied by 12. In case of the temporary loss of a business, compensation equal to the net income for the period of disruption (<1 year). The income is based on the tax declaration, or it is calculated based on the monthly average wage multiplied by the number of months since the operation was disrupted (less than 12 months).
			Workers indemnity for lost wages equal to 3 months’ income. For temporary loss of employment, indemnity for lost wages for the duration of impact if less than 3 months.
7.	Relocation	Physically displaced households regardless of type of impact	Transportation allowance (cost of labor and vehicle rent to transport materials of the house/business structures to a new location. Communal and site preparation cost for the alternative land plot (including connection to power grid, water supply system, installation of latrine etc.). Severity/livelihood rehabilitation allowance in the form of cash compensation equal to the official monthly average wage for 3 months.
8.	Public / common assets		Rehabilitation/substitution in kind or in cash at replacement cost of affected items and rehabilitation of their functions. Alternative service supplied, if cut off temporarily.
9.	Vulnerable households	DPs receiving government	Allowance equivalent to official monthly average wage for 3months;

² The official average monthly wage for March 2017 is 1,167.50 TJS/month and reported within macroeconomic indicators by the Agency on Statistics under President of the Republic of Tajikistan. Available via: <http://stat.tj/en/macro-economic-indicators/> and <http://www.tradingeconomics.com/tajikistan/wages>

No	Asset	Displaced Person	Compensation Entitlements
		assistance for poor, single women-headed HH below poverty line, elderly households, households with no means of living, households headed by disabled person or other HH members.	Enrolment in Government social assistance, if not yet enrolled; Priority in project-related employment for members of vulnerable households (if at legal working age).
Temporary Loss			
10.	Temporary impacts	All relevant DPs	For unforeseen and temporary impacts other than stated above, ADB SPS (2009) general principles and objectives will be used as the minimum benchmarks, and appropriate impact mitigation measures will be sought to meet them. The payment for rented land during the construction, will be based on the market price under negotiated agreement. After discontinuation of land use, the land must be restored to the original status, or as per the agreement with the land rights holder ³ .
Unanticipated impacts			
11.	Other unanticipated assets loss or impact on livelihood	All DPs residing in the project corridor before the cut-off date.	Compensated as per the Project-specific Entitlement Matrix.

XIII Institutional Arrangements

30. The core agencies and organizations involved in the LAR process are: ADB, Ministry of Transport, Project Implementation Unit for Road Rehabilitation (PIURR), Ministry of Finance, Ministry of Agriculture, State Committee for Land management and Geodesy (SCLMG), State Unitary Enterprise for Valuation (SUE) 'Narkhguzori', District Authorities, Local Executive Government Districts (hukumats), jamoats, City and Town Local State Executive Authorities, LAR Committee, and other state agencies. The institutional arrangement for the implementation of the LARP is presented in Chapter 8, figure 8-1 in this document.

IX Resettlement Budget

³ In the case that the Contractor and Land-use rights holder both agree in writing to leave the land area in a state precisely described in the agreement.

The total implementation cost of the LARP, including compensation, rehabilitation allowances as well as administrative costs for LARP implementation and contingency, amounts to **7,782,722.36** TJS which is equivalent to \$ **882,394.83** (as per the exchange rate on 7 June 2017 (1USD=8.82 TJS), National Bank of the Republic of Tajikistan. Displaced persons will be paid **5,701,628.10** TJS (\$ **646,443.10**) which includes compensation for losses and applicable allowances.

X Land Acquisition and Resettlement Plan Implementation Process

31. The Implementing Agency (IA) will begin the implementation of the LARP immediately after its approval by ADB and the Government of the Republic of Tajikistan. The official cut-off date was established as 25 April 2016 (Annex 4-2). LARP preparatory activities included:

- (i) extensive consultations with key stakeholders and DPs;
- (ii) setting entitlements and compensation amount based on the agreed entitlement provisions;
- (iii) identification of impacts and number of DPs, conducting the detailed measurement survey;
- (iv) valuation of affected assets and determination of compensation amount and the LAR budget;
- (v) preparation of the LARP document;
- (vi) submission of the LARP to the PIURR and ADB for comments and approval.

32. As soon as the LARP is approved by ADB and the Government of Tajikistan, the IA, with assistance of the local authorities, will distribute draft contracts to DPs. PIURR will sign contracts with DPs for disbursement of compensation for affected properties as per the provisions set for the project. The compensation amount will be disbursed within 15 days of the contract signing. IA will give advance notice to the DPs and pay their due compensation based on the eligibility criteria defined in this LARP and prior to the start of construction work. Grievances or objections (if any) will be redressed as per the grievance redress procedure presented in this LARP. All activities related to LAR (including ADB's notice of 'no objection' to the LARP implementation) will be completed prior to the commencement of civil works.

33. The timeline presented in the following table shows the distinct stages of LARP preparation, finalization and implementation.

Table E-2: LARP Preparation and Implementation Schedule

LARP PREPARATION

Consultations, presenting project, GRM and basis of valuation approach	PIURR/ IR Consultant	01/03/2017	20/07/2017
Finalization of road alignment/design	Design Consultant		25/04/2017
DMS, census and valuation based on the final design	IR Consultant/ Valuers	26/04/2016	15/06/2017
LARP preparation and documentation	IR Consultant	01/06/2017	20/06/2017
PIURR review of LARP	PIURR	20/06/2017	25/06/2017
Submission of LARP to ADB for comments	PIURR	25/06/2017	
ADB review and comments	ADB	25/06/2017	10/07/2017
Finalizing LARP according to ADB comments	PIURR/ IR Consultant	10/07/2017	31/07/2017
Submission of finalized LARP to ADB for approval	PIURR	31//07/2017	
ADB approves LARP	ADB	31/07/2017	21/08/2017
LARP approval/no objection by the government	Government of the Republic of Tajikistan	21/08/2017	10/09/2017
Government approves LAR Budget	Government of the Republic of Tajikistan	10/09/2017	30/09/2017
Posting approved LARP on ADB and MoT websites	ADB and MoT	30/09/2017	
LARP IMPLEMENTATION		30/09/2017	15/02/2018
Draft contracts sent to DPs	PIURR	01/10/2017	15/10/2017
Signing contracts	PIURR/DPs	15/10/2017	31/10/2017
Disbursement of compensation	PIURR/DPs	01/11/2017	31/12/2017
Preparation of LARP Monitoring Report	EM	02/01/2018	01/02/2018
ADB reviews the LARP Compliance Report	ADB	01/02/2018	15/02/2018
ADB approves the LARP Compliance Report	ADB	15/02/2018	15/02/2018
Handing over of the site to the Contractor	PIURR	15/02/2018	
Commencement of civil works	Contractor	15/02/2018	
CONTINUOUS TASKS			
Monitoring: Quarterly monitoring reports	Independent external monitoring/ADB		
Grievances redress	PIURR/Jamoats		

MOT – Ministry of Transport
PMSC – Project Management and Contract Supervision Consultant
PPTA – Project Preparatory Technical Assistance
PIURR – Project Implementation Unit for Roads Rehabilitation
DPs – Displaced Persons
EM – External Monitor

X Monitoring and Reporting

34. The implementation of this LARP will be subject to external monitoring as the Project will trigger a significant amount of involuntary resettlement. The External Monitor will advise on safeguards compliance issues, and if any significant involuntary resettlement issues are identified, prepare to address such issues. The ADB SPS 2009 considers involuntary resettlement impacts significant if 200 or more persons will be physically displaced from their home or lose 10% or more of their productive or income-generating assets. There are 39 AHs with 318 DPs who will be severely affected by the Project through demolition of residential and main business buildings and relocation. Consequently, the Project will be deemed a Category A for Involuntary Resettlement under ADB SPS 2009. The internal monitoring will be conducted by the PIURR, assisted by the resettlement specialist of the Construction Supervision Consultant and the PIU will hire an external monitoring (EM) agency/expert who will advise on safeguard compliance issues and prepare LARP monitoring report(s) and corrective action plan(s) to address such issues.

35. The PIURR will monitor performance (physical progress of the LARP implementation against milestones set in the LARP), impact (whether the objectives to restore the living standards of the affected population have been properly considered and executed) and LARP compliance indicating whether the compensation program has been carried out in accordance with the provisions of Tajikistan's laws and ADB policies, and to the satisfaction of the DPs. The Construction Supervision Consultant shall have a resettlement specialist on board who will assist the PIURR in the internal monitoring of the LARP implementation processes.

1 PROJECT DESCRIPTION

1.1 Description and Location of the Project

36. The province of Khatlon, which borders Afghanistan in the southern section of the country, has a high poverty incidence of about 50% which has become a major concern in the country. In order to avoid destabilization in the neighboring areas due to the current conditions in Afghanistan and achieve both economic and social stability in the province of Khatlon, the improvement of the road network connection from the province to the capital city of Dushanbe has become a priority for the government. In particular, the Dushanbe-Nihzny Pyanj road section is one of the most important international road corridors in Tajikistan.

37. Dushanbe is the capital and largest city of Tajikistan, and is home to 775,000 people. Kurgonteppa is the capital of the Khatlon region and the third largest city in Tajikistan, with a population of about 100,000. Kurgonteppa is home to a number of industrial enterprises, universities, colleges, and hospitals. The project road passes through terrain that varies from flat to mountainous, and connects Dushanbe to Afghanistan. Except for a 3.4 km section immediately south of Dushanbe, the road is two-lane with few in-built safety features. The road could be a powerful engine for regional integration and inclusive economic growth; however, this potential is limited by three factors: (i) road capacity, (ii) road condition, and (iii) road safety.

38. Traffic volumes on the road have grown steadily, averaging around 13% per annum over the period 2000-2014. Present traffic ranges from approximately 7,000-10,000 vehicles per day in the center section of the road to around 16,000 vehicles per day in the peri-urban sections on the outskirts of Dushanbe and Kurgonteppa. The road is projected to reach its capacity by 2020 for most of its length. Although its surface is on average in reasonable condition, with an average international roughness index (IRI) of around 6, this figure masks several significant sections where the pavement is deteriorating rapidly. Overall, the road pavement requires improvement either immediately or in the near to medium term. This is due to the emergence of cracking and potholes and damage to structures and drainage systems. The road also has a poor safety record, with a high concentration of accidents in the more heavily trafficked sections adjacent to Dushanbe and Kurgonteppa in particular.

39. The project will support the government's program to progressively improve the road by (i) expanding its width from two to four lanes, to address the impending capacity constraints; (ii) improving its surface condition by structural overlays of the existing pavement and construction of new pavements, to address the condition constraints; and (iii) providing well-designed safety facilities to address the existing road safety deficiencies. The project will also serve to take stock, draw lessons and analyze the institutional gaps on road safety and road asset management with the view to incrementally strengthening MOT's capacities on these aspects. This approach will support a policy dialogue that will run parallel with the progressive improvement of the road and will be closely coordinated with other development partners active in the transport sector.

40. The 39.575 km Phase 2 road section covered by this LARP stretches from Chashmasoron (km 33+475) to Vakhsh bridge (km 73+050).

41. Figures 1 and 2 show the Project villages located along the whole Project corridor, Project location and the beginning and the end of the road section 1 phase II of the Project, during which 39.575 km of road will be rehabilitated:

Figure 1: Dushanbe-Kurganteppa Project Location Map

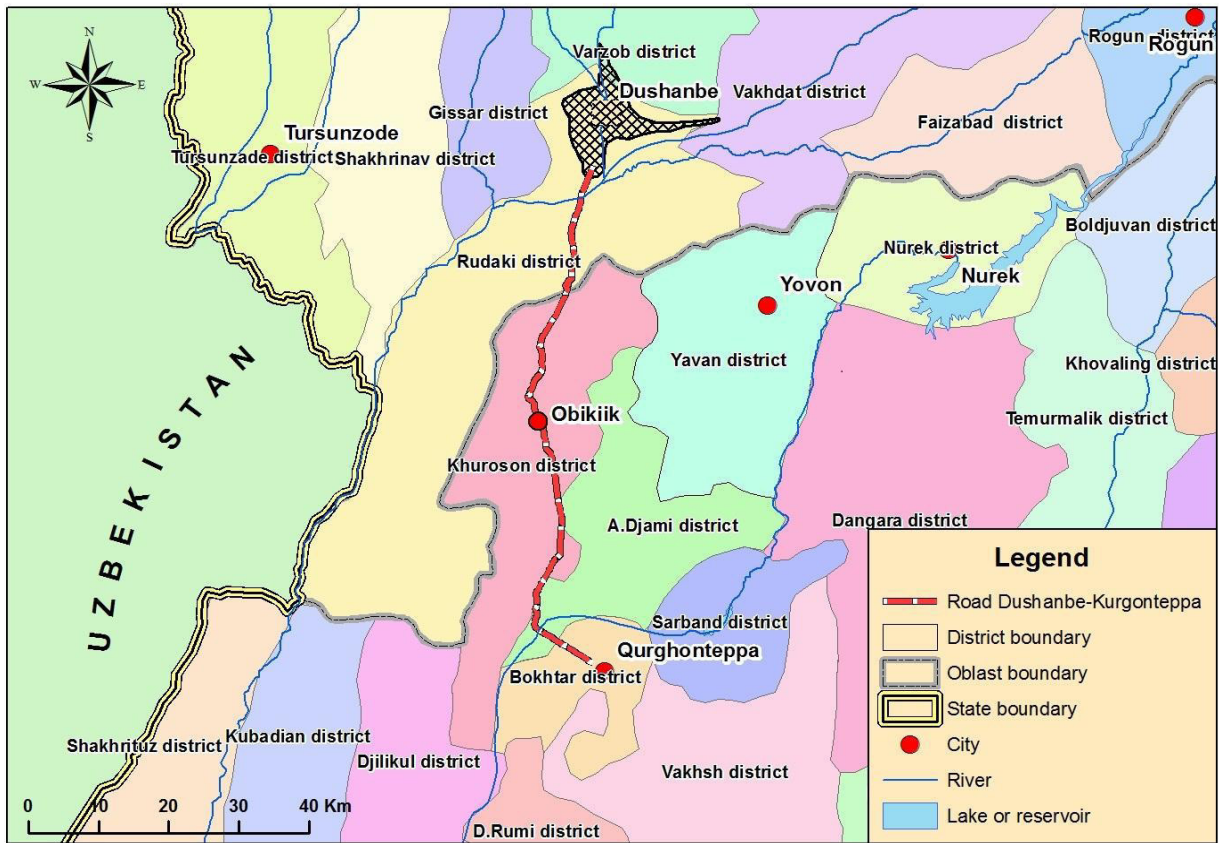
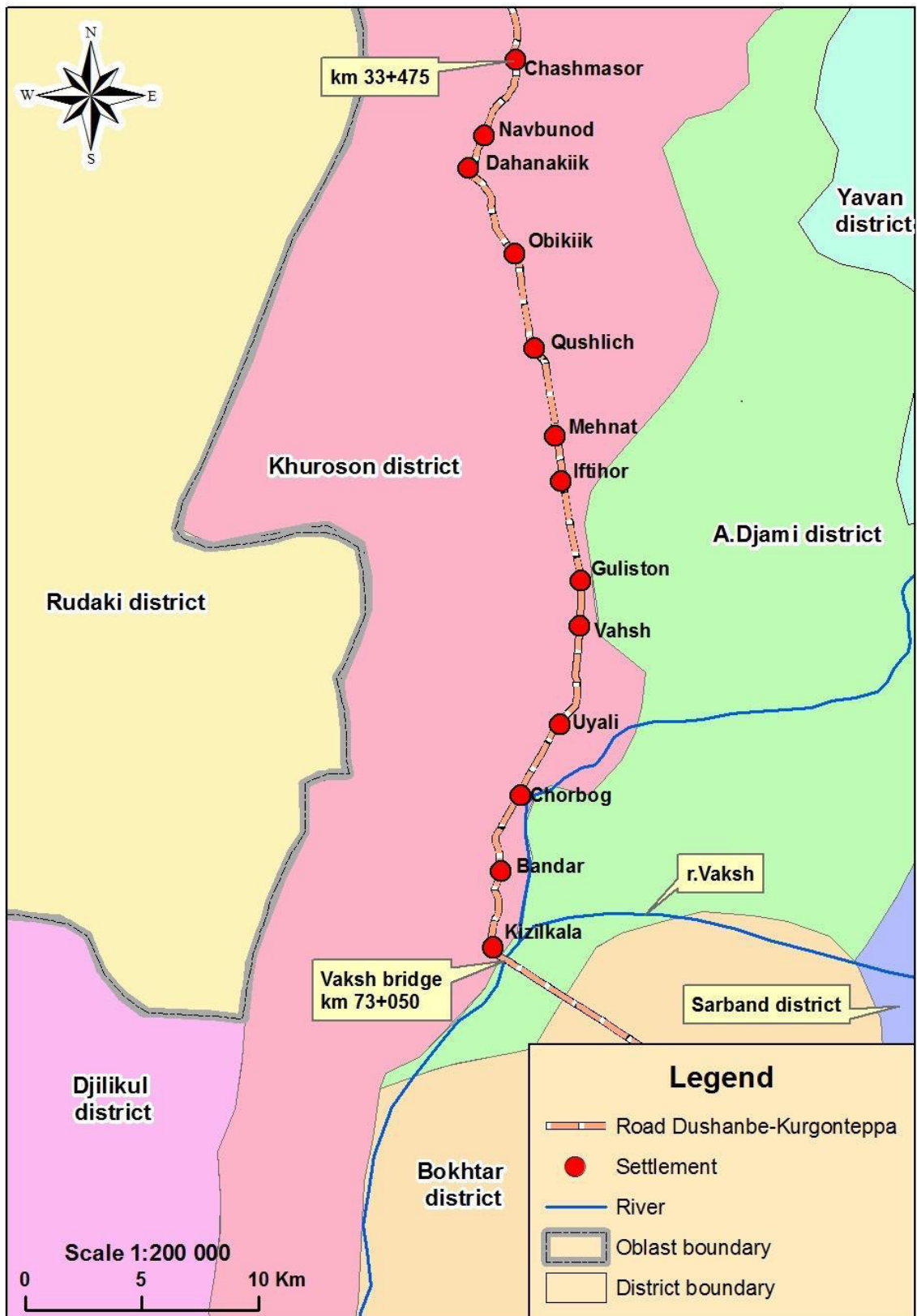


Figure 1: Phase II Project Section 1 Villages Map



1.2 Objective and Scope of the Land Acquisition and Resettlement Plan

42. The main objective of the LARP is to identify persons economically and/or physically displaced (DPs) due to the Project and to assist them to restore their livelihoods. The LARP complies with the relevant laws of the Republic of Tajikistan and the requirements of ADB's Safeguard Policy Statement (SPS) 2009. The LARP has been prepared to: (i) address and mitigate impacts caused by the project; (ii) ensure compliance with ADB's SPS (2009) requirements and (c) determine compensation, resettlement and rehabilitation assistance for the affected households.

43. The scope of the LARP includes: (i) a profile of the affected communities and DPs; (ii) impact determined by the Detailed Measurement Survey (DMS) on all affected assets; (iii) information disclosure and public consultations with DPs; (iv) the policy and framework for compensation payments and rehabilitation; (v) complaints and grievance redress mechanism; (vi) resettlement budget; (vii) institutional framework; (viii) LARP implementation schedule, and (ix) monitoring of LARP implementation.

44. The LARP is based on the preliminary Project design and therefore, considered as the Draft LARP. The corridor of the Project is fixed, so any changes of the design will be made within the corridor. The following steps were taken for the completion of this LARP:

- (i) disclosure of Project information and consultations with DPs;
- (ii) completion of the socioeconomic survey (SES) and census of DPs;
- (iii) inventory of losses for all AHs;
- (iv) completion of detailed measurement surveys (DMS), description and valuation of the affected land, buildings, structures and other assets;
- (v) preparation of the compensation budget for identified losses.

2 SCOPE OF LAND ACQUISITION AND RESETTLEMENT

2.1 Survey Methodology

45. One of the key principles adopted for the preparation of this LARP is that all compensation payments and livelihood restoration assistance must be based on a detailed understanding of the Project impacts on displaced people. For this LARP, data was collected from March to May 2017. In order to accurately assess the extent of the Project's LAR impacts, the following surveys and valuations were undertaken:

- (i) **Detailed Measurement Survey (DMS)** - to measure the affected area of the lands, buildings, and the number and types of affected assets.
- (ii) **Valuation of Replacement Cost of the Affected Assets** - to identify the cost of compensation of lost assets, income and other livelihood sources and allowances for development of the LARP budget.
- (iii) **Census Survey** - to identify the number of AHs and number of DPs.
- (iv) **Socioeconomic Survey (SES)**: to identify the current socioeconomic condition of affected individuals, families and business owners as well as perceptions of Project impact on their livelihood.

46. The Detailed Measurement Survey (DMS) of affected assets was conducted by the rais mahale (chief of the affected villages), jamoats representatives, land committee representative, road maintenance department, PIURR resettlement engineer, and international and national resettlement specialists, with the participation of the DPs. The design engineering consultant engaged a licensed valuation company, as a subcontractor, to independently evaluate affected buildings, constructions, and other immovable assets except agricultural land and trees. The DMS was conducted in April and May 2017. The details on impact are presented further in this chapter.

47. The scope of the DMS and assets inventory included the identification, classification, measurement and valuation of the following losses:

- (i) affected land;
- (ii) trees and other vegetation affected;
- (iii) buildings/structures (business, residential, ancillary structures)
- (iv) number and type of affected trees;
- (v) affected businesses;
- (vi) loss of employment;
- (vii) number, type and area of affected community/ public assets.

2.2 Summary of Impact

In total, there are 171 affected households and 1,327 displaced persons. The land, be it agricultural, residential or commercial, is mostly affected in narrow strips along the road. (Table 2-1)

48. In total, 171 households will be affected as follows:

- 51 residential land plots (partially affected)

- 24 commercial land plots (partially affected)
- 12 agricultural land plots (mostly narrow strips of land)
- 1,104 fruit trees, 249 fruit saplings and 706 pine trees and 198 other decorative trees
- 20 residential buildings
- 25 ancillary residential structures
- 21 main non-residential buildings and 12 ancillary structures
- 77 gates, fences and land improvements
- 15 businesses
- 14 employees-business operators (partially affected petrol station will not lose any employment)

49. In addition, 452,224 m² of jamoats' land and 12 community assets such as school fence-walls, flag posts, monuments to people killed in road accidents, a road maintenance structure, jamoat eateries and fences will be affected.

