

# **Land Acquisition and Resettlement Plan**

---

**Project: ADB TA-9530 TAJ  
July 2019**

## **Central Asia Regional Economic Cooperation Corridors 2, 3, and 5 (Obigarm-Nurobod) Road Project**

### **Section 2**

Prepared by the Ministry of Transport.

This resettlement plan is a document of the borrower. The views expressed herein do not necessarily represent those of EBRD's Board of Directors, Management, or staff, and may be preliminary in nature.

In preparing any country program or strategy, financing any project, or by making any designation of or reference to a particular territory or geographic area in this document, the EBRD does not intend to make any judgments as to the legal or other status or any territory or area.

# REPUBLIC OF TAJIKISTAN



## MINISTRY OF TRANSPORT



### LAND ACQUISITION AND RESETTLEMENT PLAN

#### OBIGARM-NUROBOD ROAD SECTION 2

Dushanbe, July 2019

Date	Reviewed	Created by	Checked by	Approved by	Document code
10/07/2019					

#### Funding Agency



#### Implementing Agency:

**Project Implementation Unit for Roads  
Rehabilitation**

#### Executing Agency:

**Ministry of Transport**

## TABLE OF CONTENTS

<b>ANNEXES</b>	<b>4</b>
<b>ABBREVIATIONS AND ACRONYMS</b>	<b>5</b>
<b>GLOSSARY</b>	<b>6</b>
<b>EXECUTIVE SUMMARY</b>	<b>8</b>

National Bank of Tajikistan - Official exchange rate of currencies against Somoni (TJS), <http://www.nbt.tj/en/>  
1 USD=9.4397 TJS on 20 May, 2019  
<https://tradingeconomics.com/tajikistan/wages> - Tajikistan average monthly wage 1,455.10 TJS /Month in Dec 2018

## ANNEXES

Annex 2-1: AHs Requiring a New Land Plot
Annex 3-1: SES Questionnaire for the Socioeconomic Survey of the Affected Households
Annex 4-1: Consultations with Communities
Annex 4-2: Cut-off-Date Letter and Announcement
Annex 4-3: Project Information Brochure
Annex 5-1: PIURR Letter Requiring Establishment of the GRC
Annex 5-2: Grievance Registration Logbook: Issues and Grievances Logbook
Annex 5-3: Grievance Registration Form
Annex 5-4: Project Grievances Summary
Annex 5-5: Village Level Contacts for Project Related Inquiries/Grievances
Annex 8-1: Hukumat Information on Average Yield and Prices
Annex 8-2: Cost of Various Assets Registrations and Certificates
Annex 10-1: Internal Monitoring Templates

## ABBREVIATIONS AND ACRONYMS

AH	Affected household
ADB	Asian Development Bank
AIIB	Asian Infrastructure Investment Bank
ALMGC	Agency for Land Management, Geodesy and Cartography
AM	Accountability Mechanism
CAREC	Central Asia Regional Economic Cooperation
CC	Civil Code of the Republic of Tajikistan
DF	Dekhan farm
DMS	Detailed measurement survey
DP	Displaced persons
EA	Executing agency
EBRD	European Bank for Reconstruction and development
EMC	External Monitoring Consultant
ESP	Environmental and Social Policy (EBRD Policy)
FGD	Focus group discussions
GRC	Grievance redress committee
GRM	Grievance redress mechanism
ha	Hectare
HH	Household
IR	Involuntary resettlement
LAR	Land acquisition and resettlement
LARP	Land Acquisition and Resettlement Plan
M&E	Monitoring and evaluation
MOT	Ministry of Transport
NGO	Non-government organization
NoL	No objection letter
OFID	OPEC Fund for International Development
OPEC	Organization of the Petroleum Exporting Countries
PCM	Project Complaint Mechanism
PIURR	Project Implementation Unit for Road Rehabilitation
PMC	Project Management Consultant
PRs	Performance Requirements
RoW	Right of way
SPS	Safeguard Policy Statement (ADB Policy)
SPISPM	State Committee on Investment and State Property Management
TJS	Tajikistani Somoni (currency)
ToR	Terms of Reference
TRTA	Transfer Technical Assistance

