

Land Acquisition and Resettlement Plan

November, 2020

TAJ: Road Network Sustainability Project: Land Acquisition and Resettlement Plan for Dangara-Okmazor Section

Prepared by Kocks Consult GmbH; Germany for the Ministry of Transport of the Republic of Tajikistan and the Asian Development Bank

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Ministry of Transport of the Republic of Tajikistan

Land Acquisition and Resettlement Plan
For
Dangara-Okmazor Section

TAJ: Road Network Sustainability Project in the Republic of Tajikistan

November 2020

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ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
AH	affected household
AP	affected person
AE	affected entity
DMS	detailed measurement survey
D/F	dehkan farm
SSC	social supervision consultant
EA	executing agency
GRC	grievance redress commission
GRM	grievance redress mechanism
GOT	Government of Tajikistan
IA	implementing agency
LARP	land acquisition and resettlement plan
Ln.m.	linear meter
LHS	left hand side
NSS	national safeguards specialist
MOT	Ministry of Transport of Tajikistan
PIU	project implementing unit
PIURR	Project Implementation Unit for Road Rehabilitation
RHS	right hand side
SPS	Safeguards Policy Statement (ADB 2009)
SSS	social safeguards specialists
SUE	State Unitary Enterprise for Valuation (SUE) 'Narkhguzori'
TJS	Tajik Somoni

Exchange rate: 1 USD – 10.3135 TJS as of August 14, 2020 of the National Bank of Tajikistan <http://nbt.tj/en/kurs/kurs.php?date=08.14.2020>

DEFINITION OF TERMS

Affected Persons (APs)/ Affected Entities (AEs)	In the context of Involuntary resettlement, affected persons and affected entities are those who are physically displaced (relocation, loss of residence, or loss of shelter) and/or economically displaced (loss of land, assets, access to assets, income sources, or means of livelihood) as a result of: involuntary acquisition of land, or involuntary restrictions on land use or 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 APs. 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.
Dehkan Farm	Mid-size land, which is legally and physically distinct from the household plot for which full land use right, but not ownership is allocated either to individual, group of individuals, or legal entity. The Law No 48 of Dehkan Farms (dated 2002) regulate dehkan farms in Tajikistan.
Encroachers	Encroachers are people who have extended their occupation of land from their titled land into adjacent government or private land to which they are not entitled. Squatters, on the other hand trespassed onto private/government/community land for which they are not authorized to use. If such people arrived before the cut-off-date, they are eligible for compensation for any affected structures, crops or land improvements.
Entitlements	The range of measures comprising cash or in-kind compensation, relocation cost, rehabilitation and transfer assistance, income substitution/business restoration, which are due to APs, depending on 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: Loss of house, Loss of assets or ability to access such assets, permanently or temporarily, or 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.
Inventory of Losses (IOL)	This is a process in which all fixed assets (i.e., lands used for residence, commerce, or agriculture; houses; kiosks, stalls and shops; ancillary structures, such as fence, gates, paved areas and wells, affected trees and crops etc.) with commercial value and sources of income and livelihood inside the Project right-of-way (Project area) are identified, measured, their owners identified, their exact location determined, and their replacement costs calculated.
Jamoat	A sub-district level administration.
Land Acquisition	Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land/assets for public purposes in return for in-kind replacement or compensation at replacement costs.

Land Acquisition and Resettlement Plan (LARP)	A time-bound action plan with budget setting out compensation for affected land/assets and resettlement strategies, objectives, entitlement, actions, responsibilities, monitoring and evaluation.
Non-titled	Means those who have no recognizable rights or claims to the land that they are occupying.
Poor	Means households whose combined monthly income falls below TJS 1020/-1. WB poverty line (standard) is used by different government and non-government institutions to identify poverty level for the given period.
Rehabilitation	This refers to additional support provided to APs 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: fair market value; transaction costs; interest accrued; transitional and restoration costs; and other applicable payments, if any.
Resettlement	This includes all measures taken to mitigate all adverse impacts of the Project on AP's property and/or livelihood. It includes compensation, relocation (where relevant), and rehabilitation as needed.
Severely Affected	This refers to affected households who will: lose 10% or more of their total productive land and/or assets, have to relocate; and/or lose 10% or more of their total income sources due to the Project.
Vulnerable	Anyone who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and includes: female-headed households with dependents; disabled heads of household; poor households; landless people; elderly households with no means of support; households without security of tenure; ethnic minorities; and small farmers (with landholdings of 0,2 hectares or less).

I. EXECUTIVE SUMMARY

1.1. General

1. With the support of Asian Development Bank (ADB) the Ministry of Transport (MOT) of Tajikistan is preparing the Road Network Sustainability Project which at this stage consists of two road sections: (i) Hulbuk – Temurmalik - Kangurt, 59 km in length, and (ii) Dangara - Okmazor, approximately 28.7 km in length.
2. This LARP is prepared by the Ministry of Transport of Tajikistan (MOT) within the framework of the Preparation of Road Network Sustainability Project in the Republic of Tajikistan, and it refers to the 28.7 km road section of Dangara-Okmazor. It addresses the land acquisition and resettlement impact associated with the Project road section, and provides an assessment of compensation to the affected persons and entities entitled under Tajikistan law, and according to ADB requirements on Involuntary Resettlement as embedded in the ADB Safeguards Policy Statement (2009). A separate LARP was prepared for the 59 km Hulbuk – Temurmalik - Kangurt road section.
3. The Dangara-Okmazor road connects Jamoats of Lokhur¹, Oksy² and Korez³ to the District centers of Dangara and Bohtar. In total, four (4) villages are located right along this section of the proposed road project.
4. This LARP is developed based on the LAR impacts identified during the DMS, census, SES, and inventory of affected assets identified within the project ROW.
5. Initial field surveys, census, and SES of APs, and inventory of affected assets was carried out in August 3-10, 2020. The collected data was updated through DMS and field surveys based on the detailed design provided by Avtostrada. The field surveys of the ROW were carried out through the corridor of impact based on the fixed detailed design.
6. In August, 2020, independent experts at the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori' visited the project site to evaluate each and every project affected asset (structures and perennials) to determine compensation amounts to be incorporated into the LARP budget and submitted to PIU as a separate report.
7. The LAR impacts and suggested mitigation and compensation measures address direct impact to assets and income loss of APs located within the road ROW, as possible temporary and permanent impact expected during the road construction works for instance (temporary access roads, extra land take for camps, disposal areas, community facilities, animal and pedestrian crossings, relocation of public utilities (water, electricity, gas, telecommunication and other public facilities, such as schools, hospital, kindergartens, sports, mosques, cemeteries, etc.).
8. In a separate sub-chapter, the document describes actions implemented for the assessment of impacts during construction. During the DMS, it was confirmed that there was no need for the construction of alternative routes or additional access to bridges.
9. This LARP includes: project background, scope of impact based on detailed design, information disclosure and public consultations with APs, grievance redress mechanism, legal framework, compensation entitlements and one-time allowances, entitlement matrix, resettlement budget,

¹ Three (3) villages of Lokhur Jamoat: Tochmakhal, Sarfarozi and Mekhtari Bolo are located along the road ROW.

² Village Mekhtar of Jamoat Oksy is located along the road ROW.

³ Village Zebunisso of Jamoat Korez Oksy is located along the road ROW.

in addition to LARP implementation administrative costs, institutional arrangements, LARP implementation schedule, monitoring, and reporting requirements.

10. In addition, the document is updated to implementation ready LARP and added with:
 - a) English version of Public Information Brochure which was distributed during Public Consultations conducted on August 2020.
 - b) Composition of GRC formed specifically for Bokhtar-Dangara road section covering the Dangara-Okmazor road section as well⁴.
 - c) Updated cost for land certificate update and obtainment of construction permit in given rayon.

1.2. Project Background

11. The Ministry of Transport (MoT) of Tajikistan and the Asian Development Bank (ADB) agreed to enhance income and reduce poverty in the Republic of Tajikistan by improving road infrastructure, and thereby supporting the creation of productive employment opportunities.
12. The Road Network Sustainability Project includes the rehabilitation of two road sections:
 - a) Hulbuk – Temurmalik - Kangurt, 59 km in length, and
 - b) Dangara – Okmazor, 28.7 km in length
13. This LARP is developed to provide information on the scale of project impact for Dangara-Okmazor road section. The proposed project will improve the condition of the road, increase the volume of cargo traffic and passenger transportation between the settlements. It will also provide increased opportunities for year-round transport links to the main neighbouring cities and Dushanbe, the capital city of the Republic of Tajikistan.
14. Improving road infrastructure will improve developmental opportunities in agriculture, tourism, and increase industrial production. Situationally this region is rich in minerals and precious metals. This road will be important for the future development of the local mining industry.
15. The Ministry of Transport (MoT) is the Executing Agency. The Project Implementation Unit for Road Rehabilitation (PIURR) under the MoT is the project Implementing Agency.

