

Social Safeguard Document

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Land Acquisition and Resettlement Framework (LARF)

Preparation of the Climate and Disaster Resilient Irrigation and Drainage Modernization in the Vakhsh River Basin Project.

Republic of Tajikistan

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CURRENCY EQUIVALENTS

(As of 11 May 2021,¹)

Currency unit	-	Tajikistan Somoni
TJS 1.00	=	\$0.0885
\$1.00	=	TJS 11.3

ABBREVIATIONS

ADB	Asian Development Bank
AH	Affected Household
ALRI	Agency for Land Reclamation and Irrigation
AP	Affected Person
EA	Executing Agency
FGD	Focus Group Discussion
GOT	Government of Republic of Tajikistan
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
Ha	Hectare
HDPE	High-Density Polyethylene
HH	Household
IOL	Inventory of Losses
IR	Involuntary Resettlement
LAR	Land Acquisition and Resettlement
LARP	Land Acquisition and Resettlement Plan
LC	Land Code
LRID	Land Reclamation and Irrigation Department
M&E	Monitoring & Evaluation
MEWR	Ministry of Energy and Water Resources
NGO	Non-government Organization
RF	Resettlement Framework
ROW	Right of Way
SSDDR	Social Safeguard Due Diligence Report
TJS	Tajik Somoni
USD	United States Dollar

Local Terms

Aryk	Irrigation channel
Dekhan farm	Farm under private management organized either individually, by a family or collectively
Hukumat	District Administration
Jamoat	Sub-District, Sub-District Administration
Kolkhoz	Soviet time collective farm
Mahalla	Village / Neighborhood
Mahalla committee	Board of Mahalla Organization (with all citizens in the Mahalla area as members)
Oblast	Region
Rais	Chairperson (Tajik term, e.g., Raisi Mahalla)
Rayon	District
Sotih	100 m ²
Sovkhoz	Soviet time state owned farm

¹ www.nbt.tj

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	Midsize 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 Dekhan farms 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 upgradation 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.
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.
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 acres or less).

I. INTRODUCTION

1. This Land Acquisition and Resettlement Framework (LARF) for ADB financed Irrigation and Climate and Disaster Resilient Irrigation and Drainage Modernization in the Vakhsh River Basin Project, has been prepared by the Agency for Land Reclamation and Irrigation (ALRI). The LARF aims to assist at timely preparation of safeguards documents as per ADB SPS 2009 requirements, and particularly the timely and effective planning of resources needed for preparation, endorsement and implementation of the land acquisition and resettlement plan (LARP). It also includes a template for the LARP document as per ADB SPS (2009). This LARF will be disclosed on the ADB website. This LARF will also be translated into Russian language and disclosed on the ALRI website.

2. Objective of this LARF is to establish a set of mechanisms and procedures that ALRI agrees to follow during the project processing and implementation to ensure:

- (i) Procedural compliance with the requirements of ADB SPS (2009)
- (ii) Timely preparation of the safeguard documents, such as LARP and DDR, in a format and quality acceptable under the ADB SPS (2009)
- (iii) Advance planning of the requisite resources to implement the LARPs
- (iv) A common understanding between ADB and Government (including local and regional partners) of the timing and sequence for undertaking and completing ADB SPS (2009) mandated and Government-required LAR tasks
- (v) Timely endorsement of the LARP and DDR by the Government

3. The LARF document expresses the Government's commitment to avoid any negative impacts due to the project interventions, mitigate and/ or ensure that any displaced and affected people can maintain or improve their livelihood at the end of the project. The document incorporates a Land Acquisition and Resettlement Entitlement Matrix consistent with this project, to bridge the Government's and Acquisition and Resettlement policies and the ADB's Safeguard Policy Statement (SPS 2009) relating to safeguard requirements to be implemented for the project.

4. The proposed project is a sector Grant project and is classified as Category B for involuntary resettlement due to requirement to access private farms and homestead areas for construction of the civil works, particularly those associated with modernisation of the tertiary level (buried pipe) irrigation and drainage systems within the core development area of 9,830 ha, i.e., within the territories of WUAs "Chorgul-2012", "Norin", "Obi Yavan" in Yovon district, and WUA "Istiklol-2010" in Jomi.

5. Temporary acquisition of strips of land for access to works sites along the pipelines is required. These works may result in crop losses, usually for one season, unless these works can be completed after harvest, or only encroach over public, open and non-cropped land. There may also be permanent loss of trees, and potentially also full or partial loss of some structures, such as boundary walls to homesteads, where these have been built over the buried pipelines. Any potential impact on larger structures or buildings, may be avoided by routing new pipelines around them.

6. Works for the main system, along the 0.6 km main and 85 km right branch canal, and for works at pumping station Russvet #6 are within the RoW and on state land. There are no encroachments in the RoW and no involuntary resettlement is expected to be triggered. Pumping station #26 is privately managed, and there may be some minor impact on private structures, such as a boundary fence².

7. No permanent acquisition of land, or physical displacement of persons, is required to implement the works under the project.

8. The LARF identifies potential impacts of the project, clarifies land and resettlement principles and assesses the legal framework for land acquisition and resettlement in Tajikistan. It also describes standard procedures and methods of redress, and outlines steps that will be taken to plan, obtain concurrence from ADB, and to implement and monitor the involuntary resettlement impact.

9. A social due diligence will be conducted for all components of the entire project after the detailed design works completed. During project implementation, involuntary resettlement screening will be conducted for all the project activities and procurement packages which include civil works

² There is a private dwelling close to the pump house. However, this is believed to be occupied by the pump operator and is not expected to be affected by the works for the pump station.

components based on the final detailed design. Based on the findings from the IR screening, either LARP(s) (when IR impacts are identified) or Due Diligence Report(s) (when no IR impacts are identified) will be prepared by the Executing Agency (EA) assisted by the IA-PIG and the PIC. This is scheduled for Year 1 of the project.

10. Based on the ADB Safeguards Policy Statement (SPS) 2009 and well-established practice in Tajikistan, the approval of project implementation will be based on the following LAR-related conditions:

- (i) **Contract awards signing (for works involving LARP)** will be conditional to finalization of the LARP as an implementation-ready document and its approval and disclosure³.
- (ii) **Provision of notice to proceed to contractor(s)** will be conditional to full implementation of the LARP (payment of crop compensation, etc.), to be confirmed by the compliance monitoring report.

11. As single contract is proposed for the Modernization of Tertiary Irrigation & Drainage Systems – Buried Pipes, over the core area covering four WUAs. The involuntary resettlement impacts will be widely distributed over the whole core area. The LARP requirements, for crop compensation payments and any other measures, prior to accessing the works sites, will be clearly spelled out in the text of the civil works contract.

³ For a category A project, a further condition would be the hiring of an Independent Monitoring Agency (IMA).

II. DESCRIPTION OF THE PROJECT

A. Project Background

12. Tajikistan is one of the most climate and disaster vulnerable countries in Central Asia. Average temperatures have increased 1.5°C in 40 years (1979 to 2019), while precipitation has shown a weak decreasing trend. Concerning Vakhsh river flows, a slight upward trend is evident of flows into Nurek reservoir between 1965-2009, most probably due to the net melting of upstream glaciers.

13. Climate change projections for the Yovon scheme over the next 30 years indicate a rise in average temperatures of 1-3°C, and an increase in both minimum and maximum temperatures suggesting greater seasonal extremes. Concerning precipitation, some climate models predict increases, whereas other models show decreases. However, all the models predict an increase in intense precipitation events which would exacerbate flooding, drainage congestion, landslides, and soil erosion. Rising temperatures will result in a small increase in crop water requirements. Depending on the crop type and its growing period, crops may face reduced or increased temperature stress.

14. The earthquake hazard risk for the scheme area is classified as high which means that there is more than a 20% chance of a potentially damaging earthquake in the next 50 years. The schemes infrastructure is 40-50 years old, and highly vulnerable to earthquake damage, either directly due to increased loading, or due to liquefaction of (saturated) soils resulting in landslides, mudflows, and infrastructure failures. An earthquake on 7th May 2001 damaged irrigation infrastructure in the Yovon scheme and resulted in loss of irrigation to 11,724 ha of farmland affecting 56,000 people and 65,000 livestock⁴.

15. The Yovon irrigation and drainage systems were constructed in stages from the mid-1960s to the early 1980s. Unfortunately, funds allocated to ALRI and its subordinate organizations have not been sufficient for proper maintenance work. There is now a real danger of an accelerating decline in cropped area and yields, with more farmlands being abandoned, if works are not carried out, with priority given for urgent maintenance for failed and/ or about to fail infrastructure, followed by infrastructure upgrading and modernization.

16. The main constraints/ problems include: (i) erodible soils on the sloping terraces, (ii) rising energy costs with old and inefficient pumped systems, (iii) rising water tables⁵, (iv) old and no longer fit-for-purpose infrastructure, (v) operational challenges and non-functioning of original control/ monitoring systems, (vi) non-precise land grading, (vii) institutional limitations and challenges, (viii) inadequate funding for maintenance, and (ix) skills/ knowledge gaps, inadequate farmer support services, particularly for women, lack of mechanisation, and marketing constraints.

B. Geographic Location and Overview

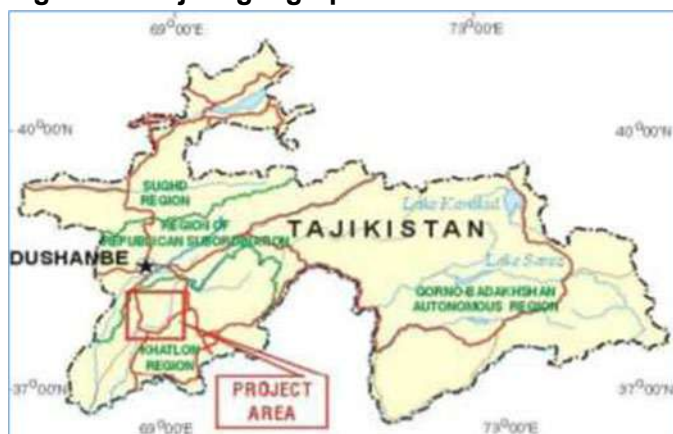
17. The Yovon scheme extends over parts of three districts, Yovon, A Jomi and Khuroson in Khatlon Province, and across two river valleys, Yovon and Khuroson. The net irrigable command area is 40,355 ha, of which 23,626 ha (59%) is gravity supplied and 16,729 ha (41%) pumped with cascades of pumping systems lifting water, on average, 140 m, and up to about 300 m. A 7.4 km long tunnel conveys water from the Vakhsh river to the Yovon valley, and a second 5.3 km long tunnel conveys water from the Yovon valley to the Khuroson valley. The system was mostly constructed from 1961 to 1970. Some of the pumping stations and lift irrigation systems were also built at this time, while others were not constructed until later, in the 1970s and early 1980s. A few were even constructed in the 1990s with private sector finance for orchards and vineyards in the Khuroson valley. The map below shows the project location.

18. The Yovon scheme engineering infrastructure comprises: (i) Main-Branch Canals and associated structures, (ii) Pumping Systems, (iii) Secondary-Tertiary Distribution Systems, (iv) Drainage Systems, (v) Escape/ spill mudflow channels, (vi) Inspection-Farm Roads, and (vii) Field systems.

⁴ Project Completion Report on the Emergency Restoration of Yovon Water Conveyance System, PCR:TAJ 35347. ADB. May 2004

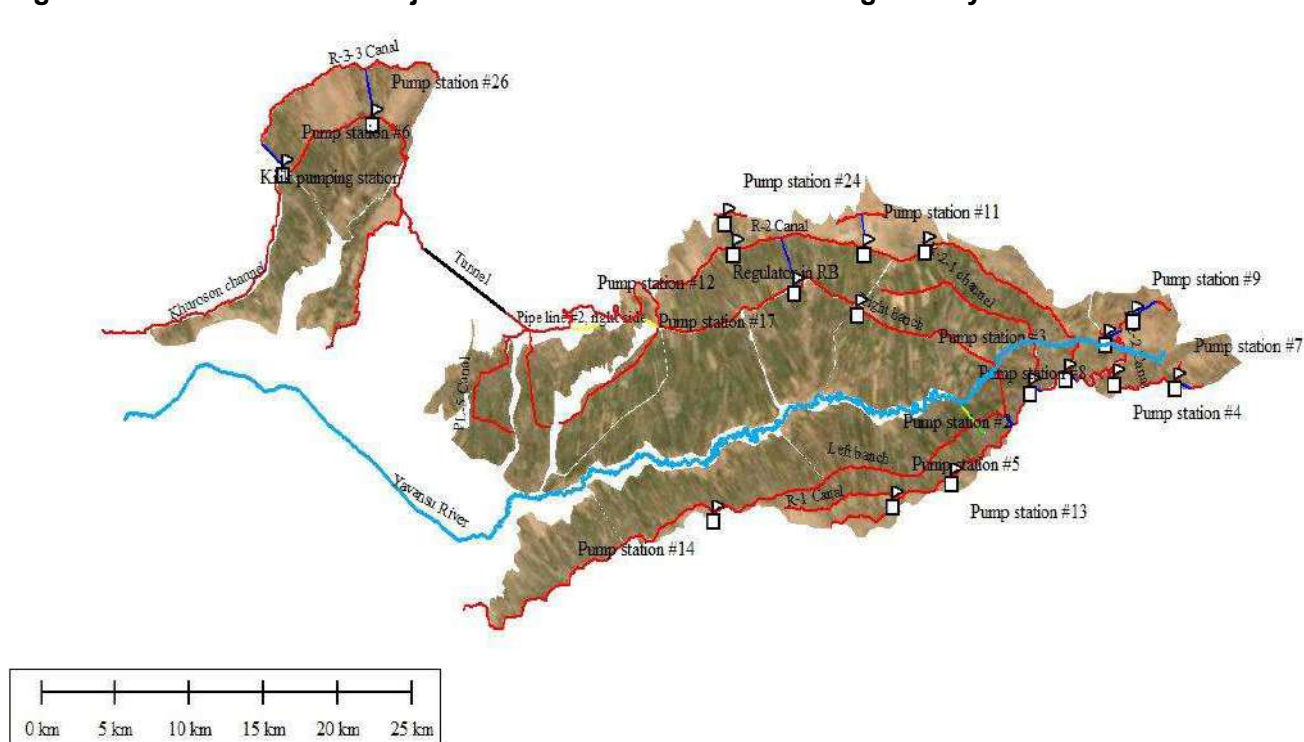
⁵ The failure of the subsurface drainage systems in some areas is leading to rise in the water table.