Impact on land

50. In this LARP, the affected land plots are grouped into the following categories based on the type of land use:

- residential
- non-residential
- public/government land

51. Affected land plots are grouped by legal status as follows:

- **Land with right to use certificate** – privately owned land with all legal documents necessary to prove the right to use the land
- **Illegally used land** – Local authorities' land used illegally by the DPs
- **Leased land** – Land plots with a legal lease from the local authorities
- **Local authorities' land** – Land belonging to the local authorities and other government departments

52. The Project will affect 171 households with 1,327 DPs. Out of these, 87 AHs with 682 DPs will have their land affected. Agricultural land loss affects 12 households and amounts to 5.6 ha out of the 1,735.7 ha of total agricultural land holdings. All affected agricultural land is arable and irrigated. The most affected crops on agricultural land are orchards with 4.18 ha, followed by cotton (0.5 ha), wheat (0.79 ha) and barley (0.126 ha). Only one DP has crops affected on the illegally used land. Loss of residential land affects 51 households with 416 DPs, while loss of commercial land affects 24 households with 193 DPs. The affected commercial and residential area amounts to 0.87 ha out of the 8.5 ha of total commercial and residential land holdings. There are 45.2 ha (452,224 m²) of affected jamoat land. There are no AHs which will lose more than 10 % of their agricultural land, but, there are 47AHs losing more than 10% of their residential or commercial land (The land impact data are summarized in Table 2-1)

Land category/ cultivation	Land use right				AH losing more than 10%	No of DPs losing > 10% of land
	Total area (m2)	Affected area (m2)	No of AHs	No of DPs		
A. Residential and commercial land						

Residential land	51,207.00	6,080.33	51	416	30	241
Commercial land	33,749.73	2,587.55	24	193	17	152
Subtotal A	84,956.73	8,667.88	75	609	47	393
B. Agricultural land						
Wheat	227,500	7,952.94	6	34	0	0
Cotton	1,339,600	4,978	3	24	0	0
Barley	50,000	1,260	1	12	0	0
Orchards	15,733,600.00	41,829.00	2	3	0	0
Subtotal B	17,350,700.00	56,019.94	12	73	0	0
C. Other land						
Jamoat land		452,224				
Subtotal C						
Grand Total (A+B+C)	17,435,656.73	516,911.82	87	682	47	393

Official exchange rate of currencies against Somoni (TJS) <http://www.nbt.tj/en/> 1TJS=USD 8.82 on June 7, 2017

Impact on Fruit Trees

53. Under this Project, 69 AHs (537 DPs) (without double counting) will lose 1,104 mature fruit bearing trees and 249 saplings. Out of all, 31 AHs (238 DPs) have affected trees grown in the RoW. They will be compensated for loss of fruit trees as per the Project Specific Entitlement Matrix regardless of the legal status of their losses. (Table 2-2 and 2-3). Mulberry (373 trees), apricot (167 trees) and sour cherries (105 trees) are the most affected. The owners will receive full compensation for the loss of fruits and for the saplings. Calculation of compensation was based on the market value for saplings and the market value of the lost produce multiplied by the number of years needed to reach the same level of fruit production.

Table 2-2: Affected Fruit Trees on AH's plots

No	Type of fruit	No of AHs	No of DPs	No. of fruit trees
1	Peach	11	93	67
2	Quince	4	45	56
3	Grape	5	51	10
4	Dulona (how)	2	16	2
5	Sour cherry	20	150	105
6	Sour cherry (курсултон)	3	18	9
7	Pomegranate	10	87	81
8	Pear	2	18	2
9	Wild olive (Loh)	9	80	41
10	Almond	11	72	46
11	Walnut	8	58	21
12	Apricot	28	203	167
13	Plum	3	19	73
14	Mulberry	38	270	373
15	Rosehip	1	8	1
16	Cherry	7	52	22
17	Apple	6	48	28
Total		69 (without double counting)	537 DPs without double counting	1,104

Table 2-3: Affected Fruit Saplings on AH's plots

No	Type of fruit saplings	No of AHs	DPs	No. of saplings
1	Apricot	6	39	30
2	Quince	2	31	11
3	Grape	1	9	2
4	Sour cherry	10	63	52
5	Sour cherry (курсултон)	1	4	7
6	Pomegranate (collective living building)	1	1	5
7	Pear	1	4	3
8	Wild olive (Loh)	3	28	27
9	Almond	2	10	5
10	Walnut	1	5	3
11	Peach	5	34	15
13	Mulberry	5	20	45
14	Cherry	4	20	27
15	Apple	3	21	17
Total				249

54. There will be 706 affected pine and 198 other decorative trees. (Table 2-4). All affected pine trees will be relocated during the construction. The cost of the relocation/replanting will be included in the BOQ. The owners of the affected wood trees will not be compensated, but will keep affected trees.

Table 2-4: Impact on Pine Trees and Decorative Trees

Type of trees	No of AHs	DPs	No of affected trees
Pine trees	12	96	706
Decorative trees	17	88	198
Total	29	184	904

Impact on Residential Buildings and Structures

55. The Project will affect 20 residential buildings and 25 ancillary structures belonging to 17 AHs. Another 17 AHs will lose only some ancillary structures such as barns, sheds and latrines. All affected residential buildings and structures are legal, titled structures. In total, 34 AHs will lose

some ancillary residential structures. The area of the AH's residential buildings amounts to 1,096.49 m² and the area of affected residential ancillary structures amounts to 743.8 m². (Table 2-5).

Table 2-5: Impact on Residential Buildings

Structure type	No of buildings	Affected unit (m ²)	No of AHs	No of DPs
A. Residential main buildings				
Residential house	20	1,096.49	17 (without double counting)	147
B. Ancillary residential buildings				
Barn, storages	25	743.8	34 (17 AHs Included in A)	313
Total	45	1,840.29	34 (without double counting)	313 (without double counting)

Impact on Non-residential Buildings and Structures

56. In total, 19 AHs will lose 21 main and 12 ancillary non-residential buildings and structures with an area of 1,099.39 m². All of these affected buildings and structures are legal, titled structures and belong to businesses such as petrol stations and shops/kiosks. There is one non-finished business building in Obikiik town which is a non-titled building. The owner will be compensated for the loss at the same principle as other DPs losing titled business buildings and structures.

Table 2-6: Impact on Non-residential Buildings and Structures

Type of structure	No of structures	No of AHs	No of DPs	Total (m ²)	Remarks
A. Main Non-residential Buildings and Structures					
Petrol station	1	1	6	40	
Pub	1	1	9	76	
Shop/kiosk	19	17	159	733.45	Butchery, dairy kiosk, grocery shops, pharmacy.
Subtotal (A)	21	19	174	849.45	
B. Ancillary Non-residential Buildings and Structures					
Water reservoir	5			218.21	
Tandoor	6				Included under A
Storage	1			31.73	Included under A
Subtotal (B)	12			249.94	
Total (A+B)	33	19	174	1,099.39	

57. The Project affects one weighbridge, some fences, flag poles foundations and some roadside monuments to people killed in car accidents. The affected government assets will be reinstated by the government. No monetary compensation will be paid for the loss of these assets.

Table 2-7: Impact on Government Buildings and Structures

Structure type	Details
Road maintenance unit	286 m ² of land
Raypo shed	22 poles and 11 metal arches
School	Fence, land, trees
Rubbish collection company	Fence, land
Hukumat	Fence, land, small booth
Two hospitals	Fence, land
Jamoat Obikiik	Fence, trees, land
Amonat Bank	Fence, land
KVD	Weighbridge
Jamoat Kizil Kala	Fence
Obikiik	2 Flag posts
Mazor	Two road-side monuments for people killed in car accidents
Gov. Agro-institute	Fence, land, trees

Impact on Fences and Improvements

58. A total of 95 AHs will lose 2,343 pieces of concrete poles, 52 fencing walls, 9 gates, 20 sheds, 4 basements, 6 wells etc. There is 14,616 m of razor-wire fencing along the Asadullo Dekhan farm land. Other types of metal fencing (mesh-fence) amount to 1,042.86 m². The volume of the affected wall-fencing amounts to 338 m³. The concrete and asphalt area (in front of the petrol stations) amounts to 147 m² of asphalt and 153.5 m³ of concrete areas. Other supporting structures are decorative curbs, foot bridges, small retaining walls and wells. The AHs will be compensated for losses. (Table 2-8)

Table 2-8: Impact on Gates, Fences and Improvements on Land

Type	AHs	m	m ²	m ³
Metal fence/wire	33	14,616	1,042.86	
Wall fencing/concrete, clay	52			338
Concrete poles (2,343 pieces)	3			42
Bordure/decorative curbs	8			45.52
Concrete/asphalt area	17		147	153.5
Stairs	5			6.6
Shed	20		720	
Gates	9		74.62	
Tapchan (concrete resting platform)	2			7.46
Advertisement board foundation	7			20.91
Foot bridge to a shop	1			4.05
Retaining wall at petrol stations	4			28.96
Basement	4			72.52
Well	6			34.31
Total	95 AHs (without double counting)	14,616.00	1,984.48	753.83

Impact on Businesses and Income

59. The Project will permanently affect 15 operating businesses with 78 DPs. All businesses are family-run businesses and there will be 14 business-operating persons/eligible workers losing their employment. There will not be employment losses at the petrol station which loses external service lane. All these persons are compensated for loss of their businesses/income. One petrol station will be demolished and its renter affected, and one petrol station will lose its external service lane for fueling, thus, losing some percentage of the business. The owner of this petrol pump wants to remain at the current location and to continue operation even with a decreased capacity. The pub owner will lose the pub attached to the main building and will consider re-establishment of the pub inside the main building. Out of all affected shops/kiosks, only butcher does not have enough remaining land to re-build his shop. He will apply to the Jamoat for another location for the shop. One dairy products kiosk and the shop with a temporary affected access due to the partial demolition of the foot bridge, are temporarily affected. The remaining businesses are permanently (up to 12 months) affected due to demolition of the main building where the business operates. (Table 2-9). The data on affected business' income was available for four affected businesses, while 10 other businesses, which do hold a patent but not have the income certificate, will be compensated as non-registered (illegal) businesses. The pub operation who does not have the business-related documents will be compensated as a non-registered business. Each affected business owner was informed about the compensation procedure based on the taxed income or the amount they would receive as non-registered businesses. The affected business will be compensated as per the agreed Project Entitlement Matrix.

Table 2-9: Impact on Businesses

Affected Businesses			
Business owners	Renters	AHs	DPs
5	10	15	78

Severely Affected Households

60. There are 39 AHs with 318 DPs that will have a severe impact on their means of income and/or need to relocate. Seventeen households (147 DPs) will lose a residential building. All of them will rebuild their homes on the remaining land-plot as they prefer to stay in the city center rather than moving far from the center where land is available

61. Fourteen business building owners (112 DPs) will lose their main business buildings. All of them will receive compensation based on the replacement cost and severe impact allowances. The operating businesses in these buildings are – petrol station, pub, grocery and services shops and kiosks. Eight business renters with 59 DPs will move from affected business structures. Those are mostly family run-businesses and renters are close relatives of the building owners.

Table 2-10: Severity of Impact

Type of loss	No of AHs	No of DPs
Loss of home	17	147
Loss of main business building - owners	14	112
Loss of business - renters	8	59

Total	39	318
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Impact on Poor and Vulnerable Households

62. There are 49 AHs (415 DPs) that are considered vulnerable including 25 AHs (202 DPs) which have 'poorness' as one of their vulnerability indicators registered in the Project Jamoats as being poor. The local governments' procedure of registering a household as poor is complex. The head of a household needs to present to the Jamoat officials a set of documents proving income for each family member, the number and type of animals they keep, owned or/and rented land, conditions of the residential home, possession of a washing machine, satellite dish, car, machinery or any other asset, and recipients of any remittance. A specially formed committee inspects the household and checks/observes the existing living conditions. If the application is approved, all data are forwarded to the Hukumat's department. The data are computerized and each indicator is assigned some points. Households which are assigned less than 222 points, are registered as 'poor'. (Such households receive 100 TJS assistance quarterly and 35 TJS as assistance for electricity during the winter months.

63. The largest categories are poor, single women-head of households with dependents, followed by families with a disabled person. There are four families with more than five dependent children. Two of them are very poor, living in crumbling homes with 20 and 16 members respectively. These families will rebuild their homes on the remainder of the land plot. The identified vulnerable household will receive an allowance for poor and vulnerable groups amounting to three national average monthly salaries. (TJS 3,502.5 <https://tradingeconomics.com/tajikistan/wages>)⁵. (Annex 2-2)

Table 2-11: Vulnerable Households

Category	No of AHs	No of DPs
a) Single female head of household with dependents	19	128
b) Disabled member/s in the household	9	78
c) Large households with more than 5 dependent children	4	74
d) Poor households registered at Jamoats	17	135
Total (without double counting)	49	415

⁴ There is no explicit reference in Tajikistan laws and regulations on vulnerable groups. Different studies use different indicators to define poverty and vulnerability in Tajikistan. For this LARP, the list of poor is provided by the local authorities where the poor persons are registered and receive applicable government allowances.

⁵ There is no explicit reference in Tajikistan laws and regulations on vulnerable groups. Different studies use different indicators to define poverty and vulnerability in Tajikistan. For this LARP, the list of poor is provided by the local authorities where the poor persons are registered and receive applicable government allowances.

3 SOCIOECONOMIC PROFILE OF THE AFFECTED POPULATION

3.1 Background

64. This Chapter presents the findings on the major socio-economic characteristics of the affected Project communities. The chapter is based on information from the jamoats' Key-Informants, national statistical data and data collected through the socio-economic surveys and census undertaken in the Project area. The main objectives of the SES and census surveys are to understand the existing socio-economic environment and vulnerability of affected people in the Project area, to use the data for preparation of the LARP budget and to identify groups and persons who may need additional support due to the Project's impact.

3.2 Profile of the Project Area

Tajikistan is a Central Asian country bordering Afghanistan, China, Kyrgyzstan and Uzbekistan. According to the 2008 census, the country's population was 7,373,800. However, the population in 2015 is estimated to be 8,610,000 people. Tajikistan is divided into four regions: Sughd, Khatlon, Gorno-Badakhshan and Region of Republican Subordination, while the capital Dushanbe is administratively separate. Each region is divided into several districts (districts) which are subdivided into village level self-governing administrative units – jamoats. There are 58 districts (rayons) and 368 jamoats in Tajikistan.

65. Section 2, which is 39.575 km long, will be rehabilitated in the second phase. It traverses the Khurason rayon ending at Vakhsh bridge (km 73+050). The road section affects five jamoats with 19 villages located along the road. Khurason district has 106,216 inhabitants living in 85 villages and 8,242 households. The following tables present the demographic and economic profile of the Project district and villages located in the Project corridor. (Table 3-1)

Table 3-1: Population in Project Districts

District	Population	Male	Female	No of households	No of villages	No of affected villages
Khurason	106,216	53,263	52,853	8,242	85	19

66. The major economic activities in the Project district are agriculture and animal husbandry. Wheat and cotton are the major cash crop in the area. Wheat is cultivated on 7,667 hectares and cotton on 4,110 hectares. Pastures and fallow land account for 55,308 hectares. Fruit production is prevalent in the area with almost 2,859 hectares used to cultivate grapes, apples, cherries, apricots and other fruit. (Table 3-2).

Animal husbandry is widespread in the Project area. Almost every household that has some land, also has livestock. Animals raised in the area include cattle, sheep, goats and horses. The districts' statistics indicate that there are 71,800 sheep and goats, 32,291 head of cattle and 4,960 horses in the Project rayon. (Table 3-2)

Table 3-2: Economic Profile of Project Districts

District	Wheat (ha)	Cotton (ha)	Other land, (pasture etc. (ha)	Orchards (ha)	Grape (ha)	Horses (No)	Sheep/goats (No)	Cows (No)
Khurason	7,667	4,110	55,308	1,705	1,154	4,960	71,800	32,291

Source: Districts' and jamoats' statistics

67. There are 38,598 people living in 19 project-affected villages/settlements. In total, there are 18,286 males and 20,312 females living in 5,475 households. The affected villages' populations range from 152 people in Stancia Dagana to 5,340 people in Mehnat village in Galaobod jamoat. Eight villages have more than 2,000 people each, 6 villages have a population of 1,000-2,000 and only 5 villages have less than 1,000 inhabitants. The average family size in the Project villages ranges from four persons in Lalazor to 9.3 persons per household in Vaksh village. (Table 3-3)

Table 3-3: Population of the Project Villages

Jamoat	Villages along the project road	Population	Male	Female	No of households (HH)	Average No of people in a HH
Obikiik	I. Somoni	699	363	336	99	7.1
Galaobod	Stancia Dagana	152	80	72	23	6.6
	Daganakiik	1,452	572	880	175	8.3
	Galaobod	1,942	940	1,002	244	8
	Kushlich	2,780	1,500	1,280	354	7.9
	Hakikat	3,399	1,199	2,200	470	7.2
Hiloli	Lalazor	971	481	490	238	4.1
	Mehnati	5,340	2,604	2,736	753	7.1
	I. Somoni	373	180	193	52	7.2
	Iftikor	1,307	650	657	184	7.1
Ayni	Chavoni	1,262	631	631	163	7.7
	Navzamin	1,981	892	1,089	262	7.6
	Khurason	2,355	1,059	1,296	289	8.1
	Vaksh	3,491	1,570	1,921	375	9.3
	Chorbog	2,002	961	1,041	360	5.6
	N. Asadullo	2,253	1,081	1,172	293	7.7
Kizil-Kayla	Sarband	1,086	586	500	181	6
	Burebofon	941	480	461	157	6
	Bandar	4,812	2,457	2,355	803	6
Total	19	38,598	18,286	20,312	5,475	

68. Data available for 3 Project villages shows 219 poor households in the Project rayon. (Table 3-3). Three villages for which data is available, have poor household rate between 12% and 21%. Village Bandar has the highest poverty⁶ rate (21.05%).

69. The data on women-headed households is fragmented. Some villages keep such records while others do not have systematically recorded and gender disaggregated data. Out of the 19 Project villages, 3 have gender-disaggregated data which shows 108 households headed by a woman. The poverty rate for the women-headed households is much higher than the general poverty rate in Project villages. (Table 3-3). In female-headed households, the poverty ranges from 73.33% in Burebufon village to 80% in Bandar village.

70. Some data on women holding decision-making leadership positions was available for the district. In total, there are 189 women in positions such as members of parliament, presidents and deputies of the districts and jamoats, directors of departments and school directors. Data for the Project villages is mostly unavailable. Other villages with available data have one to two women in leadership positions.

Table 3-4: Poverty in Project Villages

Village	No of HH	No of poor HH	% of poor HH	Woman head of HH	Woman-headed poor HH	% of poor woman-headed HH	No of women on leadership position
Sarband	181	30	16.57	18	17	94.44	
Burebofon	157	20	12.74	15	11	73.33	
Bandar	803	169	21.05	80	80	100	189
Total	1,141	219		113	108		189

71. The economic data on Project villages reflect data at the district level. The major economic activities in all Project villages are agriculture, fruit production and animal husbandry. The Project 19 villages have 1,175 hectares of cotton and 997 hectares of wheat crops. The villages have 3,313 hectares of land mostly used as pastures. Fruit trees such as apple, cherry, sour cherry, apricot and peach trees are mostly found in the Project villages. There are 708 hectares of fruit trees in the Project villages and 237 hectares of grapes. (Table 3-5)

72. Animal husbandry is prevalent in the village households. There are 13,739 sheep and goats and 6,479 head of cattle. Some households have a few horses, although they are not commonly kept in the area. In total, there are 382 horses in the 19 Project villages. Over half of the total number of horses are kept in two Project villages with 100 in Iftikor and 104 in Burebufon.