1.3. Scoping LAR Impacts within the ROW

16. This LARP is prepared to inclusively cover the physical and economic impacts whether permanently and temporarily occurring within the project ROW, and to address social and economic issues resulting from the acquisition of state and privately utilized land and assets, such as structures, fences, annual crops and perennials. In addition, the Dangara Okmazor LARP prepared for 28.7 kms road section applies to APs running commercial activities facing the risk of temporary or permanent stoppage of business and the loss of income and wages due to pending road works.
17. Social Safeguards Team of the Engineer and Design Institute – Avtostrada - in coordination with representatives of the PIURR conducted on-site examination of the entire ROW, identified all project affected land parcels, determined the area of land acquisition, defined land tenure status, and identified all affected persons and affected entities (APs/AEs).

⁴ Copy of the original official letter on Grievance Redress Commission formation Copy of the original official letters on GRM formation is provided in Annex 6. Annex 7 provides English translation of the official letter on Grievance Redress Commission formation.

18. The area of land acquisition was determined through DMS. Based on design drawings, land demarcation⁵ was carried out on-site to determine the boundaries of land take and to identify the actual impacts. In coordination with local government stipulations, land tenure status was determined once all APs were identified as a result of the census.
19. Census was followed with a socioeconomic survey (SES). Social Safeguards Team composed of specialists of the Engineer, Design Company, and PIURR met in person with the most informed member of project affected households for socio-economic survey of APs. The form of questionnaire⁶ was completed for SES purposes.
20. Inventory of project affected assets was undertaken in the presence of APs/AEs. All affected assets were recorded and details provided to the State Agency - State Unitary Enterprise for Valuation (SUE) 'Narkhguzori' for the purpose of determining the amount of compensation to be paid to individual APs/AEs, in accordance with the Project entitlement matrix of the approved LARP prepared in compliance with ADB SPS 2009 and the active legislation of the Republic of Tajikistan.
21. This implementation ready LARP⁷ is based on the entitlements and compensation rights and requirements established for the project. This LARP, once officially approved by the Government and ADB No Objection issued, will be disclosed on ADB⁸ and MOT⁹ websites in December 2020
22. The scope of project impact along the ROW of Dangara-Okmazor road section is as follows:
 - a) In total, works in the road section will impact two (2) AEs and nineteen (19) APs.
 - b) In total, twenty-one (21) land parcels are partially affected. Among these, five (5) are privately and sixteen (16) state owned with attached project affected perennials, supplementary structures, various improvements, and fences, all subject to cash compensation.
 - c) Of the five (5) private, three (3) residential land parcels, three (3 APs) will permanently lose a portion of land with a combined area of 319.72 sq.m.
 - d) No AH will lose residential dwellings, and none will require physical resettlement.
 - e) One (1) AP will lose a portion of private commercial land though project impact will not disturb his commercial activities.
 - f) Two (2) APs will experience severe project impact: (i) one (1) AP is qualified as severely affected due to loss of a portion (39.71%) of private agricultural land parcel used for the cultivation of fruit trees; and (ii) another single (1) AP will be severely affected as result of full and permanent impact to commercial facility, operating a grocery shop.
 - g) One (1) AP patent holder trading in project affected grocery shop will experience temporary stoppage of business activity.
 - h) Fences and supplementary structures constructed/claimed by 19 APs will be affected.
 - i) Twelve (12) AHs will lose 140 mature fruit trees and seven (7) fruit tree saplings.
 - j) One (1) of the nineteen (19) APs belongs to households that are considered vulnerable.
23. Overall, two (2) AEs and nineteen (19) APs have been enrolled to be compensated for the losses encountered through the road project.

1.4. Information Disclosure, Consultations and Participation

⁵ Drawings of approved design changes were the baseline documents exercised for land demarcation and identification of new land take boundaries.

⁶ Sample of blank questionnaire and inventory form used during field surveys are provided in Annex 2.

⁷ The Draft LARP, was officially approved by the Government and disclosed on the ADB and MOT websites in September 2020. Its approval and disclosure was served as the condition for ADB's appraisal of the project.

⁸ www.adb.org

⁹ <https://www.mintrans.tj/en>

24. Public consultations were carried out in accordance with the newly adopted rules by applying the preventative measures elaborated with regard to the COVID-19 pandemic.
25. Information on pending road project, planned field surveys, compensation entitlements, cut-off date, GRM, and the rights and responsibilities of project stakeholders and APs, was provided through project Information Brochures disseminated to project affected hukumats, jamoats, and villages.
26. In addition, individual meetings with APs following the instructions on social distancing was carried out during the census, SES, and inventory of project affected assets.
27. The team composed by PIURR, Avtostarda and Kocks ensured that persons directly affected by road project as well as population within project influence area have been informed on the pending road project and its possible social, economic, and environmental impacts and benefits.
28. Between August 3-10, 2020, the team of Social Safeguards specialist and PIURR representatives conducted individual consultations with APs, residents of affected communities. The information brochure and photos are attached in Annex 1.
29. Individual meetings were held with the owners of project affected businesses, Dehkan farms and lease holders and other stakeholders including Jamoat representatives, raisi mahala, and other local authorities.
30. Between August 6-8, 2020, community consultations were carried out within the project affected communities. In total, twenty-one (21) persons including nineteen (19) APs and representatives from two (2) AEs were located within the five (5) villages along the project ROW; all were individually consulted. The list of individually consulted persons and photos are provided in Annex 2.
31. On August 20, 2020, a LARP public disclosure meeting was conducted in Jamoat Lohur, village Tojmahal. The meeting was attended by representatives of local government, people for project influence area and most importantly 14 APs. All attendees were provided with a copy of the Public Information Brochure prepared in the Tajik language. Minutes of the public consultation and photos of the area are provided in Annex 5.
32. Regular public consultations will be conducted by PIURR during the project cycle to ensure all project stakeholders and APs have an equal opportunity to provide their feedback, comments, and suggestions. Relevant comments will be incorporated in the final LARP and taken into consideration during the construction phase.
33. Notification providing date/time, location, and format on pending public consultations will be disseminated through local media channels; hard and soft copies of LARP translated into local language¹⁰ will be provided to all project affected settlements (Hukumats, Jamoats and villages) and be made available to any interested person.
34. In addition, all APs will be provided with a copy of the Public Information Brochure prepared and based on the final LARP. Further, the relevant notifications on cut-off date¹¹ and entitlement matrix will be displayed on information boards of local government buildings and published in the local newspaper. Social networks will be extensively used for public outreach and provision of relevant information.

¹⁰ PIB is prepared in Tajik language, while full LARP will be translated from English into Russian language.

¹¹ Cut-off date for this road project in June 25, 2020.

35. In case of increased pandemic risks, additional feasible measures may be elaborated ad-hoc in addressing the factual circumstances ensuring retention of public awareness without creating additional risks to public health and safety.
36. All sources of information dissemination will be engaged ensuring the notifications are made with sufficient clarity to encourage participatory involvement of all APs, government agencies, and other interlocutors and interested person(s) including members of NGOs.
37. The English version of LARP will be uploaded to the ADB website¹². A Russian version will be uploaded on the MOT website¹³, and hard copies will be made available through local jamoats.

1.5. Institutional Arrangements

38. The core agencies and organizations involved in project implementation planning and implementing of the proposed road project area are: ADB, Ministry of Transport, Project Implementation Unit for Road Rehabilitation (PIURR), Ministry of Finance, Ministry of Agriculture, State Committee for Land management and Geodesy (SCLMG), State Unitary Enterprise for Valuation (SUE) 'Narkhguzori', district authorities, local executive government districts (Hukumats), Jamoats, city, and town local state executive authorities, LAR committee, and other relevant state agencies.

1.6. Grievance Redress Mechanism

39. The grievance redress committees are being established in all project affected Jamoats of Lokhur and Oksy in compliance with the PIU letters No. 727, dated July 3, 2020.
40. The scope and role of the GRM is to address all issues related to involuntary resettlement, social and environmental performance. The APs are well informed about their rights to file complaints and queries on any aspect of the Project, including land acquisition and resettlement, and to appeal any decision, practice, or activity related to the Project. The PIURR ensures that grievances and complaints are addressed in a timely and effective manner.

1.7. Monitoring and Reporting

41. The Project has established systems for internal monitoring and assessment to achieve the main purpose and goals of ensuring that resettlement and acquisition of project affected land and assets have been implemented in accordance with the provision of ADB's SPS 2009, the laws of Tajikistan, and stipulations outlined in this LARP.
42. Reporting requirements will fully comply with ADB policy and practice. Impact monitoring will encompass verification of the following indicators:
 - i. Whether all physical inputs committed to in the LARP have been delivered, and all services provided
 - ii. Whether the mitigation actions prescribed in the LARP have provided the desired effects, and
 - iii. Whether the socio-economic status of the affected population as measured against the baseline conditions before the displacement has been improved or just retained.

1.8. Resettlement Budget

¹² www.adb.org

¹³ <https://www.mintrans.tj/en>

43. The total implementation cost of the LARP, including compensation, rehabilitation allowances as well as administrative costs for LARP implementation and 20% contingency comprise **425,693.15 TJS (41,275.33 USD)**. The Final LARP budget is prescribed according to the SUE Valuation Report submitted on September 3, 2020.