Figure 1. Project geographical location



19. The ALRI - district LRIDs, and the Bahoriston authority⁶, is responsible for the management, operation and maintenance of main system works, including the main and branch canals, spill/ escape channels, the pumping stations (except a few in the private sector) and collector drains. Seventeen water user associations (WUAs) are responsible for the MOM of the secondary and tertiary systems, including the buried (asbestos) pipe irrigation and drainage systems, in their respective areas.

Figure 2. Scheme area and major infrastructure of the Yovon irrigation system



20. Rehabilitation and modernisation of the full scheme, addressing both engineering, institutional and other constraints, would cost far more than the grant funds available for the proposed investment project - specifically it would cost about TJS 1,029.0 million, US\$ 99.9 million, while grant funds are expected to total about one third of this, i.e., US\$ 30.0 million.

21. The proposed investment project is therefore for cost effective modernisation to address climate and earthquake hazards and improve farmers livelihoods through: (i) critical engineering works for the main system managed by ALRI, (ii) modernizing only a core (gravity supplied) area of 9,830 ha

⁶ The Bahoriston authority manages the Right Branch for 16.8 km, from the Ishmasoi siphon at KM 27.0 to the tunnel at KM 43.8, and provides services to farmers, either directly or through two WUAs, Istiqlol 2010 and Shabnam.

managed by four WUAs, and (iii) support for various institutional and management interventions, These gains may be consolidated and extended to the whole scheme area under one or more (possible) future projects.

C. Project Outcome and Outputs

22. The proposed investment project, for about US\$ 30.0 million, is aligned with Tajikistan's national development and water strategies, for increased food security and people's access to good quality nutrition (Tajikistan National Development Strategy to 2030).

23. The proposed **Outcome** will be "Enhanced climate and disaster resilience, water productivity and income of male and female farmers in selected areas of the Yovon Scheme". This will be achieved through the following three Outputs:

- Output 1: Climate and Disaster Resilient I & D infrastructure Modernized.
 - 1a. Main and Right Branch Canal (85 km) and associated structures modernized and earthquake stabilized by Q4 2025 (2020 baseline: 0 km)
 - 1b. Pumping installations #26 and Rassvet #6 modernized by Q2 2024 benefitting about 3,050 ha (2020 baseline: 0 ha)
 - 1c. Major gullies extending over 1,320 ha stabilized by Q4 2025 (2020 baseline: 0 ha)
 - 1d. Buried pipe systems modernized with volumetric hydrant metering and for gated pipe/ hose connections, and drainage systems upgraded, over a core area of 9,830 ha managed by four WUAs by Q3 2026 (2020 baseline: 0 ha)
- Output 2: Climate Adaptive Management and Operation of I & D systems strengthened.
 - 2a. Single management entity managing modernized system with SCADA established by ALRI by Q1 2024 (2020 baseline: none)
 - 2b. Union of WUAs established with women comprising at least 10% of Union leadership by Q4 2023 (2020 baseline: none)
 - 2c. Cashless payment system established for the core area (4 WUAs, 9,830 ha) with at least 90% collection efficiency achieved by Q1 2027 (2020 baseline: 0)
 - 2d. Precision grading for 1,500 ha, adoption of gated pipe for 300 ha and 500 ha of minor gullies stabilized by Q1 2026 (2020 baseline: 0)
 - 2e. Labour and water efficient irrigation systems for high value crops adopted and managed by women in 300 ha of homestead land by Q4 2026 (2020 baseline: 0)
- Output 3: Policy Strengthened for Sustainable Water Management
 - 3a. Options and tariff structure for bringing O&M funding into balance with requirements identified for both management agency and WUAs by Q4 2024 (2020 baseline: none)
 - 3b. Gender strategy for ALRI and WUAs developed and adopted by Q4 2024 (2020 baseline: none)

III. SOCIO-ECONOMIC PROFILE OF THE PROJECT AREA

A. Population

24. Khatlon Province is in the south of Tajikistan and is composed of 12 districts. The population in Khatlon Province grew from 1.88 million in 1991 to 3.28 million in 2019, 53% of whom are women. Majority of the population (70%) resides in rural areas.⁷ The majority (64%) of the population of the province is occupied in agriculture.

25. Major demographic features of the three districts in which the Yovon scheme (partly) lies are given in the table below.

Table 1: Demographic features of project districts in Yovon scheme

	Yovon	A. Jomi	Khuroson
Total Population in Numbers (thousand)	228.4	171.5	113.7
Female in % from Total Population	58.7	54.3	53.3
Area in sq km	37,188	9,676	9,741
Density persons/sq km	253.8	285,8	126,3
Urban Population in %	17.6	8.0	10.0
Rural Population in Numbers	82.4	92.0	90.0

26. For these three districts, arable farmland comprises 38.1% of agricultural land with pasture and grass land the remaining 61.9%. Of the farmland, most comprises arable land with the remainder under household/ homesteads, perennial trees, and personal plots.

27. There are 9,598 users who farm the 52,982 ha of arable land, giving an average plot size of 5.52 ha. The average plot size varies from 5.17 ha to 6.27 ha for the three districts. About 81% of the arable land is supplied with irrigation.

28. Within the homestead areas, there are about 8,661 ha of arable land and 2,021 ha of perennial crops, which are managed by 35,961 households. This indicates an average homestead area of 0.23 ha. The homestead lands are usually managed by women. About 69% of the homestead farm area is irrigated.

B. Migration

29. Labour migration is a massive phenomenon, particularly for men, and in most rural households there is at least one migrant family member abroad, or there has been one in the recent past. Low salaries (\$40/month in 2019) and the scarcity of jobs in rural Tajikistan drive over 800,000 people, mostly men, to migrate out of the country in search of employment. Over 95% of such migration is to the Russian Federation. Khatlon province has a higher rate of male migration (38.9%) than the national average (35.7%). Very few women migrate, and if they do it is usually to follow their husband; autonomous migration is not so common for Tajik women⁸.

30. Outmigration of male labour forces other family members, especially women, to look for additional income opportunities because remittances are low, or not used for daily family needs, or considered to be unstable by the households. For example, because of a recession in the Russian Federation in 2014 to 2015, remittance inflows to Tajikistan dropped from 36% of the GDP in 2014 to 28% in 2015. A similar downturn due to the 2020 coronavirus disease (COVID-19) pandemic is taking place. The economies of the Russian Federation and Kazakhstan have been hit hard by the plunge in oil prices, which triggered the start of recessions in these countries. The numbers of returning migrant laborers rose sharply in February and March 2020, including from Kazakhstan and the Russian Federation. The pensions of older members are usually not enough to sustain families with several children, and any decline in remittances challenges a family's food security.⁹

⁷ World Bank. 2020. World Bank Open Data Database. <https://data.worldbank.org/> (accessed 15 July 2020).

⁸ Women's Time Use in Rural Tajikistan, June 2020

⁹ C. Oriol. 2018. *Country Study: Tajikistan*. World Bank and the Eurasian Center for Food Security.

C. Literacy

31. The official literacy rate (for ages 15-24 years old) for Khatlon Province is estimated as 95%. Female attendance rates at schools are marginally lower than male attendance rates. Compulsory education lasts for 9 years from age 7 to age 15. However, the quality of education in schools is very low. 98.8% of adult women have reached at least a secondary level of education compared to 87.0% of adult men.

D. Agriculture and Cropping Pattern

32. Cotton and cereals are the major crops, occupying 73% of total cropland in Khatlon. The province is also the largest horticulture grower in Tajikistan, producing 42% of the country's total production of fruits and 55% of vegetables. The share of households and dekhkan farms in horticultural production has been significantly increasing over time due to the allocation of more land for horticulture and increasing yields, particularly in dekhkan farms. However, these crops account for only 20% of the total cropland in Khatlon.

33. Farmland areas within the Yovon irrigation scheme have been determined by GIS studies using google earth imagery. The total area is 56,604 ha, of which 40,259 ha (71%) comprises Dekhan farmland; 11,155 ha (20%) are homesteads areas, and 5,191 ha (9%) is abandoned farmland or wasteland.

34. Irrigated (net) command areas are estimated at about 85% of the gross Dekhan arable farm areas, and 55% of the gross homestead areas, giving a net command area for the Yovon irrigation system of 40,355 ha. The Yovon scheme is the sole source of irrigation for farms in Yovon district, about 26,970 ha, but there are other sources in A. Jomi and Khuroson district. The Yovon scheme provides water for about 6,643 ha (35%) of the irrigated land in A. Jomi, and for about 6,742 ha (64%) in Khuroson District.

35. Of the total irrigated area of 40,355 ha, 23,626 ha (59%) is gravity, while 16,729 ha (41%) is pumped from the branch canals. Making use of district data indicate that the (Dehkan) farms average about 5.5 ha in area, and almost all are less than 30 ha.

36. Cotton and wheat dominate cropping over the Dekhan farms, while wheat, vegetables and cucurbits dominate cropping in the smaller homestead plots. On the upper (pumped irrigated) terraces, orchards and vineyards are also common. In recent years, the areas of cotton and wheat have been gradually declining, while areas of vegetables, cucurbits, and fodder (maize) have been increasing.

37. While areas vary from year to year, the current annual cropping intensity for the Yovon scheme, inferred from district statistics and GIS studies, is about 125%. Second planting in the Dekhan farm areas, where cotton and wheat dominate cropping, is about 15-16%, but rises to about 40-45% in the homestead areas.

38. As part of studies to prepare the project, agro-socio-economic baseline data were collected from interviews with 330 farmers, mostly members of the Water Users Associations, in the Yovon scheme¹⁰. According to the results of this survey, the average farm area in the Yovon scheme is 5.22 ha, of which the average irrigated area is 5.10 ha. Cropping includes: (i) cotton, 76.4% of farmers, (ii) winter wheat, 66.4%, (iii) forage (alfalfa), 41.8% and (iv) vegetables, 18.2%.

39. According to the Time Use study¹¹, specific crops produced by women in their home gardens are diverse. They grow mainly crops for their families including vegetables, fruits, potatoes and are less involved in large farming where grains, cotton or wheat are grown.

E. Employment and Income

40. The average engagement of household members in agricultural is 45.6% in Yovon. Mostly family members work on their own farms.

41. The baseline survey¹² found that income from agriculture provides 52.8% of total income for dekhkan farmers, and of this cotton and wheat account for 74%. Also, one third of farmers stated that in

¹⁰ Baseline survey, July 2020 to February 2021, Z-Analytics

¹¹ Women's Time Use in Rural Tajikistan, June 2020

¹² Baseline survey, July 2020 to February 2021, Z-Analytics

case of water scarcity they take such actions as switching to a different crop (30.0%), stop growing any crops (29.4%), and reducing area cultivated (14.5%). Various other problems included:

- High cost of pumping and irrigation charges, 63%
- Access to farm inputs (seed, fertilisers, etc.), 61%
- Reliable irrigation supply, 57%
- High water table and salinity, 53%
- Access to machinery for farm operations, 46%
- Loss of land due to erosion and gully formation, 35%
- Flooding, 25%
- Marketing/ sale of produce, 11%

42. Suggestions for the proposed investment project included:

- Infrastructure – improvement to (i) drainage system 92%, (ii) roads 79%, (iii) pumping stations 79%, (iv) irrigation distribution system 76%, (v) flood protection (mud-flow channels and cross drainage) 74%.
- Support for access to farm machinery 74%
- Capacity development/ training 73%

IV. PRELIMINARY SOCIAL SAFEGUARD DUE DILIGENCE

A. SSDD Objective

43. The main objective of the SSDD was to assess the possible impact on properties of surrounding communities in terms of any land acquisition, and resettlement issues including loss of crops, from the planned project works and activities.

B. SSDD Methodology

44. The social safeguard due diligence for the project has been conducted through documents review, field visits and public consultations. The document review includes the review of the existing project related documents, technical details, i.e., review of the ADB's relevant policy, available safeguards documents, policy, and legal framework of the Republic of Tajikistan on resettlement and land acquisition, and the works to be carried out under the proposed project.

45. Field visits and observations included several rounds of site visits to locations where project works are planned. These site visits enabled assessment of potential impacts on land acquisition and resettlement from the proposed works, including any permanent and temporary impacts, impacts on residential, agricultural areas, livelihoods, any economic activities, assets (including crops, trees etc.) in these areas.