## GLOSSARY

<b>Displaced Persons (DP)</b>	<p>'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).</p> <p>It should be noted that EBRD also use the term Project-Affected Person (PAP) but for consistency along the Project alignment, it has been agreed that DP will be used throughout.</p>
<b>Detailed Measurement Survey (DMS)</b>	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. However, a DMS, based on the preliminary design, may be conducted too.
<b>Compensation</b>	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.
<b>Cut-off Date</b>	The date after which people will not be considered eligible for compensation.
<b>Dekhan Farm</b>	Midsized land, which is legally and physically distinct from household plots, for which full land use rights, but not ownership, is allocated to either individuals or groups. Regulations concerning Dekhan Farms in Tajikistan are laid out in Law No. 48 on Dekhan Farms, from 2002.
<b>Encroachers</b>	People who move into the Project area after the cut-off date and are therefore not eligible for compensation or other rehabilitation measures provided by the Project.
<b>Entitlements</b>	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.
<b>Eligibility</b>	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.
<b>Household</b>	All persons living under one roof or occupying a separate housing unit, having either direct access to the outside (or to a public area) or a separate cooking facility. Where the members of a household are related by blood or law, they constitute a family. <a href="http://www.businessdictionary.com/definition/household.html">http://www.businessdictionary.com/definition/household.html</a>
<b>Hukumat</b>	District administration in Tajikistan
<b>Income restoration</b>	This is the re-establishment of sources of income and livelihood of the affected households.
<b>Income Restoration Programme</b>	A programme 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.
<b>Inventory of Losses (IOL)</b>	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.
<b>Jamoat</b>	A sub-district level administration
<b>Land Acquisition</b>	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.
<b>Land Acquisition and Resettlement Plan (LARP)</b>	A time-bound action plan with budget setting out compensation for affected land/assets and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
<b>Non-titled</b>	Means those who have no recognizable rights or claims to the land that they are occupying.
<b>Poor</b>	The poor are persons registered by the Hukumats as poor. The 'poorness' is based on the total score of points assigned for income of each household member, home condition, number of household's members, number and type of belongings such as a car and agricultural machinery, possession of animal livestock as the main poverty indicators.
<b>Presidential Land</b>	Means land for which use rights have been allocated by a Presidential Decree but ownership remains with the state.
<b>Rehabilitation</b>	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.
<b>Replacement cost</b>	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.
<b>Reserve Fund Land</b>	Means land owned by the state and controlled by the district administration that may be rented, mainly for agricultural use.
<b>Resettlement</b>	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.
<b>Severely Affected</b>	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.
<b>Significant impact</b>	Means 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.
<b>Vulnerable</b>	Anyone who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and includes; (i) female-headed households with dependents; (ii) disabled heads of household; (iii) poor households; (iv) landless; (v) elderly households with no means of support; (vi) households without security of tenure; (vii) ethnic minorities; and (viii) small farmers (with landholdings of two hectares or less).

## EXECUTIVE SUMMARY

### I. Project Background

1. The proposed project “Obigarm - Nurobod Road Project” aims to construct an approximately 75 km alternative alignment (the “Project road”) for the existing M41 road connecting the northeast region of Tajikistan and the Kyrgyz Republic between Obigarm (72 km) and Nurobod (158 km), which will be inundated by the reservoir of the Rogun Hydropower Project (HPP), that is now under construction.

2. The project road is divided into three sections: (1) the Obigarm-Tagikamar section is about 30 km long and includes 2 tunnels of 1.6 km and 1.7 km and local access roads of circa 30 km (Section 1); (ii) the Tagikamar-Nurobod is about 44 km long and includes 1 tunnel of 2.6 km, 1 long temporary bridge and local access roads of circa 40 km (Section 2); and (iii) section 3 includes a bridge that is about 760 m long and its approaches. These sections correspond to three contract packages that will be procured separately through open competitive bidding.

3. Package 1 will be financed by a USD 110 million grant from Asian Development Bank (ADB) and USD 40 million loan from OPEC Fund for International Development (OFID). Package 1 consists of the following sections of the Road: Section 1 - Javoni – Kandak; Section 2 - Gazakyon – Sebnok (Lugur); and Section 3 - Hakimi – Siyohgulak; including Bridge No 1 through Bridge No 6 and Tunnel No 1 (Kandak Tunnel) and Tunnel No 2 (Karagach Tunnel) ending short of the south portal of Tunnel No 3 (Tagikamar Tunnel).

4. Package 2 will be financed by a USD 150 million loan from European Bank for Reconstruction and Development (EBRD). Package 2 consists of the following sections of the Road from 33km: Section 4- Mudzhiharv-Alihodzha, Section 5 - Alihodzha – Tuthor; Section 6 - Tuthor – Kabudiyon (Samsolik); Section 7 - Kaboudiyon – Humdon, including Bridge No 7 through Bridge No 13, Tunnel No 3 (Tagikamar Tunnel) and the temporary bridge over the Rogun HPP Reservoir at Darband over the Surkhkhob River.