1.9. Clearance of Road Corridor

44. Based on DMS results the road design was analyzed and specific location identified with confirmed LAR impacts covered under this Implementation Ready LARP. These sections will be handed over to the construction contractor after the ADB approval of the LARP Implementation Compliance Report.
45. However, the specific sites with confirmed absence of LAR impact are clearly identified to provide an option to earlier hand over for commencement of civil works once the Construction Contractor is selected, where feasible. Table 1 below provides the detailed locations (KMP) of project sites with and without LAR impacts.

Table 1. Road segments under the Dangara-Okmazor road section

Road Segments	Road chainage		Sections with LAR Impact Length (km)	Sections with No LAR Impact Length (km)	Site handing over stage	Remarks
	From	To				
Okmazor Dangara	40+00	41+600	1,6		2	Site handing over stage upon successful implementation of LARP and provision of NoL by ADB
	41+600	56+700	15,1		2	
	56+820	57+300	0,48		2	
	57+400	59+580	2,18		2	
	59+760	61+500	1,74		2	
	61+900	62+300	0,4		2	
	63+400	68+660	5,26		2	
	56+700	56+820		0,12	1	Sites in stage 1 are free from any LAR impacts and subject to clearance for construction upon civil contract award
	57+300	57+400		0,1	1	
	59+580	59+760		0,18	1	
	61+500	61+900		0,4	1	
	62+300	63+400		1,10	1	
	68+660	68+700		0,04	1	
Total			26,76	1,94	20	

46. In the course of the entire project, the PIURR and social safeguards consultant of the Engineer will regularly visit the project site for visual observation purposes. One of the objectives of site monitoring is (i) to coordinate between the construction company and APs who received cash compensation for project affected assets and to confirm structures are demolished, salvaged

materials collected, and the area vacated for the commencement of road works; and (ii) to check if any AP is in need of technical assistance, including for clearing the area of project effects, and to ensure compensation of structures is accomplished prior to the commencement of road works.

II. PROJECT DESCRIPTION

2.1. Project Introduction

47. The Ministry of Transport (MoT) of Tajikistan and the Asian Development Bank (ADB) agreed to enhance income and reduce poverty in Republic of Tajikistan by improving road infrastructure, and thereby support the creation of productive employment opportunities. The Road Network Sustainability Project will consist of two road sections:
 - a) Hulbuk – Temurmalik - Kangurt, approximately 59 km in length, and
 - b) Dangara-Okmazor, approximately 28.7 km in length
48. The LARP for Hulbuk – Temurmalik – Kangurt road section was prepared in July and finalized in November 2020 as the priority of the road section for preparation of design, safeguard, and tender documents for further implementation of reconstruction/rehabilitation of the proposed road section.
49. This final LARP refers to 28.7 km long sub-section of Dangara-Okmazor, which is based on finalized project road design. The results of desk reviews and filed surveys were undertaken specifically for the road sub-section Dangara-Okmazor for which this LARP has been prepared.

2.2. Project Background

50. The road network has a particular importance for the Republic of Tajikistan. Due to its geographical location, specific mountainous conditions of the relief in the complete absence of sea and river routes, insufficient development of railways and airlines network, roads and motor transportation are the main type of transport services for the Republic.
51. Improving the condition of roads has important value for socio-economic development of the country, as in the republic about 95% of cargo traffic and passenger flows falls on road transportation and its prioritizing is obvious with regard to any other type of transport.
52. The current level of condition of most roads (mainly regional and local roads) in the republic have low traffic capacity. Not meeting the requirements of acting norms in the republic, results in not ensuring the safety of road users in accordance with modern requirements. In view of the unsatisfactory technical condition of existing roads, efficient operation of road services is at a low level.
53. It should also be noted that a number of roads in the Republic have a seasonal nature of movement due to the presence of high mountain passes located on them and often in adverse climatic conditions, and resulting in difficult geographical and geological conditions.
54. Improving Tajikistan's road network system remains a national priority and will remain so, as the main task of the Ministry of Transport is to connect all regions of the country with a reliable network of relevant roads.

2.3. Brief Description of Dangara-Okmazor Road Section

55. The Dangara-Okmazor Project road is approximately 28.7 km long (km 40.0 - km 68.7) and forms one of the important roads of regional significance in the south-eastern region of the Republic.

56. The existing road category according to SNIP is category III for the section km 40.0 - km 68.7. The project road consists of one carriageway with two (2) traffic lanes, each with a width of 3.50 meters. The typical cross section parameters are shown in the figures below.

Figure 1. Typical cross section in urban area (category III) of Dangara-Okmazor road section km 40.0 - km 68.7

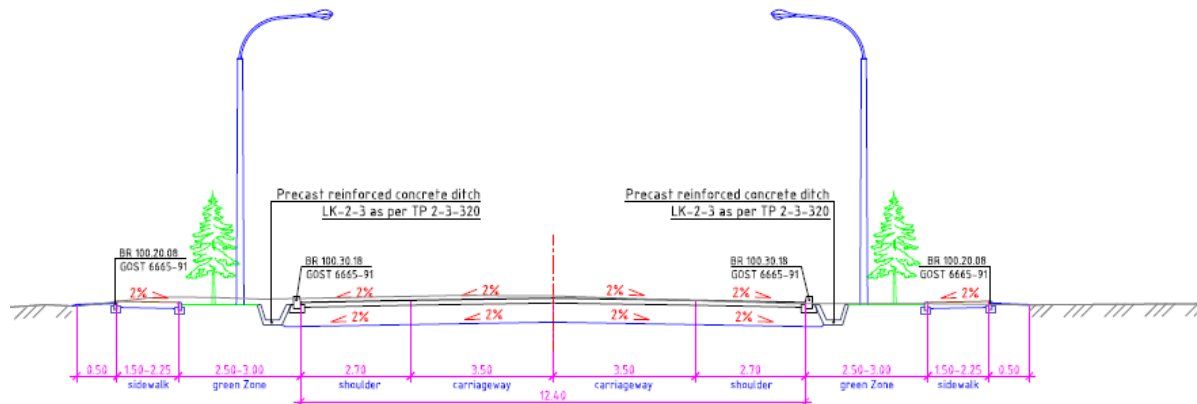


Figure 2. Typical cross section in urban area (category III) of Dangara-Okmazor road section with one sidewalk km 40.0 - km 68.7

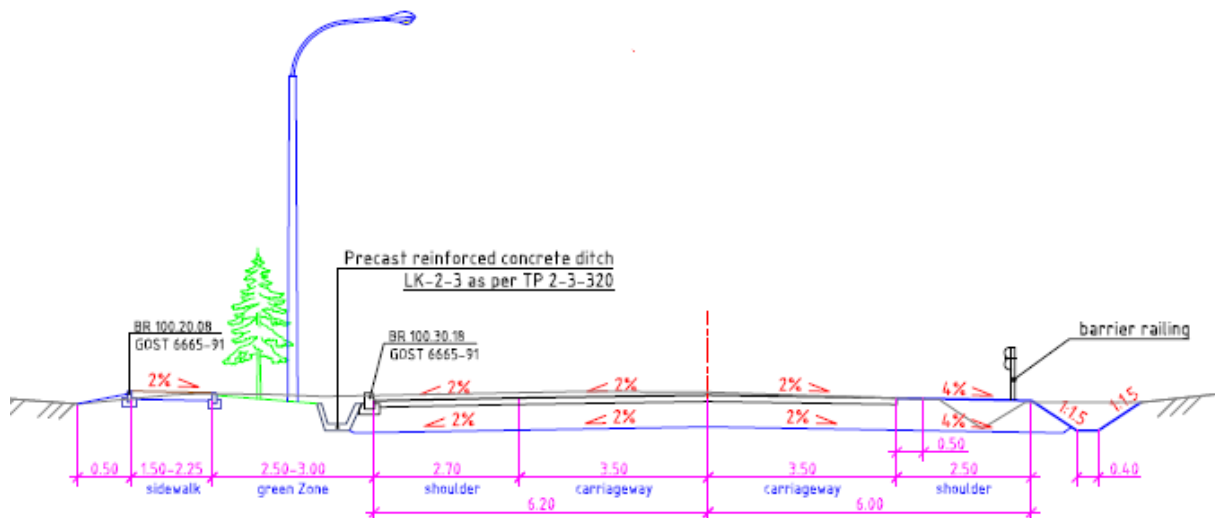


Figure 3. Typical cross section in rural area (category III) of Dangara-Okmazor road section km 40.0 - km 68.7