46. The physical condition and environment of the work sites were carefully studied, existing infrastructure observed, and potential project impacts discussed with surrounding communities, farmers and local relevant government institutions and private sector.

47. In September and October 2020, a series of formal meetings and public consultations were held with project stakeholders at different levels, including:

- Consultations with the design team, in particular the project engineers, regional and district government staff, and the PIG manager.
- Semi-structured interviews with key informants at district and local levels, including relevant government officials, district LRID staff, WUA representatives, farmers, and local residents.
- Three public community consultations, one in each of the three districts where works are planned.

48. In April 2021, additional meetings and consultations were held with WUA heads, representatives of dekhkan farms, and others. These additional consultations focused on the irrigation and drainage pipe systems for the core area of 9,830 ha to be modernized, i.e., command areas of WUAs Chorgul-2012, Norin, Obi Yavan and Istiklol-2010.

49. The public consultations and information disclosure meetings are presented in Chapter VIII.

C. Expected Resettlement Impact of Proposed Works

50. The Yovon scheme covers parts of three districts in the Khatlon region, Yovon, A. Jami and Khuroson, as well as two valleys, Yovon and Khuroson. The works planned under the proposed project are described below, as well as the resettlement impacts of these works.

1. Proposed Permanent Works

51. The Right Branch Canal has suffered from sedimentation and loss of prism shape, does not have sufficient capacity to meet crop water demands, resulting in tail end shortages downstream of the Shurchasoy siphon at KM 42.5. Also, the two bypass channels upstream of this siphon, built to replace siphons which can no longer be safely used, are vulnerable to failure, particularly in the event of any seismic activity. The pumping stations lifting water from the Right branch to higher lying canals are semi-functional and have high energy costs. The cross drainage (mudflow) structures and channels are not properly functional.

52. Increasing the capacity and modernizing the Right Branch canal and associated structures and modernizing two pumping stations located in the tail portion of the Right branch comprise the works planned under the project for the main system. The existing roads associated with the Right Branch will be resurfaced.

53. Due to funding limitations, only 9,830 ha, about 25% of the scheme's command area, will be modernized under the project. This "core" area extends over four WUAs in Yovon and A. Jomi districts: WUAs "Chorgul-2012", "Norin", "Obi Yavan" in Yovon district, and WUA "Istiklol-2010" in Jomi district.

54. Within this core area there is one secondary canal, PL-4. This canal comprises a pre-cast parabolic flume and due its poor condition is no longer functional. Failed sections will be replaced, either with new precast flume sections or with pipes.

55. The tertiary irrigation systems comprise buried (mostly asbestos cement) pipelines with steel hydrants. Proposed works to modernise the tertiary system over the core area include:

- Rehabilitation of the turnouts from the Right Branch canal to the buried pipe systems, including new control gates.
- Remote and spot local excavation inspections, etc., of the asbestos cement pipeline, cleaning (water jetting) of the pipelines if required, and replacement of failed/ blocked pipes as necessary with HDPE¹³.
- Extension of the pipeline (tail ends) to safely convey water into the riverine system, or into a collector, using HDPE pipes.
- Rehabilitation of the distribution (junction) wells and provision of new control valves, as required.
- Replacement of all the old/ defunct hydrants with new, modern hydrants that enable hose and/ or gated pipe connections for more efficient irrigation.
- Provision of volumetric meters at each hydrant for volumetric charging and more efficient use of water.
- Construction of new escape structures as required at the end of the pipelines to allow water to be released into the riverine system, to flush the pipeline, without causing scour or gullyng.

56. The existing underground pipe drainage systems comprises slotted asbestos cement pipes laid in a gravel blanket 3 to 5 m below ground level which discharge into collector drainage ditches and/ or directly into the riverine system. Most of the drainage systems do not now function due to blockages of the inspection wells and some sections of the pipelines due to sediment and (occasionally) tree roots, as well as the poor condition of the collector ditches. Almost all the pipe outlet (collector mouth) structures which allow safe discharge of drainage flows from the pipes to the collector ditches are non-function or no longer exist. The semi-functional status and/ or failure of the drainage system, rising water tables and salinity are key concerns of stakeholders¹⁴.

57. Proposed drainage works for the "core" area include: (i) cleaning (water jetting), of the asbestos cement pipeline and replacement where necessary, for example due to blockage with tree roots, of the AC pipeline with new (slotted) HDPE pipes¹⁵, (ii) vegetation removal, cleaning and re-sectioning of the open collector drainage ditches; (iii) rehabilitation of the inspection (and junction) wells – this will require first confirming the number of block inspection wells, and construction of new, additional inspection wells as required, and (iv) construction and/ or rehabilitation of the discharge structures at the tails of the drainage pipelines into the open ditch collector drains.

58. At farm-field level, eligible and interested famers, including women, will be supported with precision land grading over a total of 1,500 ha, and with gated pipe for 300 ha. Also, for homesteads, labour and water efficient irrigation systems will be supported over a total area of 300 ha.

59. Erosion mitigation and nature-based solutions will be implemented to stabilize major gullies and address soil erosion and loss of command area. This is planned for 792 ha of gullied areas.

60. The main system, and most of the pumping stations, are managed by the district LRIDs, while the secondary-tertiary systems are managed by 17 WUAs.

¹³ It is assumed that most (>95%) of the existing AC pipelines may be retained and need not be disturbed except for pipe jetting as required to clean the pipes.

¹⁴ Baseline survey, July 2020 to February 2021, Z-Analytics





¹⁵ It is assumed that < 5% will need to be replaced.

2. Temporary Works

61. Temporary works include for the contractors' camps, and for works necessary to maintain irrigation flows during the vegetative season. These works will include for diversion channels or pipelines around structures being rehabilitated and modernized unless these works are carried out outside the main growing (vegetative) season.

62. Temporary works for canal lining would be expensive, and it envisaged that canal lining would be done in October-November and in February-March. Temperatures in December and January are likely to drop below freezing preventing any concrete works.

Figure 3. Photographs of works to be modernized under the project

	
<p><i>Loikasai Bypass Channel, KM 356 to KM 396, Right Branch is not stable and partially choked with sediment. Prism re-sectioning and lining is proposed</i></p>	<p><i>Aqueduct at KM 4+00 Right Branch is the largest in the Yovon system at 140 m long. The main problems are holes in some of the troughs and scouring out of the foundations. Rehabilitation is proposed.</i></p>
	
<p><i>Check (cross regulator) at KM 13.2. The gates cannot be operated manually, and motors are broken. A truck crane is used for gates adjustment. Structure rehabilitation with gates and gate bearings replacement is proposed.</i></p>	<p><i>The Shurchasoy siphon KM 424.2 to KM 433.5 comprises 2 old, non-functional steel pipelines (above ground) and 1 new GRP pipe (underground). One of the old steel pipelines will be replaced under the project.</i></p>



Pump Station Rasvet #6 at KM 649.8 of the Right Branch. It was constructed in 1972 and has 4 pumping units. It is 50% functional as 2 pumps not operable, as well as valves. The discharge 1,630 m long, 1,220 mm dia. steel pressure pipeline is badly deteriorated. This pumping station is one of two that will be rehabilitated and modernized under the project.



Secondary Pre-cast (tray) parabolic canal with failed sections is no longer used. About 4.51 km of PL4 will be rehabilitated under the project.



Gated Offtake #19 to a buried pipeline in WUA Chorgul command area. All the offtakes supplying the core area of 9,830 ha will be rehabilitated under the project.



The old (1960s) steel hydrants for field crop irrigation will be replaced with modern hydrants that enable gated pipe and/ or hose irrigation.



The asbestos cement slotted drainage pipes are 3-5 m below ground level. Due to blockages the system is not functional. The pipelines will be remotely inspected using pipe crawler robots with cameras to confirm the extent of blockages. If the blockages cannot be cleared with pipe-jetting equipment, the pipes will be excavated and replaced as necessary.



The drainage ditches in the core area to be modernized will be cleared of vegetation and re-sectioned under the project.

3. Resettlement Impacts

63. Social safeguards due diligence assessment confirmed that the proposed works, except for the tertiary system works, will not cause any adverse impact on community and private properties, including lands, as the upgradation and construction activities will be carried out within the existing right of way (ROW), on public land, and as the footprint of the modernized works remains the same as the existing works.

64. For these main works (i.e., works for the Right Branch and associated structures, pumping stations, drainage ditches, and for the gully (erosion) protection works to the riverine area), there are no people formally and/ or informally occupying the ROW and the territory of the proposed works. Also, no third-party land use has been identified in the entire ROW for these works.

65. The one exception to this is for works at pumping station #26 where there may be some minor impact on private structures, such as a boundary fence.

66. For modernisation of the I&D tertiary systems over the core area of 9,830 ha, where irrigation is managed by the four concerned WUAs (Chorgul 2012, Norin, Obi Yovon and Istoqol), the buried pipelines extend across farmland and some homestead areas. As part of feasibility level field surveys and inspections, farmers were consulted about the condition of these pipe systems and the works required in these four WUAs. Also, spot excavations were carried out to expose the asbestos cement irrigation and drainage pipes to assess their condition. These studies concluded that all the steel hydrants need to be replaced, that the concrete inspection wells located at intervals along the pipelines need to be cleaned of sediment, but that the asbestos cement pipelines themselves remain functional and only about 5% will

Pipe Jetting

To find out the functional status of the buried irrigation and drainage pipelines they will first be inspected and then cleaned by special (drain jetting) machines, see photos below. The extent that pipes need to be excavated and replaced will then be known. The TRTA provisionally estimate that only 5% of the asbestos cement need replacement, but this remains uncertain.



need to be excavated and replaced, see text box. More detailed and extensive investigations are required to confirm this and will be carried out as part of detailed design in the first year of the project.

67. Even if most of the pipelines are not disturbed, access will be required to each the hydrants along the irrigation pipelines, and to rehabilitate the access/ inspection chambers of the drainage pipe systems. Access will be along existing tracks and roads but will also be across farmland and through homesteads.

68. Site inspections, interviews and public consultations have been carried out and are documented in Chapter VIII. These confirmed that for the Main works no adverse impact on the livelihood of people, their property, including land is expected, or livelihoods is expected. However, for the core area selected for tertiary I&D systems modernization, some loss of crops and structures, due to the need for access over farmland and homesteads is likely and will trigger compensation.

69. No permanent acquisition of land, or physical displacement of persons, is expected to implement the works under the project.

4. Mitigation Measures during Construction

70. Although there will be no permanent acquisition of privately used land or physical displacement of people, whether titled or non-title holders, communities close to work sites could suffer from temporary impacts during construction such as dust, noise, movement restrictions, etc.

71. Mitigation measures for temporary impacts will be the responsibility of the civil works contractors. To eliminate such impacts the civil works contractors will be required to undertake the following measures:

- a) Informing all local communities about the nature and duration of work well in advance.
- b) Placing information billboards about the nature and duration of work, name of the project, contractor, and focal point to accept grievances at each major works site.
- c) Maintaining full access to lands, and not blocking any roads, and ensuring agricultural machinery and pedestrian access is not restricted.
- d) Complete the work within the allowed and scheduled times.
- e) Ensuring continued accessibility to all services and facilities including communication lines, water systems, electricity, and so on.
- f) If any rental land is used, government administered lands allocation prioritized, or negotiating with the landowners and users as appropriate, fair terms and conditions shall be adopted and agreed in writing.
- g) Measures for minimizing dust and noise pollution as per the environmental management plan shall be adopted.

72. ALRI/ PIG and the Project Implementation Consultant will monitor the identification of construction related to temporary impacts and ensure that grievance redress mechanism (GRM) is fully functional and accessible to the communities.

73. The proposed works are to be carried out to avoid interruption of irrigation supplies, either by construction of temporary diversion arrangements, or by scheduling the works outside the vegetative season (1st April to 30th September). If some interruption of supply may occur due for example to works not being completed on time, farmers/ people should be informed in advance through jamoats and the heads of mahalla committees. Compensation or alternative sources of water should be provided.

74. Contractors should be reminded that where they need to use land on temporary basis, they must promptly, and in advance inform the concerned authorities for approval. All affected land and / or assets on the land should be restored to pre-project condition.

D. Indigenous Peoples

75. Tajiks make the majority in the project area. Other ethnic groups include Uzbeks, Turkmen, Russians, and others. The Constitution of the country provides for equal rights, benefits, and opportunities to its citizens.

76. None of the ethnic minorities belongs to a separate and distinct cultural or social group and they enjoy the same rights and opportunities as the rest of the citizens in the country. Thus, in view of the above, the project will not trigger ADB Indigenous Peoples Safeguards.