5. Package 3 will be financed by a USD 40 million loan from Asian Infrastructure Investment Bank (AIIB) and covers the long permanent bridge (760 m) over the Rogun HPP Reservoir at Darband over the Surkhkhob River.

6. The project road passes through mountainous terrain and includes three tunnels with a total length of about 6 km, 13 medium size bridges and a high-level 760 m long bridge over the future hydropower reservoir just before the road rejoins the M41.

7. The realignment of this road section through the river valley is not part of the Rogun HPP project. A bypass road must be completed and opened to traffic by latest November 2023, the date by which the rising water in the hydropower project reservoir will have inundated several critical sections of the existing M41 road. No other part of Tajikistan’s national road network can provide for this traffic, and the only alternative route would represent a deviation of about 500 kilometers.

8. The proposed ensuing Project will restore and improve connectivity between Dushanbe, the northeast region of Tajikistan and the Kyrgyz Republic via the M41 road, which is located on Central Asia Regional Economic Cooperation (CAREC) corridors 2, 3, and 5. Package/Section 2 of the proposed project (financed by EBRD) will serve 10 villages and communities located along the proposed bypass road and other villages and settlements that located away from the main road but presently rely on the existing M41 road for access to economic opportunities and social services.



9. Civil works along the planned at Section 1 of Obigarm-Nurobod road will require acquisition of land and properties. A land acquisition and resettlement plan (LARP) for the project alignment, based on the detailed design data and an inventory of affected assets was originally prepared in accordance with ADB SPS (2009) requirements and the national laws and regulations. It should be noted that the LARP only covers the new Project alignment and does not currently consider land acquisition and resettlement associated with new village access roads, which will be needed for communities to access the new Project alignment in addition to such roads required for construction.

10. Subsequently, the Project has been separated into three distinct and separate sections, i.e. Section 1, Section 2 and Section 3 as previously described above with each section financed by separate IFIs.

11. Separate LARPs have been prepared for Section 1 and Section 2. This LARP specifically covers Section 2 of the Project to be financed by the EBRD.

12. All data included in this LARP has been collected, compiled and analysed by ADB consultants in September and November 2018.

## **II. Scope of Land Acquisition and Resettlement and Impact Summary**

13. The main objective of this LARP is to identify persons affected by the Project and to assist them to restore their livelihoods and standards of living to pre-Project levels or better through provision of appropriate<sup>1</sup> compensation and to ensure that resettlement activities are implemented with due disclosure of information, consultation and informed participation. The LARP complies with Republic of Tajikistan legislations and the requirements of EBRDs ESP and PRs (2014).

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

15. The affected households (AHs)/Displaced Persons (DPs) Census Survey and detailed measurement survey (DMS) of all affected assets was carried out in September 2018 by ADB appointed consultants. Each displaced person was present during the DMS and signed the assets inventory form. All applicable updated exchange rates and the latest Tajikistan average monthly wage were considered during the updates of the LARP.

16. For Section 2, the census identified 95 affected households (AHs), with a total of 893 household members and four legal entities (including a Dekhan farm) affected by the Project, as summarized below:

- 36 residential land plots;
- 3 commercial land plots;
- 12 agricultural private land plots;
- 4 legal entities (including a Dekhan farm land plot);
- Crops on 11,254 m<sup>2</sup>;
- 2,774 fruit trees, 1,562 fruit saplings and 4,575 other decorative trees;
- 8 residential buildings;
- 53 ancillary residential structures;

---

<sup>1</sup> Appropriate compensation means compensation at replacement cost as per PR 5 of EBRD ESP 2014.

- 3 non-residential buildings, 78 AHs will lose gates, metal fences/wires, wall fencing/concrete, clay, concrete and asphalt areas, stairs, sheds, building foundations, basements and improvements on land affected;
- 3 businesses (including one non-operational shop); and
- 1 Meteorology station and one teahouse

17. Detailed information on different categories of AHs and DPs by impact type is provided by impact type in Chapter 2 of this LARP and a summary of impacts is presented in Table E-2.

18. The LARP identified 37 residential land plots and one agricultural land plot which will lose more than 10% of their land holdings. Households will lose crops on 11,254 m<sup>2</sup> of land. A total of eight residential buildings (700.51 m<sup>2</sup>) belonging to eight households and 53 ancillary buildings (1,194.22 m<sup>2</sup>), will be demolished. There are three main non-residential (business) buildings (283.19 m<sup>2</sup>) belonging to affected businesses. There are 78 households which will lose metal fences/wires, wall fencing/concrete, clay, concrete and asphalt areas, stairs, sheds, building foundations, basements and improvements on affected land.