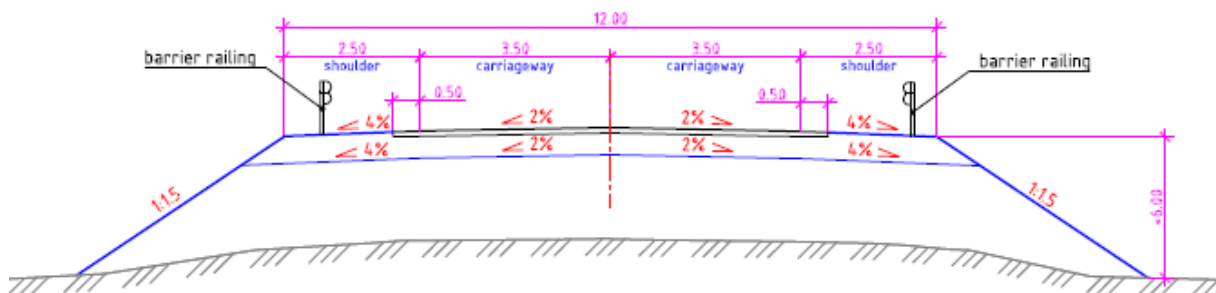
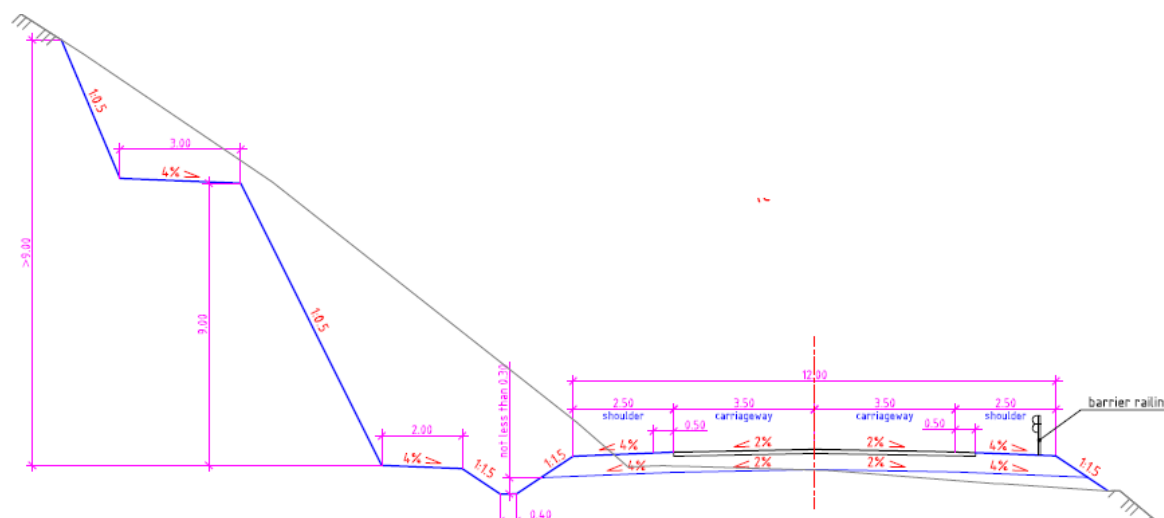


Figure 4. Typical cross section in rural area (category III) of Dangara-Okmazor road section in cut sections km 40.0 - km 68.7



57. In settled areas, the implementation of sidewalks, street lightening and green strips for improvement of road safety are considered.
58. According to the intended classification of the road the following design speeds are to be used for the Dangara-Okmazor Project road:

Table 1. Design Speeds by Terrain and Road Category

Road Section & Road Category	Design Speed in km/h		
	Level Terrain	Rolling Terrain	Mountainous Terrain
Km 40 – km 68.7 Road Category III	100	80	50

59. The anticipated works for rehabilitation of the Dangara-Okmazor Project road comprise:
 - a) Reconstruction of road pavement
 - b) Replacement of bridges
 - c) Replacement of culverts and improvement of drainage system
 - d) Construction of sidewalks in settled areas
 - e) Installation of road lighting in settled areas
 - f) Improvement of traffic safety due to proper road signing and marking and installation of guardrails
 - g) Provision of bus stops with passenger shelters, and
 - h) Construction of retaining walls.
60. The works will be procured in accordance with ADB procurement rules and guidelines for Open Competitive Bidding (OCB) and based on detailed design drawings.

2.4. Road Project Impact

61. Proposed road project will require acquisition of some private assets, mainly fences and fruit bearing trees attached to the state-owned land outside of the legal boundaries of private residential land parcels.
62. Impact minimization was achieved through design elaborated by Avtostrada. As a result, none of the residential houses will be affected and no household will need to be physically resettled.

63. The scope of impact of the proposed civil works in this road section is as follows:
- In total, the civil works will impact two (2) AEs and nineteen (19) APs.
 - In total, twenty-one (21) land parcels are partially affected. Among these, five (5) are privately and sixteen (16) state owned with attached project affected perennials, supplementary structures, various improvements, and fences subject to cash compensation.
 - Of five (5) private, three (3) residential land parcels (3 APs) will permanently lose a portion of land with a combined area of 319.72 sq.m.
 - No AHs will lose residential dwellings, and none will require physical resettlement.
 - One (1) AP will lose a portion of private commercial land but project impact will not disturb his commercial activities.
 - Two APs will experience severe project impact: (i) one (1) AP is qualified as severely affected due to loss of a portion (39.71%) of private agricultural land parcel used for growing fruit trees; and (ii) the another (1) AP will be severely affected as result of full and permanent impact to commercial facility, operating grocery shop.
 - One (1) AP patent holder trading in project affected grocery shop will experience temporary stoppage of business activity.
 - Fences and supplementary structures constructed/claimed by 19 APs will be affected.
 - Twelve (12) AHs will lose 140 mature fruit trees and seven (7) fruit tree saplings.
 - One of the nineteen (19) APs belong to households that are considered vulnerable.
64. Overall, two (2) AEs and nineteen (19) APs have been enrolled to be compensated for the losses to be encountered from the proposed works in this road section.

Figure 5. Dangara - Okmazor road section



2.5. Objective of the LARP

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

67. The LARP is based on the detailed design. The ROW is now fixed, however, any further design changes, if required during civil works, will be undertaken only within the current project ROW. To complete this LARP, the following steps were taken:
 - a) Dissemination of Project Information Brochure within the project influence area through the representatives of local jamoats, raisi mahala, and during individual communications with APs/AHs
 - b) completion of the socio-economic survey (SES) and census of AHs
 - c) inventory of losses for all AHs
 - d) identification of severely affected and vulnerable AHs
 - e) completion of detailed measurement surveys (DMS)
 - f) valuation of affected land, buildings, structures and perennials, and
 - g) preparation of the compensation budget for identified losses.
68. This LARP is prepared by the MOT with technical support provided by National and International Social Safeguards and Resettlement Specialists of the Engineer, Design Institute, and the representatives of the PIURR.
69. It will be implemented by the Project Implementation Unit for Road Rehabilitation (PIURR) and the Social Safeguards Specialists engaged by the supervision consultant, Kocks Engineers. The LARP implementation activities will commence following an official 'no objection' being granted to the final LARP.
70. Upon the completion of cash compensation, the PIURR together with the Social Safeguards Consultant, will conduct internal social monitoring and LARP implementation status assessment. The results of monitoring and assessment, confirming that LAR activities have been completely and successfully implemented prior to the commencement of civil works along the entire ROW will be reflected in the relevant Social Compliance Monitoring Report.

2.6. Conditions for Project Implementation

71. Based on the ADB policy/practice, the approval of the project implementation is based on the following conditions:
72. **Signing of Contract Award:** Conditional to the approval of the implementation-ready LARP for the proposed sub-project by ADB and Government. Implementation-ready LARP reflects final impacts, final AP lists and compensation rates at replacement cost approved by PIU/MOT.
73. **Notice to Proceed to Contractors:** Conditional to the full implementation of LARP (full delivery of compensation and rehabilitation allowances) and confirmed by a LARP implementation Compliance Report prepared by PIU and approved by ADB.

III. SCOPE OF PROJECT IMPACT

74. Activities described below are undertaken to determine project affected assets and to define the relevant compensation unit rates.

3.1. Impact Assessment Survey Methodology

75. One of the key principles adopted for the preparation of this LARP is that all compensation payments and livelihood restoration assistance must be based on a detailed understanding of the Project impacts on project affected persons. The data collected in April 2020 through detailed measurement surveys undertaken to cover all project affected land parcels privately utilized, or state land used by APs without land use certificate, as well as project affected commercial facilities, and individuals trading along the entire road ROW.
76. In order to accurately assess the extent of the Project's LAR impacts, the following surveys and valuations were implemented:
- a) Enumeration of all project affected assets
 - b) Census and SES of all project affected households
 - c) Detailed measurement survey (DMS) to measure the affected area of the lands, buildings, improvements, and to determine ownership status of APs, and
 - d) Inventory of project affected assets was detailed in the presence of each property owner and/or possessor, and information on the numbers and types of affected assets was determined, recorded, and confirmed with the APs' appended signature.
77. The DMS was conducted in the presence of APs, Head of the village (i.e., Raisi Mahala), representatives of project affected Jamoats, relevant Hukumat, local land committee, road maintenance department, PIURR resettlement engineer, and Social Safeguards and Resettlement specialists of the Engineer.
78. Demarcation, census, SES, and inventory of project affected land and assets provide comprehensive details. The DMS covered all project affected assets including commercial, residential, and Dehkan farm lands, and these reports confirm that the majority of AHs will experience impact to fences, and fruit bearing perennials planted on state land in front of their residential land parcels.
79. The results of inventory of project affected assets were analysed and provided to the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori' for further evaluation and determination of compensation at full replacement value based on the current market prices per each type of asset subject to cash compensation under this instrument.
80. The State Agency - State Unitary Enterprise for Valuation (SUE) 'Narkhguzori' was provided with detailed lists of project affected assets collected during the inventory for assessment and determination of compensation amounts per each type of asset, such as fruit bearing perennials, residential structures, and improvements except to agricultural land.