Table 3-5: Economic Profile of the Project Villages

Project villages	Pasture (ha)	Wheat (ha)	Cotton (ha)	Other land	Grape (ha)	Fruit trees (ha)	Horses (No)	Sheep/goats (No)	Cows (No)
I. Somoni	0	2	0	0	2	3	0	50	25
Stancia Dagana	500	0	0	15	0	0	10	410	90
Daganakiik	400	200	0	20	15	20	21	803	380
Galaobod	400	100	0	22	205	45	9	721	290

⁶ The source of information on poverty are Jamoats' officials

Kushlich	250	200	0	50	1	105	15	815	285
Hakikat	100	303	100	60	10	205	10	1,025	283
Lalazor	0	15	7	3	2	45	20	530	250
Mehnat	0	35	95	2	0	128	15	300	600
I. Somoni	0	6	30	4	1	6	70	250	200
Iftikor	0	3	90	4	1	11	100	1,200	500
Chavoni	10	20	16	20	0	18	0	1,295	601
Navzamin	16	33	370	40	0	42	0	1,195	595
Khurason	0	0	0	3	0	0	0	680	280
Vaksh	0	15	157	7	0	0	0	1,105	490
Chorbog	0	14	0	2	0	0	0	1,300	600
N. Asadullo	1,570	18	30	6	0	0	0	1,800	720
Sarband	30	10	60	4	0	20	5	120	150
Burebofon	30	10	20	4	0	40	104	70	120
Bandar	7	13	200	5	0	20	3	70	20
Total	3,313	997	1,175	271	237	708	382	13,739	6,479

3.3 Socioeconomic Survey Methodology

73. The socioeconomic surveys (SES) in the Project area were conducted in March 2017. The SES interviews were conducted after each consultation with the communities where DPs and broader community members were invited. Four experienced interviewers conducted the study. The number of interviews in each jamoat was based on the number of potentially displaced households (as indicated by the local authorities). These are households which have assets within 20 m of both sides of the road. In total, there are 19 villages/settlements located along the Project road with 306 households with assets that may be affected. Out of these, 30.7% (92) of households were covered by the SES. The SES aimed to sample 25% of the potentially displaced households. During the SES, the number of people that wanted to participate in the survey, surpassed the sample size needed for the analysis and the surveyed team interviewed anyone that wanted to participate. The SES included owners, renters and users of affected lands and buildings, owners of affected business and other community members. (Table 3-6)

Table 3-6: SES Sample

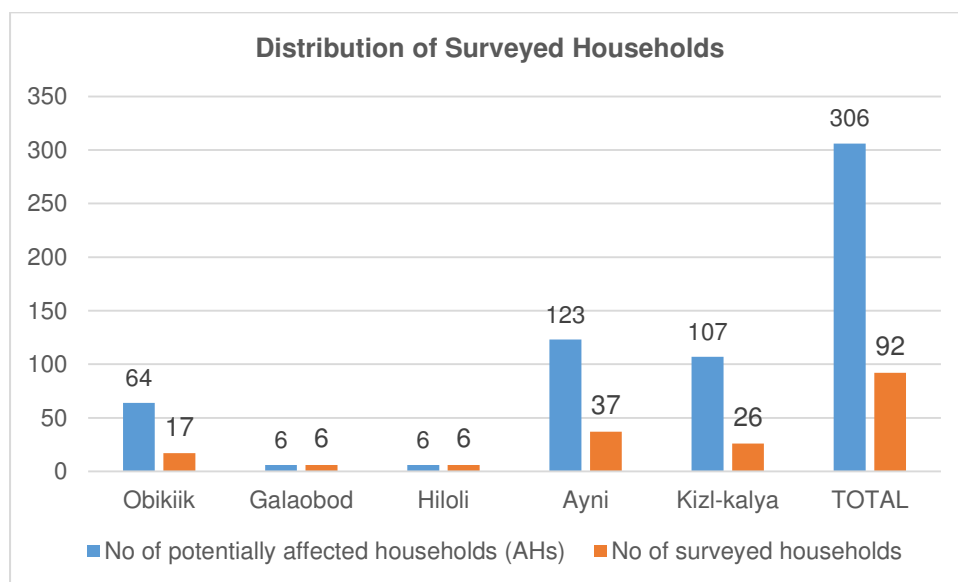
District	Jamoat	No of potentially affected households (AHs)	No of surveyed households	% of surveyed households
Khurason	Obikiik	64	17	26.56
	Galaobod	6	6	100.00
	Hiloli	6	6	100.00
	Ayni	123	37	30.08
	Kizl-kalya	107	26	24.30
TOTAL		306	92	30.07

74. The SES Questionnaire includes questions which aim to measure the main characteristics of affected households such as type of land use, land holdings, buildings, businesses, family type and size, main demographic data of the household members, self-reported monthly income and expenditure, sources of income, house facilities, religion, ethnicity, vulnerability, women’s status, opinion about the Project, etc. Each questionnaire took around 40 minutes to complete. The collected data was processed using Microsoft Excel. (Annex 3-1: SES questionnaire)

3.4 Socioeconomic Profile of Surveyed Households

75. In total, 92 households with 704 persons were covered by the SES study. On average, there were 7.7 persons per surveyed household. The distribution of surveyed households by jamoats was as follows:

Chart 3-1: Surveyed Households by Jamoats



Key Facilities in the Surveyed Households

76. Each Project jamoat (local authority) has a mostly combined primary and secondary school, a mosque, health clinic, shops and small businesses along the central village road. Other services such as hospitals, larger markets and administrative services are based in jamoat and district centers. All these services are available to the Project population. The quality of available services was not assessed as it was beyond the scope of this LARP. The population covered by the SES stated that the Project will improve accessibility to social services and amenities such as larger hospitals, universities and other services in the regional centers.

77. Electricity is available in all project villages. However, during the dry season, when the production of electricity is lower, the villages get electricity supply for a few of hours a day. One village in Obikiik and five in Galoobod, do not have piped water. People in these villages rely on wells, collection of rainwater in basins and cisterns, and purchased water costing TJS 60-100 per month, for daily usage. Other Project villages (13) have piped water for limited hours and they complement it with water from wells and purchased water. Consequently, only 13 households have a hot water system in their

house, as piped water is not available everywhere. Only four surveyed household have an in-house flush toilet while all others have a latrine.

78. Every surveyed household has a TV set and 60 (65%) households own a satellite dish. Computers are owned by 23 (25%) AHs and (16) 17.4% of surveyed households have an Internet connection. However, mobile phones are used in around 96.74 % of surveyed households. A total of 77% of households have amenities such as refrigerators and 88.4% of surveyed households have electric stoves. Considering that piped water is not widely available, washing machines are present in 32% of the households. Air conditioning units are present in 46.74% of the households and 42.39% of the surveyed households have a car. Other assets listed are agricultural machinery and a couple of minivans. (Table 3-7)

Table 3-7: Households Assets and Amenities

Items	No of households	%
Latrine	92	100
Hot water system	13	14.13
TV	92	100.00
Satellite dish	60	65
Computer	23	25
Internet	16	17.4
Mobile phone	89	96.7
Refrigerator	71	77.17
Washing machine	30	32
Electric stove	81	88.4
Air conditioner	43	46.74
Car	39	42.39
Mini van	2	2.17
Agricultural machinery	3	3.26

79. Out of 92 surveyed households, 81 households own 140.23 hectares of land. On average, households hold around 1.73 ha of land. Around 73.57% (103.17 ha) of the land is irrigated land. The crops cultivated most are cotton, wheat, corn, various vegetables and some fruits. There are 53 hectares of pasture land. A total of 56 households have animals. People mostly keep cows, sheep, goats and chickens. (Table 3-8 and Table 3-9)

Table 3-8: Landholdings

No of households	Land (ha)	Dry land (ha)	Irrigated land (ha)	Cultivated (ha)	Pasture (ha)
81	140.23	8.26 (5.89%)	103.17 (73.57%)	95.73 (68.27%)	53 (37.79%)

Table 3-9: Livestock

No of households	No of cattle	No of sheep/ goats	No of horse	No of chickens
56	193	94	4	184

Gender, Ethnicity and Religion

80. There are 342 (48.58%) females and 362 (51.42%) males in the surveyed sample. The portion of male-headed households is 85.87%, while 13 (14.13%) of surveyed households are headed by a woman.

81. Out of the total number of surveyed households, Tajiks are the largest ethnic group with 90 households (97.82%) while two households 2 (2.17%) belong to other groups. All households are Muslim. There are no indigenous people in the Project area.

Table 3-10: Gender

Gender	Head of the household	
	Number of households	Percentage (%)
Male	79	85.87
Female	13	14.13
Total	92	100

Age and Marital Status

82. The age distribution of the surveyed population for this LARP, shows that the 18-35 age group was the most represented (36.79%). (Table 3-11). The profile of the youth community is even more pronounced if the 0-7, 8-17 and 18-35 age groups are combined. Such a comparison shows that 75.71% of the surveyed population is younger than 35. The 36-45 age group accounts for 9.94% and the 46-55 age group accounts for 6.11%. The 56-65 and 66 and above age groups account for 5.54% and 2.70%, respectively. (Table 3-11)

Table 3-11: Age

Age	All AH members	
	Number	%
0 - 7	168	23.86
8-17	106	15.06
18 - 35	259	36.79
36 - 45	70	9.94
46 - 55	43	6.11
56 - 65	39	5.54
66 or more	19	2.70
Total	704	100

83. More than half (53.26%) of the surveyed people live in extended families. Nuclear families comprise 46.74 % of all families. The size of households range from two to 17 persons in a household. A total of 21 of the surveyed households have up to five persons living in the household,

59 (64.13%) have 6-10 persons and 12 (13.04%) households have 11-17 persons living in one household. Married heads of households account for 83.69% of all heads of household, 14.13% are widowed and the percentage of unmarried heads of household is marginal (2.17%). The average family size is 7.65 persons. (Tables 3-12 and 3-13).

Table 3-12 Marital Status

Marital status	AH head		AH members	
	Number	%	Number	%
Married	77	83.69	312	44.32
Unmarried	2	2.17	98	13.92
Widowed	13	14.13	40	5.68
Divorced	0	0	143	20.41
Total	92	100.00		

Table 3-13: Type of Families

Family Type	Number of AHs	Percentage (%)
Nuclear	43	46.74
Extended	49	53.26
Total	92	100.00

Education

84. The following table shows a high level of literacy of heads of household with 61.95% having completed secondary education. A further 13.04% and 25%, respectively, obtained a college or university degree. There are no illiterate heads of households nor other family members in the sample. Generally, the educational profile of other family members is lower in all educational categories than among the heads of households. (Table 3-14)

Table 3-14: Education of Surveyed Population

Education Status	Head of the household		Other household members	
	Number	%	Number	%
Illiterate	0	0	0	0
Primary school	0	0	4	4.35
Secondary education	57	61.95	396	56.25
Technical/other college	12	13.04	17	2.41
University degree	23	25	63	8.95
Total	92	100.00		

Employment, Income Sources and Expenses

Employment and income data was collected from 90 households and information is self-reported. A total of 16.30% of the heads of households and 3.59% of other family members are pensioners. The most common type of profession among the heads of households and other family members is civil servant, accounting for 23.91% and 7.03%, respectively. Business owners account for 21.74% in the heads of households group and only 2.78% among other family members. Out of 13 female heads of household, four are housewives, while among the other family members, the percentage of housewives is 23.53%. The unemployment rate is significantly higher among the heads of households (22.83%) than among the other family member (13.24%).

Table 3-15 Type of Employment

Type of employment	Head of the household		Other members	
	Number	%	Number	%
Pensioner	15	16.30	22	3.59
Civil servant	22	23.91	43	7.03
Private sector employee	4	4.35	4	0.65
Business owner	20	21.74	17	2.78
Agriculture labor	2	2.17	4	0.65
Large land owner	1	1.09	0	0.00
Other labor	1	1.04	10	1.63
Housewife	4	4.35	144	23.53
Pupil/Student	0	0	117	19.12
Unemployed	21	22.83	81	13.24
Total	90	100	480	

85. The data on income and expenses is self-reported. The data on average monthly income varies greatly from 200 TJS to over 60,000 TJS per month. Most of the households' income is concentrated in the two lowest categories: 200-1,000 TJS (35.87%) and 1,100-2,000 TJS (40.22%) per month. (Table 3-16). The total reported income for 92 households, amounts to 219,637 TJS, which gives an average of 2,387.36 TJS per surveyed household.

Table 3-16: Self-reported Monthly Income

Monthly income (TJS)	USD (maximum per household)	Number of households	Percentage
200-1,000	113.38	33	35.87
1,100-2,000	226.76	37	40.22
2,100-3000	340.14	11	11.96
3,100-4,000	453.51	7	7.61
4,100-5,000	566.89	2	2.17
10,000-20,000	2,267.57	1	1.09
Over 60,000	6,802.72	1	1.09
Total		92	100.00

86. The data on income sources shows that the majority of the surveyed households have income earned from the employment of the households members followed by income from paid labour and income from remittances. Paid labour provides the highest average income per household (TJS 4,664.73/month). Table 3-17.

Table 3-17: Source of Income

Source	No of AHs	Total income (TJS)	Average income (TJS/AHs)
Agriculture	9	12,250	1,361.11
Employment	74	85,252	1,152.05
Business	17	27,131	1,595.94
Labour	15	69,971	4,664.73
Remittance	10	22,208	2,220.80
Other	7	2,825	403.57
Total		219,637	2,387.36

87. The average monthly expenditure for the surveyed households is 2,880 TJS, with the largest portion (36.87%) spent on the repayment of loans. Subsequent major expenses include food (24.94%), agricultural expenses such as seeds, fertilizers and hiring machinery (16.84%), and clothes accounting for 5.05% of all expenses. Other household expenses range from 0.19% for social obligations to 3.33% for transport and 3.32% for land taxes. Education (1.07%) and health (3.29%) do not present major households expenses. (Table 3-18)

88. The reported average monthly expenses exceed the average monthly income by 492.25 TJS. The gap between income and expenses was discussed with the respondents during the interviews. The respondents explained that for any major expense such as clothing for the whole family, serious illness, social obligations such as weddings and funerals etc., they either borrow money, rely on additional remittance money or if they have livestock, they sell one of their animals to cover the expenses they would not have been able to cover from their regular monthly income. The average monthly expenditure data is summarized in the following table:

Table 3-18: Households' Average Monthly Expenses

Self-reported monthly expenses	Total income (TJS)	Average income (TJS)	Total expenses (TJS)	Average expenses (TJS)	Percentage of the total (%)
Food expenses			66,068	718.13	24.94
Clothing			13,390	148.77	5.05
Health			8,705	103.63	3.29
Education			2,845	67.74	1.07
Communication			3,465	38.5	1.31
Transport			8,827	105.08	3.33
Social functions/ obligations			500	100	0.19
Agriculture expenses			44,600	14,866	16.84
Water			3,123	30.08	1.18
Utilities (electricity etc)			6,935	75.38	2.62
Land tax			8,796	102.28	3.32
Credit repayment			97,670	4,246.52	36.87

Total	219,637	2,387.36	264,924	2,880	100.00
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Women in Project Villages

89. The Constitution of the Republic of Tajikistan recognizes international law as a component of the national legal system, and Tajikistan is a state party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and to other fundamental human rights treaties. In 2014 the parliament ratified the Optional Protocol to CEDAW, which allows individual women in Tajikistan to submit complaints to the CEDAW Committee and gives them additional remedies for violations of the convention. Important steps have also been taken to implement UN Security Council resolutions on women, peace, and security (1325 and 2122) with the drafting of a national action plan. (Tajikistan, Country Gender Assessment, ADB 2016).

90. The Constitution guarantees equal rights on the basis of sex (Article 17), and principles of nondiscrimination are enshrined in basic legislation such as: the Family Code, the Labor Code, the Land Code, the Criminal Code, the Law on Education, and the Law on Public Health. While there are no laws that directly restrict women's rights, additional guarantees that aim to "protect" women, such as the Labor Code's night work prohibition, have nonetheless kept women from being employed in male-dominated industries. (ADB 2016).

91. According to the Country Gender Assessment, a large portion of the population works in informal employment, and the majority of such workers are men. Still, many women work informally engaging in hard physical agricultural labor for long hours, in poor working conditions, and with the lack of social protections such as maternity leave and pension payments.

92. In all surveyed households, women do housework and care for family members. Other activities performed by women are agriculture labor (19.56%), gardening (15.21%), minding livestock (20.65%), trade and businesses (15.22%) and making and selling of homemade products (10.87%). Table 3-19. The survey questions on the decision-making processes in households showed that women are consulted and take part in the decision-making process in all major family activities. The highest participation is in healthcare for children and children's education (98.91% and 97.82% respectively), social functions and obligations (88.04%) and daily family activities (92.39%). Somewhat lower levels of inclusion in decision making processes are reported in household financial matters (69.56%) and the purchasing or selling of household assets (71.74%). (Table 3-20)

Table 3-19: Women's Activities

Type of activities	No of HH	% of HH
Gardening	14	15.21
Agriculture labor	18	19.56
Minding livestock	19	20.65
Making and selling handmade products	10	10.87
Trade and business	14	15.22
House work, family care	72	78.26
Other work	5	5.43

Table 3-20: Participation of Women in Decision-making Activities

Decision making	No of HH	% of women in HH performing activities
Financial matters	64	69.56
Education of children	90	97.82
Children's healthcare	91	98.91

Purchase/sale of assets	66	71.74
Daily family' activities	85	92.39
Social functions and obligations	81	88.04
Other activities	8	8.69

3.5 Impacts of the Project as Perceived by Surveyed Households

93. There were 87 answers on the perceived benefits of the Project. A sizable portion of the respondents (63.33%) think that the new, modern road is a significant opportunity for the future, which offers prospects to the region and the country. A total of 24.44% of respondents think that they will have a good road which will add to the appearance of the villages along the road; 6.67% think the road will add to business and regional development; 4.44% expect a reduction in vehicle operating costs, accidents, travel time and cost of travel, and 1.11% think that there will not be any benefits.

Table 3-20: Perceived Project Benefits and Disadvantages

Benefits of the Project	Number	Percentage
The road will be good and villages will look better	22	24.44
The road is an opportunity for the future and offers prospects	57	63.33
Reduction of vehicle operating costs, reduction in accidents, travel time and cost of travel	4	4.44
Faster business and regional development	6	6.67
No benefits	1	1.11
Total	90	

94. There was only 1 response on perceptions of the Project's disadvantages. The DP stated: 'If my home and my trees are gone due to the road, what advantage will I have from that road'? Additional comments show that DPs are concerned about potentially inadequate compensation which would not enable satisfactory restoration of lost assets. This was expressed in the words of two respondents: 'Please, calculate our loses fairly'.

95. Suggestions and requirements recorded during the SES, were:

- land for land compensation
- fair compensation sufficient for the replacement of affected assets
- street lights
- safe pedestrian crossings in the villages and mandatory speed-breakers in villages pedestrian underpasses
- passages for livestock
- work for the local population

4 INFORMATION DISCLOSURE, CONSULTATIONS AND PARTICIPATION

4.1 Background

96. According to ADB SPS (2009), the DPs must be meaningfully consulted and provided with opportunities to participate in the planning and implementation of LAR. Under the same principles, the DPs have to be informed in an appropriate and timely manner of the planning process outcomes, as well as the schedules and procedures for the preparation and implementation of the LARP, including entitlements, payment procedure and relocation.

97. The laws and policies of Tajikistan which apply to resettlement related to ADB financed projects in Tajikistan are:

- Constitution of Tajikistan
- Civil Code
- Land Code

98. Apart from the formal notification requirements set in the Land Code, there is no requirement for the government to discuss project designs or possible LAR options with the DPs. Nevertheless, the local government authorities (hukumats and jamoats) disseminate to the local population all information issued in the form of a decree and other decisions related to the project. In addition, the PIURR takes the lead in the coordination of information disclosure at the local levels and conducts consultations with the local population as per the ADB SPS 2009 requirements.

4.2 Consultations with Stakeholders and Project Communities

99. During the preparation of this LARP, the PPTA consultant and the PIURR conducted one consultation with local authorities, five broad consultations with local communities, and two female focus group discussions. In total, 214 persons (191 project communities' residents and 3 stakeholders and 20 focus group-women) participated at consultations.

100. There was one consultations with key stakeholders in the district. The participants were head and deputy of district administration, head of district road maintenance, PIURR representative, social and environmental safeguard specialists. The main goals of consultations with local authorities were to share information about the Project, ensure local authorities' cooperation during the LARP preparation and implementation, preparation of the ground for the establishment of the Grievance Redress Groups and the establishment of the Land Acquisition and Resettlement Committees. Short records with photographs and scanned participants' signatures are presented in Annex 4-1.

A summary of the consultations with districts stakeholders conducted in the Project area is presented in Table 4-1 below:

Table 4-1: Consultations with Districts' Key Stakeholders

No	Date	District	No of males	No of females	Total No of participants	Key stakeholders
1	07.03.2017	Khuroson / Obikiik	3	0	3	Head and deputy of District administration, head of district road maintenance, PIURR representative, social and environmental safeguard specialists

101. The PIURR with the assistance of the PPTA consultant, conducted broad community consultations in five jamoats representing 19 affected villages. In total, 191 persons (162 males and 29 females) participated at consultations. The participants received the Project Information Brochure with the Project-specific entitlements, government decree on the cut-off-date, MoT letter on the establishment of the GRM and details on the GRM procedure. Other information shared with the participants were ADB SPS 2009, compensation principles and additional allowances and the GRM procedure. The participants shared their opinions about the Project, concerns and suggestions related to resettlement, relocation options and road safety. (Tables 4-1, 4-2 and 4-3) The records from consultations, translated decrees on the cut-off date, the establishment of the GRM, and scanned participant signatures are presented in Annexes 4-1 and 4-2.

102. A summary of the consultations with communities conducted in the Project area is presented in Table 4-2 below:

Table 4-2: Consultations with Communities

No	Date	Hukumat	Jamoat	No of participants		
				Males	Females	Total
1	07.03.2017	Khurason	I. Somoni	30	14	44
2	09.03.2017	Khurason	Galaobod	9	0	9
3	10.03.2017	Khurason	Hiloli	13	1	14
4	13.03.2017	Khurason	Ayni	52	13	65
5	14.03.2017	Khurason	Kizil-Kala	58	1	59
Total				162	29	191

103. After consultations with DPs and the broader community were held in Project jamoats, focus group discussions (FGD) with present women were conducted (Table 4-3). There were two FGD with 20 participants, as the number of women that participated in consultations was limited and the FGD were not practicable in some jamoats. The main goals of focus groups discussions with local women were to give women a chance to share their opinions, concerns and suggestions in a more focused and friendly environment. Individual records from each FGD are presented in Annex 4-1 and the summary included in Table 4-4.

Table 4-3: Female Focus Group Discussions

No	Date	Hukumat	Jamoat/ Village	No of participants
1	07.03.2017	Khurason	Obikiik/ I. Somoni	7
2	13.03.2017	Khurason	Ayni/ Khurason	13
Total				20

4.3 Summary of the Consultations

104. During the consultations, participants were supportive of the Project. The Project benefits, as perceived by the participants, are summarized as follows:

- new, modern road and comfortable travel;
- establishment of public transport between Kurganteppa and surrounding villages;
- improved access to schools, colleges and markets;
- development of trade, businesses and income generating activities;
- less dust and dirt;
- more employment for local population;
- some work for local women;

105. The participants also expressed their opinions about the adverse effects of the proposed project. The main concerns were related to relocation, land for land compensation and timely and adequate monetary compensation for losses. The main concerns of the communities are summarized as follows:

- displacement, especially relocation;
- losing homes and businesses;
- compensation which enables re-establishment of the affected assets;
- adequate land for land compensation in the same village;
- loss of social network if relocated far away;
- number of safe pedestrian crossings preferably underpasses;
- proper accesses to all homes and businesses during the construction of the road;

106. The questions and suggestions given by the participants during the consultations focused mostly on compensation, preferences for land-for-land compensation, lack of land for relocation near the current location, income loss and safety for school children. The following paragraphs summarize people's questions, concerns and suggestions.