V. LEGAL AND ADMINISTRATIVE FRAMEWORK

77. The LARF is a document of the Government of the Republic of Tajikistan and reflects the relevant national legal framework and requirements along with specific ADB's requirements under ADB SPS (2009). The document is agreed between the Government of the Republic of Tajikistan and ADB and no changes shall be made to the LARF without prior approval from ADB.
78. A Land Acquisition and Resettlement Plan (LARP) will be prepared in accordance with this LARF to cover the involuntary resettlement impact of the project. This is expected to comprise of loss of crops and minor structures in dekhan farms and in homesteads to enable modernisation of the tertiary (buried pipe) I&D systems.
79. 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 Republic of Tajikistan applicable laws, regulations, and policies and ADB SPS 2009 requirements. **Where differences exist between local law and ADB policies and practices, the resettlement for this Project will be resolved in favour of the later.**

A. Country Legal Framework

80. No special law or policy regulates the issues of resettlement and/ or land acquisition or expropriation of rights to land and immovable property for state or public needs in the Republic of Tajikistan. The fundamental legislative acts regulating land management relations and the ownership rights to immovable properties in the Republic of Tajikistan are the following:

- a. Constitution of the Republic of Tajikistan (1994, as amended in 2003)¹⁶
- b. Land Code (amended in 2012)¹⁷
- c. Land Code (amended in 2008)¹⁸
- d. Civil Code (amended in 2007)¹⁹
- e. Regulation "about compensation of losses to the land users and losses of agricultural products" (approved by the Decree of Government of Republic of Tajikistan, 2011. № 641)²⁰

B. Types of land ownership and land use rights allocation

81. 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.

82. Primary use rights include the following:

- a) 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.
- b) 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).
- c) 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 Dehkan farm, as well as household (garden) plots.

83. 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

¹⁶ Constitution, November 6, 1994, as amended on 22 June 2003.

¹⁷ Land Code of the Republic of Tajikistan as amended on 01 August 2012

¹⁸ 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.

¹⁹ 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

²⁰ Approved by the Decree of Government of Republic of Tajikistan, December 30, 2011. № 641.

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).

84. Dehkan 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 Dehkan farms is one of the priority areas of land reform. The basis for creating Dehkan farm in the Republic of Tajikistan is defined by the Law “On Dehkan farms”²¹, №48 of 10 May 2002. It resulted in the creation of 31 Dehkan farms in 1992 with 300 hectares of land. In 2003, there were 16,433 registered Dehkan farms with 240,100 hectares²².

85. In Dehkan 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 Dehkan land: (i) individual (the land use certificate is held by an individual), (ii) family (the certificate is jointly held), and (iii) collective (the certificate details common property shareholders).

86. A collective Dehkan consists of two or more unrelated families, producing and marketing jointly. Dehkan farm—associations, or — associative Dehkan farms, operate in a similar manner to collective Dehkans, although the families involved technically have their own Dehkans and work together cooperatively. Both family and collective Dehkans 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).

87. Presidential land is like Dehkan land. It was allocated in small plots to private households in the late 1990s by Presidential Decree. The essential difference between Dehkan 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).

88. 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.

89. 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.

C. Tajikistan Constitution, Laws and regulation on Land Acquisition, Resettlement and Compensation

90. 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.

91. 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.

92. 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.”

²¹ Law of the RT “On Dehkan farms”.2002. www.mmk.tj

²² 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.

D. Provisions regulated by the Land Code

93. In August 2012 amendments to the Land Code that enable legal sales and lease transactions for land use rights were approved²³. The Land Code also includes changes to the provisions related to land acquisition²⁴.

94. 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.

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

- i. Allocating a land plot of equal value.
- ii. 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.
- iii. Fully compensating for all other losses, including lost profits, in accordance with the legislation of the Republic of Tajikistan.

96. 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).

97. 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.

98. 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.

99. 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).

100. Upon termination of the rights to a property, the property will be assessed based on its market value (Article 265 Civil Code).

101. 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).

102. If 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).

103. 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 1st August 2012 No. 891).

104. 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*”.

²³ Law 891, dated August 2012, article 19.

²⁴ Articles 37-45.

105. In accordance with Article 19 of the Land Code, the land right users may:
- i. 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)
 - ii. Lease the land plot
 - iii. Establish private (based on consent) servitude to a land plot; (In edition dated 1 August 2012 No. 891)
 - iv. Mortgage the right to a land plot
 - v. 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.
106. 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:
- i. 40% to the Hukumat, which will no longer derive income from taxes and leases for the portion of the land being acquired.
 - ii. 60% to the land user, who suffers a reduction in his/ her income-generating asset.
107. 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.

E. ADB SPS 2009 Involuntary Resettlement Safeguard

108. 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, considering the following 12 key policy principles for involuntary resettlement.

109. These can be summarized as follows:
- I. 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.
 - II. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, 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.
 - III. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based (where possible) or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets

that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

- IV. Provide physically and economically displaced persons with needed assistance, including the following: (i) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (ii) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (iii) civic infrastructure and community services, as required.
- V. Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with the relevant income sources and legal and affordable access to adequate housing.
- VI. 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.
- VII. Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- VIII. Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- IX. Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and form and language(s) understandable to affected persons and other stakeholders. Disclose the final resettlement plan and its updates to affected persons and other stakeholders.
- X. Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of 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.
- XI. Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout the project implementation.
- XII. Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by considering the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

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

- a. Legal APs/DPs: APs/DPs with formal legal rights to land lost in its entirety or in part.
- b. Legalizable APs/DPs: APs/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.
- c. Non-legal APs/DPs: APs/DPs who have neither formal legal rights nor recognized/recognizable claims to land lost in its entirety or in part. Encroachers and squatters fall in this category.

111. 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 APs/DPs in category (iii) (informal settlers), the borrower/client is expected to compensate all assets other than land (i.e., buildings, trees, crops, businesses) at full replacement cost.

112. The risk of opportunistic encroachment on land designated for acquisition by the project is managed through a declared cut-off date.

113. 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)²⁵.

114. 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.

115. The following core involuntary resettlement principles are relevant to this Project:

- a. Involuntary resettlement impacts will be avoided or minimized by exploring viable alternatives in the Project design.
- b. Consultations with APs on involuntary resettlement implementation and compensation.
- c. Vulnerable groups will be provided with a special assistance.
- d. Payment of compensation prior to the contractor taking physical possession of the land and prior to the commencement of construction activities, and
- e. Establishment of appropriate grievance redress mechanism.

116. The table below provides a comparison of the provisions under ADB SPS 2009 and National Legislation. Of particular relevance to this project are the following:

- Compensation:
 - Loss of structures: cash compensation at full replacement cost without deduction of depreciation and value of (any) salvaged materials.
 - Loss of trees: Fruit bearing trees will be compensated based on the age category and market value of 1 year of income multiplied by the number of years needed to grow a tree of similar productivity. For wood trees, AP/DPs are allowed to keep the wood.
 - Loss of crops: Cash compensation at market price for the gross crop value of an expected harvest.
- Procedural mechanisms:
 - Draft/ updated LARP to be disclosed to the AHs as per ADB policy and procedure.
 - Consultations with AHs were conducted in the LARF preparation. Similar consultations will be done during LARP preparation and implementation.
 - A GRM procedure will be established for the project.

Table 2. Comparison of the Provisions under ADB SPS 2009 and National Legislation

Item	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
1. Eligibility	APs/DPs with legal rights receive compensation for land and non-land assets/improvements and provided with rehabilitation assistance	APs/DPs with legal /registered land use rights are eligible for compensation \ rehabilitation.	Same in principle and application.
	APs/DPs with legalizable rights are entitled to compensation for land and non-land assets/ improvements and provided with rehabilitation assistance.	APs/DPs with legalizable rights receive compensation for the land and non-land assets.	Same in principle and application
	DPs with no legal rights on land that they occupy/use receive compensation for non-land assets/	Informal land users (without right to use land) are not entitled to any compensation (for	Informal land users will be entitled to compensation for non-land assets and improvements and for rehabilitation assistance

²⁵ 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 situations would be to provide land compensation based on land productivity or land reproduction costs.”

Item	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	improvements and provided with rehabilitation assistance	land or 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	DPs whose livelihood are affected will be supported to help restore their livelihood. Poor and vulnerable DPs will be assisted to improve their standards of living to at least the national minimum standards.
3.Compensation	A. Loss of land Replacement land as the preferred option of the compensation for DPs whose livelihood is land-based. If land is not available, cash compensation at full market cost.	Permanent loss of land. Replacement land but also cash compensation.	Replacement land will be sought as first option for DPs whose livelihood is land-based.
	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. Structures will be compensated at full replacement cost without deduction of depreciation and value of salvaged materials.
	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. Business losses will be compensated as per ADB policy and procedures.
	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 APs/DPs.	D. Fruit bearing trees will be compensated based on the age category and market value of 1 year of income multiplied by the number of years needed to grow a tree of similar productivity. For wood trees, AP/DPs are allowed to keep the wood.
	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.

Item	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	F. Loss of jobs. Indemnity of lost income so as to ensure AP/DP rehabilitation. Specific arrangements to be agreed with borrowers for permanent impacts.	F. Loss of jobs. Severance pay provided by employer.	F. In case of affected workers, indemnity for lost income to be provided.
4. Procedural mechanisms	Prior notification. Timely notice on land acquisition needed.	A. Prior notification. Written notification prior to withdrawal (acquisition) of land.	A. Same in principle and application.
	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. Draft LARP and updated LARP to be disclosed to the AHs as per ADB policy and procedure.
	C. Public consultation. Meaningful public consultations are to be held with the APs/DPs. APs/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 APs/DPs about their entitlements and resettlement options as such.	C. Consultations with AHs were conducted in the LARF preparation. Similar consultations will be done during LARP preparation and implementation.
	D. GRM should be established for each project, and information on GRM should be communicated to APs/DPs.	D. GRM. No project specific GRM exists. Disagreements are resolved by through Hukumats' grievance mechanism or appeal to court.	D. Two-tier GRM procedure will be established for the project. APs/DPs and other stakeholders to be notified.
5. Prior acquisition	Property can be acquired only after full compensation is paid to the APs/DPs	Property can be acquired only after full compensation is paid to the APs/DPs	A. Same in principle and application.
6. Resettlement planning, assessment and valuation of project impacts	LARP Preparation: includes compensation entitlements, income / livelihood restoration strategy, monitoring plan, budget, and implementation schedule, based on sound impact / valuation surveys as detailed below.	LARP Preparation: No requirements to prepare LARP or pursue measures to restore the livelihoods of APs/DPs to the pre-project level. A series of activities similar to those mandated by the SPS are however required as follows:	A. A LARP will be prepared following ADB policy and procedures based on this LARF.
	Detailed measurement survey (DMS). Measures quantitatively impacts for each affected property.	DMS. Measures all impacts in quantitative terms.	Same in principle and application. Valuation mechanisms need to be updated.
	AP/DP /AP Census (including review of legal status). Identifies all APs/DPs and establishes a	Census: AP/DP /AP Identification. Identifies all APs/DPs by residence or	Same in principle and application. Valuation mechanisms need to be updated.

Item	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	list of legitimate Beneficiaries.	locality and establishes a list of legitimate beneficiaries based on land title and house ownership status.	
	Socio-economic survey. Includes information on AP/DP's disaggregated by age, sex, family size, education, occupation, income source.	Socio-economic survey. No comparable requirements exist	Socio-economic survey has been carried out following ADB policy and procedures as already applied for previous ADB projects.
	Valuation survey	Valuation survey	Different
	Land: If land market exists based on a survey of recent land transactions. In absence of land market info, based on land productivity and income.	a) Land: Mechanisms for land valuation to be defined.	a) Application and valuation method to be developed and mainstreamed. However, methodology for land valuation has been developed and being applied following ADB policies and procedures as applied already for previous ADB projects.
	b) Building's replacement cost of materials, labor and transport and special features of the building/ structure without discounting for depreciation, salvaged materials and transaction costs.	b) Buildings/structures: Market value for materials, labor and transport and special building features but discounted for depreciation, salvage materials, and transaction costs.	b) Different in application. Application of the following the provision of replacement cost principle without discounting depreciation and transaction costs as already done for previous ADB projects.
	c) Trees/crops. Based on the set methodology.	c) Trees/crops. Based on the set methodology.	c) Same in principle, but different in application. Already reconciled for previous ADB projects.
	M&E: M&E depends on the project category, external for Category A and internal for Category B projects.	M&E: No M&E requirements in national legislation	v. M&E: Different in policy but reconciled once LARP is endorsed for ADB projects.
7. Special assistance to vulnerable severely affected and relocating APs/DPs	A. Vulnerable APs/DPs should be identified, and special assistance should be provided to them to help their restoration or, improvement of pre-project level of livelihoods	A. Vulnerable APs/DPs: No special consideration is required for vulnerable APs/DPs; no distinction is made between APs/DPs when deciding on the compensation or rehabilitation package	A. Vulnerable households will be (i) provided with additional cash allowance, (ii) enrolled in government assistance program, and (iii) prioritized in project related employment.
	B. Resettlement assistance.	Resettlement assistance No special consideration is	B. Relocating DPs will be provided with transportation allowance

Item	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	APs/DPs to be resettled receive relocation assistance covering transport and transitional period livelihood costs.	required for resettled APs/DPs. However, the package depends on Government's decision regarding transitional period allowance.	and communal/site preparation for the alternative land plot.

VI. COMPENSATION ELIGIBILITY AND ENTITLEMENTS

A. LARF Principles and Entitlements adopted for ADB financed Projects

117. Based on applicable laws of Tajikistan and ADB SPS (2009), core involuntary resettlement principles are developed:

- Land acquisition, and other involuntary resettlement impacts will be avoided or minimized exploring all viable alternative project designs;
- Where unavoidable, a LARP will be prepared, and DPs (if any) will be assisted in improving or at least regaining their pre-project standard of living;
- Meaningful consultations with any DPs/ APs on compensation, disclosure of resettlement information to DPs/ APs, and participation of DPs/APs in planning/ implementing projects, such as providing their views on design alternatives and participating in monitoring activities, will be ensured;
- Vulnerable and severely affected DPs will be provided a special assistance;
- Non-titled DPs, if any, (e.g., informal land users, DPs without full documentations on buildings and structures) will be fully compensated for losses *other than land*.
- Provision of income restoration and rehabilitation;
- The LARP will be disclosed to the DPs/APs in the local language;
- Payment of compensation, resettlement assistance and rehabilitation measures will be fully provided prior to the contractor taking physical possession of the land and to the commencement of any construction activities; and
- Appropriate redresses mechanisms to solve DPs/ APs grievances are established.