3.2. Affected Land

81. Project will impact small stretches of five (5) private land parcels. Among these are three (3) residential, one (1) agricultural, and one (1) of commercial designation.
82. The scope of project impact is only partial though land acquisition is exclusively permanent. Permanent acquisition of small strips of land do not create significant impact and/or cause physical resettlement of APs.

83. In one case, APs built a grocery shop on a residential land parcel that will be subject to demolition as a result of road project needs. The grocery shop is adjacent to a portion of a private residential land parcel subject to partial permanent acquisition. However, the largesse of the residual land enables the AP to build a new structure as a shop on the remaining portion of his private land. In all cases of land take, the proportionate balance of land parcels remains viable for the continued use by their owners for the same purpose.
84. As per the only project affected arable agricultural land parcel (with total area of 1,700 sq.m.) used as a fruit garden, the proportion of land take comprises 39.72%. Therefore, the AP qualifies as severely affected¹⁴. The AP is entitled as a severely affected claimant. Aside to land take, the project will impact 48 linear meters of fencing and 45 mature fruit bearing trees grown on this parcel.
85. The project will also impact one (1) commercial land parcel. However, only fencing and a foundation of an uncompleted structure will be affected, without causing any stoppage of business. The PIU will coordinate with the local government authority ensuring that the AP is issued with an updated land use certificate and that a construction permit to build a new shop is issued swiftly to this single AP enabling continued commercial activities on his own land parcel.
86. In total, nineteen (19) APs will experience project impact on supplementary structures, fences/walls or some improvements formed on project affected land. Among these 19, only five (5) structures are on plots that are privately owned, the other fourteen (14) structures are on state-owned land parcels that incorporate project affected perennials, and some private improvements¹⁵ possessed by APs that have encroached on state lands without valid land use rights certificates. Table below provides the scope of project impact to state-owned land attached with project affected assets and private land subject to compensation, type of land take (full/partial), number of APs, and the area of affected land.

Table 2. Scope of project impact

Permanent impact to land	No. of Parcels	Total area (sq.m.)	Affected area (sq.m.)	AP/AE
Partially affected residential land	3	4,789.00	319.72	3
Partially affected commercial land	1	1,200.00	100.50	2
Partially affected arable agricultural land	1	1,700.00	675.00	1
Sub-total of impact on private land	5	7,689	1,095.22	6
State-owned land attached with project affected private assets of 13 APs	13	N/A	2,380.36	13
State-owned land attached project affected assets of 2 AEs legal entities	2	N/A	644.33	2 AE
Sub-total of impact on State land	15		3,024.69	15
Total	20	7,689	4,124.41	21

Project affected cemetery in village Oksu

87. The project will impact metal fencing, gates, and 772 sq.m. of a concrete covered area of a cemetery in the village of Oksu. No graves are affected as a result of road impact. The metal

¹⁴ In accordance to ADB SPS 2009 and this LARP the AP will forfeit more than 10 % of income generating land. As the land-use rights holder losing 10% or more of agricultural land the AP will receive additional allowance for this significant impact.

¹⁵ In all these cases, project will impact only supplementary structures but not the main buildings.

fence and gate of the cemetery will be restored during civil works and cost will be included in the BOQ.

Project affected market in village Oksu

88. Additionally, the local market located in Oksu village will lose 57 sq.m. of its territory. There is a shed organized for trading. The shed is not used by any person for trading, therefore no one will be affected during the shed relocation period. During civil works, when shed relocation is needed, a temporary shed will be organized if any traders are confirmed by then. All potential traders and customers will be guaranteed uninterrupted, safe access, and use of a trading shed similar to pre-project level facility.
89. Within the framework of this road section rehabilitation the trading shed will be relocated and combined with newly constructed facilities including a mother and baby room and separate WCs for men and women, similar to the arrangements being carried out along the Dushanbe-Kurgonteppa road.
90. The cost for restoration of Oksu market, relocation of trading shed, construction of mother and baby room and separate WCs will be allocated from the budget of Gender Component.

3.3. Affected Perennials: Fruit-bearing, Decorative and Timber Trees

91. In total, the proposed road project will impact 140 mature fruit bearing perennials, and seven (7) saplings. Among these are 45 fruit trees and one (1) sapling grown on four (4) private land parcels.
92. The remaining 95 mature fruit trees and six (6) saplings are grown on state land occupied by the local population residing along the existing road. Though these project affected fruit trees are located on state-owned land occupied by local residents neglecting legal boundaries of their residential land parcels and occupying state land by encroaching fences towards the existing road, under this LARP all 140 mature fruit trees and seven (7) saplings will be cash compensated in favor of APs claiming possession of these fruit trees.
93. In addition, the project will impact fruit trees grown on the territories of the State Forestry Institutions of Dangara and Kharlton districts. These areas will be transferred to MOT for road construction purposes through official letters and without cash compensation. Table 4 below provides the description of number and species of project affected mature fruit trees and corresponding number of APs eligible for cash compensation of lost fruit trees.

Table 3. Number of project affected mature trees and APs

No	Species of project affected perennial fruit trees	Number of affected mature fruit trees	Number of APs (Claimants)
1	Apricot	21	4
2	Quince	9	1
3	Cherry	9	5
4	Pear	9	1
5	Fig	4	1
6	Peach	12	2
7	Sweet cherry	10	2
8	Plum	5	1
9	Mulberry	28	5
10	Pistachios	23	1
11	wild Cherry	10	1
Total		140	12 (without double counting)

94. Table 5 below provides a summary of the number and species of project affected fruit tree saplings and corresponding number of APs eligible for cash compensation of the lost fruit trees.

Table 4. Number of APs losing project affected fruit trees saplings

No	Species of project affected perennial fruit trees	No. of affected fruit tree saplings	No. of APs
1	Quince	1	1
2	Cherry	1	1
3	Pear	3	1
4	Nut	1	1
5	Sweet cherry	1	1
Total		7	4 (without double counting)

95. An amount of cash compensation was evaluated by the specialists from the State Unitary Enterprise for Valuation (SUE). The SUE specialists used the inventory data of project affected fruit trees collected by the Social Safeguards Specialists during DMS and undertaken for the LARP preparation. The specialists of SUE evaluated each project affected fruit tree according to approximate age and productivity levels. Amount of compensation was calculated per each fruit tree; average market price of specific fruit in TJS/kg multiplied by the number of years required to grow a sampling of the same species to a similar age and productivity level. Each unit rate also included the current market price of a sapling.

3.4. Affected Crops

96. No annual crops are reported to be grown on privately owned or used land parcels along this road section.

3.5. Affected Business

97. Along this road section only one (1) AP, patent holder, will experience loss of income due to business stoppage, as a result of project impact to operating grocery shop attached to land parcel of residential designation.
98. The only main structure used as an operating grocery shop will be fully affected. Aside to the main structure, the AP will lose some supplementary structure, fencing, and some other improvements. However, as stated earlier, these commercial structures are adjacent to partially affected residential land parcel, and the owner is able to construct a new building on the remaining portion of his own land parcel.
99. Once compensated, the owner will be able to build a new shop on his own land parcel. The AP will not incur extra costs such as transport or storage of stock or other assets while awaiting completion of construction of the new grocery shop. Table 6 below provides a summary business stoppage and compensation entitlement.

Table 5. Loss of income due to interrupted commercial activity

Description	No of APs	Duration of stoppage
Patent holder trading in the project affected grocery shop	1	6 months
Total	1	

100. The Construction Company will be responsible to ensure disruption of commercial activities occurs no longer than the duration of stoppage as described in the LARP. However, should a prolonged disruption be unavoidable due to delayed road works, the Construction Company will be responsible to cover such losses.

3.6. Project Affected Structures

101. No residential dwelling will require demolition for road project purposes. Since no residential properties will be demolished, no AP would be subject to physical relocation.

102. However, one (1) main structure used as a grocery shop, and a number of supplementary structures, some improvements, as well as light fences, metal gates and fences will still be affected thus making 19 APs eligible for cash compensation for project affected structures and improvements.

103. Table 7 below groups the affected structures according to Main, supplementary, other improvements and fences/walls. Avoiding double counting, in total, 19 APs are eligible for cash compensation. The table also provides the Kocks Code number showing that some APs will be cash compensated for several types of project affected structures.