19. Under this Project, 2,774 fruit bearing trees and 1,562 fruit tree saplings will be affected. The owners will receive full compensation for the loss of fruit trees and saplings. In addition, 77 AHs will lose a total of 4,575 decorative trees.

20. Due to the Project's impact, three businesses will be affected. These including one petrol station, one non-operating shop/kiosk and one sawmill. All business losses will be compensated as per the Project-specific entitlements as described in Section 8.

21. A total of 18 AHs with 162 DPs will experience severe impact on their livelihood. There are eight AHs losing their residential buildings (i.e. homes), three businesses losing their main business building and 18 AHs losing more than 10% of their productive agricultural land. These households will receive a severe impact allowance equal to 3 months' average national wages, whilst the affected businesses will receive compensation based on the replacement cost for affected business buildings and severe impact allowances. The petrol station and sawmill will have enough land remaining to re-establish their businesses at the same locations but the unfinished business building will need a new land plot to re-establish its business. During the LARP implementation and independent monitoring, special attention will be given to those affected. Table E-1 summarizes the impact.

**Table E-1: Summary of Project Impact**

Type of impact	Households/ (DPs)	Private entities, Businesses	Community/ Government entity
1. Total number of affected households (people in brackets) – non-overlapping and not double counted between the categories	95 (893)	2 (16)	2 <sup>2</sup>
2. Physically displaced	10 (89)	2 (16)	
3. Severely affected losing more than 10% of their productive land plots or need to relocate	18 (162)		
4. Legal entities and Dekhan farm		4	

22. The census identified 42 AHs (518 DPs) with members belonging to vulnerable groups including 30 AHs with more than five dependent children, five AHs (40 DPs) with a disabled family member and five single-woman-headed households (28 DPs). These AHs will receive a vulnerability allowance equal to three national average monthly salaries. Families affected by the Project who have

<sup>2</sup> One chaihona (tea-house) and one meteorological station.

a family member with a disability, large families with more than five dependent children, single women-heads of household living below the poverty line and elderly households with no means of living are entitled to the vulnerability allowance amounting to three national average monthly wages.

### **III Socioeconomic Information and Profile of the Affected Population**

23. The Socio-Economic Survey (SES) and census survey in the Project area were conducted in September 2018. In total, 92 of 95 AHs (857 DPs) in Section 2 of the Project were surveyed. The SES included owners, renters and users of affected lands and buildings, and owners and renters of permanently and temporarily affected businesses.

24. The surveyed population lives in villages located along the Project road. In general, each village has basic facilities and utilities such as electricity, mostly combined primary and secondary schools, some basic healthcare and religious facilities. Piped water is available in some villages, while other villages rely on water springs and purchasing water for daily usage.

25. Generally, the Project population is well educated. There were no illiterate people in the surveyed sample. More than half of the sample have completed secondary education. The main (self-reported) sources of income are remittance, labour, agriculture and employment. Agriculture was reported as a source of income for 11 of the Section 2 AHs. Most of the households' income is concentrated in the three lowest categories: 300-1,000 TJS (14.13%), 1,001-2,000 TJS (54.35%) and 2,001-3,000 (22.83%) per month. The average monthly expenditure for the surveyed households is 1,463.05 TJS, with the largest portion (54.86%) spent on food.

26. When decision-making processes are considered, the SES study showed that women are consulted and take part in the decision-making processes in all major family activities. There is no significant difference between any area of life and they participate in the decision making. All of the suggested categories were answered positively by 98.91% of the respondents. It indicates a very high percentage of women participation in all family matters. Women at the FGDs confirmed that their husbands do consult with them on most family important matters, but some women, especially in more traditional culture values villages, stated that they do not participate in most of the decision-making processes.

27. The support for the Project is very high. The surveyed people stated that they believe the main Project benefits are: good quality road, opportunities for the future, improved access to their relatives, places and services and better lifestyle. Some stated adverse effects as resettlement and some disturbances during the road construction.