107. The participants at the consultations gave a range of suggestions which they would like to see integrated into the project planning and road design. The suggestions are as follows:

- provisions for safe road crossings for people, ground level pedestrian crossing and underpasses in Obikiik, Ayni (Uyali) and Kurganteppa;
- land for land compensation with land of the same quality or, if not feasible, adequate monetary compensation;
- adequate compensation for all assets lost especially for homes and businesses;
- help for single women to re-build houses if affected;
- employment opportunities for local men and women;
- employment for people from local villages;

Table 4-4: Questions and Answers at Consultations with Communities

Community Consultations in March, 2017	
Questions	Answers
Will you make a bypass here in Obikiik?	Both options - the road passing through the center of the city and a bypass, will be examined. The more viable option will be adopted.
You should construct an underground passage, so children and people can cross the road safely.	We currently do not know if there will be underpasses and where they will be, as the final design has not been completed. When the design is completed, we will give you full information. Road safety standards will be implemented and proper signalization and other features will be considered.
Will the road be a toll road?	Based on current information, the road will not be a toll-paying road.
Will you rehabilitate culverts, tubes and bridges?	The road structures will be rehabilitated where needed.
Do you plan passes for animals?	Yes, engineers are designing passes for animals.
What is the planned width of the road?	It will be a four-lane road with a green median. The total width of the road will be 32 m.

<p>Will you consider road safety signalization for children crossing the road while going to and from school?</p>	<p>Yes, proper road safety signalization will be installed.</p>
<p>When and where will the works start?</p>	<p>We are now preparing a draft LARP which is expected to be ready at the beginning of June. The approval of the LARP by the Government of Tajikistan and ADB will take a month or two. After that, if necessary, an update of the LARP based on the final design will follow. When the final LARP is prepared, commented on and approved, then the implementation may start. After the implementation, the physical works may start. This is a process which will take some time, so we cannot say with precision when exactly the road rehabilitation will start.</p>
<p>I started to build a house. I was told not to proceed further until you come to confirm if my house will be affected. If affected, will you compensate me for the foundation I have already constructed?</p>	<p>All buildings and structures constructed in the road corridor before the Cut-off Date, will be compensated. Therefore, the foundation you've built before the cut-off-date will be compensated for.</p>
<p>I have two homes on one land parcel. If only one is affected, what will happen to the other? Will you demolish the other house as well?</p>	<p>It depends on the size of the remaining land. If the remaining land is sufficient for you to remain there and you prefer to stay there, it will not be acquired. If the remaining land plot is not sufficient for residential living, then both houses and the remaining land, will be acquired.</p>
<p>Many of us do not have all the necessary documents for houses. Will you compensate us at all?</p>	<p>Yes, you will receive compensation at replacement cost for your buildings. A jamoat representative can also give you a document certifying that the house is yours and the length of time you have been residing there.</p>
<p>We have four multistory buildings close to the road. These are collective living buildings where a few families live in one apartment, with one family per room and a shared kitchen and bathroom. If buildings are affected, the money you pay for one room to one family, will not be enough to build a home. How will you take care of this?</p>	<p>If these buildings are affected, your Hukumats, jamoats and other related authorities will explore and find a viable solution for affected people. DPs will be consulted and solutions will be discussed with DPs.</p>
<p>I live in collective accommodation. We have a small living space and bedroom, and a shared kitchen, bathroom and toilets in the front yard. If we are affected, how will you compensate?</p>	<p>We still do not know if your building is going to be affected. If so, we will see how we may compensate people, so that they have sustainable living conditions. We will discuss the issue further when the road design is completed.</p>
<p>We have a small house and three families living under the same roof. If our house is affected, will you give us compensation for three land plots and for three houses?</p>	<p>You will be compensated for your material losses at replacement cost regardless of the number of people. Some other entitlements may apply to such cases.</p>
<p>I am very scared of losing my house. Can you do anything to spare it?</p>	<p>We will do everything we can to minimize negative impact on people and their assets. When the design is ready and when we start the DMS, we will see if it is</p>

	possible to avoid acquisition of your and anyone else's home. We will work together with the design engineers and alter the Project design if possible, as to avoid demolishing of residential and other buildings.
We do not have all the documents for homes. What percentage of the value of homes will you pay?	The owners of affected legally and illegally built buildings will receive compensation at replacement cost. Depreciation will not be calculated. A jamoat representative can also give you a document certifying that the house is yours and the length of time you have been residing there.
If my home is partially affected, how will you proceed with acquisition and how will you pay the compensation?	In the case of partially affected buildings, the entire building will be acquired.
Many people work in Russia and the land and home documents are in their names. To whom will you pay compensation?	You need to ask them to write and certify authorization in your name which gives you the right to receive compensation on their behalf.
If a home is close to the footpath, will you acquire the home?	No, the home will be acquired only if it is affected.
We have animal husbandry buildings but we do not have documents. Will you compensate these buildings?	You will receive compensation at replacement cost for your ancillary buildings regardless of the documents.
Where will I live for the period of construction of the new home?	You will receive rent assistance for three months, so you will be able to rent a home until you complete the construction of your new home.
I think that three months will not be enough for the house constructions.	The PIURR agreed to pay accommodation for three months. The decision on the entitlement was based on information from a few villages from Phase 1 of this project. DPs stated that if they receive compensation which includes the cost of the labour for the construction of a house, then they would be able to have a new house in two months.
Who pays for the demolition of houses?	If you want to take all salvageable material, you can take it. Otherwise, the contractor will demolish it when construction starts.
Will you pay for the land?	Compensation for the loss of rights to use land will be paid. We explained the methodology of calculating the price for the right to use land.
Can we request land for land compensation?	Yes. This is a preferred solution. If your Hukumat has free land in your village or close to the village and you agree with the offer, you will receive it. If we acquire a small strip of land and it is impracticable to compensate on a land for land basis, then you will receive compensation for loss of right to use land.
When you take my home and my land, you should give me land for land. Why are you talking about land price? Where can I purchase	When we conduct the Detailed Measurement Survey (DMS) and Census, we will give to the hukumats and jamoats the details of all DPs who need to relocate and ask them to provide sites for the relocation. Those who

the land I need?	will need to relocate will be informed and consulted about various solutions.
If you take a part of the land, what will happen to the remaining land?	It depends how big the remaining part is. If it is sufficient for you to continue to use the land for the same purposes as before the project, then you will keep it. If it is not sufficient for any meaningful use, then that remaining land will be acquired.
When you do the DMS, you said that we should be there. Will you inform us in advance when you will do it?	Yes. We will inform a jamoat official about our schedule and they will inform each DP to be present when the DMS is conducted.
Is there compensation for shade trees?	No, you will cut the tree and keep the timber.
I have 20-year-old fruit trees. Will you pay me for 20 years of fruit loss?	You will be paid the net market value of one year's income multiplied by the number of years needed to grow a tree to similar productivity, plus the cost of purchasing seedlings.
Can we now cut our fruit trees?	No, do not do that. As explained, until you receive the full compensation, you should not cut any tree, demolish any ancillary building, close any business or do major renovations. You should wait for the DMS and census to be completed, and the final LARP approved and implemented.
I have fruit trees and flowers which I planted recently. Will you compensate for those?	If affected, you will be compensated for your losses. If you could re-plant them somewhere else, the cost for replanting and related expenses, will be calculated.
I have a business premises, but someone else works there. Who will receive compensation if my business building becomes permanently affected?	Both, you and the renter will be compensated for your losses. You will lose the land, building and rental income, so you will be entitled to compensation for those losses. Other social safeguard allowances will be added, such as an allowance for serious impact. The renter will lose his/her business. The renter will be entitled to compensation for loss of business for the period needed to re-establish the business, and will receive assistance for the transport of goods.
I have a petrol station here. How will you compensate?	You will lose the building and the right to use the land it is on. The building will be compensated at replacement cost and the land as per the agreed methodology for commercial plots. For loss of the business, you will receive compensation equal to one year's net income plus the cost of lost certificates/ licenses.
The documents of the petrol station are not in my name and I do not have the purchase agreement or contract. How can I get compensation?	Compensation will be paid to the person that the asset/property is registered to. It would be the best if you register the station in your name.
If we have a business and it is not operating at present, how will you compensate?	You will be compensated for your losses: right to use land, replacement cost for the business premises, if permanently affected, and all attachments to the land including fruit trees. You will not be compensated for loss

	of business because your business is not operating.
We have a business and we paid a lot of money for it. Will you repay us the amount of money we paid when we purchased the business?	If the business is going to be relocated, compensation will be paid for loss of the building at replacement cost and for loss of business based on the official tax declaration for the period needed to re-establish the business. This period may vary from 2 weeks for light, movable structures to one year for larger businesses such as petrol stations.
I have filled in a huge pond in front of my petrol station. I poured in so much soil, gravel etc. Will you pay for it?	If you could prove that you used so much material to fill in the pond, it will be considered as a loss.
When will you acquire our assets?	This is the process which will take a few months to complete. We are preparing the LARP and it will take 4-5 months to prepare, address the comments and receive approval from the relevant Tajik authorities and ADB. After that, we may need to update the LARP if there will be some changes based on the final design. The LARP implementation may start at the end of this year or at the beginning of next year. Please continue with your businesses, agricultural and other activities until we prepare a final LARP and start the LARP implementation.
When construction starts, we need you to take people from our jamoat to work on the road. We need jobs.	According to Tajikistan's labor law, 70% of the labor must be from Tajikistan. We will pass your requests to the PIURR and request to have some related provisions in the agreement with the contractor.
During and after the construction, the noise level will be much higher than now. Will you consider installing noise barriers like in other countries?	We cannot answer your question now. However, we will record your request and discuss the matter with the design and road safety engineers to see if it is possible to install noise barriers at places where homes are close to the road.
The General Urbanization Plan for our city allows for a 6-lane road. You need to consider it too.	The road under this Project will be a four-lane project. The end point of this Project stops just at the entrance of the city.

4.4 Information Disclosure

108. During the SES and consultations with communities, in addition to the information about the Project, LAR processes, and expected time for the beginning of the works, the participants received the Project Brochure, Project-specific entitlements, the Government Decree on the GRM and information about the cut-off date. The cut-off date was set as 25 April 2016. The MoT, through the PIURR, prepared and published letter No 414 on 25 April 2016, informing residents of the Project phase I and Project phase II jamoats: jamoats of Galaobod, Obikiik town, Hiloli, Ayni, Kizil-kala, Bokhtariyon, Oriyon and Kurganteppa city that the rehabilitation and reconstruction of Dushanbe-Kurganteppa road commenced with ADB financing.

109. The letter informed residents that the Project road will be widened from a Category 3 to a Category 1 road, and will be 25-30 m wide after rehabilitation. Residents were informed that the

construction of all structures and rehabilitation/acquisition of land on both sides of the road is prohibited. The information was published in the local newspaper, aired on the main TV program and forwarded to each district and jamoat authority during phase I of the Project. The information was repeated at each consultation in the phase II Project villages. (Annexes 4-1 and 4-2). During the SES and DMS, all DPs confirmed that they were informed about the cut-off-date.

110. During the finalization of the LARP, the following information disclosures are planned:

- uploading of the draft LARP in English on the ADB website;
- distribution of copies of the LARP in the Russian language in the local authorities' offices;
- posting of the approved draft LARP in the Russian language on the PIURR website;
- changes in project design, which resulted in changes of resettlement impacts, measurement of additional impact, valuation and updating of the LARP;
- consultations with DPs and information disclosure will be ensured as per the established LAR consultations procedure;
- disclosure of the updated LARP to the displaced persons, and submitting to the PIURR and ADB for approval prior to the commencement of construction;
- uploading of the updated and approved LARP on the ADB and MOT website.
- corrective action plans will also apply to design variations effected or any omission detected once the construction has commenced.

5 GRIEVANCE REDRESS MECHANISM

5.1 Objectives

111. The LARP includes in its scope the establishment of a responsive, readily accessible and culturally appropriate grievance redress mechanism (GRM) capable of receiving and facilitating the resolution of affected persons' concerns and grievances related to the project. The GRM is a formalized way for the PIURR to identify and resolve concerns and DPs' grievances. It offers the DPs a forum to voice their concerns, seek clarifications to their queries, or register complaints related to the Project's performance. The scope of the GRM addresses issues related to involuntary resettlement, social and environmental performance, and information disclosure.

112. The DPs will have the right to file complaints and/or queries on any aspect of the Project, including land acquisition and resettlement. Under the adopted grievance mechanism, the DPs may appeal any decision, practice or activity related to the Project. All possible avenues will be made available to the DPs to voice their grievances. The PIURR will ensure that grievances and complaints on any aspect of the project are addressed in a timely and effective manner.

113. The fundamental objectives of the Grievance Redress Mechanism are:

- to reach mutually agreed solutions satisfactory to both, the Project and the DPs, and to resolve any grievances locally, in consultation with the aggrieved party;
- to facilitate the smooth implementation of the LARP, particularly to cut down on lengthy litigation processes and prevent delays in Project implementation;
- to facilitate the development process at the local level, while maintaining transparency as well as to establish accountability to the affected people.

114. The MoT issued letter No 516 on 20 May, 2016, requiring the establishment and development of the GRM at the jamoat (sub-district) level (Annex 5-1). The GRCs will be established at the jamoats at each Project district. The PIURR representatives participate at each grievance redress meeting at the jamoat level. The Grievance Redress Committees include the following experts and institutions and their representatives:

- jamoat's chairman or person authorized by jamoat (raisi mahala);
- land planning engineer
- jamoat chairman (focal point to accept and register grievances);
- district's State Committee on Land Use and Geodesy;
- district's architecture department;
- state executive authority/ deputy head of district.

115. All grievances related to the Project will be addressed with the participation of the PIURR, Construction Supervision Consultant and Contractor's representatives. In more complex cases, representatives of other authorized institutions will be invited. The GRM covers issues related to social, environmental and other safeguard issues under the ADB SPS 2009 and applicable laws of Tajikistan.

116. The PIURR members of the GRCs include:

- chief Engineer
- social safeguard specialist

- environmental safeguard specialist
- MOT lawyer other specialists as necessary

117. There are eight Grievance Redress Committees at the jamoat level - one in each Project jamoat. A Focal Person (FP) is appointed at each Project jamoat and at the PIURR. The PIURR FPs participated in all consultations with communities and shared their contact details with participants for questions related to the Project and in the event of grievances for the entire duration of the Project, including the preparation and implementation of the LARP.

118. The GRCs will function for the duration of the project implementation. The PIURR and the PPTA Consultant will conducted training for members of three GRC at the Hukumat level.

5.2 Grievance Resolution Process

119. Grievances can be lodged with the Focal Person at the jamoat's GRC. The jamoat's FP, in consultations with the PIURR safeguard specialist, will screen the grievance for eligibility. If eligible, the jamoat's FP will organize a meeting of the Grievance Redress Committee (GRC). The PIURR representatives will be informed and invited to the meeting.

120. The complaint registered with the GRM should be reviewed, addressed and a decision made on its relevancy to the Project within 14 calendar days of lodgment. If the case is complex or requires more detailed investigation (e.g. inspection by technical experts or legal opinion from the state or certified private entities) the complaint review period may be extended to 30 calendar days or more, if necessary. In such cases, written notification should be sent to the complainant explaining the reasons for extension, describing the process and indicating the expected dates for the delivery of the results of the revision.

121. All supporting documents such as, photographs, related certificates and legal and technical expert opinions, if required, should be prepared, reviewed and assessed. Once the complaint is resolved, the GRC will organize a complaint closure meeting, where the complainant confirms the closure of the complaint. The PIURR representative will oversee the resolution of the complaint.

122. All efforts will be made to settle issues at the Project level. All complaints and resolutions will be properly documented by the PIURR and made available for review, monitoring and evaluation purposes. A PIU safeguard specialist keeps in regular contact with the FP of the GRCs and will have a database for the whole Project's grievances cases, including the status of grievances. This report will be regularly included in monthly project progress reports.

123. Regardless of the set grievance mechanism and procedures, DPs will have the right to submit their cases to a court of law at any point in time of the grievance redress process. All efforts will be made to settle the issues at the Project level through community consultation with affected person. If not possible, attempts will be made to resolve the issues at the PIURR level to avoid/minimize litigation as much as possible. All complaints and resolutions will be properly documented by the PIURR and made available for review, monitoring and evaluation purposes.

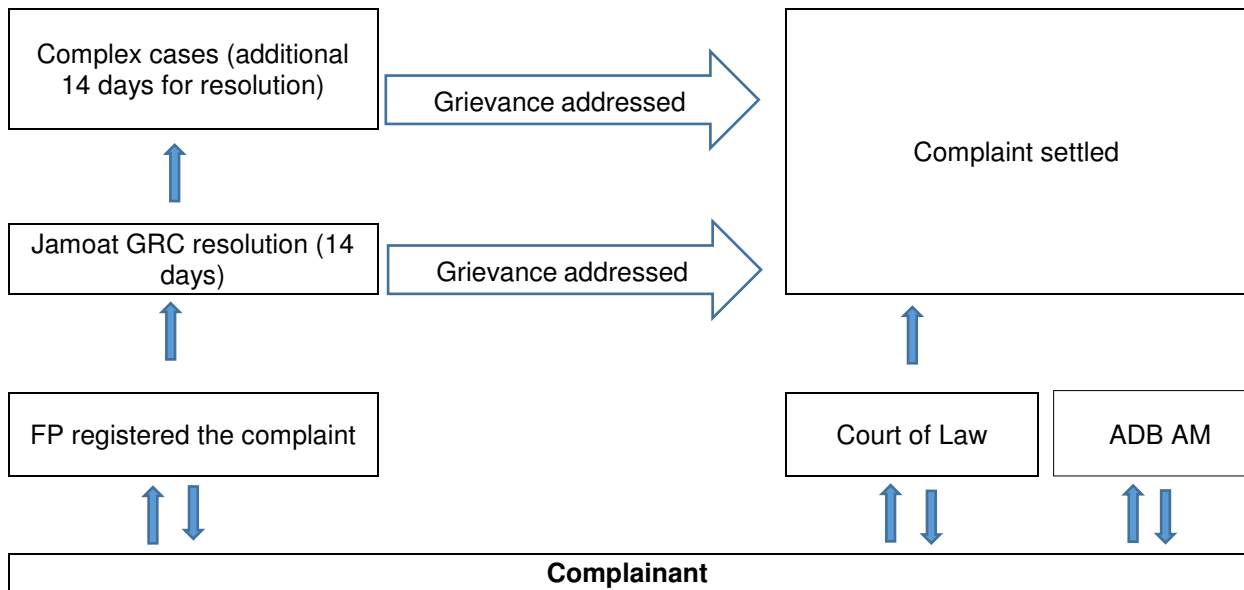
124. In addition, the complainant can appeal the decision and bring the case to the ADB Accountability Mechanism (AM). The GRM at the Project level does not in any way impede the DPs' access to the ADB Accountability Mechanism (AM). If DPs want to register a complaint with the ADB AM, the PIURR Focal Person will provide the complainants the following contact information:

Office of the Special Project Facilitator:

Email: to be access from www.adb.org/site/accountability-mechanism/contacts

125. The grievance redress process is shown in Figure 5-1 below.

Figure 5-1: Grievance Redress Process



126. GRM proceedings may need one or more meetings for each complaint and may require field investigations by specific technical or valuation experts. Grievance cases shared by more than one complainant may be held together as a single case.

127. For appeals lodged directly to the MoT, the FP at PIURR will review the case together with the respective GRC at the jamoat level and attempt to find a resolution together with the aggrieved person.

128. At each level of appeal, the GRC will be assisted, as required, by the professional capacity needed to solve specific cases. This may include among others:

- Jamoat and/or hukumat representatives
- Hukumat land committee
- Representatives of the State Agency for Architecture
- The State Committee for Land Management and Geodesy (SCLMG)
- State Agency for Environment and Forestry
- State Unitary Enterprise for Housing and Communal Services
- Technical expertise from professional engineers
- Other specialized organizations as necessary

129. The following persons at the jamoat level are responsible for the Project-related inquiries and grievances:

District Level Grievance Redress Committee Members		
Position	Name	Telephone number
Khuroson district		
Deputy Chairman of the district	Qurbonov Rahmatbek	919899685
Deputy Charmain Land Committee Khuroson	Habibov Hakimjon	919743231
Five Chairmen of Jamoats		
Resettlement specialist of PIURR	Mahmadaliev Sherali	907828485
Safety Specialist of PIU RR	Yormatov Safarmad	902 203209
Representative of Consultant/ Contractor	By designation	

5.3 Duties of GRC Members

Focal Point (FP)

130. Once the FP receives a written notification of a complaint s/he will:

- based on the simple screening procedure, assess the grievance and determine if the grievance is eligible for the GRM; if eligible, register the grievance in the complaints logbook;
- write a grievance summary to be signed by the complainant and the FP indicating name of the complainant, date and place of presentation of complaint, description of complaint and supporting documents, if any;
- send the complaint summary to all members of the local level GRC;
- convey requests and enquiries of the complainants to PIURR/MoT and to the other members of the GRC at the local level;
- organize a grievance redress meeting;
- maintain records of each meeting and each communication between the FP/GRC and the complainants;
- participate at appeal cases at all levels;
- ensure administrative and organizational support for GRC members.

Supervision Consultant Resettlement Specialist

131. Once notified of a complaint and the FP has been invited to a grievance meeting the Consultant will:

- participate to all grievance meetings, provide opinions and analysis;
- accompany eventual assessment/valuation specialists in the field,
- provide other GRC members as relevant with opinion and suggestions for resolution to be reflected in the final meeting report.

GRC Chairperson / Head/Deputy of PIURR of MoT

132. Once notified that a complainant has lodged an appeal case at the central level, the GRC chairperson will:

- review the local level GRC decision;
- invite the GRC members to the meeting;
- chair the GRC meetings and ensure that the minutes of the meeting are taken and shared with all relevant parties;
- inform the aggrieved person of the GRC's decision;
- ensure administrative and organizational support for GRC members to work;
- support the decision made by the GRC and follow up to ensure action is taken.

PIURR Project Coordinator

133. Once notified that a complainant has lodged an appeal case at the central level, the Project coordinator will:

- participate in all grievance redress meetings at jamoat and central level, provide opinions and analysis;
- ensure that records at the jamoat GRC are maintained;
- request additional assessment/valuation specialists' opinions and accompany them in the field if needed;
- request that the chairperson organizes meetings, as necessary;

- ensure a proper PIURR Complaint Register is maintained.

Representatives of the PIURR Safeguards Unit

134. Once notified that a complainant has lodged at the central level, the representatives of the PIURR safeguard and technical unit will:

- participate in GRC meetings at local and central level;
- prepare the chronology of events to understand the sequence of developments prompting the complaint;
- provide opinion on resettlement impacts claimed by the claimant;
- request that the chairperson organizes meetings, as necessary;
- maintain communication between the GRC and the complainants.