Table 6 Summary description of project affected structures

No /Parcel Code	No of AP/ Item	Main structure (sqm)	No of AP/ Item	Supplementary (sqm)	No of AP/ Item	Other improvement e (sqm)	No of AP/ Item	Walls/fence (sqm)	Total of affected items	Total sqm
1							1	161	1	161
2							1	53.2	1	53.2
3					1	6			1	6
4							1	85.78	1	85.78
5							1	115.05	1	115.05
6							1	35.89	1	35.89
7	1	29.6	1	124.32	1	40.32	1	46.44	4	240.68
8									0	0
9			1	78.87	1	0.81		31.2	2	110.88
10					1	34.91	1	166.4	2	201.31
11							1	50.4	1	50.4
12							1	24.3	1	24.3
13					1	73.5			1	73.5
14							1	48.44	1	48.44
15					1	247.5			1	247.5
16									0	0
17							1	99.2	1	99.2
18					1	4.6			1	4.6
19							1	32	1	32
20					1	15.58	1	153.01	2	168.59
21					1	11.57	1	7.5	2	19.07
Total	1	29.6	2	203.19	9	434.79	14	1,110	26	1,777

104. As show in Table 7, one (1) AP will lose a main structure (grocery shop) built on residential land parcel. Two (2) APs will lose supplementary structures. Nine (9) APs will lose other improvements, such as Tandoor, concrete foundation, retaining walls, and concrete made staircase. Fourteen (14) APs will face impact to fences, walls, and metal gates. In total, without double counting nineteen (19) APs will experience impact on structures of various types.
105. None of the structures will be demolishes until the AP had received full cash compensation, collected salvaged materials, vacated the building and the Reverie-delivery Act is signed between AP and PIU.
106. In addition, PIURR and Social Safeguards of Supervision Company and Contractor prior to demolition of project affected structures carry out additional observation site visits to confirm the ROW is clear for civil works on that specific location.

3.7. Severely Affected APs

107. In compliance with the entitlement matrix (EM) adopted for this project, APs losing more than 10% of agricultural land/income resources, APs needed to physically relocate due to loss of home or business are classified severely affected, and are eligible for severity/livelihood rehabilitation allowance in the form of cash compensation equal to the official monthly average wage for three (3) months.
108. Under this LARP, all severely affected APs are identified according to the EM entitlements. In total, only two (2) APs will experience severe impact of the proposed road project. One (1) is the fully affected income generating commercial facility, and the second is the single (1) AP losing 39.71% of privately utilized arable agricultural land.
109. No AP will lose a residential dwelling, therefore none will require physical relocation.
110. To summarize, along the proposed road project, in total, there are only two (2) severely affected APs. Both APs are losing more than 10% of their income generating assets, and are eligible for a one-time allowance for severe impact. Table 8 below provides summary figures with regard to severely affected AHs eligible for the one-time allowance.

Table 7 Summary of Severe Impact

Description	No. of APs
Full impact to commercial facility (economic displacement)	1
Loss of 10% and more of income generating agricultural arable land	1
Total	2

3.8. Vulnerable Households

111. One AP qualifies as vulnerable following analyses of the result of census and SES carried out during DMS¹⁶.

¹⁶ The DMS was carried out during August 3-10, 2020.

3.9. Relocation

112. No AP will need to relocate as a result of the project. The owner of the grocery shop will use the remaining portion of his own residential land parcel for his new shop and will continue to operate his grocery shop in the existing structure until the new shop is constructed. He will not need to rent any storage facilities to temporarily store salvaged materials and shop equipment prior to construction of the new shop on his residential land parcel.
113. Therefore, no AP will require relocation or transportation allowance.
114. The PIURR will coordinate with local government and relevant state agencies to assist AP in obtaining construction permit and updated land certificate.

3.10. Scope of Project Impact and Number of APs/AEs

115. Overall, the scope of civil works impact in this road section is as follows:
- a) In total, the civil works will impact two (2) AEs and nineteen (19) APs.
 - b) In total, twenty-one (21) land parcels are partially affected. Among these, five (5) are privately and sixteen (16) state owned with attached project affected perennials, supplementary structures, various improvements, and fences subject to cash compensation.
 - c) Of five (5) private, three (3) residential land parcels (3 APs) will permanently lose a portion of land with a combined area of 319.72 sq.m.
 - d) No AHs will lose residential dwellings, and none will require physical resettlement.
 - e) One (1) AP will lose a portion of private commercial land but project impact will not disturb his commercial activities.
 - f) Two APs will experience severe project impact: (i) one (1) AP is qualified as severely affected due to loss of a portion (39.71%) of private agricultural land parcel used for growing fruit trees; and (ii) the another (1) AP will be severely affected as result of full and permanent impact to commercial facility, operating grocery shop.
 - g) One (1) AP patent holder trading in project affected grocery shop will experience temporary stoppage of business activity.
 - h) Fences and supplementary structures constructed/claimed by 19 APs will be affected.
 - i) Twelve (12) AHs will lose 140 mature fruit trees and seven (7) fruit tree saplings, and
 - j) One of the nineteen (19) APs belong to households that are considered vulnerable.
116. Overall, two (2) AEs and nineteen (19) APs have been enrolled to be compensated for the losses incurred as a result of the civil works in this road section.

IV. SOCIO-ECONOMIC PROFILE OF AFFECTED PERSONS

117. The census and SES, conducted during the preparation of this LARP, covered 100 percent of APs and their households.

4.1 Demography data

118. The socio-economic profile of the APs and their households is based on the information obtained during census and the results of socio-economic survey of eighteen (18) AHs comprising 120 members, among these are 67 males and 53 females.

119. The average size of APs' households is 5.95 persons. However, one surveyed household comprises thirteen (13) members. Table 9 below shows the composition of the APs' households disaggregated according to gender and age groups of adults and under-age persons.

Table 8. Gender of heads and members of APs' households

Gender	Head of Household		Members of Household	
	Number	(%)	Number	(%)
Male	19	100	67	55.83
Female	0	0	53	44.17
Total	19	100	120	55.83

120. Table 10 shows the age composition of the members and heads of the APs' households. According to the table, the largest group (36.63%) is within the age group of young adults, between 18 and 35 year group. Children below seven (7) years of age as well as youth aged from 8-17 years each make up 24.75 %.

Table 9 Age of head and members of APs' households

Age group	Members of Households		Head of Households	
	Number	%	Number	%
0 – 7	2	1.98	0	0
8 – 17	25	24.75	0	0
18 – 35	37	36.63	2	10.53
36 – 45	11	10.89	7	36.84
46 - 55	12	11.88	4	21.05
56 - 65	7	6.93	3	15.79
66 and more	7	6.93	3	15.79
Total	101	100	19	100

121. Table 11 below displays marital status of the members of the APs' households and confirms that among the 19 surveyed households, the majority of members and heads of households are married couples. There are two female widows, supported by their sons who are the male breadwinners in the family.

Table 10 Marital status of heads and members of APs' households

Marital Status	Head of Household		Members of Household	
	Number	%	Number	%
Married	19	100	61	60.40
Single	0	0	11	10.89
Widow (Female)	0	0	2	1.98

Marital Status	Head of Household		Members of Household	
	Number	%	Number	%
Divorced	0	0	0	0.00
Under-age	0	0	27	26.73
Total	19	100	101	100

122. Two third of the APs' households is represented by extended families, while nuclear families make up 27.78 and often count 8-9 and more family members.

Table 11Types of APs' households

Type of Household	Number of Households	Percent (%)
Nuclear	6	31.58
Extended	13	68.42
Total	19	100

4.2 Occupation and Main Source of Income

123. As displayed in Table 13 below, the major source of income of the APs' households, based on the information obtained during census and socio-economic survey of the APs and their households is agriculture. Table shows the main occupations of APs with agricultural activity as one of the main occupations of the rural population. Some are hired in private sector or run small businesses. Beyond horticultural activities, very few are seeking regular employment opportunities.

Table 12Occupation of heads and members of APs' households

Occupation	Head of Household		Other Members	
	Number	%	Number	%
Pensioner	0	0.00	2	1.98
Agriculture	6	31.58	1	0.99
Hired in private sector	5	26.32	4	3.96
Business owner	2	10.53	7	6.93
Housewife	0	0.00	22	21.78
Schooler/student	0	0.00	25	24.75
Unemployed	0	0.00	4	3.96
Civil Servant	1	5.26	2	1.98
Working abroad	5	26.32	9	8.91
Kids/toddlers	0	0.00	25	24.75
Total	19	100	101	100

124. Tables below display average monthly income and sources of income of the APs' Households.

Table 13 Average monthly income of APs' households

Monthly Income (TJS)	Number of Households	%
300-1,000	2 ¹⁷	10,53
1,100-2,000	16	84,21

¹⁷ Monthly income of these two households makes 1,000 TJS/month. Pensioner parents are also supported by adult children working as hired labor on construction.

2,100-3000	1	5,26
3,100-4,000	0	0,00
4,100-6,000	0	0,00
6,100-10,000	0	0,00
10,000-20,000	0	0,00
Over 60,000	0	0,00
Total	19	100

Table 14 Sources of income of APs' households

Source of Income	No of Households	%
Agricultural activity	2	10.53
Employment	5	26.32
Business	2	10.53
Labour work	5	26.32
Remittances	3	15.79
pension	2	10.53
Government targeted aid	0	0
Trading agriculture produce	0	0
Total	19	100

125. Most APs reported several sources of income, of these households, they included activities such as agricultural and temporary labor work, pensions, and remittances.