### **IV Information Disclosure, Consultations and Participation**

28. The Transaction Technical Assistance (TRTA) Consultant and the Project Implementation Unit for Road Rehabilitation (PIURR) conducted four consultations with the DPs and wider Project communities, three consultations in Hukumats and Jamoats authorities, and two female focus group discussions. In total, 99 persons (82 men and 17 women) participated in the consultations conducted in September and November 2018. Participants received information about the Project, land acquisition and resettlement plan processes, bidding process and expected time for the beginning of the works, as well as the Project Information Brochure detailing the Project-specific entitlements, government decree on the cut-off date, MoT letter on the establishment of the Grievance Redress Mechanism (GRM) and details on the GRM procedure. Participants were supportive of the Project and shared their concerns and suggestions on issues such as road safety, the need for animal underpasses and adequate compensation, among other issues.

29. After the Republic of Tajikistan Government and EBRD approvals, the implementation-ready LARP for Section 2 will be uploaded to the EBRD and MoT websites.

### **V Grievance Redress Mechanism**

30. The scope of the GRM is to address issues related to involuntary resettlement, social and environmental performance, and information disclosure. The DPs will have the right to file complaints

and/or queries on any aspect of the Project, including land acquisition and resettlement, and appeal any decision, practice or activity related to the Project. The PIURR will ensure that grievances and complaints about any aspect of the project are addressed in a timely and effective manner.

31. The Grievance Redress Committees (GRCs) were established at the Jamoat/village level in 10 Project villages located along EBRD-funded Contract 2, by requirement of MoT Letter No. 872, issued on 27 August 2018, and will function for the duration of the project's implementation. There were seventeen GRCs formed in total for the Project. A Focal Person (FP) was appointed at each village and at the MoT PIURR. The PIURR FP participated in all consultations with communities and shared his contact details with participants for questions related to the Project and in the event of grievances for the entire duration of the Project, including the preparation and implementation of the LARP. All efforts will be made to settle issues at the Project level.

## **VI Legal Framework of the Republic of Tajikistan**

32. The Constitution, Land Code and Civil Code of the Republic of Tajikistan are the fundamental laws on which the legislation is based. The framework for the Project is based on EBRD ESP and PRs (2014), ADB Safeguards Policy Statement of 2009, OFIDs Global Partnership for Effective Development Cooperation and the four shared principles of development, AIIBs Environmental and Social Framework 2016. For section 2 of the project the focus is on EBRDs requirements. Where differences exist between local law and EBRD policies and practices, the resettlement for this Project will be resolved in favour of the latter.

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

- Land acquisition, and other involuntary resettlement impacts will be avoided or minimized by exploring all viable alternatives in the Project design;
- Consultations with DPs on compensation, disclosure of resettlement information to DPs, and participation of DPs in the planning and implementation of rehabilitation measures will be ensured;
- Vulnerable groups will be provided with special assistance<sup>3</sup>;
- Payment of compensation to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets at full replacement costs<sup>4</sup>;
- Payment of compensation and resettlement assistance prior to the contractor taking physical possession of the land and prior to the commencement of any construction activities;
- Provision of income restoration and rehabilitation; and
- Establishment of appropriate grievance redress mechanisms.

---

<sup>3</sup> Vulnerable or 'at-risk' groups include people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable groups in the context of displacement also include people living below the poverty line, the landless, the elderly, women- and children-headed households, ethnic minorities, natural resource dependent communities or other displaced persons who may not be protected through national land compensation or land titling legislation. These groups should be identified through the process of environmental and social appraisal (see PR 1). Special measures in terms of consultation and development assistance may be needed to allow such groups to participate in resettlement planning meaningfully and to benefit from development opportunities. Persons identified as vulnerable should be assisted to fully understand their options for resettlement and compensation, and encouraged to choose the option with the lowest risk. (EBRD PR5 p36, 2014).

<sup>4</sup> Displaced persons may be classified as persons: (i) who have formal legal rights to the land (including customary and traditional rights recognised under national laws); (ii) who do not have formal legal rights to land at the time of the census, but who have a claim to land that is recognised or recognisable under the national laws;18 or (iii) who have no recognisable legal right or claim to the land they occupy (such as indigenous groups, customary users, pastoralists, internally displaced persons or squatters who claim or make use of land without formal legal rights, and others, who may have usufruct or customary claims to affected land or other resources not recognised or recognisable under national laws). EBRD PR5, p40, 2014).

## VII Entitlements, Assistance and Benefits

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

35. According to the adopted Project-Specific Entitlement Matrix, which was based on the Republic of Tajikistan's Laws and the requirements of ADB's SPS (2009), and specifically EBRD's Performance Requirement 5 (PR5) – Land Acquisition, Involuntary Resettlement & Economic Displacement, DPs eligible for compensation and/or at least rehabilitation are: (i) all DPs losing land covered by legal title; (ii) owners of buildings, crops, plants, or other structures attached to the land, regardless of their legal title, and (iii) DPs losing their businesses, income, and salaries, regardless of their legal status. The Project-specific Entitlement Matrix, relevant to the Project impacts is provided in Table E-2 below and is line with the Matrix used for the Dushanbe to Uzbek Border Road Improvement Project: M41 Road from Avicenna Monument to West Gate, funded by EBRD and currently being implemented by the PIURR.