B. Eligibility

118. DPs/APs entitled for compensation or at least rehabilitation provisions under the Project are:

- Any DPs losing land with formal and/or informal land use rights including encroachers;
- Owners of buildings, crops, plants, or other objects attached to the land; and
- DPs/APs losing business and income.

119. For displaced persons (if any), compensation eligibility will be limited by a cut-off date to be set for the project/ component of a project, and widely advertised and published. DPs who settle in the affected areas after the cut-off date will not be eligible for compensation.

C. Compensation Entitlements

120. Under the SPS 2009, the livelihood of affected persons should be enhanced or at least restored to the pre-project level. To achieve this target, the DPs/APs are given entitlements to land replacement, wherever possible, compensation at replacement cost for all affected assets, as well as to other allowances which are aimed at minimization of adverse impacts. The following are the key elements of an entitlement policy:

- Paying replacement cost for affected assets;
- Preference for land replacement (land for land);
- Replacement/ provision of income generating assets;
- Transfer arrangements (from affected to relocation areas);
- Provision of adequate infrastructure at relocation sites;
- Transition allowances for the duration of the transition;
- Provision of special assistance to vulnerable and severely impacted households.

121. All DPs/ APs in the Project are entitled to compensation and resettlement assistance, irrespective of their land ownership status, 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 displaced persons. The compensation packages must reflect replacement costs for all losses (such as right to use and, crops, trees, structures, businesses, incomes, etc.).

122. The following are core components for a resettlement package which should be considered:

- Compensation for affected property (houses, commercial buildings, supporting buildings and structures, improvements on land, regardless of the legal status of affected property);
- Compensation for loss of land use right and compensation for standing crops and trees;
- Allocation of replacement land plot(s) for relocation;
- Compensation for the loss of income;
- Compensation for the loss of employment;
- Assistance in moving to a new relocation site;
- Assistance during the transition period (i.e., accommodation rental during the house construction);
- Allowances to seriously affected and vulnerable persons;
- Provision of civic and other public amenities at the resettlement site
- Priority of employment for seriously affected and vulnerable persons;
- Compensation of any temporary impact envisaged during the construction period.

123. No permanent acquisition of land, or physical displacement of persons, is expected to implement the works under the project. Also, no severe impact is expected based on the estimate of total landholding of each affected people and the required width of access. Nonetheless, in case of changes at detailed design stage, the table below gives a description of all possible entitlements and additional allowances to compensate for any income and assets losses.

Table 3. Entitlement Matrix for proposed project

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)	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, in agreement with the owner.
		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.
		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 APs/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.
5	Trees	All APs/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. No cash compensation will be issued for non-fruit bearing, timber trees if APs choice will be collection of the wood from the cut trees. APs will be eligible to dispose logged trees themselves, if they so choose. If cash compensation is claimed, none fruit and decorative trees will be compensated based on the prevailing market price for firewood.
6	Business and employment (temporary and permanent)	All APs/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 ²⁶ multiplied by 12.

²⁶ The official average monthly wage for March 2021 is 1,535.98 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>

			<p>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).</p> <p>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.</p>
7	Relocation	Physically displaced households regardless of type of impact	<p>Transportation allowance (cost of labor and vehicle rent to transport materials of the house/ business structures or any other things which need to be transported to a new location.</p> <p>Communal and site preparation cost for the alternative land plot (including connection to power grid, water supply system, installation of latrine etc.).</p>
8	Severely affected households	APs/DPs losing more than 10% of agricultural land/income resources, APs/DPs needed to physically relocate due to loss of home or business.	Severity/ livelihood rehabilitation allowance in the form of cash compensation equal to the official monthly average wage for 3 months.
9	Vulnerable households	APs/DPs receiving government assistance for poor, single women-headed HH below poverty line, elderly households, and households with no means of living, households headed by disabled person or have disabled HH members.	<p>Allowance equivalent to official monthly average wage for 3 months;</p> <p>Enrolment in Government social assistance, if not yet enrolled;</p> <p>Priority in project-related employment for members of vulnerable households (if at legal working age).</p>
10	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.
Temporary Loss			
11	Temporary impacts	All relevant APs/DPs	<p>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.</p> <p>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</p>

			original status, or as per the agreement with the land rights holder.
Unanticipated impacts			
12	Other unanticipated assets loss or impact on livelihood	All APs/DPs residing in the project corridor before the cut-off date.	Compensated as per the Project-specific Entitlement Matrix.

D. Valuation Methodology

1. General

124. Compensation entitlements are defined according to the ADB SPS (2009) and the applicable laws of the Republic of Tajikistan. The compensation rates for any affected buildings, structures, and fruit trees, will be 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 will be paid for any loss of land use right.

2. Compensation for Buildings, Structures, and Improvements

125. The compensation for any affected buildings and structures is calculated for both the owners of legal structures and the users of illegal ones. The replacement costs for buildings and structures is determined by calculating the construction cost of a similar new buildings/ structures, for the same use and materials, based on market prices.

3. Valuation of Crops

126. Cash compensation equal to gross income generated on the affected area for 1 year at market rates. This would be based on the (Hukumats) data on the yearly yield of different crops grown in the area.

4. Valuation of Trees

127. The calculation of losses for any fruit trees and saplings is based on the following:

- The cost of saplings of fruit trees is based on the price of saplings in the nurseries;
- The cost of fruit-bearing trees is based on the net annual harvest from the tree(s) for the number of years needed for replacement tree(s) to reach comparable production (based on the data available in each Hukumat for their respective areas).
- Wood and decorative trees are not commonly compensated in Tajikistan, but APs keep cut trees.

VII. SURVEYS AND RESETTLEMENT PLAN PREPARATION

128. Based on field visits and assessment of resettlement impacts, a Resettlement Plan is expected to be required for the proposed modernization works for the core development area. Due to uncertainty about the condition and continued serviceability of the buried I&D pipe systems the exact extent and nature of these works will only be known at detailed design stage.

129. The preparation of the resettlement plan will entail a census and losses survey, and meaningful consultation with the affected persons, carried out as detailed designs are prepared.

130. A detailed baseline socio-economic survey was carried out as part of project preparation²⁷, but additional socio-economic data should be collected for APs.

131. The IA-PIG assisted by the PIC (consultants) will conduct a census and inventory of all losses due to the project works based on the detailed engineering design. A social due diligence will be conducted for all components of the entire project after the detailed design works completed. Survey requirements are given below:

- Census Survey and inventory of losses. The survey will be based on the detailed design and final alignments for the (tertiary) canals and pipelines which are not expected to change unless re-routed to avoid impacting on structures which have been built over/ across them. Data to be collected includes:
 - Name of owner/ tenant affected.
 - Details of losses (with photographs):
 - Area of land/ crops affected (length, width, area)
 - Types of crops and stage of growth
 - Number and types of trees and ages
 - Type and area of any affected structures (houses, shops, fences, sheds, toilets, wells, etc.)
 - Details for any damaged service infrastructure (drainage, electricity, sewer pipes, cable, etc. if any)
 - Any loss of income and/ or livelihood,
 - Any temporary impacts
- Socio-economic data for affected persons should include:
 - Demographic (household composition by age, gender, ethnicity, education)
 - Income and assets (individual, collective)
 - Occupation (livelihood)
 - Access to public service (health, education, water and sanitation, transport)
 - Gender roles and gender-disaggregated data
 - Attitude and preference on resettlement and participation in project employment.

132. The above data shall be analysed to review the social impact of the works on affected persons and communities, particularly on poor, women, and other vulnerable and disadvantaged groups.

²⁷ Agriculture Socio-Economic Baseline Survey, July 2020 – February 2021. Tahlil va Mashavarat, Limited Liability Company operating under the brand name Z-Analytics.

VIII. PUBLIC CONSULTATIONS AND INFORMATION DISCLOSURE

133. The objective of the stakeholder consultation process is to disseminate information on the project and its expected impact and outcome among primary and secondary stakeholders and to gather information on relevant issues so that the feedback received can be used to address prevailing issues at early stages of the project design. Another important objective is to determine the extent of the concerns amongst the community, to address these in the project level and to suggest appropriate mitigation measures of any adverse impacts.

134. Information disclosure was undertaken as per the requirements of ADB Safeguards Policy Statement (SPS) of 2009, and National policies and principles. During project preparation, the ALRI and Consultant safeguard staff met repeatedly with local government and relevant jamoat staff, community leaders, WUA representatives, local farmers, and residents who are concerned with implementation and/ or will benefit from the proposed project. Stakeholders' views were found to be very positive and supportive.

135. Three formal public consultation meetings were held in Yovon, Khuroson and Jomi districts in September and October 2020. These focussed on the main system works (right branch canal and associated structures and the works for two pumping stations. Additional consultations were held in April 2021 focussing on the irrigation and drainage pipe systems for the core area of 9,830 ha to be modernized.

136. The principles of the ADB Safeguards Policy Statement (SPS) of 2009, and National laws on land acquisition and resettlement requirements, as well as works and activities under the proposed project were disclosed in these consultations. Stakeholders were informed that they have the right to express their propositions, grievances, and issues, seek solutions and report on alleged violations of the adopted policies during implementation of the project.

137. Grievances and appeals receiving focal points were identified in the jamoats of local government, who will receive, file, and process any grievances and issues received.

A. Consultation meetings with local government institutions and farmer stakeholders

138. The consultative meetings with local government institutions were held at district and jamoat level authority offices. The project scope, works and activities were discussed with the land committee, land reclamation departments and jamoat representatives. In some of these meetings, heads of communities and villages in the project area, as well as WUA representatives, attended and presented the interests of the local communities and farmers who use water to irrigate farms and homestead.

139. Local stakeholders noted the positive aspects of the proposed project, for example to alleviate shortages of irrigation water, address drainage problems, safeguard lands and property from mudflows and improve roads.

140. Discussions and joint visits to the main works sites revealed that project will have little negative impact on communities' lands, structures, assets, and other properties. This is because most of the irrigation system, including the main and distribution canals, and pump stations, were built on government administered barren lands, and within the dehkan farms areas, and sufficient ROW for maintenance was allocated. These ROW remains free of encroachers and informal users and is sufficient for rehabilitation and modernisation under the project.

141. For the main and right branch canal system and associated structures, the two pump stations, Ressvet #6 and PS #26, secondary canal PL4, and for erosion prevention measures in the riverine area, the proposed modernisation works will not lead to any resettlement of households, and residential buildings, agricultural lands and local infrastructure and crops including fruit trees and vineyards, will not be affected. These works will also not pose any threat to the local road and social infrastructure facilities.

142. During conversations with responsible employees of land management and land reclamation departments, representatives of WUAs in the project area stated that functional I&D infrastructure is essential for their livelihoods, and their condition is badly deteriorated. Upgrading and modernisation of the system will help improve living standards of rural residents, local entrepreneurs, and farmers. Local residents also noted that one result of quarantine and restricted movements under the Covid-19

epidemic, is the return of migrant labour, and employment for returned migrants, as well as for young farmers and entrepreneurs, may be provided by in the agriculture sector.

Figure 4. Consultations with local authorities and private sector



B. Community Public Consultations

143. Three formal public consultations were held in September - October 2020 in Yovon, A. Jami and Khuroson districts. These were held in the jamoats in the project area. In total, 105 people were consulted.

144. A wide range of stakeholders attended the public consultations, including local government and other relevant jamoat staff, community leaders and residents from their respective communities, WUA representatives, local farmers, regional and district (LRID) ALRI staff including infrastructure manager, engineers, specialists, and national TRTA consultants.

145. The public consultations were aimed at provision of information on: (i) project scope, work, and activities, (ii) the ADB's policies and procedures to avoid, minimize, and mitigate any negative impact, including the grievance and appeals submission and resolution procedure, and social and environmental safeguards, as well as the implementation timeframe.

146. Discussions covered potential resettlement impacts, whether permanent or temporary, among various stakeholder groups.

147. In all three of the public consultations, the main points of inquiry and discussion included: (i) the physical works to be implemented, (ii) the expected start date for the project, and (iii) the GRM.

148. Local residents/ beneficiaries expressed their appreciation for the proposed project. They requested that it start as soon as possible as the deteriorated irrigation and drainage system places at high-risk agricultural production in the area and is leading to reducing land productivity. The PIG manager stated that the preparation procedures take time, but that stakeholders will be informed in advance of construction work.

149. Specialists from concerned institutions (ameliorators, jamoat workers, education, and health sector workers) also expressed their gratitude to ADB for the much-needed project.

150. Contractor representatives who have implemented similar projects in the region were also invited to the meetings to discuss issues that arose in those projects during implementation. They also suggested solutions and measures that would minimise adverse impact on beneficiaries. Examples included: (i) informing communities of the nature of the works, (ii) informing about any impact on irrigation supplies – timing and volume, (iii) diversion measures, (iv) access to the works sites, and so on.

151. Under the project, the contractors will be required to maintain irrigation supplies in the main vegetative season, not to hinder road access between communities and to farms, and to minimise any negative impacts on lands, properties, and crops.