135. The following persons at the Projects Implementation Unit for Roads Rehabilitation can be contacted for inquiries and grievances:

<p>Saidov Kholboy Hamidovich Chief engineer, Project Implementation Unit for Roads Rehabilitation 14 Ayni Street, 4th Floor, Dushanbe. Tajikistan Tel: +992 222 20 273 +992 93 583 43 83 Email: pirrr@tojikiston.com</p>	<p>Mahmadaliev Sherali Safeguard specialist, Project Implementation Unit for Roads Rehabilitation 14 Ayni Street, 4th Floor, Dushanbe. Tajikistan Tel: +992 907 82 84 85 Email: pirrr@tojikiston.com</p>	<p>National Social and Environmental Safeguards Focal Points Resident Mission of Asian Development Bank in Republic of Tajikistan 45 Sovetskaya Street, Dushanbe. Tajikistan Tel: 992 372 210558</p>
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Technical Experts

136. When requested by the PIURR to provide technical expertise for the assessment of an impact claimed by the complainant, the relevant expert will:

- examine the case, perform relevant tests or an investigation;
- prepare a short report based on the results of the examination completed;
- recommend if further or additional legal opinion or expertise is needed to make a judgment on the substance of the case.

5.4 GRC Complaint Register, Records and Documentation

The PIURR of the MoT will maintain the complaint register. This will include a record of all complaints for regular monitoring of grievances and results of services performed by the GRCs for periodic review by the ADB. The GRC Grievance Registration Form can be found in Annex 5-3.

6 LEGAL AND POLICY FRAMEWORK

137. The policy framework for the Project is based on the Law of the Republic of Tajikistan and the ADB Safeguards Policy Statement of 2009. In the legislation of Tajikistan, there is no special law or policy, which regulates the issues of resettlement and/or land acquisition or expropriation of rights to land and immovable property for state or public needs. Moreover, there is no separate law that completely provides norms and mechanisms for the determination of the full and fair, market value of land. The key legislative acts regulating land management relations and the ownership rights to immovable properties in the Republic of Tajikistan are the following:

- Constitution of the Republic of Tajikistan (1994, as amended in 2003)⁷
- Land Code (amended in 2012)⁸
- Land Code (amended in 2008)⁹
- Civil Code (amended in 2007)¹⁰
- Regulation “about compensation of losses to the land users and losses of agricultural products” (approved by the Decree of Government of Republic of Tajikistan, 2000. № 515)¹¹

138. The Constitution of the Republic of Tajikistan, Land Code and the Civil Code of the Republic of Tajikistan are the fundamental laws on which the legislation is based. The framework for the Project is based on the ADB SPS 2009 requirements and applicable laws, regulations and policies. Where differences exist between local law and ADB policies and practices, the resettlement for this Project will be resolved in favor of the later.

Types of land ownership and land use rights allocation

139. All land is owned by the Republic of Tajikistan, which is responsible for its effective use. Several tenure options for agricultural land are defined by the Land Code. There are primary use rights and secondary use rights. Primary use rights include the following:

- Perpetual use which has no fixed term. It is granted to legal entities such as state and cooperative agricultural enterprises, public and religious organizations and charities, industrial and transportation needs, public enterprises, defense and joint ventures that include foreign entities.
- Limited or fixed-term use may be granted to legal or physical persons for either a short-term (up to 3 years) or long-term (3 to 20 years).
- Life-long inheritable tenure which may be assigned to physical persons or collectives. Physical persons must re-register the right in the case of inheritance. This right applies to land-shares used to organize a dekhkan farm, as well as household (garden) plots.

140. The only secondary use-right recognized under the Land Code is the right to lease. According to the Code, primary rights holders may lease out their plots for a term not exceeding 20 years. The land is used in accordance with the state-established land-use standards. The right to use land may be terminated for various reasons such as: termination of activities by the land user, non-use for two years and use of the land differing from the use established in the use-rights document. (Land Code Article 37)

⁷ Constitution, November 6, 1994, as amended on 22 June 2003.

⁸ Land Code of the Republic of Tajikistan as amended on 01 August 2012

⁹ Land Code, as amended by N 498 from December 12, 1997., N 746 from May 14, 1999, N 15 from May 12, 2001, N 23 from February 28, 2004. From 28.07.2006 №199, from 5.01.2008 №357, from 18.06.2008 №405.

¹⁰ Civil Code, as amended by August 6, 2001, N 41: May 3 2002 №5, March 1, 2005, N 85; April 29, 2006 №180, May 12, 2007. №247).

¹¹ Approved by the Decree of Government of Republic of Tajikistan, December 30, 2000. №515.

141. Dekhan land is the result of the splitting up of large state owned farm enterprises, known as kolkhoz and sovkhoz farms, which were established throughout much of the former Soviet Union. Sovkhoz farms were run by the state, while kolkhoz farms were a form of co-operative farm, run by a committee of members approved by the state. The Agrarian Reform Program in Tajikistan was adopted for the period of 2012-2020. Creation of dekhkan farms is one of the priority areas of land reform. The basis for creating dekhkan farm in the Republic of Tajikistan is defined by the Law "On Dehkan farms"¹², №48 of 10 May 2002. It resulted in the creation of 31 dekhkan farms in 1992 with 300 hectares of land. In 2003, there were 16,433 registered dekhkan's farms with 240,100 hectares¹³.

142. In dekhkan farms, the land remains state property (which cannot be bought or sold), but farmers are granted inheritable land use rights which give complete legal freedom to landholders to manage the land as they desire. The state collects taxes and can repossess the land if it believes the land is not being managed properly. There are three types of dekhkan land: individual (the land use certificate is held by an individual), family (the certificate is jointly held) and collective (the certificate details common property shareholders).

143. A collective dekhkan consists of two or more unrelated families, producing and marketing jointly. Dekhan farm —associations, or —associative dekhkan farms, operate in a similar manner to collective dekhkans, although the families involved technically have their own dekhkans and work together cooperatively. Both family and collective dekhkans operate by appointing a head who officially holds the farm's land registration certificate and legally represents the interests of the farm (Duncan 2000; GOT 2008; ARD 2003; Robinson et al. 2009; GOT 2009a).

144. Presidential land is similar to dekhkan land. It was allocated in small plots to private households in the late 1990s by Presidential Decree. The essential difference between dekhkan and Presidential land is that no land-use rights certificate is required for the latter land plots (they are registered at the jamoat level per household).

145. Reserve Fund land usually consists of unused land. It also includes land plots for which land use rights have been abandoned. State reserve land is at the disposal of the district administrations and is rented out or distributed for individual agricultural cultivation purposes. Article 100 of the Land Code states that State land stock is reserved for the agricultural, industrial, transport and other needs of the national economy.

146. Supported Farms land includes land provided to different government institutions as assistance to their members and employees. The land is given to employees who did not get any land under other government schemes.

6.1 Tajikistan Constitution, Law/regulation on Land Acquisition, Resettlement and Compensation

147. The Constitution of the Republic of Tajikistan is the main legal document which guarantees citizen's rights. Article 13 states that land, bowels of the earth, [i.e. mineral resources], water, airspace, animal and vegetable kingdoms, [i.e. flora and fauna], and other natural resources are owned by the state, and the state guarantees their effective use in the interests of the people. Furthermore, Article 12 states that the economy of Tajikistan is based on various forms of ownership and the state will guarantee freedom of economic activity, entrepreneurship, equality of rights, and the protection of all forms of ownership, including private ownership.

148. The legal basis for state acquisition of private property for public works is outlined in Article 32 which states "*...the property of an individual is taken away only on the basis of the law, with the consent of the owner and to meet the requirements of the state and society, and with the state paying full compensation.*"

¹² Law of the RT "On Dehkan farms".2002. www.mmk.tj

¹³ Source: Statistical Yearbook of the Republic of Tajikistan. 2001. Statistical Agency. Dushanbe, 2001, c.175. Statistical Yearbook of the Republic of Tajikistan. 2004. Statistical Agency. Dushanbe, 2004, c.173.

6.1.1 Provisions regulated by the Land Code

149. In August 2012 amendments to the Land Code that enable legal sales and lease transactions for land use rights were approved.¹⁴ The Land Code also includes changes to the provisions related to land acquisition.¹⁵

150. The revocation/allotment of lands and resettlement envisages compensation for losses incurred by land users or those with other registered rights to the land when the land plot is revoked for state and public needs.

151. The state may revoke land plots for state and public needs from land users after:

- allocating a land plot of equal value;
- constructing housing and other buildings with the same purpose and value, in a new location for the natural persons and legal entities to whom the land plot had been allocated, in accordance with established procedures;
- fully compensating for all other losses, including lost profits, in accordance with the legislation of the Republic of Tajikistan.

152. Upon the revocation of land plots for state and public needs, all losses shall be calculated according to the market price, which shall be defined by taking into consideration the location of the land plot, and compensation shall be paid to the persons/legal entity whose land has been taken away. Termination of the right to use a land plot, for state and public needs, can be carried out after allocation of an equal land plot and compensation of other expenses is provided by part one of the present article. (L.C. Article 41; In the Republic of Tajikistan Law edition dated 1 August 2012, No. 891).

153. The procedure for the compensation of losses to land users and losses arising from the removal of land from circulation is regulated by Article 43 of the Land Code edition dated 1 August 2012, No. 891:

- In the event of revocation of a land plot for state and public needs, compensation for losses to land users and others with registered rights to the land, and losses connected to the removal of land from circulation, shall be made by the natural/legal persons whose activity led to the revocation.
- In the event of withdrawal of a land plot for state and public needs, the procedure for compensation of losses to land users and others with registered rights to the land, and losses connected to the removal of land from circulation, shall be defined by the Government of the Republic of Tajikistan (In RT Law edition dated 5 January 2008, No. 357).
- Upon termination of the rights to a property, the property will be assessed based on its market value (Article 265 Civil Code).
- Land users should be notified in writing about land revocation by the local executive government body no later than one year before the pending withdrawal of the land (Article 40. Land Code of the Republic of Tajikistan Law edition dated 1 August 2012 no. 891).
- In the event that international agreements recognized by the Republic of Tajikistan establish other rules than those contained in the Land Code of the Republic of Tajikistan, the rules of the international agreement shall be applied (Article 105, LC of the RT edition dated 28 February 2004 No. 23).

154. The Land Code of 1997 is the core legal document related to land acquisition. It has been updated a few times and most recently in August 2012. Article 2 of the Land Code states that “*land is an exclusive ownership of the State... [but]... the State guarantees its effective use in the interests of its citizens*”. However, Articles 10-14, the Land Code outlines land title as being of long-term, short-term, and inherited land use entitlement. Article 14 of the LC of the RT also states that land users may lease land plots by agreement (In the Republic of Tajikistan Law addition dated 1 August 2012 No. 891).

¹⁴ Law 891, dated August 2012, article 19.

¹⁵ Articles 37-45

155. Article 24 of the Land Code describes the allocation of land for non-agricultural purposes, and provides that when choosing a suitable location for such land uses, land not suitable for agriculture should be favored. The same principle is stressed by Article 29, which discourages the use of high-yielding agricultural land for non-agricultural use. However, Article 29 also allows for allocation, and appropriating of agricultural land for “*other very important State objects*”.

156. In accordance to Article 19 of the Land Code, the land right users may:

- execute civil-legal transactions (buying-selling, gift, exchange, mortgage and other) with allocated (acquired) use right to a land plot with a right to alienate it independently without interference of executive government bodies, except for provisions of present Code; (In the Republic of Tajikistan Law edition dated 1 August 2012 No. 891)
- lease the land plot;
- establish private (based on consent) servitude to a land plot; (In edition dated 1 August 2012 No. 891)
- mortgage the right to a land plot;
- receive compensation in the event of withdrawal of the right to use the land plot for state and public need in accordance with Article 41 – 43 of the present Code.

157. Compensation for land which belongs to the State but is allocated and essentially leased to users by each hukumat, is divided between the hukumat and the user according to the following proportion:

- 40 % to the hukumat, which will no longer derive income from taxes and leases for the portion of the land being acquired
- 60% to the land user, who suffers a reduction in his/her income-generating asset.

158. The compensation received by the hukumat is used for the management, construction, and maintenance of local infrastructure. The land user also receives compensation for lost crops based on the provisions outlined in the Entitlement Matrix.

6.2 ADB SPS 2009 Involuntary Resettlement Safeguards

159. The three important elements of ADB’s involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. For any ADB operation requiring involuntary resettlement, planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle, taking into account the following 12 key policy principles for involuntary resettlement. These can be summarized as follows:

- Screen the project early on to determine past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, related to resettlement impacts and risks.
- Carry out meaningful consultations with affected persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, and those without legal titles to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and resolve the affected persons’ concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and

sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.

- Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based (where possible) or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.
- Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with the relevant income sources and legal and affordable access to adequate housing.
- Establish procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of the project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout the project implementation.
- Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

160. ADB SPS 2009 distinguishes three categories of displaced persons, with variable compensation needs:

- **Legal DPs:** DPs with formal legal rights to land lost in its entirety or in part;

- **Legalizable DPs:** DPs without formal legal rights to land lost in its entirety or part but who have claims to such lands that are recognized or are recognizable under national law and;
- **Non-legal DPs:** DPs who have neither formal legal rights nor recognized/recognizable claims to land lost in its entirety or in part.

161. For categories (i) and (ii) above, borrowers are expected to provide compensation at full replacement cost for lost land, structures, land improvements and relocation assistance. For DPs in category (iii) (informal settlers), the borrower/client is expected to compensate all assets other than land (i.e. buildings, trees, cops, businesses) at full replacement cost. The risk of opportunistic encroachment on land designated for acquisition by the project is managed through the declared 25 April 2016 cut-off date.

162. Compensation for lost land may be in the form of replacement land (preferred option if feasible) or in cash. When “land for land” compensation is not feasible cash compensation can be valued based on market rates or, in the absence of land markets, through other methods (i.e. land productivity or reproduction costs)¹⁶. Compensation is to be provided at “full replacement cost”. This includes: (i) transaction costs; (ii) interest accrued; (iii) transitional and restoration costs; and (iv) other applicable payments, if any. Compensation for all other assets is to be provided in cash at replacement cost without deductions for amortization, salvaged materials and transaction costs.

163. The following core involuntary resettlement principles were adopted for this Project:

- land acquisition, and other involuntary resettlement impacts will be avoided or minimized by exploring all viable alternatives in the Project design;
- consultations with DPs on compensation, disclosure of resettlement information to DPs, and participation of DPs in the planning and implementation of rehabilitation measures will be ensured;
- vulnerable groups will be provided with a special assistance;
- payment of compensation to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets (except for illegally used land) at replacement rates;
- payment of compensation and resettlement assistance prior to the contractor taking physical possession of the land and prior to the commencement of any construction activities;
- provision of income restoration and rehabilitation; and
- establishment of appropriate grievance redress mechanism.

6.3 Comparison of the Provisions under ADB SPS 2009 and National Legislation

Items	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
1. Eligibility	DPs with legal rights receive compensation for land and non-land assets	DPs with legal/registered land use rights are eligible for compensation \ rehabilitation.	Same in principle and application.
	DPs with legalizable rights are entitled to compensation for land and non-land assets.	DPs with legalizable rights receive compensation for the land and non-land assets.	Same in principle and application

¹⁶ Based on the SPS (Appendix 2, para. 10) in absence of well-established land markets land compensation will be provided based on a thorough study of the land transaction, use, cultivation and productivity patterns in project areas. One method accepted by ADB in such a situation would be to provide land compensation based on land productivity or land reproduction costs.”

Items	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	DPs with no legal rights receive compensation for the assets/improvements	Informal land users (without right to use land) are not entitled to any compensation (for land or non-land assets)	Different in principle but same in application for non-land assets.
2. Livelihood rehabilitation standards	ADB Policy requires improvement in the standards for AP livelihood	No such a provision exists in the national law	Different in policy but Government accepts ADB SPS 2009 requirements and endorses them in the entitlement matrix on a project by project basis.
3. Compensation	A. Loss of land. Replacement land as the preferred option of the compensation. If land is not available, cash compensation at full market cost.	A. Permanent loss of land. Replacement land but also cash compensation.	A. Same in principle. Application mechanisms temporarily reconciled for ADB projects.
	B. Loss of structures. Cash compensation for lost structures at full replacement cost irrespective of the legal status of land and free of depreciation, transaction costs and other deductions.	B. Loss of structures. Cash compensation for lost structures at market cost with depreciation or value of salvaged materials sometimes included in the calculation.	B. Same in principle and not in application. Application is reconciled in previous projects but not yet mainstreamed by a Decree for ADB projects.
	C. Loss of the business. Actual losses reimbursement plus business restart costs. Application based on tax declaration/similar documents for business stoppage period. Without tax declaration /similar documents, based on maximum non-taxable salary.	C. Business Losses. Compensation in cash at market value for legal businesses but the methodology is not specified. Non-registered businesses are not entitled to compensation.	C. Different in principle (non-legal businesses and in application (all businesses). Already reconciled for previous projects but mainstreamed reconciliation not formalized through a Decree for ADB projects.
	D. Loss of trees. Irrespective of legal land occupancy status compensation at market cost based for application on tree type/ wood volume for wood trees and based on income lost (x tree type x market value of 1 year income x years to grow the tree to a full production.	D. Loss of trees. In general, private trees are not compensated although the wood cut is left to the DPs.	D. Different in principle and in application. Already reconciled in previous projects for the fruit-bearing trees only.
	E. Loss of crops. Cash compensation at market price for the gross crop value of an expected harvest.	E. Loss of crops. Cash compensation at market price for all incurred land preparation activities and expected gross crop value.	E. Same in principles and application.

Items	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	F. Loss of jobs. Indemnity of lost income so as to ensure DP rehabilitation. Specific arrangements to be agreed with borrowers for permanent impacts.	F. Loss of jobs. Severance pay provided by employer.	F. Different in principle and application already adjusted for previous ADB projects.
4. Procedural mechanisms	A. Prior notification. Timely notice on land acquisition needed.	A. Prior notification. Written notification prior to withdrawal (acquisition) of land.	A. Same.
	B. Information disclosure. LAR documents should be disclosed in a timely manner and in a language accessible to local population.	B. Information disclosure LAR decisions to be published in national media in Russian and Tajik within 5 days from approval.	B. Same in principle, different in application to ensure full LARP disclosure. Already reconciled for ADB projects.
	C. Public consultation. Meaningful public consultations are to be held with the DPs. DPs should be informed about their entitlements and options, as well as resettlement alternatives.	C. Public consultation. There are no requirements to inform directly the DPs about their entitlements and resettlement options as such.	C. Different in principle and application. Already reconciled for ADB projects.
	D. GRM should be established for each project s, and information on GRM should be communicated to DPs.	D. GRM. No project specific GRMs exists. Disagreements are resolved by through Hukumats' grievance mechanism or appeal to court.	D. Different in principle and application. Reconciled for ADB projects.
5. Prior acquisition	A. Property can be acquired only after full compensation is paid to the DPs	A. Property can be acquired only after full compensation is paid to the DPs	A. Same in principle and application.
6. Resettlement planning, assessment and valuation of project impacts	<p>A. LARP Preparation: includes compensation entitlements, income/livelihood restoration strategy, monitoring plan, budget and implementation schedule, based on sound impact/valuation surveys as detailed below.</p> <p>i. Detailed measurement survey (DMS). Measures quantitatively impacts for each affected property.</p> <p>ii. DP census (including review of legal status). Identifies all DPs and establishes a list of legitimate beneficiaries.</p> <p>iii. Socio-economic survey.</p>	<p>A. LARP Preparation: No requirements to prepare LARP or pursue measures to restore the livelihoods of DPs to the pre-project level. A series of activities similar to those mandated by the SPS are however required as follows:</p> <p>DMS. Measures all impacts in quantitative terms.</p> <p>ii. DP census: DP Identification. Identifies all DPs by residence or locality and establishes a list of legitimate beneficiaries based on land title and house ownership status.</p> <p>iii. Socio-economic survey. No</p>	<p>A. Different in principle and application. Already reconciled for ADB projects through technical instructions.</p> <p>i. Same in principle and application. Valuation mechanisms need to be updated.</p> <p>ii. Same in principle and application.</p>

Items	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	<p>Includes information on DP's disaggregated by age, sex, family size, education, occupation, income source.</p> <p>iv. Valuation survey</p> <p>a) Land: If land market exists, valuation is based on a survey of recent land transactions. In absence of land market info, valuation is based on land productivity and income.</p> <p>b) Buildings replacement cost of materials, labor and transport and special features of the building/structure without discounting for depreciation, salvaged materials and transaction costs.</p> <p>c) Trees/crops. Based on the set methodology.</p> <p>v. M&E: M&E depends on the project category, external for Category A and internal for Category B projects.</p>	<p>comparable requirements exist</p> <p>iv. Valuation survey.</p> <p>a) Land: Mechanisms for land valuation to be defined.</p> <p>b) Buildings/structures: Market value of materials, labor and transport and special building features but discounted for depreciation, salvage materials, and transaction costs.</p> <p>c) Trees/crops. Based on the set methodology.</p> <p>v. M&E: No M&E requirements in national legislation</p>	<p>iii.</p> <p>Different in principle and application but already reconciled for ADB projects.</p> <p>iv. Different</p> <p>a) Application and valuation method to be developed and mainstreamed.</p> <p>b) Different in application. Application already reconciled for previous ADB projects.</p> <p>c) Same in principle, but different in application. Already reconciled for previous ADB projects.</p> <p>v. M&E: Different in policy but reconciled once LARP is endorsed for ADB projects.</p>
<p>7. Special assistance to vulnerable severely affected and relocating DPs</p>	<p>A. Vulnerable DPs should be identified and special assistance should be provided to them so as to help their restoration or improvement of pre-project level of livelihoods</p> <p>B. Resettlement assistance. DPs to be resettled receive relocation assistance covering transport and transitional period livelihood costs.</p>	<p>A. Vulnerable DPs: No special consideration is required for vulnerable DPs; no distinction is made between DPs when deciding on the compensation or rehabilitation package</p> <p>B. Resettlement assistance</p> <p>No special consideration is required for resettled DPs. However, the package depends on Government's decision regarding transitional period allowance.</p>	<p>A. Different in principle and application. For ADB projects reconciled by endorsing the entitlement matrix and the LARP.</p> <p>B. Different in principle and application. For ADB projects reconciled by endorsing the entitlement matrix and the LARP.</p>

6.4 Project-Specific Entitlements

164. All DPs in the Project are entitled to compensation and resettlement assistance to help the restoration of their livelihoods to pre-Project levels. The combination of compensation measures and resettlement assistance offered to them depends on the nature of the lost assets and the magnitude of the Project's impact as well as the social and economic vulnerability of the affected persons. All

APs are eligible for compensation and rehabilitation assistance, irrespective of their land ownership status. The compensation packages must reflect replacement costs for all losses (such as land, crops, trees, structures, businesses, incomes, etc.).