4.3 Expenses of AHs

126. The main share of expenses in APs' households includes food, health care, agriculture activity, vehicle maintenance, purchase of consumer goods, and housing repairs.

Table 15 Percentage ration of average monthly expenses of APs' households

Expenditures	Percentage Ration of Expenses
Food	50.26
Clothes	23.61
Health care	1.18
Education	0.84
Communication	2.02
Transport	7.3
Social activities/commitments	5.1
Agricultural activities	1.2
Water	0.95
Utilities	6.27
Land tax	1.36
Bank loan interests	0.00
Total	100

4.4 Education and Literacy

127. The level of literacy of project affected households is reported to be 100%.

Table 16 Education and literacy of surveyed households

Education/Literacy	Head of Household		Other members (except the Head)	
	Number	%	Number	%
Illiterate	0	0.00	11	10.89
Primary	0	0.00	14	13.86
Secondary	11	57.89	35	34.65
Technical/Vocational	2	10.53	0	0.00
Higher (university)	6	31.58	16	15.84
Kids	0	0.00	25	24.75
Total	19	100	101	100

4.5 Vulnerable Households

128. Based on census and SES results, one AH was prescribed vulnerable.
129. According to the SES results, none of nineteen (19) households are below the poverty line, and none of the household heads suffer from any disability. There are two female widows. One elderly female widow lives with the family of her son who is the main breadwinner and supports his family and his elderly mother. This household is not considered vulnerable according to the EM.
130. However, another younger widow of 23 years of age, is a single mother who lives with her parents and takes care of a three (3) year old child; also a 25 year old son of the household is the only breadwinner who works on construction abroad (in Russia) and provides financial remittances for the family of nine. The father, head of the household and seven other adult members of the family are unemployed.
131. This female AP is considered as single mother and covered under this LARP as only AP qualified to receive onetime vulnerability allowance.

Table 17 Vulnerability among APs' households

Description	Number of AHs	Percent (%)
Vulnerable households	1	5.26
Households not qualified as vulnerable	18	94.74
Total	19	100

4.6 Women in the Local Context

132. Women are mainly involved in household activities. Women participate in household decision-making processes and organizing family matters. During census and socio-economic survey, most families suggested male household members to be the respondents, though female members of the household were also willing interviewees.

Table 18 Activities adult females are Involved

Type of activity /work	No. of AH	Percent
Selling agricultural produce	0	0
Civil servant	1	2.94
Agricultural activities	4	11.76
Handmade produce	0	0

Household activities	27	79.41
Cattle breeding	2	5.88
Planting/growing crops	0	0
Pensioner	1	2.94
Trading and business	0	0
Total	34	100

133. Women are actively involved in decision making process in family care, children's education, household issues, and sharing social responsibilities. Table below displays the level of participation of females in various activities.

Table 19 Participation of females in decision making process

Activity	Percent
Financial Issues	14.12
Children's education	17.84
Giving care to children's health	21.24
Property acquisition /sale	16.28
Everyday work in the family (Family routine)	15.92
Social events/ social responsibilities	14.60
Total	100

4.7 Impact on Minorities

134. No ethnic minorities are among the APs. The APs are primarily Tajik. No group of local residents showed any specific or unique features that could be identified as a distinct minority group. No impact on Indigenous People is expected from the Project. The investment project area does not include communities that may be defined as indigenous peoples under ADB's Safeguard Policy Statement (2009). Consequently, the indigenous peoples' impact classification for the proposed project is Category C.

4.8 HSE of AHs

135. At the construction phase the project will include appropriate measures to mitigate the potential risk of HIV/AIDS and other sexually transmitted diseases, as well as drugs, human trafficking, child labor, and labor trafficking. These measures include raising public awareness and shall be undertaken by Construction Contractor and/or Supervision Consultant as requested according to identified needs.

V. LEGAL AND POLICY FRAMEWORK

5.1 Country Legal Regulations

136. The policy framework for the Project is based on the Law of the Republic of Tajikistan and the ADB Safeguards Policy Statement of 2009. In the legislation of Tajikistan, there is no special law or policy, which regulates the issues of resettlement and/or land acquisition or expropriation of rights to land and immovable property for state or public needs. Moreover, there is no separate law that completely provides norms and mechanisms for the determination of the full and fair, market value of land.
137. The key 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)¹⁸
 - b) Land Code (amended in 2012)¹⁹
 - c) Land Code (amended in 2008)²⁰
 - d) Civil Code (amended in 2007)²¹
 - 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)²²
138. The Constitution of the Republic of Tajikistan, Land Code and the Civil Code of the Republic of Tajikistan are the fundamental laws on which the legislation is based. The framework for the Project is based on the ADB SPS 2009 requirements and applicable laws, regulations and policies. Where differences exist between local law and ADB policies and practices, the resettlement for this Project will be resolved in favor of the later.

Types of land ownership and land use rights allocation

139. All land is owned by the Republic of Tajikistan, which is responsible for its effective use. Several tenure options for agricultural land are defined by the Land Code. There are primary use rights and secondary use rights. Primary use rights include the following:
- 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, defence 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.
140. The only secondary use-right recognized under the Land Code is the right to lease. According to the Code, primary rights holders may lease out their plots for a term not exceeding 20 years. The land is used in accordance with the state-established land-use standards. The right to use land may be terminated for various reasons such as termination of activities by the land user,

¹⁸ Constitution, November 6, 1994, as amended on 22 June 2003.

¹⁹ Land Code of the Republic of Tajikistan as amended on 01 August 2012

²⁰ 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.

²¹ 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

²² Approved by the Decree of Government of Republic of Tajikistan, December 30, 2011. № 641.

non-use for two years and use of the land differing from the use established in the use-rights document. (Land Code Article 37).

141. 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"²³, №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 hectares²⁴.
142. 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 (3) types of Dehkan land: individual (the land use certificate is held by an individual), family (the certificate is jointly held), and collective (the certificate details common property shareholders).
143. A collective 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).
144. Presidential land is similar to 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).
145. Reserve fund land usually consists of unused land. It also includes land plots for which land use rights have been abandoned. State reserve land is at the disposal of the district administrations and is rented out or distributed for individual agricultural cultivation purposes. Article 100 of the Land Code states that State land stock is reserved for the agricultural, industrial, transport and other needs of the national economy.
146. Supported farmland 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.

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

147. The Constitution of the Republic of Tajikistan is the main legal document which guarantees citizen's rights. Article 13 states that land, bowels of the earth, [i.e. mineral resources], water, airspace, animal and vegetable kingdoms, [i.e., flora and fauna], and other natural resources are owned by the state, and the state guarantees their effective use in the interests of the people.

²³ Law of the RT "On Dehkan farms".2002. www.mmk.tj

²⁴ 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.

148. 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.
149. 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.”

Provisions regulated by the Land Code

150. In August 2012 amendments to the Land Code that enable legal sales and lease transactions for land use rights were approved²⁵. The Land Code also includes changes to the provisions related to land acquisition²⁶.
151. 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.
152. The state may revoke land plots for state and public needs from land users after:
- a) allocating a land plot of equal value
 - b) 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
 - c) fully compensating for all other losses, including lost profits, in accordance with the legislation of the Republic of Tajikistan.
153. 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).
154. 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.
155. 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.
156. 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).
157. Upon termination of the rights to a property, the property will be assessed based on its market value (Article 265 Civil Code).

²⁵ Law 891, dated August 2012, article 19.

²⁶ Articles 37-45.

158. 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).
159. In the event that international agreements recognized by the Republic of Tajikistan establish other rules than those contained in the Land Code of the Republic of Tajikistan, the rules of the international agreement shall be applied (Article 105, LC of the RT edition dated 28 February 2004 No. 23).
160. The Land Code of 1997 is the core legal document related to land acquisition. It has been updated a few times and most recently in August 2012. Article 2 of the Land Code states that *“land is an exclusive ownership of the State... [but]... the State guarantees its effective use in the interests of its citizens”*. However, Articles 10-14, the Land Code outlines land title as being of long-term, short-term, and inherited land use entitlement. Article 14 of the LC of the RT also states that land users may lease land plots by agreement (In the Republic of Tajikistan Law addition dated 1 August 2012 No. 891).
161. 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 favoured. 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”*.
162. In accordance with Article 19 of the Land Code, the land right users may:
- a) 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)
 - b) lease the land plot
 - c) establish private (based on consent) servitude to a land plot; (In edition dated 1 August 2012 No. 891)
 - d) mortgage the right to a land plot
 - e) 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.
 - f) 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:
 - g) 40% to the Hukumat, which will no longer derive income from taxes and leases for the portion of the land being acquired
 - h) 60% to the land user, who suffers a reduction in his/her income-generating asset.
163. 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.

5.2 ADB SPS 2009 Involuntary Resettlement Safeguards

164. The three important elements of ADB's involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. For any ADB operation requiring involuntary resettlement, planning is an integral part of project design, to be

dealt with from the earliest stages of the project cycle, taking into account the following 12 key policy principles for involuntary resettlement.