**Table E-2: Project-Specific Entitlement Matrix**

No	Type of Impact	Category of Displaced Person	Compensation Entitlements
Permanent Loss			
1	Permanent loss of 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 and will be allowed to harvest any usable crops prior to land take.
		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 and three months advance notification of the leaseholder to move. Support in search for alternative land plots including assistance for legal costs and transportation for moving to new location; OR

No	Type of Impact	Category of Displaced Person	Compensation Entitlements
			Cash allowance for the lost income equivalent to 1 year of average crop productivity.
		Informal (if any) <sup>5</sup>	Provision of opportunity to lease a plot on state land; and Relocation allowances; and Cash compensation for loss of assets (crops, irrigation infrastructure and other upgrades on the land) at replacement value.
2	Permanent loss of residential and commercial land	Owners	Cash allowance for loss of land use rights in cash equal to current annual land lease rates at the time of acquisition multiplied by 25;  OR Provision of alternative land plot of equal value/productivity (similar conditions and facilities) to plot lost). If the residual portion of the plot to be taken is too small to use, the whole plot is compensated or exchanged.
		Renters	Three months advance notification of the leaseholder to move; and Rental allowance in accordance with the conditions of the rental agreement, but no less than the cost of rent for 3 months; and Support in search for alternative land plots including assistance for legal costs and transportation for moving to new location;  OR Continuation of the rental agreement on an alternative land plot; and Relocation assistance.
		Informal (if any)	Provision of opportunity to lease a plot on state land; and Relocation assistance; and Cash compensation for loss of assets (irrigation infrastructure and other upgrades on the land) at replacement value. No compensation for land will be paid.
3	Permanent loss of non-residential structures (main business structures, auxiliary business structures, fences, sheds, etc.) and infrastructure - Business no longer profitable and viable at location	Owners of structures including "informal" and encroaching	Cash compensation at full replacement cost 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; and Payment for movable property or relocation assistance;  OR If requested by the DP, and if feasible, a building for building/structure for structure exchange of equal or better characteristics; and Payment for movable property or relocation assistance
		Renters	Three months advance notification of the leaseholder to move; and Rental allowance in accordance with the conditions of the rental agreement, but not less than cost of rent for 3 months; and

<sup>5</sup>Landless DPs without rights to use land, living on income from the informally used land plot. DPs owning land adjacent to the informally used parcel will be compensated for losses from the informally used part as per the entitlement matrix.

No	Type of Impact	Category of Displaced Person	Compensation Entitlements
			Support in search for affordable properties including assistance for legal costs and transportation for moving to new location  OR Continuation of the rental agreement for an alternative building/structure; and Payment for movable property or relocation assistance
4	Loss of Annual and Perennial Crops	All DPs, including "informal" and encroaching	Cash compensation equal to gross income generated on the affected land area for 1 year at market rate at time of revocation. Right to harvest any remaining crops prior to Contractor's entry into land plot.
5	Trees/ Orchards	All DPs, including "informal" and encroaching	Compensation reflecting income replacement. Cash compensation for productive trees based on the net market value of 1 year of income multiplied by the number of years needed to grow a tree to a similar level of productivity, plus purchase of saplings and starting materials, while the cut trees remain with their owner. The cost of saplings of fruit trees is based on the price of saplings in the nurseries. The compensation should also include associated costs of cultivation; and Right to pick fruits, vegetables, etc. prior to Contractor's entry into land plot.
6.	Permanent and/or temporary loss of working place and/or sources of livelihood (economic displacement)	All DPs (including workers of affected businesses)	<p>Owners of shops / commercial establishments: In case of permanent loss, compensation equal to one 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<sup>6</sup> multiplied by 12. In case of the temporary loss of a business, compensation equal to the net income for the period of disruption (&lt;1 year). The income is based on the tax declaration, or it is calculated based on Tajikistan average monthly 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; and Assistance in restoring livelihoods such as</p> <ul style="list-style-type: none"> <li>• Provision of professional training;</li> <li>• Support in finding alternative employment;</li> <li>• Access to micro finance.</li> </ul> <p>For temporary loss of employment, indemnity for lost wages for the duration of impact if less than 3 months.</p>
7.	Permanent loss of residential structures – physical displacement	Physically displaced households regardless of type of impact	Cash compensation at full replacement cost (without deduction of depreciation, taxes, costs for materials suitable for disposal and other transaction costs). All buildings and structures will be compensated in their entirety, including auxiliary structures (sheds, garages, summer kitchens, etc.); and Payment for movable property or relocation assistance