152. Communities were encouraged to maintain close contact with implementing authorities, and exchange information on any unforeseen violations, inconveniences or issues created by the project due to the contractors works, or any other issue.

Figure 5. Communities public consultations





Public consultation in Gulsara Yusupova jamoat of Yovon district

C. Consultations with focus on Buried Pipe System

153. For the buried pipe I&D systems field surveys and inspections over four WUAs had been carried out intermittently from May to December 2020. As part of these surveys local farmers were consulted about the condition, and works required for modernisation, of these (pipe) systems. This survey covered the following four WUAs: Chorgul, Norin, Istiqlol 2010 and Shabnam. However, these surveys did not include assessment or discussion of the resettlement implications of the proposed works.

154. As the social safeguard and due diligence consultations in September – October 2020 did not adequately consider the tertiary level works, additional consultations concerning the irrigation and drainage pipe systems for the core area of 9,830 ha to be modernized, i.e., command areas of WUAs Chorgul-2012, Norin, Obi Yavan and Istiklol-2010, were held in April 2021.

155. These additional safeguard consultations included site visits and discussions with:

- Head of the Tajik reclamation expedition in Yovon district, Saitov E.
- Director of WUA "Chorgul-2012", Nodirov B.
- Director of WUA "Norin" - Khudoikulov B.
- Director of WUA "Obi Yavan" -Hudoyberdiev B
- Director of WUA "Istiklol-2010" -Eshkuvatov F.
- Representatives of dekhkan farms, farmers and jamoats in these WUAs

156. The additional safeguard consultations concerned the requirement for contractors to have access over Dekhan farm and homestead land to modernize the pipe I&D systems, and the likelihood of crop losses. The numbers of homestead courtyards/ structures/ buildings that could be affected if pipelines had to be excavated were also estimated.

157. The consultations also noted that insufficient data are available concerning the buried pipe condition, and that considerable uncertainty remains about the extent of excavation for pipelines.

Figure 6. Additional consultations for tertiary I&D pipe systems modernization



D. Community Public Consultations in the process of LARP preparation and project implementation

158. In the process of LARP preparation and project implementation, communities will be regularly consulted on the project activities, ADB policies and procedures on involuntary resettlement, compensation and entitlements for the affected lands, crops and other assets, grievance redress mechanism, project Cut-off Date and project commencement date, etc. The PIG ALRI and project PIC will conduct consultations with local authorities, project communities, and other project beneficiaries and stakeholders.

159. The consultation meetings will include the heads of district administrations, the districts' deputy director and secretaries, human resource officers, the head of the Women's Affairs Department, the head of the Social Protection Department, a specialist of the Women's Affairs Department, the head of the Religious Department, the head of the Architecture Department, architectural specialists, land surveyors, the head of the Economics Department, the head of the Environmental Department, the districts' chief engineers, land management representatives, statistical department representatives, dekhkan farm representatives and the affected people.

160. The main goals of consultations with local authorities will be to share information about the Project, ensure local authorities' cooperation during the LARP preparation and implementation, preparation of the ground for the functionality of the Grievance Redress Groups and the establishment of the Land Acquisition and Resettlement Committees.

161. The PIG ALRI with the assistance of the PMC will conduct broad community consultations in project jamoats representing affected villages, communities and the APs. The participants will receive the Project Information Brochure with the Project-specific entitlements, government decree on the cut-

off-date, ALRI letter on the establishment of the GRM and details on the GRM procedure. Other information to be shared with the participants will be ADB SPS 2009, compensation principles and additional allowances and the GRM procedure. The participants will express their opinions about the Project, concerns and suggestions related to resettlement, relocation options and safety in the process of project implementation.

E. Information Disclosure

162. During preparation of the project LARP, the following information disclosures are planned:

- uploading of the draft LARP and finalized 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 LARP in the Russian language on ALRI website;
- changes in project design, which result 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 ALRI and ADB for approval prior to the commencement of construction;
- uploading of the updated and approved LARP on the ADB and ALRI website.
- corrective action plans will also apply to design variations effected or any omission detected once the construction has commenced

IX. GRIEVANCE REDRESS MECHANISM

163. A Grievance Redress Mechanism (GRM) has been established to address potential disagreements and concerns of the local population concerned, in line with ADB policy requirements and RT legislation on Citizens' Appeals. The establishment of the GRM and the procedure for filing written or verbal complaints and complaints resolution process were discussed with stakeholders in the jamoats in the public consultation meetings.

164. Potential grievances and complaints in the event of any unexpected adverse impact on the properties of local residents and communities can be addressed through the established GRM. The established GRM can be applied to address both environmental and resettlement issues related to the proposed project.

165. The steps and actions below describe the process for receiving and dealing with complaints and grievances under the project:

- i. Step 1: Complaints will be filed at the jamoat level, where all relevant representatives (land and environment experts, deputy chairman of the jamoat responsible for gender policy, representatives of the Jamoat Resource Center), representatives of affected families and Institutions - Implementers / PIGs will try to solve the problem. Each complaint will be logged, signed by the affected person and representative of the Grievance Redress Committee, and receive the complaint filed with the affected person. The complaint resolution period is 14 calendar days.
- ii. Step 2: If the complaint cannot be resolved at the jamoat level, the affected person can apply to the district level of the Grievance Redress Committee for the resolution as needed. The district level committee should invite a representative of the Agency on Land Reclamation and Irrigation / PIG after filing a complaint. As at the jamoat level, the district level committee will register and file complaints from complainants. The term for consideration of a complaint is 16 calendar days.

166. If the established GRM is unable to resolve the problem, the affected person can also directly contact the ADB Tajikistan Resident Mission. ADB local focal points will be shared with local communities at consultation meetings during the detailed design phase.

Table 4. Brief description of grievance redress procedure

Response processing steps	Necessary actions
Representative of Hukumat, jamoat and representative (Jamoat, PIG)	Jamoat and PIG responds to questions and / or compliance. If within 14 days or as a result of the response unsatisfactory, the PIO prepares the written review (if necessary, use standard forms).
PIG County Committee	File the written complaint and try to resolve it. If the complaint is not resolved within 16 days (or 30 days from the date of filing the complaint with the Jamoat PIG) or unsatisfactory, the affected people can go to court for resolution.
District Court	The District Court reviews the case and makes the final decision, which is binding on all parties.

Source: Agency for Land Reclamation and Irrigation

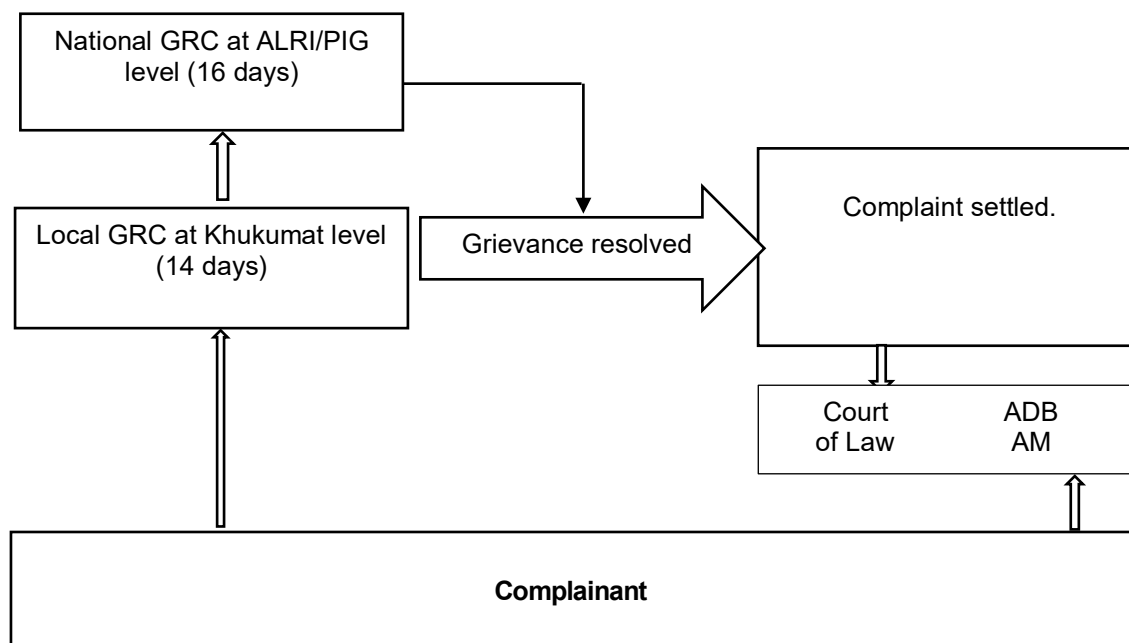
167. Consultations will continue throughout the construction phase as per the project's communication plan. Records including reports on social and environmental complaints and grievances will be kept in a database and the GRC will ensure immediate follow up and resolution. To receive and facilitate the resolution of possibly affected peoples' concerns, complaints, and grievances concerning the project's performance the Grievance Redress Mechanism (GRM) that has been established for the project will be used to address any complaints that arise during the implementation of the project.

168. In addition, the GRM will include a proactive component whereby at the commencement of construction works the community will be formally advised of project implementation details, so that all necessary project information is communicated effectively to the community and their immediate

concerns can be addressed. This proactive approach with communities will be pursued throughout the implementation of the project.

169. The GRM will address potentially affected people's concerns and complaints, using an understandable, communicated, and transparent process that is gender responsive, culturally appropriate and readily accessible to all community members at no costs and without retribution. The mechanism will not impede access to the Country's judicial or administrative remedies.

Figure 7. Grievance Redress Process



170. 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.

171. For appeals lodged directly to the ALRI, the National GRC at PIG will review the case together with the respective Local GRC at khukumat level and attempt to find a resolution together with the aggrieved person. The GRC decisions will be made by majority of members and will be publicized among the local communities and directly to the complainant(s). If the complainants are not satisfied with the National GRC decisions, they can always file their cases in court.

X. RESETTLEMENT BUDGET AND FINANCING PLAN

172. Works for the main system, along the 0.6 km main and 85 km right branch canal, and for works at pumping station Russvet #6 are within the RoW and on state land. There are no encroachments in the RoW and no involuntary resettlement is expected to be triggered. Pumping station #26 is privately managed, and there may be some minor impact on private structures, such as a boundary fence.

173. Temporary acquisition of strips of land for access to works sites along the buried pipelines in the core area to be modernized is required, and for temporary works to maintain irrigation flows while works on structures are ongoing. These works may result in crop losses, usually for one season, unless these works can be completed after harvest, or only encroach over public, open and non-cropped land. There may also be permanent loss of trees, and potentially also full or partial loss of some structures, such as boundary walls to homesteads, which have been built over the buried pipelines. Any potential impact on larger structures or buildings, may be avoided by routing new pipelines around them.

174. The Grant funds will be used for all costs associated with involuntary resettlement. At the preliminary design stage, the project does not expect additional land withdrawal on permanent basis as the irrigation and drainage canals and pipelines proposed for modernisation under the project, have sufficient established ROW, which has not been encroached and/ or used by informal land users. After design finalization, if any land acquisition is required, it will be replaced/ compensated based on the entitlement matrix of this LARF adopted for the project for full and/ or partial land acquisition.

175. Involuntary resettlement impacts are all expected to be within the core area to be modernized and to comprise compensation for (i) crops, (ii) fruit trees, and (iii) structures. Compensation payment will be made by the IA-PIG assisted by the PIC and local authorities.

A. Budget

176. The budget for involuntary resettlement in this report is indicative and will be firmed up at detailed design stage and detailed in the LARP. It comprises of compensation for crops, trees, and structures within the core area to be modernized.

1. Compensation for Crops and Trees

177. For modernisation of the tertiary I&D systems, damage to standing crops in both farm and homestead areas is likely as it not considered practical to restrict the construction works to short periods after harvest and before sowing. Such a restriction would lead to works being implemented intermittently over a long period of time causing higher construction costs and delayed benefits.

178. Excavation and replacement of pipelines is expected to be limited to the old, rusted steel pipes, and a small percentage of the asbestos cement pipelines where they have been damaged. Excavations are also needed to replace the irrigation hydrants, and to rehabilitate/ replace the concrete circular access chambers to the buried pipelines.

179. Resettlement costs for the tertiary I&D systems is estimated based on: (i) the value of the standing crops, less harvesting costs, and (ii) the areas of the different crops affected.

180. The value of standing crops is tabulated below. The compensation rate for fruit tree crops is based on lost production for the number of years needed for replacement tree(s) to reach maturity.

Table 5. Crop Compensation Rates

Item	Unit	Value of Crop plus by-product, \$/ha	Harvesting & Transport to Market (excluding labor), \$/ha	Harvesting labour, \$/ha	Compensation Rate \$/ha
Winter Wheat	ha	424	53	87	284
Cotton	ha	600	54	109	437
Maize	ha	916	39	43	834
Vegetables	ha	1,543	9	145	1,389
Cucurbits	ha	3,087	26	96	2,965
Fodder	ha	1,158	40	58	1,060
Tree crops	ha	1,326	36	87	7,218

181. For the core area to be modernised (9,830 ha), there are about 564 km of buried pipeline. Of this, it is estimated that access over about 282 km will be needed. Access for machinery/ vehicles needs to be about 4.0 m wide giving a total area of 113 ha, see table below.

182. In addition to access, it is estimated that about 5% of the pipeline, 28 km, will need to be dug up and replaced. A wider strip of land is required for this length, about 12.0 m²⁸, giving an area of 34 ha.