Land

165. The following types of land impacts are recognized under the Republic of Tajikistan's laws;

- **Agricultural land:** Households with agricultural land use right will be rehabilitated through the provision of compensation and equal to following:
 - a) **Permanent land holders (individual and cooperative):** Cash allowance for loss of land use rights equal to the average net income from crops in the past 5 years for the project district, obtained from the Statistical Department, or provision of an alternative land plot of equal value / productivity to the revoked plot. If the residual portion of the affected plot is too small to use, the whole plot is compensated or exchanged;
 - b) **Leaseholders:** Cash allowance for the lost income equivalent to 1 year of average crop productivity. The owner of the land use right will be compensated for the loss of the right and the loss of income equivalent to the loss of the lease amount for the remaining lease period.
 - c) **Agricultural tenants:** These tenants will receive their share of harvest at market rates (if the impact is temporary) plus 1-year additional average crop productivity compensation (if the land is lost permanently).
- **Residential / Commercial Land:** Households with affected residential / commercial land use rights, will be rehabilitated through the provision of the following compensations:
 - a) **Permanent land holders:** Cash allowance for the loss of land use rights equal to the current land lease rate/land tax at the time of expropriation, multiplied by 25, the provision of an alternative land plot of equal value/productivity (similar conditions and facilities) to the affected plot. If the residual portion of the plot to be revoked is too small to use, the whole plot is compensated for or exchanged;
 - b) **Leaseholders:** Cash payment for loss of income for a minimum of three months and up to 12 months, or continuation of rental agreement on an alternative land plot. The owner of the land use right will be compensated for loss of income equivalent to the loss of the lease amount for the remaining lease period.

Buildings and Structures

166. All APs, whether titled owners or illegal-non-titled owners of buildings and structures, will be compensated in cash at replacement cost (including the cost of materials, labor and transport of materials) free of deductions for depreciation, salvageable materials and transaction costs, irrespective of the registration status of the affected assets. The cost of lost water, wastewater, electricity and gas utilities will be included in the compensation. In addition, the compensation will include the cost of registration/legalization of the new building/structure. Renters of buildings/structures will receive an allowance for the loss of income (based on a tax declaration) caused by the loss of the rented building/structure for no less than 3 months, or continuation of their rental agreement at an alternative building/structure. If the tax declaration is not available, the compensation will be calculated as per the sum stated in the valid rental agreement.

Crops and Trees

- **Crops:** Compensation to all APs irrespective of their legal status in cash equal to 1 year of average crop production in the project district. This shall apply whether the land is fallow, or cropped.
- **Fruit-bearing trees:** Compensation based on an age category and the market value of 1 year of income times the number of years needed to grow a tree of similar productivity, plus purchase price of seedlings and starting materials.

- Wood and decorative trees are not compensated for. The DP will keep wood from the cut tree. The decorative trees will re-planted during the project implementation.

Businesses

- **Permanently lost business:** Compensation equal to up to 1-year's net income (lost profit) plus the cost of lost certificates / licenses / patents. The income calculation shall be based on the official tax declaration, or (if a tax declaration is unavailable) it is accepted as the official monthly average wage multiplied by the number of months needed to restore the business (up to 12).
- **Temporary disruption:** Compensation equal to the net income for the period of business interruption (less than one year) based on a tax declaration or, if tax declaration is unavailable, it is calculated by multiplying the official monthly average wage by the number of months since the operation was disrupted (less than 12).
- **Business workers and employees:** Compensation for lost job (termination of employment agreement) due to permanent or temporary termination of business activities amounting to three-months of their official wage, or, if unavailable, the official monthly average wage multiplies by three.

Relocation, Transition and Severity/Livelihood Rehabilitation Allowances

- **Transportation allowance** for the cost of labor and vehicle rent to transport the households /and business belongings to a new location;
- **Communal and site preparation cost** for the alternative land plot (including connection to power grid, water supply system, installation of a latrine);
- DPs who lose more than 10% of their income or DPs who are to be relocated, will receive either payment equal to 1 year's average crop production in the project district, in addition to standard crop compensation, or cash allowance equal to three months of the official monthly average wage, whichever is higher.

167. There is no monetary compensation for loss of common, public or any government department assets. Affected common and public assets will be fully replaced or rehabilitated to maintain their pre-project functions.

Vulnerable Groups

168. Tajikistan's legislation does not make a distinction between vulnerable and other categories of DPs when deciding on compensation for affected assets. Also, there is no special consideration given under Tajikistan's laws and regulations to vulnerable DPs (the poor, women-headed households or families with many children) during the LAR process. There are no national standards to assess poverty. The Law "On minimal consumption basket", which would allow for food-based poverty assessment is still pending endorsement. Currently, if a household needs to be registered as poor, the family members need to do the following:

- Visit the Jamoat's social protection officer;
- Submit passports and other personal documents for each family members;
- Submit official documents on income for every family member;
- Submit information about land used;
- Information on husbandry;
- Complete all necessary assessment forms provided by Hukumat;
- The completed forms are forwarded to Hukumat;
- Decision is made in Hukumat based on points for each parameter considered

169. The household considered as poor will receive a financial help of TJS 100 on a quarterly basis.

170. During the socioeconomic study in the Project area, the local authorities reported that the

Government provision to the poor amounts to 35 TJS per quarter given to households registered by the Hukumat departments as poor ; single women headed households with dependent children; large households with five or more children below 18 years, and households with a disabled member. The vulnerable households affected by the Project, will be provided with assistance equivalent to the official monthly average wage multiplied by three. In addition, they will be enrolled in a government social assistance program (if still not enrolled by the time of the surveys). Able-bodied members of vulnerable households will be given priority in project-related jobs.

171. For this provision, each single women head of household from the vulnerable list was phoned and asked why she was not enrolled in any government assistance program and if she needs any help to do so. Out of 11 women, nine replied. All of them stated that they do not need any help as their social status falls between middle and high-income brackets. Some of the women have 4-5 ha of orchards, some have 2-3 shops, some have grown up children working abroad and sending remittance and some simply stated that they do not need it. The remaining two single-women, will be assisted by the PIURR during the process of registration for the government social assistance programs.

Temporary Impacts

172. In case of temporary land acquisition, compensation shall be based on local commercial rental rates for the duration of use. The land shall be restored by the construction contractor(s) to its original status at the end of the rental period.

Any unanticipated impact that occurred during the construction of the road (such as additional land and other assets acquisition, unavoidable stoppage of business during the construction) will be compensated as per the entitlement matrix. Assets affected due to the road works will be compensated by the contractor as per the Contractor's third-party insurance provisions. All the necessary conditions related to unanticipated impact during the construction will be included in the civil work contract with the Contractor.

173. The following Project-specific Entitlement Matrix details the entitlements agreed for this Project:

Table 6-1: Project-specific Entitlement Matrix

No	Asset	Displaced Person	Compensation Entitlements
Permanent Loss			
1	Agricultural land (all losses irrespective of severity)	Individual land-use rights holders	Cash allowance for loss of land use rights equal to net income in the last 5 years generated from the affected land area at market rate at the time of taking; or Provision of alternative land plot of equal value / productivity to plot lost. If the remaining portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Collective land-use rights holders	Cash allowance for loss of land use rights equal to net income for the last 5-years generated from the affected land area at market rate at a time of revocation; or Provision of alternative land plot of equal value / productivity to plot lost. If the remaining part of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Renters and leaseholders	Rental allowance in accordance with the conditions of the rent agreement, but not less than the cost of rent for 3 months; or Continuation of rental agreement on alternative land plot or cash allowance for the lost income equivalent to 1 year of average crop productivity.

No	Asset	Displaced Person	Compensation Entitlements
		Informal (if any) ¹⁷	Provision of opportunity to lease a plot on state land. Relocation allowances.
2	Residential and commercial land	Owners	Cash allowance for loss of land use rights in cash equal to current annual land lease rates at the time of acquisition multiplied by 25; or Provision of alternative land plot of equal value / productivity (similar conditions and facilities) to plot lost. If the residual portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Renters	Rental allowance in accordance with the conditions of the rent agreement, but no less than the cost of rent for 3 months, or Continuation of the rental agreement on an alternative land plot.
		Informal (if any)	Provision of opportunity to lease a plot on state land. Relocation allowance if applicable.
3	Buildings and structures	Owners of structures including “informal” and encroaching	Cash compensation at replacement rate for affected structure / other fixed assets (without deduction of depreciation, taxes, costs for salvageable materials and other transaction costs). All buildings and structures will be compensated in their entirety; or According to the owner’s choice, if feasible, a building for building / structure for structure exchange.
		Renters	Rental allowance in accordance with the conditions of the rent agreement, but not less than cost of rent for 3 months; or Continuation of the rental agreement for an alternative building/structure.
4	Crops	All DPs, including “informal” and encroaching	Cash compensation equal to gross income generated on the affected land area for 1 year at market rate at time of revocation. No compensation for land will be paid.
5	Trees	All DPs, including “informal” and encroaching	Compensation reflecting income replacement. Cash compensation for productive trees based on the net market value of 1 year of income multiplied by the number of years to grow a tree to a similar level of productivity, plus purchase of saplings and starting materials.
6.	Business and employment (temporary and permanent)	All DPs (including workers of affected businesses)	Owners of shops / commercial establishments: In case of permanent loss, compensation equal to 1 year net income (lost profits) plus cost of lost certificates / licenses / patents. The income is based on the official tax declaration, or (if tax declaration is unavailable) it is accepted as the official monthly average wage ¹⁸ multiplied by 12.
			In case of the temporary loss of a business, compensation equal to the net income for the period of disruption (<1 year). The income is based on the tax declaration, (or it is calculated based on the monthly average wage multiplied by the number of months since the operation was disrupted (less than 12 months). Workers indemnity for lost wages equal to 3 months’ income. For temporary loss of employment, indemnity for lost wages for the duration of impact if less than 3 months.
7.	Relocation	Physically displaced households regardless of type of impact	Transportation allowance (cost of labor and vehicle rent to transport house/business belongings to a new location). Communal and site preparation cost for the alternative land plot

¹⁷ Landless DPs without any rights-to-use land living on income from the illegally used land plot. The DPs owning land adjacent to the illegally used parcel will be compensated for losses from the illegally used part as per the entitlement matrix. In addition, the DP may apply for a lease of a land plot to work on. The land for lease is available at Jamoats and Dekhan farms to anyone who is willing to pay the lease and work on land.

¹⁸ Official average monthly wage for March 2017 is 1,167.50 TJS/month and reported within macroeconomic indicators by the Agency on Statistics under President of the Republic of Tajikistan. Available via: <http://stat.tj/en/macro-economic-indicators/> and <http://www.tradingeconomics.com/tajikistan/wages>

No	Asset	Displaced Person	Compensation Entitlements
			(including connection to power grid, water supply system, installation of latrine etc). Severity /livelihood rehabilitation allowance in the form of cash compensation equal to the official monthly average wage for 3 months.
8.	Public / common assets		Rehabilitation / substitution in kind or in cash at replacement cost of affected items and rehabilitation of their functions. Alternative service supplied, if cut off temporarily.
9.	Vulnerable households	DPs receiving government assistance for poor, single women-headed HH below poverty line, elderly households with no means for living, households with disabled head or other HH members.	Allowance equivalent to official monthly average wage for 3-months; Enrolment in Government social assistance, if not yet enrolled; Priority in project-related employment for members of vulnerable households (if at legal working age).
Temporary Loss			
10.	Temporary impacts	All relevant DPs	For other unforeseen and temporary impacts other than stated above, ADB SPS (2009) general principles and objectives will be used as the minimum benchmarks and appropriate impact mitigation measures will be sought to meet them. The payment for rented land during the construction, will be based on the market price under negotiated agreement. After discontinuation of land use, the land must be restored to the original status, or as per the agreement with the land rights holder ¹⁹ .
Unanticipated impacts			
11.	Other unanticipated assets loss or impact on livelihood	All DPs residing in the project corridor before the cut-off-date.	Compensated as per the Project specific entitlement matrix.

6.5 Income Restoration and Relocation Strategy

Income Restoration and Relocation Strategy

174. A total of 20 residential buildings belonging to 17 AHs, one petrol station, 13 operating kiosks/ small grocery shops and one pub, will be demolished (one business is movable and one have a short, temporary impact). In addition, there are 8 business buildings renters who will relocate their businesses due to loss of the main business building. The DPs from the affected residential home will rebuild their property on the remainder of their land plot. One head of households, having three families under one roof, would like to get land plots for some of his married children and their families. Jamoats process such requests and allocate the land. However, the DP decided to re-build his home at the remaining land-plot due to his current location in the center of the town.

175. The DPs were informed that they will have at least 3 months to build a new home. They will need to rent a home in the village for the duration of this period. The AHs will receive monetary compensation for the loss of their land use right, house and supporting buildings and structures, calculated at replacement cost, inclusive of all administrative costs such as the cost of a technical

¹⁹ In the case that the Contractor and Land-use rights holder both agree in writing to leave the land area in a state precisely described in the agreement.

passport for buildings, land use right certificate for the remaining area and any other related costs. In addition, the displaced household will receive a severity and vulnerability (where applicable) livelihood rehabilitation allowance equal to the official national monthly average wage for 3 months.

176. To restore their livelihood, the owners of the kiosks/shops to be demolished, and their relatives who run the business, will receive compensation for loss of land use right and loss of buildings and structures at replacement cost as per the entitlements matrix, and a severity/livelihood rehabilitation allowance equal to the official national monthly average wage for 3 months. All shops/kiosks business operators/renters (except one temporarily losing access to his shop and a movable dairy products kiosk), will receive cash compensation for loss of business for 6 months. The shop owner losing access to his shop, will receive a cash compensation for 3 months for a temporary loss of access and the owner of the dairy kiosk will be compensated for 1 month for loss of business as the business can be restored in a few days. All will receive a severity/livelihood rehabilitation allowance equal to the official national monthly average wage for 3 months.

177. The DP losing the entire petrol station will be compensated for all losses as per the entitlement matrix including applicable allowances and the petrol station renter will receive cash compensation equal to 1 year of net income (lost profits) plus the cost of lost certificates / licenses / patents. The income will be determined according to their official tax declaration, or (if tax declaration is unavailable) it will be taken as the official national monthly average wage²⁰ multiplied by 12. The owner will re-build petrol station at the same location.

178. The DP losing access to one fuel service lane, will receive cash compensation for loss of profit equal to 1 year of net income from two fuel dispensers (33% of his business capacity). The owner prefers to stay at the current location and operate the business with reduced petrol station capacity.

179. Affected pub is operating in an attached wooden part to the main building. The main building is not affected but the attached pub cannot be restored at the same location. The owner of the pub to be demolished will receive compensation for loss of land use right and loss of buildings and structures at replacement cost as per the entitlements matrix, and a severity/livelihood rehabilitation allowance equal to the official national monthly average wage for 3 months. In addition, the owner will receive cash compensation equal to 6 months of net income (lost profits) plus the cost of lost certificates / licenses / patents and a severity/livelihood rehabilitation allowance equal to the official national monthly average wage for 3 months. The income will be determined according to their official tax declaration, or (if tax declaration is unavailable) it will be taken as the official national monthly average wage multiplied by 6.

The owner of a small, movable kiosk selling dairy products will receive cash compensation for relocation of the kiosk, for loss of business for 1 month as the business can be restored in a short period. In addition to compensation for loss of income, the DP will receive a severity/livelihood rehabilitation allowance equal to the official national monthly average wage for three months.

180. The DPs with affected agricultural land, owners and renters, will receive cash compensation as per the agreed entitlements for this Project. The Project will affect only a narrow strip of land, so their livelihoods and income will not be severely affected.

²⁰ The official national average monthly wage for March 2017 is 1,167.50 TJS and is reported within macroeconomic indicators by the Agency on Statistics under the President of the Republic of Tajikistan. Available via: <http://stat.tj/en/macroeconomic-indicators/> and <http://www.tradingeconomics.com/tajikistan/wages>

7 INSTITUTIONAL ARRANGEMENTS

7.1 General

181. The planning, preparation and implementation of the LARP involves distinct processes and different parties. This chapter details the core agencies and organizations involved, as well as their roles and responsibilities during the land acquisition and resettlement activities.

182. Various State Agencies and Institutions are responsible for different functions in the LAR processing and implementation. The Land Code stipulates that the decision for LAR for state and public needs is made by the local state authority (district authority) or, for major infrastructure projects, the decision on LAR may be approved by the Government. More specifically, the Prime Minister Office, which is inter alia in charge of construction/infrastructure projects, endorses LAR related decisions, including compensation packages.

7.2 Core Agencies and Organizations

Asian Development Bank

183. The Asian Development Bank (ADB) will be the funding agency of the Project. In addition to funding, ADB will periodically review the Project and LARP implementation as well as provide clearance for contract awards and the signing/initiation of civil works on the Project. The main responsibilities of ADB are: guidance for LARP preparation, approval and disclosure of the LARP and issuance of a no objection letter for the beginning of the construction works.

The Ministry of Transport /PIURR

184. The Ministry of Transport (MoT) is the Executing Agency. The MoT has the overall responsibility for the Project in areas such as preparation, implementation and financing of all LAR tasks, cross-agency coordination, management, monitoring and evaluation of all project implementation aspects, including procurement of goods, services, and works on the projects. In particular, the MoT will:

- appraise and approve the LARP after upon ADB's approval;
- make decisions related to the land acquisition and compensation of affected people;
- steer government units as well as local authorities involved in land acquisition, plot allocation and complaint handling / grievance resolution;
- ensure availability of sufficient budget for compensation, support and resettlement activities;
- ensure compliance of land acquisition and resettlement activities with the approved LARP;
- ensure engagement of experts / consultants to assist in verification / finalization of LARP as well as implementation of LARP monitoring/evaluation activities;
- ensure cross agency coordination and liaison with relevant state agencies involved in implementation of all LAR tasks;
- make high level decisions, including resolving DPs' grievances and facilitating court processes.
- responsible for establishing the grievance redress committee.

The Project Implementation Unit for Road Rehabilitation (PIURR)

185. The MoT has the Project Implementation Unit for Road Rehabilitation (PIURR) which is the Implementing Agency. The PIURR will, during the duration of the Project, ensure the operation of the project implementation unit and adequate resources and skilled personnel. The PIURR employs staff with extensive experience in managing ADB Projects including a full time designated safeguards specialist who, with assistance from other designated officials as necessary, will be managing the implementation of the LARP, including co-ordination of the work of all involved agencies. The PIURR Social Safeguard Specialist is responsible directly to the PIURR Director. The PIURR Social Safeguards Specialist is responsible for:

- cross-agency coordination and cooperation
- liaison between the resettlement specialists of the Supervision Consultant, other relevant organizations, agencies and government authorities and ADB with respect to LAR tasks
- verification of the list of DPs based on the final design;
- updating a database of DPs and impacts based on the verification results;
- maintaining regular coordination and communication with relevant state agencies;
- following up and providing support during notification of DPs on upcoming land/property acquisition;
- providing support during verification of the DP census and socioeconomic survey data, and valuation of the land and other assets to be acquired;
- preparing documents for negotiation of compensation with the DPs;
- preparing documents for formalizing agreements with DPs, processing of compensation payments, following up with registration of land / property titles;
- conducting regular consultations and exchange of information with DPs on the implementation of the LARP;
- disclosing the LARP and the information brochures;
- reviewing and issuing the LARP to ADB for review;
- planning and managing LARP implementation and the distribution of compensation;
- following up with expropriation cases;
- assisting in receiving, recording, resolving and reporting of grievances related to land / property acquisition process and other issues related to the Project and coordinate with the local authorities;
- ensuring proper internal monitoring;
- monitoring/supervising the temporary land acquisition carried out by contractor(s) engaged for the project;
- preparing regular reports on the progress of LARP related activities.

The Ministry of Finance

186. The Ministry of Finance (MoF) has the overall financial responsibility for the Project. The LARP budget and compensation payments will be endorsed by the Ministry of Finance. The MoF is responsible for allocating the compensation budget for government projects. It basically performs well when and if the compensation budget is considered and included during the annual budgeting process. The Ministry of Finance acts based on requests coming from an EA and transfers funds to the EA for compensation based on the supporting documents, i.e. endorsed LAR related documents. However, EAs/projects usually face problems getting funds allocated for LAR mid-year because the budget does not have any assigned funding for LAR even if the project is included in strategic documents.

Ministry of Agriculture

187. The Ministry of Agriculture has the responsibility, together with the local authorities, to provide the data on cropping patterns in the Project area, productivity of lands and other data relevant for calculation of compensation for loss of right to use land, fruit trees yield and other affected crops.

State Committee for Land management and Geodesy (SCLMG):

188. During the impact assessment, when land user data is concerned, land specialists from SCLMG subdivisions at district and jamoat levels provide information on ownership/use rights and propose the replacement land plot for DPs. The central office of the CLMG, through its subdivisions like “*Markaz Zamin*” or “*Fazo*”, deals with the transfer of land use rights from land users to the EAs. Based on the National Law on State Registration of Immovable Property and Rights to it a Unified Registration System (URS) was created under SCLMG, which combines functions of several institutions such as Mezhraion (Inter-district) Bureau of Technical Inventory (MBTI), the Ministry for Justice and some of the functions of local government offices into a more efficient and streamlined registration authority. There are 34 URS offices operating at district and city level in the country. During the LARP preparation and implementation phases, the agency will provide the following services:

- together with the DMS and valuation teams visit each affected property, provide information on the right to use land and verify the documents on ownership use rights;
- participate in the technical inventory of the immovable property and assist in preparation of the ownership certificates for the remaining immovable assets;
- enable objective valuation of affected immovable assets by providing information necessary for the valuation.

State Unitary Enterprise for Valuation (SUE) ‘Narkhguzori’.