<sup>6</sup> Tajikistan average monthly wage for Dec 2018 is 1,455.10 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/macroeconomic-indicators/> and <http://www.tradingeconomics.com/tajikistan/wages>

No	Type of Impact	Category of Displaced Person	Compensation Entitlements
			<p>OR</p> <p>Provision of replacement residential structure of similar or better value including costs associated with registration and tax payments; and</p> <p>Payment for movable property or relocation assistance ; and</p> <p>Communal and site preparation cost for the alternative residential structure (including connection to power grid, water supply system, installation of latrine etc.).</p>
8	Severely affected households	DPs losing more than 10% of agricultural land/ income resources, DPs needed to physically relocate due to loss of home or business.	In addition to entitlement under Item 1,2, 3 or 7 7, severity/livelihood rehabilitation allowance in the form of cash compensation equal to Tajikistan average monthly wage for 3 months per household.
9.	Vulnerable households	DPs receiving government assistance for poor, single women-headed HH below poverty line, elderly households, households with no means of living, households headed by disabled person or other HH members.	<p>Allowance equivalent to Tajikistan average monthly wage for 3 months per household;</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	Community	<p>Rehabilitation/substitution in kind or in cash at replacement cost of affected items and rehabilitation of their functions.</p> <p>Alternative service supplied, if cut off temporarily.</p>
<b>Temporary Loss</b>			
11.	Temporary impacts (loss of access or temporary land take for construction purposes)	All relevant DPs	<p>The Contractor will be required to set up and maintain appropriate access. In case this is not possible, appropriate compensation shall be determined on a case-by-case basis in accordance with the principles and objectives of this LARP.</p> <p>The Contractor should give priority to vacant lands not used for agricultural /residential purposes. In case this is not feasible, the payment for rented land during construction will be based on the market price under negotiated agreement between the DP and Contractor. After discontinuation of land use, the Contractor must restore land to the original status, or as per the agreement with the land rights holder<sup>7</sup>.</p>
<b>Unanticipated impacts</b>			
12.	Other unanticipated assets loss or impact on livelihood	All DPs residing in the project corridor before the cut-off date of 31 August 2018.	Any undefined impact shall be mitigated in accordance with the principles and objectives of this LARP. In case of discrepancies between national law and EBRD Policy in a particular case, the provision more favourable for the affected owner/user shall prevail.

It should be noted that this LARP only covers the proposed new road alignment; it does not currently include the access roads from existing settlements that will require connection to the new road alignment or temporary land take for haulage/construction routes, construction laydown areas and

<sup>7</sup> In the case that the Contractor and Land-use rights holder both agree in writing to leave the land area in a state precisely described in the agreement.



camps, temporary storage of excavated materials/soil, etc. Information and details regarding temporary land take were not known at the time of developing this LARP. Additional DPs (including informal users, if any) along the access roads and future construction land take areas will be identified, consulted and surveyed using the same survey methodology as described in this LARP during the project preparation phase (prior to construction), and will be included in the updated LARP. All DPs will be compensated and provided with resettlement assistance based on the above Project.

### **XIII Institutional Arrangements**

36. The core agencies and organizations involved in the land acquisition and resettlement process for Section 2 are: the EBRD, MoT, PIURR, Ministry of Finance, Ministry of Agriculture, State Committee for Land management and Geodesy (SCLMG), State Unitary Enterprise for Valuation (SUE) 'Narkhguzori', District Authorities, Local Executive Government Districts (Hukumats), Jamoats, City and Town Local State Executive Authorities, Land Acquisition and Resettlement Committee, and other state agencies. The institutional arrangement for the implementation of the LARP is presented in Chapter 8, figure 8-1 in this document.

### **IX Resettlement Budget**

37. The total implementation cost of the LARP, including compensation, rehabilitation allowances as well as administrative costs for LARP implementation and contingency, amounts to 5,596,577.87 TJS which is equivalent to \$ **592,876.67** (as per the exchange rate on 20 May 2019 (1USD=9.4397 TJS) National Bank of the Republic of Tajikistan. Displaced persons will be paid **4,441,728.47** TJS (\$470,537.04 ) which includes compensation for losses and applicable allowances.