183. The total farm/ homestead area over which works are expected to take place is about 147 ha.

184. For the current cropping pattern for the scheme, (125% intensity), the areas and compensation payment for each of the crops has been estimated and totals US\$182,600 for all crops. However, in practice the contractor(s) will be able to reduce the area affected by working after harvest. A budget for crop compensation of about US\$ 137,000, TJS 1.55 million is therefore suggested.

185. Based on an average land holding of 5 ha, the numbers of farmers who may be affected by crop loss is estimated at about 1,480. The average area of crop loss per farmer would be about 0.1 ha, or 2% of farm holding.

186. In addition, about 70 persons are expected to be affected by loss of structures which have been built over the buried pipeline system (see below), giving a total of 1,550 farmers persons affected.

187. The crops area and persons affected remain broad estimates as the condition of the buried pipes remains somewhat uncertain and will only be studied in more detail as part of detailed design in the first year of project implementation.

Table 6. Crop and Tree Areas Affected and Compensation Requirement

No	Item	Units	Cropping	Rate \$/ha	Quantity	Amount \$
1	Access along/ to pipelines to work on structures					
	Command area (core area to be modernized)	ha			9,827	
	Irrigation Pipelines					
	Intensity of buried pipes: irrigation	m/ha			22.6	
	Length of pipe: irrigation	km			222.1	
	Length of pipe where access is needed	km			111.0	
	Drainage Pipelines					
	Intensity of buried pipes: drainage	m/ha			40.9	
	Proportion of area with buried drainage pipe	%			85%	
	Length of pipe: drainage	km			341.6	
	Length of pipe where access is needed	km			170.8	
	Irrigation & Drainage Pipelines					
	Total length of buried I&D pipe	km			563.7	
	Total length of buried pipe where access is needed	km			281.9	
		%			50%	
	Width of strip for access	m			4.0	
	Area of land for access to buried pipes	ha			112.7	
2	Excavation of pipelines					
	Total length of irrigation and drainage pipelines	km			564	
	Length of pipeline to be excavated	km			28	
	Width for pipe excavation	m			12	
	Area of land for excavation of buried pipes	ha			33.8	
	Total land for construction access and working	ha			146.6	
	Expressed as proportion of CA	%			1.49%	
	Compensation payable for crops (assuming works are not done out of season)					

²⁸ For drainage pipe, located at depths of 4-5 m below ground level, the excavated trenches would be shored up for stability.

No	Item	Units	Cropping	Rate \$/ha	Quantity	Amount \$
	Winter Wheat	ha	42%	284	62	17,483
	Cotton	ha	45%	437	66	28,823
	Maize	ha	6%	834	9	7,334
	Vegetables	ha	14%	1,389	21	28,502
	Cucurbits	ha	6%	2,965	9	26,075
	Fodder	ha	7%	1,060	10	10,875
	Tree crops	ha	6%	7,218	9	63,476
	Total		126%		185	182,567
	Adopted for Project Budget, 75%				139	136,926

2. Compensation for Buildings and Structures

188. There are some courtyards and structures (in homestead areas) which have been built over the buried asbestos cement pipelines. While these may not need to be disturbed, particularly if the pipelines are retained, provision for compensation for structures has been made.

189. The numbers of structures that may be affected were identified in the survey/ consultation for core area carried out in April 2021. Structures affected includes boundary fences, small structures, and buildings which have been built over the pipelines. For major structures/ buildings it will be cheaper to reroute the pipelines around them.

190. The replacement cost for affected structures is estimated at US\$ 53,600. TJSD 0.61 million as tabulated below.

Table 7. Structures Affected and Compensation Requirement

No	Item	Units	Quantity	Amount \$
	No of minor structures/ buildings potentially affected			
	WUA «Chorgul-2012»	No	30.0	
	WUA «Norin»	No	40.0	
	WUA «Obi Yavan»	No	32.0	
	WUA «Istiqlol-2010»	No	41.0	
	Total	No	143.0	
	Total estimated to be affected	No	71.5	
	Structure replacement cost (avg.)	US\$		750
	Adopted for Project Costing			53,625

191. The total compensation cost and budget requirement is estimated at USD 190,000, TJS 2.15 million.

B. Financing Plan

192. All land acquisition/ involuntary resettlement costs will be met by the grant (project) funds.

193. The PIG and PIC Safeguards Officers will be involved in RP preparation and in facilitating its implementation.

XI. INSTITUTIONAL ARRANGEMENT AND IMPLEMENTATION

A. Institutional Arrangement

194. The Executing Agency for the project will be ALRI, while the Implementing Agency will be the PIG (PIU) supported by the field PIOs and the project implementation consultants, PIC. The institutional framework and the roles and responsibilities of various institutions to be involved in the IDM activities of the project and implementation of RP are described below.

1. Agency for Land Reclamation and Irrigation

195. ALRI has the overall responsibility for the Climate and Disaster Resilient Irrigation and Drainage Modernization in the Vaksh River Basin Project, including preparation, implementation, financing, reporting and evaluation on this LARP. In particular, the ALRI shall:

- i. Draft and approve the LARP after obtaining ADB's approval;
- ii. Ensure availability of sufficient budget;
- iii. Ensure compliance with the approved LARP.

196. ALRI is also responsible for ensuring cross-agency coordination and liaison with relevant state agencies involved in implementation of all LAR tasks, facilitating high-level decisions, including resolving DP/AP grievances and facilitating any court processes. ALRI will be responsible for establishing the grievance redress committee.

2. Project Implementation Group (PIG)

197. The Project Implementation Group, together with the two field project implementation offices (PIOs), shall:

- i. Ensure proper preparation of the LARP;
- ii. Disclose the LARP and the information brochures;
- iii. Monitor/ supervise the setting out of works and temporary land acquisition by contractor(s);
- iv. Verify the list of APs based on the final designs for the works;
- v. Conduct/ participate in regular consultations and exchange of information with APs on the implementation of the LARP;
- vi. Manage LARP implementation and payment of compensation to APs;
- vii. Assist in receiving, recording, resolving and reporting of grievances;
- viii. Prepare regular reports on the progress of LARP activities.
- ix. Maintain regular coordination and communication with relevant state agencies;

3. Project Implementing Consultant

198. The PIC will assist PIG in carrying out the duties related to finalization, implementation, supervision, monitoring and evaluation of LAR activities. In particular, the PIC will assist PIG to:

- i. Finalize the design of the works and prepare the LARP including complete lists of APs/ AHs;
- ii. Together with PIG-PIOs, conduct consultations with APs/ AHs and local communities concerning the LARP and its implementation;
- iii. Support the PIG-PIOs in implementation of the LARP, including validation and updating of data (as required in case of design change, etc.);
- iv. Assist in supervision of the activities of contractor(s), including implementation of mitigation measures, any temporary land acquisition, etc.;
- v. Advise the PIG-PIOs on LAR issues and grievance redress.

4. Ministry of Finance RT

199. On behalf of the Government of the Republic of Tajikistan the Ministry of Finance will also sign the Agreement with ADB for this Project.

5. Local authorities

200. Although ALRI-PIG-PIOs will take the central role in implementing the LARP, the Hukumats will continue to play important roles in AP consultation, information dissemination and grievance redress.

6. Other Agencies and Institutions

201. Several other institutions may take part in the preparation and implementation of LAR activities. These are:

- i. State Committee for Land Management and Geodesy (CLMG) of the Republic of Tajikistan is the central government body with executive power for land management.
- ii. Ministry of Agriculture along with its district departments provides details on cropping pattern and productivity of lands in the project affected areas, as well as other data required for compensation calculation for crops and trees.
- iii. Local Courts. The court system will be involved in LAR process in case the agreement is not reached between EA and the owner/user of the affected land plot/property. The court system in the Republic of Tajikistan has a pyramidal hierarchy and includes (i) district courts; (ii) regional courts; and Supreme Court of the Republic of Tajikistan.

7. Independent Asset Valuers.

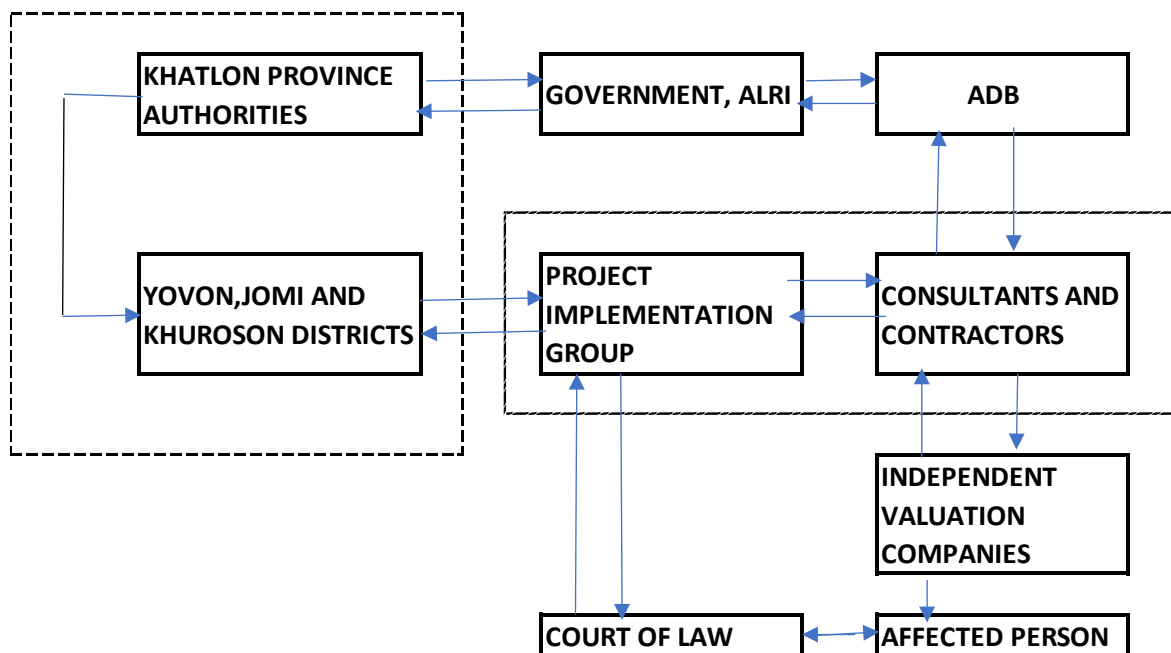
202. If any significant structures/ buildings are affected, accredited/ licensed private firms would be hired by ALRI- PIG to evaluate the affected assets.

8. Asian Development Bank

203. The ADB will review the LARP and have oversight of its implementation, particularly through concerned staff in the Tajikistan Resident Mission.

204. Figure 6 below shows the LAR implementation arrangements and relations among various stakeholder agencies involved in the LAR activities for this Project.

Figure 8. LAR institutional arrangements and relations among stakeholders



B. Implementation

205. The implementation schedule of the resettlement plan will depend on the detailed design and construction schedule. All LAR related activities will have to be planned in way to ensure compensation

is paid prior to commencement of construction works. Public consultations, internal monitoring and grievance redress will be undertaken intermittently throughout the project's duration.

206. Upon the approval of the LARP, compensation payments would be made. For crop and structures compensation payments these would be made in close consultation with the contractor(s) who need access to the land.

207. For modernization of the Tertiary Irrigation & Drainage Systems over the core development area a single construction contract (CW-4 valued at US\$ 6.0 million) is proposed. This contract will be of three years duration, starting in Year 2 of the project.

208. All expected LAR impacts under the project are concerned with the implementation of the works under this CW-4 contract. The proposed stepped implementation process will be as follows:

- i. Step 1: Following and alongside detailed design a LARP will be prepared. The LARP will include a complete list of all APs and structures, including details of locations (pipeline ID, chainages, lengths, coordinates, etc., as appropriate). The LARP will also include results of public consultations which will be held for APs and communities in each of the four WUAs that made up the core development area being modernized under CW-4.
- ii. Step 2: The CW-4 contractor would be required to advance plan implementation of the works each year so that APs be informed in advance of the work plan and compensation payments made in accordance with the LARP prior to the contractor entering onto site (i.e., onto dehkhan farm and homestead areas). Advance planning will entail the following:
 - a. Submission of the annual work plan by the CW-4 contractor and its approval by the IA-PIG.
 - b. After approval, the contractor would be required to: (i) confirm the pipelines and strips of land over which access, and where excavations, are required, and (ii) to confirm/ identify the structures that will be affected. The locations of the pipeline alignments and affected structures shall be identified by GPS coordinates. .
- iii. Step 3: The details of the APs (names, PLs, lengths of strips, land areas and crop types, structures, etc.) are confirmed by the PIG-PIOs assisted by the PIC, by comparing with the LARP, and with field checks and additional consultations as needed.
- iv. Step 4: Ppayments of compensation to APs by the PIG. through cheque payments into their individual accounts.
- v. Step 5: After compensation payments have been made,a LARP annual compliance report will be prepared to document the result of the compensation payments made that year.
- vi. Step 6: After the annual LARP compliance report is approved, the contractor would be given access to the sites to start works.
- vii. Step 7: Any changes to the LARP would be noted, for example as a result of an amended alignment to a pipeline alignment and would be documented in the LARP implementation report.

209. Steps 2 to 7 would be implemented each year prior to the start of the construction season, by April. LARP implementation arrangements will be finalized after IR screening is completed based on the final detailed design and be documented in LARP.