189. All agencies involved in the appraisal process should be licensed to perform such services. Of all the pricing and valuation entities functioning in the country, both independent and state-owned, the State Unitary Enterprise (SUE) “*Narkhguzori*” (pricing) under the State Committee on Investment and State Property Management is the only licensed institution performing valuation services for huge infrastructure development projects. During the LARP preparation, the valuers of the SUE ‘Narkhguzori’ will:

- Valuate all state-owned assets, valuate project affected residential, commercial or industrial buildings (and the functional land plot associated with the structures).

District Authorities

190. District level authorities are responsible for general LAR cases. The district authorities base their review and decisions for LAR on planning documents and other designs, as well as approved feasibility studies. District authorities should work closely with the client’s valuation/assessment teams who prepare the documents necessary for LAR. These documents include the impact details for APs, the unit cost per type of impact and a list of APs for compensation. The district office representative of the Ministry of Agriculture values the loss of crops and fruit trees, the district office representative of the Committee on Environment Protection values wood trees, the district office representatives of the Ministry of Labor and Social Protection and Tax Committee value the loss of income/business/job. Valuation of structures/buildings and other tangible assets require a special valuation license; therefore, this task is contracted out to SUE “*Narkhguzori*”. The impact assessment should be verified/signed and stamped by relevant district level agencies (chief architect, head of agriculture department, head of land management committee, MBTI etc.) Based on the list of APs the district level authorities prepare a request letter for compensation payment and send it to the EA for further action.

The Local Executive Government Districts (Hukumats)

191. The District (Hukumat) is the local administrative body, established in all cities and districts. It is under the district level and above the jamoat level. The hukumat is led by a chairperson who has a wide range of responsibilities and authorities including land management, housing and infrastructure, social security, law and order, healthcare and production. The planning and implementation of any LAR activities related to land and assets is done through districts’ authorities (Hukumats). This is the local administration that has a direct link with the people through sub-districts ‘*Jamoats*’ and heads of communities. In relation to land and immovable property administration, the Hukumat assists the

concerned departments in resolving issues such as allocation of land use rights, and decisions on acquisition of land use rights and allocation of alternate sites for resettlement.

Jamoat

192. The jamoat is the sub-district level local authority and is instrumental during impact assessment by identifying/verifying land users and their type and ownership/use status. The jamoat also re-confirms the names of DPs, etc. While district level authorities officially endorse the list of DPs, the jamoat level authorities are the front-line force working with the surveyors to identify the impact. The Land Code of the Republic of Tajikistan (Article 8) defines the land-related role of jamoats as follows:

- assignment and confiscation of land;
- establishment and approval of the size of privately tilled household plots within the norms specified in Article 71 of the Code;
- registration of titles to land use and land-lease agreements;
- keeping of household registers;
- control over land use and land protection.

City and Town Local State Executive Authorities

193. These are the bodies of local government in the cities and towns. Their functions in relation to LAR are basically the same as those of district authorities and depending on the scope of the project entailing LAR, the relevant critical decisions may be taken either at the city/town level or by the national Government.

LAR Committee and Other State Agencies

194. The main role of the LAR Committee is identification of impact and valuation of lost assets. The LAR Committee is comprised of representatives from the PIURR, District Commission for Land Acquisition, State Architecture, State Committee on Investment and State Property Management, State Unitary Enterprise for Housing and Communal Services, relevant local governments such as jamoats and hukumats, representatives of dekhan farms, environmental department, PPTA safeguards team and others. The LAR Committee seeks to ensure due diligence in the implementation of the detailed measurement survey (DMS), census of the displaced persons and valuation of acquired assets. The LAR Group ensures that the DMS and valuation results are technically comprehensive and comply with ADB social safeguard requirements as well as the relevant norms of the Republic of Tajikistan.

195. The main responsibilities of the LAR Committee are to:

- prepare the preliminary list of displaced persons and affected assets;
- conduct a DMS for each asset affected;
- prepare an inventory of losses;
- identify non-formal assets, businesses and illegally used land;
- check necessary documents to establish the legal status of affected assets;
- value affected assets in accordance with the laws and legislations of the Republic of Tajikistan and ADB SPS (2009) requirements;
- assist in the resolution of grievances by visiting the location, of the grievance, assist the GRC by suggesting solutions to the grievance and participating in the GRC meetings when required.

196. The State Committee for Land Management and Geodesy (SCLMG) is the central government body with executive power for land management. It was approved by Order No. 225 of the Government of the Republic of Tajikistan on 3 May 2010 and it determines the general and special properties of authenticity of the documents provided for completion of the state registration of real estate and the rights to it. This Committee, together with the state enterprises under its control, is responsible for:

- managing survey work including land cadasters, geodesy, aerial imagery and topographic mapping
- controlling the use and protection of land, geodesy, and further development of the level of government geodetic control, aerial imagery and mapping activities
- undertaking government activities on land management, land cadaster, geodesy, aerial imagery, mapping
- undertaking surveying and land plot formation activities
- registering land use rights and implementation of land reform
- preparing and issuing of Land Use Right Certificates²¹
- acquiring land as required by the state, registering changes of land users and allocating new land plots
- surveying the land plots, that are the subject to land use rights
- developing projects for allocation of land use rights for non-agricultural needs
- implementing land assessment work, soil assessment and economic valuations of land.²²
- providing a technical inventory of residential houses, buildings, apartments and state companies
- providing technical inventory and valuation of affected structures, and
- providing registration of ownership and preparation of an Ownership Certificate for immovable assets.

Construction Supervision Consultants

197. The Construction Supervision Consultants (CDS) will assist PIURR to:

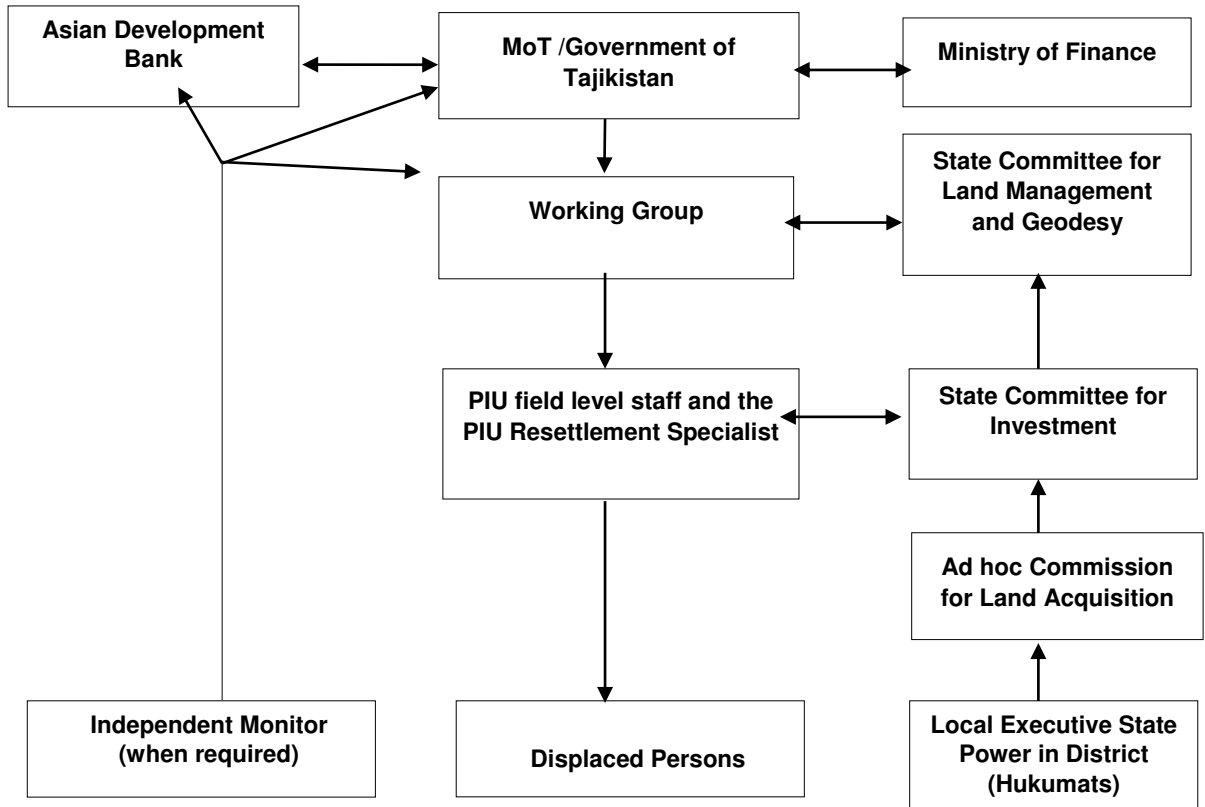
- Prepare and supervise the consultations, disclosure of information and documents, detailed measurement survey, census and socioeconomic survey related to the finalization of the LARP;
- Coordinate with the licensed valuator in the conduct of official valuation of affected assets to ensure that these are conducted following the replacement cost principles of the ADB SPS (2009);
- Ensure complete relocation or reconstruction of affected structures / businesses before civil works commencement and payment of appropriate compensation before displacing the DPs;
- Monitor RP implementation process, provide data and support to PIURR during preparation of quarterly monitoring reports on LARP implementation and monitoring activities;
- Inform the PIURR on the issues and bottlenecks that arise during LARP implementation and monitoring, and provide recommendations and suggestions on solution of such issues;
- Control the activities of Contractor(s) and Subcontractor(s), including implementation of mitigation measures, temporary land acquisition, etc.;
- Provide advice to PIURR on LAR issues and grievance redress;
- Study, communicate to PIURR and implement immediate remediation in case of any non-compliance with the LARP.

198. The institutional arrangement for the implementation of the LARP is presented in the following figure.

²¹This is a legal document that verifies the title holding of any parcel of land.

²² Government Decree No.590, dated 28 December 2006 provides the details of the roles and responsibilities, organizational structure and its associated enterprises.

Figure 7-1: Institutional Arrangements



8 RESETTLEMENT PLAN BUDGET

8.1 Background

199. This chapter describes the methodology adopted for the determination of unit rates, cost of LAR and compensation that will be paid to DPs for resettlement impacts caused by the Project. The compensation entitlements of different categories of DPs presented in this chapter have been defined according to the ADB SPS 2009 requirements and the applicable laws of the Republic of Tajikistan. The compensation rates for buildings, structures and fruit trees, were determined by a certified independent valuator. All land in Tajikistan belongs to the government and therefore, there is no official land market, nor established value of land. As accepted for all ADB Projects, compensation is paid for the loss of land use right. Compensation for loss of land use right is based on the Hukumats' data on the yearly yield of different crops grown in the area. The value of lost businesses' profit is based on data received from the Taxation Committee of the Republic of Tajikistan issued in Hukumats.

200. The Detailed Measurement Survey (DMS) of affected assets was based on the detailed design. The DMS was conducted in April and May 2017 by the team of specialists and with presence of the raisi mahele (chief of the affected villages), jamoats representatives, land committee representative, road maintenance department, PIURR resettlement engineer, and international and national resettlement specialists, with the participation of the DPs.

201. In accordance with the ADB's SPS 2009 requirements, the current ground situation measured is based on the actual size of the assets used by the AHs at the time of the measurement. The design engineering consultant engaged a licensed valuation company to independently evaluate affected buildings, constructions, and other immovable assets except land. The following paragraphs outline valuation methodology and compensation for each type of affected assets.

8.2 Compensation for Land and Trees

Land valuation

202. Privately owned lands will be compensated in cash based on the current market value of crops grown on the affected land, multiplied by 5 years. In order to avoid large differences in price for loss of land use right caused by the market value of different types of crops planted in the period of the DMS, the value of all crops affected in the Project area was aggregated, and one average 'land price' was established. In this way, for example, two neighbors with the same quality of land will receive the same amount per m², regardless of the standing crop. In addition to compensation for loss of land, the DPs will receive a compensation for loss of crops. The loss of 1 year's yield will be compensated as per actual crop grown during the DMS. In this way, the compensation will not be dependent on individual 'luck' arising from the choice of a more expensive crop to grow in the period of the DMS.

203. The price for 1 m² of agricultural land for this Project was set at USD 1.18 (which is equal to TJS 10.42, Table 8-1. In order to avoid losses in calculation of price for right to use land/land for this Project phase, the same price of USD 1.18 per 1 m² of agricultural land is used for this phase of this Project. The following calculation was used to determine the price of agricultural land for phase I:

8-1: Calculation of the Land Use Right Price for Agricultural Land					
Crops in the Project area	Average yearly yield (kg/ha)	Average yearly yield (kg/m ²)	Total yield for 5 years (kg/m ²)	Average price per TJS/kg	Price per kg/m ² for 5 years (TJS)
Wheat	4,320	0.432	2.16	2	4.32
Maze	5,540	0.554	2.77	2	5.54
Potatoes	24,030	2.403	12.015	1.5	18.02
Total	33,890	3.389	16.945	5.5	27.88
Price per m² =TJS 10.42	USD 1.181232 = TJS 10.42 on June 7, 2017 2017, The National Bank of Tajikistan				

204. The valuation of commercial and residential land is based on the taxes paid for the land multiplied by 25 years. The price used for previous ADB projects was set as \$2.5/m² which is equal to 22.05 TJS at 1USD=8.82 TJS, National Bank of Tajikistan on June 7, 2017 This price is used for valuation of the loss of land use rights for residential and commercial land.

Valuation of Trees

205. The calculation of losses for fruit trees and saplings was carried out by a professional valuator. The valuation of affected fruit trees is based on the replacement cost principle which includes the net market value of the typical tree's annual income multiplied by the number of years needed for cultivation of a new tree to its mature age. The data on average annual income and the average price per kg of fruit for the last season, are given by the agriculture statistics units from Hukumats. In this approach, the following indicators are also considered: type of tree, age at which it gives full harvest, typical yield, average yield cost and the region where the tree is grown. The cost includes the cost of saplings based on the price of saplings in the nurseries. Wood trees are not commonly compensated in Tajikistan but DPs keep cut trees. Decorative trees will be replanted as part of the Project during the construction phase. As such, no compensation cost was calculated for these types of trees.

Compensation for Loss of Land Use Rights

206. The total compensation to be paid to residential land users amounts to 134,071.28 TJS, commercial land users will receive 57,055.48 TJS and agricultural land users will receive 583,615.73 TJS. Table 8-3 details compensation for loss of land use right. No compensation for loss of illegally used land and local government/ state land is calculated.

Table 8-3: Compensation for Titled Land

Type of land	No of plots	Affected area (m ²)	Cost per m ²	Total Cost (TJS)	Total Cost USD
Residential	51	6,080.33	22.05	134,071.28	15,200.83
Commercial	24	2,588	22.05	57,055.48	6,468.88
Agricultural	12	56,020	10.418	583,615.73	66,169.58
Total	87	64,687.82		774,742.49	87,839.28

Compensation for Loss of Produce

207. The calculation of losses of crops was carried out by a professional valuator in May 2017. The valuation of affected crops is based on the net market value of the annual income from the affected land plot planted by the actual crop. The data on average crop productivity for the Project region and the average price per kg of crops for the last season, are given by the agriculture units from the Project Hukumats. Table 8-4.

208. The total compensation to be paid to DPs losing standing crops amounts to 17,209.49 TJS (USD 1,951.19). Table 8-4 details compensation for loss of crops from the affected parts of land.

Table 8-4: Compensation for Loss of Crops

Type of crop	Affected land under crops (m2)	Average crop productivity (kg/m ²)	Market price TJS/kg	Total cost for lost crops TJS	Total cost for lost crops USD
Wheat	7,952.94	0.322	3	7,682.54	871.04
Affected wheat on illegally used land	3,120.00	0.322	3	3,013.92	341.71
Cotton	4,978	0.23	4.5	5,152.23	584.15
Barley	1,260	0.4	2.7	1,360.80	154.29
Total	17,310.94			17,209.49	1,951.19

Compensation for Fruit Trees

209. The calculation of losses of fruit trees was carried out by a professional valuator in May 2017. The compensation to be paid for fruit-bearing trees affected by the Project amounts to 31,339.00 TJS. All affected trees and saplings, whether grown on legally or illegally used land, will be compensated. (Table 8-5)

Table 8-5: Compensation for Fruit Trees

No of AHs	No of affected trees and saplings	Compensation (TJS)	Compensation (USD)
69	1,104	276,410	31,339.00
	249		
Total	1,353		

8.3 Compensation for Buildings, Structures and Improvements

Valuation Approach

210. The compensation for alienated buildings and structures was calculated for both, the owners of legal structures and the users of illegal ones. The replacement costs for buildings and structures was determined by calculating the construction cost (material plus the labour) of a similar new building/structure, for the same use and materials, based on market prices. All necessary taxes, fees and costs for obtaining the documents for registration of land, design of a new building, cost of technical passports and other related documents to establish the ownership, are included in the replacement cost price.

Residential Buildings and Structures

211. In total, 1,749,120TJS (\$198,312.93) will be paid to 17 owners of 20 affected main residential buildings and 25 ancillary buildings which will be lost as a result of land acquisition. Table 8-6 details compensation for the affected residential buildings. For comparison of the calculated compensation and properties available for purchasing in the Project area, please see Annex 8-1. In addition, 17 owners of affected homes will receive a rental allowance for three months which amounts to 44,982 TJS (882 TJSx3 monthsx17 AHs). (Table 8-13)

Table 8-6: Compensation for Residential Buildings

Structure type	No of structures	Affected unit (m ²)	Cost (TJS)	Cost (USD)
A. Residential main buildings				
Residential house	20	1,096.49	1,571,906	178,220.63
B. Auxiliary residential buildings				
Barn, cowsheds, storages and other structures	25	743.8	177,214	20,092.29
Total	45	1,840.29	1,749,120	198,312.93

Compensation for Non-Residential Buildings and Structures

212. In total, the 18 AHs will be paid 928,044 TJS (\$ 105,220.41) for 21 affected main buildings and their supporting business buildings. The compensation is calculated for both, legal and informal owners of affected buildings and structures. (Table 8-7)

Table 8-7: Non-residential Buildings and Structures

No	Type of structures	No of structures	Cost of main building	Cost of ancillary buildings	Total cost (TJS)	Total cost (USD)
1	Petrol station (410+80 L)	3	106,200.00	85,236	191,436	21,704.76
2	Non-operating shop (367+00 L)	1	24,924.00	0	24,924	2,825.85
3	Pub (405+80 R)	1	39,590.00	5,078	44,668	5,064.40
4	Butcher (407+80 L)	1	42,000.00	975	42,975	4,872.45
5	Non-operating shop (411+20 R)	1	28,601.00	0	28,601	3,242.74
6	Non-operating shop (484+80 L)	1	27,956.00	0	27,956	3,169.61

7	Grocery shop (shop with a bridge) (526+00 R)	1	11,703.00	0	11,703	1,326.87
8	Grocery shop (606+80 L)	1	90,064.00	9,920	99,984	11,336.05
9	Pharmacy (607+60 L)	1	73,120.00	0	73,120	8,290.25
10	Grocery shop (607+80 L)	2	86,706.00	17,788	104,494	11,847.39
11	Grocery shop (607+90 L)	1	71,001.00	20,125	91,126	10,331.75
12	Non-operating shop (689+00 R)	1	41,966.00	1,800	43,766	4,962.13
13	Grocery shop (707+20 L)	1	34,336.00	13,426	47,762	5,415.19
14	Grocery shop (714+35 R)	1	17,364.00	0	17,364	1,968.71
15	Grocery shop (714+40 R)	1	6,808.00	9,132	15,940	1,807.26
16	Grocery shop (714+70 L)	1	4,725.00	0	4,725	535.71
17	Non-operating shop (724+20 R)	1	23,400.00	0	23,400	2,653.06
18	Non-operating shop (724+60 L)	1	34,100.00	0	34,100	3,866.21
	Total	21	764,564.00	163,480	928,044	105,220.41

213. Compensation to DPs for affected residential and non-residential fences, walls, curbs, wells, paved areas, advertisement boards and other improvements on land, is presented in Table 8-8. The DPs will receive in cash 1,289,449 TJS for affected structures and land improvements.

Table 8-8: Gates, Fences and other Land Improvements

Residential and non-residential structures	No of AHs	DPs	TJS	USD
Gates, fences, sheds, advertisement boards, basements, paved areas, concrete curbs, land improvements	77	665	1,289,449.00	146,196.03

8.4 Asset Registration Costs

214. Under the LARP, there will be no deductions from the compensation paid to DPs. During the signing of acquisition contracts and the re-registration of properties, certain mandatory fees and taxes are payable according to the laws of Tajikistan. Such fees are related to re-registration of the remaining parts of land, registration of a new land plot, registration of buildings and structures (residential, or non-residential), and registration of businesses at new locations. The DPs will be paid 359,360 TJS for registration of assets and obtaining new documents.

Table 8-9: Assets Registration Costs

Type of expenses	Number of AHs	Documents	Unit cost	Total cost (TJS)	Total cost (USD)
Residential buildings	17	Certificate for construction	120	2,040	231.29
		Design	5,500	93,500	10,600.91
		Technical passport	1,500	25,500	2,891.16
		Land certificate	1,500	25,500	2,891.16
Petrol station	1	Certificate for construction	120	120	13.61
		Design	8,000	8,000	907.03
		Technical passport	5,000	5,000	566.89
		Land certificate	1,500	1,500	170.07
Pub	1	Certificate for construction	120	120	13.61
		Design	7,500	7,500	850.34

		Technical passport	2,000	2,000	226.76
Shops/kiosks affected with land	6	Certificate for construction	120	720	81.63
		Design	7,500	45,000	5,102.04
		Technical passport	2,000	12,000	1,360.54
		Land certificate	1,500	9,000	1,020.41
Shops/kiosks without affected land	3	Certificate for construction	120	360	40.82
		Design	7,500	22,500	2,551.02
		Technical passport	2,000	6,000	680.27
Land only	62	Land certificate	1,500	93,000	18,367.35
Total	139			359,360	48,566.90
1USD=TJS 8.82					

8.5 Compensation for Business and Income Losses

Valuation Approach

215. All affected businesses and their operators/full time workers, regardless of legal status, are to be compensated for their losses. Compensation for legal entity (registered businesses) is calculated as per the tax declared income. Eleven affected businesses with or without patent, who do not have documents on the tax-declared income/profit, will be compensated as non-registered (illegal) businesses for loss of business/indemnity for eligible workers and will receive compensation for a period between 1 and 12 months as per the Entitlement Matrix. (Table 8-9) In the absence of recorded income, compensation is based on the average national monthly wage. Should the necessary documents become available, the compensation amount will be updated.