### **X Land Acquisition and Resettlement Plan Implementation Process**

38. The Implementing Agency (IA) will begin the implementation of the LARP for Section 2 immediately after its approval by the EBRD and the Government of the Republic of Tajikistan. The official cut-off date was established as 31 August 2018 (Annex 4-2). LARP preparatory activities included:

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

39. As soon as the LARP for Section 2 is approved by the EBRD and the Government of Tajikistan, the IA, with assistance of the local authorities, will distribute draft contracts to DPs. PIURR will sign contracts with DPs for disbursement of compensation for affected properties as per the provisions set for the project. The compensation amount will be disbursed by PIURR within 15 days of the contract signing. IA will give advance notice to the DPs and pay their due compensation based on the eligibility criteria defined in this LARP and prior to the start of construction work. Grievances or objections (if any) will be redressed as per the grievance redress procedure presented in this LARP. All activities related to LAR (including the EBRD's notice of 'no objection' to the LARP implementation) will be completed prior to the commencement of civil works.

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

**Table E-3: LARP Preparation and Implementation Schedule**

<b>LARP PREPARATION</b>			
<b>Item</b>	<b>Responsible Entity</b>	<b>Start date</b>	<b>End date</b>
Preparation of the LARP covering the full alignment	TRTA Consultant	01/09/2018	05/12/2018
Submission of the draft LARP for full alignment to PIURR and ADB for comments and approval	TRTA Consultant		05/12/2018
Updating the LARP - Separate LARPs prepared for Section 1 and Section 2	TRTA Consultant	01/05/2019	14/06/2019
EBRD/PIURR comments addressed	PPTA Consultant	(TBC)	(TBC)
LARP approval/no objection by MOT and the government (including LAR budget)	MOT/Government of the Republic of Tajikistan	(TBC)	(TBC)
Posting approved LARP on the EBRD and MoT websites	EBRD and MOT	(TBC)	(TBC)
<b>LARP IMPLEMENTATION</b>		<b>01/07/2018</b>	<b>31/10/2018</b>
Preparation of draft contracts	PIURR	(TBC)	(TBC)
Draft contracts sent to DPs	PIURR	(TBC)	(TBC)
Signing contracts	PIURR/DPs	(TBC)	(TBC)
Disbursement of compensation	PIURR/DPs	(TBC)	(TBC)
Preparation of LARP Monitoring Report	PMCSC	(TBC)	(TBC)
EBRD reviews the LARP Compliance Report	EBRD	(TBC)	(TBC)
EBRD approves the LARP Compliance Report	EBRD	(TBC)	(TBC)
Handing over of the site to the Contractor	PIURR	(TBC)	(TBC)
Commencement of civil works	Contractor	(TBC)	(TBC)
<b>CONTINUOUS TASKS</b>			
Internal Monitoring: Quarterly monitoring reports	PIURR	(TBC)	(TBC)
Grievances redress	PIURR/Jamoats/Village GRCs	(TBC)	(TBC)

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

## **X Monitoring and Reporting**

41. The implementation of this LARP will be subject to both internal and external monitoring due to the nature and scope of land acquisition as per the requirements of PR 1 and PR 5. The external monitor will advise on PR compliance issues, and if non-compliance with the provisions of this LARP are identified, will provide a scope of work required to address such issues.

42. Internal monitoring will be conducted by the PIURR, assisted by the Social Specialist of the Construction Supervision Consultant. A Lenders' Monitor Adviser (LMA) will be retained by EBRD to

assist the Bank in monitoring the preparation and implementation of the Project including monitoring that land acquisition and resettlement is being carried out according to the principles defined in national legislation and in the Land Acquisition and Resettlement Plan (LARP); that all compensation and other commitments from the LARP are being delivered to the target PAPs and in particular to vulnerable groups; that the grievance mechanism in place is efficient and contributes to the process; that the consultation process and information dissemination is being carried out in a meaningful and comprehensive manner suited to the needs of PAPs and as defined in the Stakeholder Engagement Plan (SEP).

43. The PIURR will monitor performance (physical progress of the LARP implementation against milestones set in the LARP), impact (whether the objectives to restore the living standards of the affected population, especially severely affected, have been properly considered and executed) and LARP compliance indicating whether the compensation program has been carried out in accordance with the provisions of Tajikistan's laws and the EBRD's ESP 2014 and PR5, and to the satisfaction of the DPs. The Construction Supervision Consultant shall have a resettlement specialist on board who will assist the PIURR in the internal monitoring of the LARP implementation processes.