XII. MONITORING AND REPORTING

210. Monitoring will track implementation to ensure compliance with the agreed activities and timeline and to ensure compensation and construction activities are carried out as planned and that the monitoring is reported on a quarterly basis. Monitoring will involve consultations with affected households/ persons. Semi-annual social safeguard monitoring reports will be prepared and submitted to ADB for disclosure.

A. Monitoring and Reporting Requirements

211. While effective institutional arrangements can facilitate implementation, effective monitoring ensures that the course and pace of implementation continues as originally planned. The implementation of the project LARP, once developed and finalized based on the project final design, will be subjected to internal monitoring as the Project will not 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 PIG ALRI, assisted by the resettlement specialist of the PMC. 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.

212. 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.

213. 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, considering the baseline conditions and the results of monitoring.

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

B. Internal Monitoring

215. 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 PIG ALRI with support of the PMC. The results will be communicated to ADB through the semi-annual social safeguard 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.

216. The PIG ALRI 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 implementation compliance monitoring and reporting, 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.

217. The PMC shall have a resettlement specialist on board who will assist the PIG ALRI in the internal monitoring of the LARP implementation processes. The PMC 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 PIG ALRI 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 PIG ALRI on LAR issues and grievance redress, inform PIG on any non-compliance cases, and suggest appropriate remedies.

218. 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.

219. 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.

220. 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.

221. 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.

222. The above information will be collected by the PIG ALRI and the PMC 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.

223. The following table outlines possible monitoring indicators which the PIG ALRI may use during the LARP implementation monitoring.

Table 8. 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).

XIII. CONCLUSIONS

224. Construction works will be carried out within the ROW of the existing infrastructure for the major works, including the main-right branch canal and associated structures, the two pumping stations to be modernized, the secondary canal PL-4, the drainage ditches and for resurfacing of roads. There is no encroachment in the ROW for these works except for pumping station #26 where there may be some minor impact on private structures, such as a boundary fence²⁹.

225. The condition and works to modernize the buried pipe I&D system over the core area of 9,830 ha remain uncertain currently. Feasibility level investigations concluded that the blockages in the pipe are likely to be few, and that the asbestos cement pipe itself remains serviceable. While it is thought that only 5% of the (asbestos cement) pipeline will need to be excavated and replaced this will only be confirmed by further investigations and pipe testing which is planned as part of detailed design in the first year of project implementation.

226. Even with limited trench excavation and pipe replacement, access is required (along the buried pipelines) to the irrigation hydrants to be replaced, and to excavate and rehabilitate the drainage pipeline concrete ring access chambers. For this access, which needs to be about 4 m wide, crop and tree compensation will need to be paid for standing crops. Similarly, compensation will need to be paid for crops and trees over a strip about 12 m wide where pipes need to be excavated and replaced.

227. Structures (boundary walls, etc) have been built over/ across the tertiary I&D system, and a survey in April 2021, found that about 143 structures may be affected. For larger structures, rerouting the pipeline may be cost effective, but for smaller structures compensations will be paid.

228. The extent and locations of crop and tree loss, and names of farmers affected are not known at this time and will only be known following further investigations at detailed design stage.

229. For budgetary purposes, it is estimated that US\$ 190,000, TJS 2.15 million of compensation would need to be paid for 72 (minor) structures and for 139 ha of crop and trees to about 1,550 farmers.

230. Payment of compensation forms part of the GoT's contribution to the project's cost.

231. The proposed project works will not have any negative impacts and consequences on public facilities such as schools, cemeteries, mosques, and other sites of religious, cultural, and historical values.

232. Also, the project will not create any additional impact on cultural or heritage sites and neither are any of the works in area subject to heavy development. Proposed works will not create conflicts with natural resource allocation.

233. This LARF has been prepared based on the feasibility level assessments and designs. It may be used to prepare a LARP in Year 1 of the project when detailed designs are prepared for the I&D systems over the core area.

²⁹ There is a private dwelling close to the pump house. However, this is believed to be occupied by the pump operator and is not expected to be affected by the works for the pump station.

ANNEX 1: SCREENING CHECKLISTS

Involuntary Resettlement Impact Screening Checklist

Probable Involuntary Resettlement Effects	Yes	No	Not Known	Remarks
Involuntary Acquisition of Land				
1. Will there be land acquisition?				
2. Is the site for land acquisition known?				
3. Is the ownership status and current usage of land to be acquired known?				
4. Will easement be utilized within an existing Right of Way (ROW)?				
5. Will there be loss of shelter and residential land due to land acquisition?				
6. Will there be loss of agricultural and other productive assets due to land acquisition?				
7. Will there be losses of crops, trees, and fixed assets due to land acquisition?				
8. Will there be loss of businesses or enterprises due to land acquisition?				
9. Will there be loss of income sources and means of livelihoods due to land acquisition?				
Involuntary restrictions on land use or on access to legally designated parks and protected areas				
10. Will people lose access to natural resources, communal facilities and services?				
11. If land use is changed, will it have an adverse impact on social and economic activities?				
12. Will access to land and resources owned communally or by the state be restricted?				
Information on Displaced Persons:				
Any estimate of the likely number of persons that will be displaced by the Project? <input type="checkbox"/> No <input type="checkbox"/> Yes Not applicable				
If yes, approximately how many? _____				
Are any of them poor, female-heads of households, or vulnerable to poverty risks? <input type="checkbox"/> No <input type="checkbox"/> Yes Not applicable				
Are any displaced persons from indigenous or ethnic minority groups? <input type="checkbox"/> No <input type="checkbox"/> Yes Not applicable				

Note: The project team may attach additional information on the project, as necessary.

Indigenous Peoples Impact Screening Checklist

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
A. Indigenous Peoples Identification				
1. Are there socio-cultural groups present in or use the project area who may be considered as "tribes" (hill tribes, scheduled tribes, tribal peoples), "minorities" (ethnic or national minorities), or "indigenous communities" in the project area?				
2. Are there national or local laws or policies as well as anthropological researches/studies that consider these groups present in or using the project area as belonging to "ethnic minorities", scheduled tribes, tribal peoples, national minorities, or cultural communities?				
3. Do such groups self-identify as being part of a distinct social and cultural group?				
4. Do such groups maintain collective attachments to distinct habitats or ancestral territories and/or to the natural resources in these habitats and territories?				
5. Do such groups maintain cultural, economic, social, and political institutions distinct from the dominant society and culture?				
6. Do such groups speak a distinct language or dialect?				
7. Has such groups been historically, socially and economically marginalized, disempowered, excluded, and/or discriminated against?				
8. Are such groups represented as "Indigenous Peoples" or as "ethnic minorities" or "scheduled tribes" or "tribal populations" in any formal decision-making bodies at the national or local levels?				
B. Identification of Potential Impacts				
9. Will the project directly or indirectly benefit or target Indigenous Peoples?				
10. Will the project directly or indirectly affect Indigenous Peoples' traditional socio-cultural and belief practices? (e.g. child-rearing, health, education, arts, and governance)				
11. Will the project affect the livelihood systems of Indigenous Peoples? (e.g., food production system, natural resource management, crafts and trade, employment status)				

KEY CONCERNS (Please provide elaborations on the Remarks column)	YES	NO	NOT KNOWN	Remarks
12. Will the project be in an area (land or territory) occupied, owned, or used by Indigenous Peoples, and/or claimed as ancestral domain?				
C. Identification of Special Requirements <i>Will the project activities include:</i>				
13. Commercial development of the cultural resources and knowledge of Indigenous Peoples?				
14. Physical displacement from traditional or customary lands?				
15. Commercial development of natural resources (such as minerals, hydrocarbons, forests, water, hunting or fishing grounds) within customary lands under use that would impact the livelihoods or the cultural, ceremonial, spiritual uses that define the identity and community of Indigenous Peoples?				
16. Establishing legal recognition of rights to lands and territories that are traditionally owned or customarily used, occupied or claimed by indigenous peoples?				
17. Acquisition of lands that are traditionally owned or customarily used occupied or claimed by indigenous peoples?				

D. Anticipated project impacts on Indigenous Peoples:None related to IPs.

Project component/ activity/ output	Anticipated positive effect	Anticipated negative effect

Note: The project team may attach additional information on the project, as necessary.

ANNEX 2: OUTLINE OF A LAND ACQUISITION AND RESETTLEMENT PLAN

1. The comprehensiveness of a resettlement plan would correspond to the potential involuntary resettlement impacts/risks and size of the project. The resettlement plan must adequately address all involuntary resettlement issues related to the project, describe specific mitigation measures that will be taken to address the issues, and outline institutional requirement and resources required to implementation of the LARP. The following outline of LARP is suggested for the present project.

A. Executive Summary

2. This section provides a concise statement of project scope, key survey findings, entitlements and recommended actions.

B. Project Description

3. This section provides a general description of the project, discusses project components that result in land acquisition, involuntary resettlement and identify the project area. It also describes the alternatives considered to avoid or to minimize resettlement. It includes tables with quantified data and provide a rationale for the final decision.

C. Scope of Land Acquisition and Resettlement

4. This section:

- Discusses the project's potential impacts and includes maps of the areas or zone of impact of project components or activities;
- Describes the scope of land acquisition and explains why it is necessary for the main investment project;
- Summarizes the key effects in terms of assets acquired and displaced persons; and
- Provides details of any community/government property resources that will be acquired.

D. Socioeconomic Information and Profile

5. This section outlines the results of the social impact assessment, the census survey, and other studies, with information and data disaggregated by gender, vulnerability, and other social groupings, including:

- Number and description of people and communities to be affected;
- likely impacts on land and asset acquisition on the people and communities affected;
- Description of the project's impacts on poor, indigenous and/or ethnic minorities, women, disabled and other vulnerable groups;
- Description and analysis of the socioeconomic situation, impacts, needs, and priorities for women.

E. Information Disclosure, Consultation, and Participation

6. This section:

- Identifies project stakeholders, especially key stakeholders;
- Describes the consultation and participation mechanisms to be used during the different stages of the project cycle;
- Describes the activities undertaken to disseminate project and resettlement information during the project design and preparation for engaging stakeholders;

- Summarizes the results of consultations with affected and displaced persons (including host communities if applicable), and discusses concerns raised and recommendations made for inclusion in the LARP;
- Confirms disclosure of the draft LARP to displaced persons and includes arrangements to disclose any subsequent plans; and
- Describes the planned information disclosure measures (including the type of information to be disseminated and the method of dissemination) and the process for consultation with displaced and affected persons during the project implementation.

F. Grievance Redress Mechanisms

7. This section describes mechanisms to receive and facilitate the resolution of affected persons concerns and grievances. It explains how the procedures are accessible to affected persons and gender sensitive.

G. Legal Framework

8. This section:

- Describes national and local laws and regulations that apply to the project and identifies gaps between local laws and ADB's policy requirements; and, discuss how the gaps will be addressed;
- Describes the legal and policy commitments from the Executing Agency for all types of displaced persons;
- Outlines the principles and methodologies used for determining valuations and compensation rates at replacement cost for assets, incomes, livelihoods; and sets out the compensation and assistance eligibility criteria and procedure and the timeframe for disbursement of compensation and assistance;
- Describes the land acquisition process and prepares a schedule for meeting with the key procedural requirements.

H. Entitlements, Assistance and Benefits

9. This section:

- Defines displaced persons entitlements and eligibility, and describes all resettlement assistance measures (includes an entitlement matrix);
- Specifies all applicable assistance to vulnerable groups, including women, and other special groups; and.

I. Relocation of Housing and Settlements

10. This section:

- Describes options for relocating housing and other structures, including replacement housing, replacement cost cash compensation, and/or self-selection (ensure that gender concerns and support to vulnerable groups are identified);
- Describes alternative relocation sites considered; community consultations conducted; and justification for selected sites, including details about locations, environmental assessment of sites, and development needs;
- Provides timetables for site preparation and transfer;
- Describes the legal arrangements to regularizes tenure and transfer titles to resettled persons;
- Outlines measures to assist displaced persons with their transfer and establishment at new sites;
- Describes plans to provide civic infrastructure; and

J. Income Restoration and Rehabilitation

11. This section:

- Identifies livelihood risks and prepare disaggregated tables based on demographic data and livelihood sources;
- Describes income restoration programs, including multiple options for restoring all types of livelihoods;
- Describes special measures to support vulnerable groups;
- Explains gender considerations; and
- Describes training programs where applicable.

K. Resettlement Budget and Financing Plan

12. This section:

- Details costs for each type of affected assets including applicable allowances;
- Provides an itemized budget for all resettlement activities;
- Includes a justification for all calculated compensation at a replacement cost, rates and other cost estimates (considering applicable contingencies), plus replacement costs;
- Includes information about the source of funding for the resettlement plan budget.

L. Institutional Arrangements

13. This section:

- Describes institutional arrangement responsibilities and mechanisms for carrying out the measures of the LARP;
- Includes institutional capacity building program, including technical assistance, if required;

M. Implementation Schedule

14. This section includes a detailed, time bound, implementation schedule for all key resettlement and rehabilitation activities. The implementation schedule should cover all aspects of resettlement activities synchronized with the project schedule of civil works and provide timing for the land acquisition processes.

N. Monitoring and Reporting

15. This section describes the mechanisms and benchmarks appropriate to the project for monitoring and evaluating the implementation of the LARP. It specifies arrangements for participation of affected persons in the monitoring process. This section will also describe reporting procedures.