Business Losses

216. The total amount of compensation for loss of income from affected businesses amounts to 109,805.12 TJS (USD 12,454.57). Table 8-9 details compensation for affected business.

Table 8-9: Compensation for Businesses

No	No of AHs	No of DPs	Type of Business	Period of impact (months)	Average yearly profit (TJS)	Average yearly profit (USD)
1	1	11	Petrol station (to be demolished) renter (based on income data)	12	21,000.00	2,380.95
2	1	10	Petrol station losing one service lane (based on income data)	12	15,036.12	1,704.78
3	1	9	Pub renter	6	7,005.00	794.22
4	1	4	Dairy kiosk renter (Movable kiosk)	1	1,167.50	132.37
5	1	6	Butcher renter (based on income data)	6	3,000.00	340.14
6	1	12	Pharmacy (based on income data)	6	3,054.00	346.26
7	1	12	Groceries (temporary bridge)	3	3,502.50	397.11
8	1	7	Groceries	6	7,005.00	794.22
9	1	4	Groceries renter	6	7,005.00	794.22
10	1	12	Groceries renter	6	7,005.00	794.22

11	1	3	Groceries renter	6	7,005.00	794.22
12	1	12	Groceries renter	6	7,005.00	794.22
13	1	5	Groceries renter	6	7,005.00	794.22
14	1	6	Groceries renter	6	7,005.00	794.22
15	1	7	Groceries	6	7,005.00	794.22
Total	15				109,805.12	12,449.56

8.6 Allowances

Severe Impact Allowances

217. Under this LARP, 39 AHs (318 DPs) will lose either a residential building, business buildings or more than 10% of their agricultural land. All AHs will receive an allowance for severely affected households which is calculated as three national average monthly wages. The total compensation for all severely impacted AHs amounts to 136,597.50 TJS. The details are presented in table 8-10.

Table 8-10: Allowances for Severely Affected Households

Degree of Impact	Residential building	Business building owners	Business renters	Total No of AHs	Total No of DPs	Total allowances (TJS) 1,167.5x3 months (3,502.50 TJS)	Total allowances (USD)
	No of AHs	No of AHs	No of AHs				
Demolition of the main building	17	14	8	39	318	136,597.50	15,487.24

Allowances to Vulnerable Groups

218. Persons with disabilities and other health conditions are entitled to monthly social welfare benefits regardless of their gross per capita family income. Families, affected by the Project with a family member with disability, are entitled to allowances for vulnerable groups. In addition, large families with more than five dependent children, single women-head of household registered as poor, elderly households with no means of living and households with disabled head of household/or the household members, are entitled to the vulnerability allowance amounting to three national average monthly wages. Some DPs have more than one vulnerability indicator. There are 7 single women headed households and 2 households with more than five dependant children which are also registered as poor. (Annex 2-2) In total, there are 49 (415 DPs) such households including 25 AH (202 DPs) registered in Jamoats who have 'poorness' as one of indicators for vulnerability. The largest vulnerable groups are poor and single women head of household with dependant children and families with disabled members. The total amount to be paid in allowances for vulnerable groups is 171,622.50 TJS. (Table 8-11)

Table 8-11: Allowances for Vulnerable Groups

Category	No of AHs	No of DPs	Total allowances (TJS) 1,167.5x3 (3,502.50 TJS)	Total allowances (USD)

a) Single female head of household with dependents	19	128	66,547.50	7,545.07
b) Disabled member/s in the household	9	78	31,522.50	3,573.98
c) Large households with more than 5 dependent children	4	74	14,010.00	1,588.44
d) Poor households registered at Jamoats	17	135	59,542.50	6,750.85
Total (without double counting)	49	415	171,622.50	19,458.33

Transportation Allowances

219. The calculation of the transportation allowances was based on the transportation price within the Project districts. Nineteen households (the owners of the residential buildings, a renter of the petrol station) will receive 1,000 TJS, while seven small shops/kiosks renters will receive 500 TJS for transport of goods and stocks as they have smaller stocks to relocate. The allowance is calculated for all AHs that need to relocate their assets. In addition, poor, disabled, single women with dependent children and households headed by elderly persons, will be assisted by the PIURR in physical relocation. In total, 21,500 TJS will be paid for the relocation of movable assets of AHs. (Table 8-12)

Table 8-12: Transportation Costs for Movable Assets

Type of allowance	No of AHs	Cost per unit (TJS)	Total cost (TJS)	Total cost (USD)
Transport cost for residential assets	17	1,000	17000	1,927.44
Transport cost for petrol station renter assets	1	1000	1,000	113.38
Transport cost for small shops/kiosks renters	7	500	3,500	396.83
Total	25		21,500	2,437.64

8.7 Budget Summary

220. The total LARP implementation cost for the Project amounts to **7,782,722.36**TJS which is equivalent to \$ **882,394.83** as shown in the following table. Displaced persons will be paid **5,701,628.10** TJS (\$ **646,443.10**) which includes compensation for losses and applicable allowances. The MoT will ensure that the compensation funds for land acquisition and resettlement are allocated in time for implementation of this LARP.

221. The LARP budget also includes 30% of contingencies which may not be used if the road design does not change. The budget also includes miscellaneous expenses for administrative costs that might incur during the implementation of the LARP. This expense has been estimated and included in the budget as a single lump sum.

Table 8-13: Budget Summary

I. Compensation Budget, Including Allowances	TJS	USD*
Compensation for land	774,742.49	87,839.28
Compensation for loss of crops	17,209.49	1,951.19
Compensation for trees	276410	31,339.00
Compensation for buildings and structures	3,789,399.00	429,637.07
Compensation for business losses	109805.12	12,449.56
Allowances to severely AHs	136,597.50	15,487.24

Allowances to vulnerable groups	171,622.50	19,458.33
Home rental allowance for 3 months	44,982.00	5,100.00
Transport and loaders	21,500.00	2,437.64
Asset registration costs	359,360.00	40,743.76
(A) Sub-Total	5,701,628.10	646,443.10
II. Administrative Costs		
(B) Direct LARP admin costs: 5% of (A)	285,081.41	32,322.15
(C) Total A+ B	5,986,709.51	678,765.25
(D) Contingency: 30% of (C)	1,796,012.85	203,629.58
(E) Total LARP Budget = (C)+(D)	7,782,722.36	882,394.83
* Exchange rate at 1 USD=8.82 TJS The National Bank of Tajikistan on June 7, 2017		

9 LAND ACQUISITION AND RESETTLEMENT PLAN SCHEDULE

222. This Chapter describes the steps taken to prepare the LARP and the activities required to ensure its successful implementation. For the timeline and implementation schedule please refer to Table 9-1.

223. The Implementing Agency (IA) will begin the implementation of the LARP immediately after its approval by ADB and the Government of the Republic of Tajikistan. The following are the particulars of the main LARP preparatory tasks:

- (vii) establishment of the official cut-off date as of 25 April 2016 (Annex 4-2)
- (viii) extensive consultations with key stakeholders and DPs;
- (ix) set entitlements and compensation amount based on the agreed entitlement provisions;
- (x) identification of impacts and number of DPs, conducting the detailed measurement survey;
- (xi) valuation of affected assets and determination of compensation amount and the LAR budget;
- (xii) preparation of the LARP document;
- (xiii) submission of the LARP to the PIURR and ADB for comments and approval.

224. As soon as the LARP is approved by ADB and the Government of Tajikistan, the IA, with the assistance of local authorities, will distribute draft contracts to DPs. PIURR will sign contracts with DPs for disbursement of compensation for affected properties as per the provisions set for the project. The compensation amount will be disbursed within 15 days of the contract signing. IA will give advance notice to the DPs and pay their due compensation based on the eligibility criteria defined in this LARP, and prior to the start of construction work. Grievances or objections (if any) will be redressed as per the grievance redress procedure presented in this LARP. All activities related to LAR (including ADB's notice of 'no objection' to the LARP implementation) will be completed prior to the commencement of civil works.

225. A timeline for LARP preparation, implementation and post implementation is summarized in Table 9-1 below. The timeline presented in the following table shows the distinct stages of LARP preparation, finalization and implementation as well as the major milestones in the LAR processes.

Table 9-1: LARP Preparation and Implementation Schedule

LARP PREPARATION

Consultations, presenting project, GRM and basis of valuation approach	PIURR/ IR Consultant	01/03/2017	20/07/2017
Finalization of road alignment/design	Design Consultant		25/04/2017
DMS, census and valuation based on the final design	IR Consultant/ Valuers	26/04/2016	15/06/2017
LARP preparation and documentation	IR Consultant	01/06/2017	20/06/2017
PIURR review of LARP	PIURR	20/06/2017	25/06/2017
Submission of LARP to ADB for comments	PIURR	25/06/2017	
ADB review and comments	ADB	25/06/2017	10/07/2017
Finalizing LARP according to ADB comments	PIURR/ IR Consultant	10/07/2017	31/07/2017
Submission of finalized LARP to ADB for approval	PIURR	31/07/2017	
ADB approves LARP	ADB	31/07/2017	21/08/2017
LARP approval/no objection by the government	Government of the Republic of Tajikistan	21/08/2017	10/09/2017
Government approves LAR Budget	Government of the Republic of Tajikistan	10/09/2017	30/09/2017
Posting approved LARP on ADB and MoT websites	ADB and MoT	30/09/2017	
LARP IMPLEMENTATION		30/09/2017	15/02/2018
Draft contracts sent to DPs	PIURR	01/10/2017	15/10/2017
Signing contracts	PIURR/DPs	15/10/2017	31/10/2017
Disbursement of compensation	PIURR/DPs	01/11/2017	31/12/2017
Preparation of LARP Monitoring Report	EM	02/01/2018	01/02/2018
ADB reviews the LARP Compliance Report	ADB	01/02/2018	15/02/2018
ADB approves the LARP Compliance Report	ADB	15/02/2018	15/02/2018
Handing over of the site to the Contractor	PIURR	15/02/2018	
Commencement of civil works	Contractor	15/02/2018	
CONTINUOUS TASKS			
Monitoring: Quarterly monitoring reports	Independent external monitoring/ADB		
Grievances redress	PIURR/Jamoats		

MOT – Ministry of Transport

PMCSC – Project Management and Contract Supervision Consultant

PPTA – Project Preparatory Technical Assistance

PIURR – Project Implementation Unit for Roads Rehabilitation

DPs – Displaced Persons

EM – External Monitor

10 MONITORING AND REPORTING

10.1 Monitoring and Reporting Requirements

226. While effective institutional arrangements can facilitate implementation, effective monitoring ensures that the course and pace of implementation continues as originally planned. The implementation of this LARP will be subjected to internal and external monitoring as the Project will trigger a significant amount of involuntary resettlement. The ADB SPS 2009 considers involuntary resettlement impacts significant if 200 or more persons will be physically displaced from their home or lose 10% or more of their productive or income-generating assets. Internal monitoring will be conducted by the PIURR, assisted by the resettlement specialist of the Construction Supervision Consultant and the external monitoring will be done by an external, independent monitoring expert. Monitoring is vital for ensuring that the LARP is effectively implemented, unforeseen impacts related to land acquisition and resettlement activities are identified and appropriate measures to address the same can be taken in a timely manner.

10.2 Internal Monitoring

227. The key objective of the internal monitoring is to monitor the process of LARP implementation such as the compensation process, grievance mechanism and effectiveness of LARP implementation procedure. Internal monitoring will be performed routinely by the PIURR. The results will be communicated to ADB through the quarterly Project implementation reports. Indicators for the internal monitoring will be those related to the LARP implementation processes, and immediate outputs and results which allow for the assessment of the progress and results of LARP implementation and the adjustment of the work program, if necessary.

228. The PIURR will monitor performance (physical progress of the LARP implementation against milestones set in the LARP), impact (whether the objectives to restore the living standards of the affected population have been properly considered and executed), and LARP compliance, indicating whether the compensation program has been carried out in accordance with the provisions of Tajikistan's laws and ADB policies, and to the satisfaction of the DPs.

229. The Construction Supervision Consultant shall have a resettlement specialist on board who will assist the PIURR in the internal monitoring of the LARP implementation processes. The CSC resettlement specialist will:

- supervise the community consultations and disclosure of project information;
- ensure the replacement cost principles of the ADB SPS (2009) are employed in the valuation of affected assets and compensation is disbursed in accordance with the endorsed LARP;
- ensure relocation/reconstruction of affected structures/businesses are completed and set compensation paid before civil works commencement;
- monitor the LARP implementation process and provide data and support to PIURR during preparation of quarterly monitoring reports on LARP implementation and monitoring activities;
- inform the PIURR on issues and challenges during the LARP implementation and monitoring; and provide recommendations and suggestions for a solution;
- supervise the implementation of the mitigation measures and temporary land acquisition, advise PIURR on LAR issues and grievance redress, inform PIURR on any non-compliance cases, and suggest appropriate remedies.

230. Specific performance monitoring indicators will be:

- meaningful public consultations held
- SES/census surveys and assets inventories studies completed
- compensation payments disbursed
- replacement lots allocated (if applicable)
- housing and infrastructure construction completed
- relocation of people completed
- income restoration and development activities initiated
- monitoring and evaluation reports submitted.

231. Impact monitoring will encompass verification of the following indicators:

- whether all physical inputs committed in the LARP have been delivered and all services provided;
- whether the mitigation actions prescribed in the LARP have provided the desired effects;
- the socioeconomic status of the affected population and host population measured against the baseline conditions before the displacement.

232. Impact monitoring will be supplemented by the assessment of the DPs satisfaction with the resettlement initiatives and the adequacy of measures applied for restoration of DPs' livelihoods. This will be done through direct consultations with the affected population and face-to-face meetings with the DPs.

233. As the Project triggers a significant impact on vulnerable households (listed in Annex 2-2), the internal and external monitors will conduct a separate monitoring focused on these households during the LARP implementation processes, relocation, rebuilding their homes and settling in, and check if their livelihoods does not worse off. The internal and external monitoring reports will have a section which specifically reports the situation of these vulnerable households.

10.3 External Monitoring

234. For projects with significant involuntary resettlement, (category 'A' projects), ADB policy requires external monitoring which should be carried out in parallel with the implementation of the LARP and its internal monitoring. The main goal of external monitoring is to assess the relevance, efficiency, effectiveness and impact of the LAR processes and to suggest any corrective measures, if necessary. The External Monitoring Consultant (EMC) will monitor and verify LARP implementation to determine if the resettlement goals have been achieved, livelihood and living standards have been restored and to provide recommendation for improvement, if needed. External monitoring entails two types of activity: a) short term-monitoring and evaluation of LARP implementation and compensation delivery and b) a long-term evaluation of the rehabilitation effects of the LARP program.

10.3.1 Short-Term Monitoring

235. This task will be carried out in parallel with the implementation of the LARP and will require regular field visits and communication with DPs and the EA. The task will result in a final Compliance Report indicating whether the compensation program has been carried out based on the agreed provisions and ADB SPS 2009. The Compliance Report will be communicated to the PIURR and ADB. Approval of the Compliance Report by the ADB will be a condition to start civil works. The Compliance Report will include the following:

- A verification of the schedules and the achievement of targets related to land acquisition and resettlement activities;
- A verification for whether the resettlement has been implemented in accordance with the approved final LARP;

- A verification that the unit compensation rates used in the valuation reports, contracts and agreements are in accordance with the LARP provisions;
- A verification that compensation and the amounts defined in the LARP were delivered to all AHs;
- An assessment of the compensation distribution procedure, its timing in relation with LARP provisions;
- A review of the GRM and grievance cases including an assessment of whether grievance resolution was carried out in accordance with LARP provisions;
- Training of the GRG at the local and central level;
- An assessment of public consultation;
- An assessment of the delivery of allowances to severely affected, vulnerable and resettled APs;
- A final assessment of satisfactory implementation of the LARP and if necessary, details of the required corrective measures.

10.3.2 Long-term Monitoring and Evaluation

236. This task will be carried out 2 years after the end of LARP implementation to find out if the LARP rehabilitation objectives have been attained or not. The SES data included in this LARP will provide the benchmarks to compare pre, and post project conditions. The study will detail:

- socio-economic conditions of the DPs in the post-resettlement period;
- changes in housing and income levels;
- changes in value of properties;
- condition for business activities;
- grievance procedures;
- level of changes in AHs living conditions
- satisfaction of DPs in the post resettlement period.

237. ADB SPS 2009 requires monitoring and measuring the progress of implementation of the land acquisition and resettlement plan. It also requires the preparation of a semiannual monitoring report that describes the progress of the implementation of resettlement activities and any compliance issues and corrective actions. In accordance with ADB SPS 2009, both the borrower/client and ADB have their own monitoring responsibilities. Borrowers/clients are required to implement safeguard measures and relevant safeguard plans, as provided in the legal agreements, and to submit periodic monitoring reports on their implementation performance. ADB requires borrowers/clients to:

- establish and maintain procedures to monitor the progress of implementation of safeguard plans,
- 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 periodic monitoring reports,
- follow up on these actions to ensure progress toward the desired outcomes,
- retain qualified and experienced external experts or qualified NGOs to verify monitoring information for projects with significant impacts and risks,
- use independent advisory panels to monitor project implementation for highly complex and sensitive projects, and
- submit periodic monitoring reports on safeguard measures as agreed with ADB.

238. The extent of ADB's monitoring and supervision activities will correspond to the project's risks and impacts. Monitoring and supervising of social and environmental safeguards is integrated into the project performance management system. ADB will monitor the project on an ongoing basis until a project completion report is issued. ADB will carry out the following monitoring actions to supervise project implementation:

- periodic site visits for projects with adverse environmental or social impacts;
- supervision missions with detailed review by ADB's safeguard specialists/officers or consultants for projects with significant adverse social or environmental impacts;
- review the periodic monitoring reports submitted by borrowers/clients to ensure that adverse impacts and risks are mitigated as planned and as agreed with ADB;
- work with borrowers/clients to rectify, to the extent possible, any failures to comply with their safeguard commitments, as covenanted in the legal agreements, and exercise remedies to reestablish compliance as appropriate; and
- prepare a project completion report that assesses whether the objective and desired outcomes of the safeguard plans have been achieved, taking into account the baseline conditions and the results of monitoring.

239. In accordance with the requirements under the Safeguard Policy Statement, ADB shall post on its website the draft, final and updated LARP and the resettlement monitoring reports, upon receipt by ADB.

10.4 LARP Implementation Compliance Report

240. The completion of the LARP implementation will result in the preparation of a Compliance Report which will indicate whether the compensation program has been carried out in accordance with the provisions of Tajikistan's laws and ADB policies, and to the satisfaction of the DPs. The Compliance Report will be submitted to EA and ADB. Approval of the Compliance Report by ADB is a condition for the commencement of the civil works. The Compliance Report will be based on the following monitoring indicators:

- the number of AHs with legal ownership;
- the number of AHs without legal status;
- ratio of the affected/remaining part of the land;
- affected buildings, structures, businesses;
- loss of income and employment;
- allowances for severity and vulnerability;
- full compensation paid on time;
- relocation of movable assets;
- the GRC Logbook entries;
- number, nature and substance of complains;
- number of grievances resolved at the Project level;
- number of grievances forwarded/resolved at other grievance resolution levels;
- number, type of consultations with DPs/host communities and other relevant stakeholders held;
- public consultations activities documented and included in draft LARP;
- selection and distribution of replacement land areas;
- preparation of resettlement sites, including civic amenities, infrastructures
- income restoration activities.

241. The above information will be collected by the PIURR which is responsible for monitoring the day-to-day resettlement activities of the Project through one or more of the following instruments:

- review of census information for all AHs;
- consultations and informal interviews with DPs;
- sample survey of AHs;
- face-to-face discussion with DPs;

- community consultation meetings.

The following table outlines possible monitoring indicators which the PIURR may use during the LARP implementation monitoring. Templates for other monitoring tools are given in Annex 10-1.

Table 10-1: LARP Implementation Monitoring Indicators

Monitoring Aspects	Potential Indicators
Delivery of Entitlements	<ul style="list-style-type: none"> - Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix. - Disbursements against timelines. - Identification of the displaced persons losing land temporarily, e.g. through soil disposal, borrow pits, contractors' camps - Timely disbursements of the agreed transport and relocation costs, income substitution support and any other resettlement allowances according to the schedule. - Provision of replacement land plots. - Quality of new plots and issuance of land titles. - Restoration of social infrastructure and services. - Progress on income and livelihood restoration activities being implemented as set out in the income restoration plan, such as commencement of production, number of displaced persons trained in employment with jobs, microcredit disbursed, number of income generating activities assisted, etc. - Affected businesses receiving entitlements, including transfer and payments for net losses resulting from loss of a business.
Consultation and Participation	<ul style="list-style-type: none"> - Consultations organized as scheduled including meetings, groups and community activities. - Knowledge of entitlements by the displaced persons. - Number of general meetings (for both men and women). - Percentage of women participated at consultations. - Number of meetings held exclusively with vulnerable groups. - Level of participation in meetings (of women, men and vulnerable groups). - Level of information communicated – adequate or inadequate. - Information accessibility and disclosure (translation of information in the local languages). - Implementation of special measures for Indigenous Peoples.
Effectiveness of the GRM	<ul style="list-style-type: none"> - Uses of the grievance redress mechanism by the displaced persons. - Information on the resolution of the grievances. - Number of APs used the GRM. - Number of cases resolved at project level. - Number of cases transferred to other GRC levels. - Number of APs' requests rejected.
Budget and Time Frame	<ul style="list-style-type: none"> - Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work. - Capacity building and training activities completed on schedule. - Achieving resettlement implementation activities against the agreed implementation plan. - Timely allocation of funds to resettlement implementation agencies. - Funds disbursement according to the resettlement plan. - Land acquisition and clearance in time for implementation.
Livelihood and Income Restoration	<ul style="list-style-type: none"> - Gender and vulnerability segregated data on displaced persons under the rehabilitation programs. - Types of vocational trainings and number of participants (women and men). - Number of displaced persons who have restored their income and livelihood patterns (women, men and vulnerable groups). - Number of new employment activities. - Degree of satisfaction with support received for livelihood programs. - Percentage of displaced persons who improved their income and standard of living (women, men and vulnerable groups).