165. 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 APs 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 APs 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 APs' 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 taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

ADB SPS 2009 distinguishes three categories of APs, with variable compensation needs:

- a) Legal APs: APs with formal legal rights to land lost in its entirety or in part.
 - b) Legalizable APs: APs 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: APs 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.
166. 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 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.
167. The risk of opportunistic encroachment on land designated for acquisition by the project is managed through the declared June 25 2020 cut-off date.
168. 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)²⁷.
169. 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.
170. The following core involuntary resettlement principles were adopted for this Project:
- a) land acquisition, and other involuntary resettlement impacts will be avoided or minimized by exploring all viable alternatives in the Project design
 - b) consultations with APs on compensation, disclosure of resettlement information to APs, and participation of APs in the planning and implementation of rehabilitation measures will be ensured
 - c) vulnerable groups will be provided with a special assistance
 - d) payment of compensation to affected persons including non-titled persons (e.g., informal dwellers/squatters, and encroachers) for acquired assets (except for illegally used land) at replacement rates
 - e) 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
 - f) provision of income restoration and rehabilitation, and
 - g) establishment of appropriate grievance redress mechanism.

²⁷ Based on the SPS (Appendix 2, para. 10) in absence of well-established land markets land compensation will be provided based on a thorough study of the land transaction, use, cultivation and productivity patterns in project areas. One method accepted by ADB in such a situations would be to provide land compensation based on land productivity or land reproduction costs.”

Table 20 Comparison of Provisions under ADB SPS 2009 and National Legislation

Item	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
Eligibility	APs with legal rights receive compensation for land and non-land assets/improvements and provided with rehabilitation assistance	APs with legal /registered land use rights are eligible for compensation \ rehabilitation.	Same in principle and application.
	APs with legalizable rights are entitled to compensation for land and non-land assets/improvements and provided with rehabilitation assistance.	APs 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/improvements and provided with rehabilitation assistance	Informal land users (without right to use land) are not entitled to any compensation (for land or non-land assets)	Informal land users will be entitled to compensation for non-land assets and improvements and for rehabilitation assistance
Livelihood rehabilitation standards	ADB Policy requires improvement in the standards for AP livelihood	No such a provision exists in the national law	APs whose livelihood are affected will be supported to help restore their livelihood. Poor and vulnerable APs will be assisted to improve their standards of living to at least the national minimum standards.
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,	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.

Item	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	transaction costs and other deductions.		
	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.	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, APs 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.
	F. Loss of jobs. Indemnity of lost income so as to ensure AP 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.
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.	B. Information disclosure LAR decisions to be published in national media in Russian and	B. Draft LARP and updated LARP to be disclosed to

Item	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	LAR documents should be disclosed in a timely manner and in a language accessible to local population.	Tajik within 5 days from approval.	the AHs as per ADB policy and procedure.
	C. Public consultation. Meaningful public consultations are to be held with the APs. APs should be informed about their entitlements and options, as well as resettlement alternatives.	C. Public consultation. There are no requirements to inform directly the APs about their entitlements and resettlement options as such.	C. Consultations with AHs were conducted in the draft LARP preparation. Similar consultations will be done during LARP updating and implementation.
	D. GRM should be established for each project and information on GRM should be communicated to APs.	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. DPs and other stakeholders to be notified.
Prior acquisition	Property can be acquired only after full compensation is paid to the APs	Property can be acquired only after full compensation is paid to the APs	A. Same in principle and application.
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 to the pre-project level. A series of activities similar to those mandated by the SPS are however required as follows:	A. LARP has been prepared following ADB policy and procedures. The LARP is based on detailed design.
	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 Census (including review of legal status). Identifies all APs and establishes a list of legitimate Beneficiaries.	Census: AP Identification. Identifies all APs by residence or locality and establishes a list of legitimate beneficiaries based on land title and house ownership status.	Same in principle and application. Valuation mechanisms need to be updated.

Item	ADB SPS (2009) and ADB practice for application	Tajikistan	Reconciliation
	Socio-economic survey. Includes information on AP'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 exist 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) Buildings 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 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.
Special assistance to vulnerable severely affected and relocating APs	A. Vulnerable APs should be identified and special assistance should be provided to them so as to help their restoration or, improvement of pre-project level of livelihoods	A. Vulnerable APs: No special consideration is required for vulnerable APs; no distinction is made between APs 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. APs to be resettled receive	Resettlement assistance No special consideration is required for resettled APs. However, the	B. Relocating DPs will be provided with transportation allowance

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

VI. COMPENSATION ENTITLEMENTS

171 The three important elements of ADB's involuntary resettlement policy are (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it. Where differences exist between local law and ADB policies and practices, the resettlement for this Project will be resolved in favor of the later.

172. All APs included in the LARP will be provided with compensation and resettlement assistance to help the restoration of their livelihoods to pre-Project levels. The combination of compensation measures and resettlement assistance offered to them depends on the nature of the lost assets and the magnitude of the Project's impact as well as the social and economic vulnerability of the affected persons. All APs are eligible for compensation and rehabilitation assistance, irrespective of their land ownership status. The compensation packages must reflect replacement costs for all losses (such as land, crops, trees, structures, businesses, incomes, etc.).

6.1 Land: residential, commercial and Dehkan

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

174. Agricultural land: Households with agricultural land use right will be rehabilitated through the provision of compensation and equal to the following.

175. Permanent land use right holders (individual, family, and cooperative/collective Dehkan farms²⁸): Cash allowance for loss of land use rights equal to the average net income from crops in the past five (5) years for the project district, obtained from the Statistical Department, or provision of an alternative land plot of equal value/productivity to the revoked plot. If the residual portion of the affected plot is too small to use, the whole plot is compensated or exchanged.

176. Leaseholders: Cash allowance for the lost income equivalent to one (1) year of average crop productivity. The owner of the land use right will be compensated for the loss of the right and the loss of income equivalent to the loss of the lease amount for the remaining lease period.

177. Agricultural tenants: These tenants will receive their share of harvest at market rates (if the impact is temporary) plus 1-year additional average crop productivity compensation (if the land is lost permanently).

178. Residential/Commercial Land: Households with affected residential/commercial land use rights, will be rehabilitated through the provision of the following compensations.

179. Permanent land holders: Cash allowance for the loss of land use rights equal to the current land lease rate/land tax at the time of expropriation, multiplied by 25, the provision of an alternative land plot of equal value/productivity (similar conditions and facilities) to the affected plot. If the residual portion of the plot to be revoked is too small to use, the whole plot is compensated for or exchanged.

180. Leaseholders: Cash payment for loss of income for a minimum of three (3) months and up to 12 months, or continuation of rental agreement on an alternative land plot. The owner of the

²⁸ Dehkan farms are compensated for all impacts and losses as legitimate land users.

land use right will be compensated for loss of income equivalent to the loss of the lease amount for the remaining lease period.

6.2 Buildings and Structures

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

6.3 Crops and Trees

182. Crops: Compensation to all APs irrespective of their legal status in cash equal to one (1) year of average crop production in the project district. This shall apply whether the land is fallow, or cropped.
183. Fruit-bearing trees: Compensation based on an age category and the market value of one (1) year of income times the number of years needed to grow a tree of similar productivity, plus purchase price of seedlings and starting materials.
184. Wood and decorative trees are not compensated in cash as APs keep the logged down trees. This decision was taken by APs in the consultation meetings. The alternative to this was cash compensation for wood trees but trees were to be collected by the client. Other wood and decorative trees belonging to local government institutions were will re-planted during the project implementation.
185. Wood and decorative trees are not of special variety and do not represent high valued trees.

6.4 Businesses

186. Permanently lost business: Compensation equal to up to one-year's net income (lost profit) plus the cost of lost certificates/licenses/patents. The income calculation shall be based on the official tax declaration, or (if a tax declaration is unavailable) it is accepted as the official monthly average wage multiplied by the number of months needed to restore the business (up to 12, and 6 months under this LARP).
187. Temporary stoppage of business will be compensated as one-time allowance that equals to average monthly salary of 1,407 TJS/m defined as of May, 2020 by GoT. Compensation for temporary stoppage of business varies between 3 to 6 months according to expected actual stoppage defined on the basis of impact type, such as:
- a) Permanent loss of main structure-building used for commercial activities: 12 months expected stoppage of business
 - b) Permanent loss of supplementary structures to be reinstated on the same land parcel: 6 months
 - c) Impact to fences and other improvements and expected short term stoppage of business operations during actual civil works along the road: 3 months

- d) Loss of wages, salaries and rented facilities: 3 months.

6.5 Relocation, Transition and Severity/Livelihood Rehabilitation Allowances

188. Transportation allowance for the cost of labor and vehicle rent to transport the households/and business belongings to a new location.
189. Communal and site preparation cost for the alternative land plot (including connection to power grid, water supply system, installation of a latrine).
190. APs who lose more than 10% of their income generating land or assets will receive, in addition to cash compensation, one time allowance equal to three months of the official monthly average wage.
191. Project affected common, public or any government department assets will be compensated based on compensation principles affected by the project and/or will be fully replaced or rehabilitated to maintain their pre-project functions. Relocation of all other communication facilities will be carried out by the project Contractor and will be included in the contractor BOQ.

6.6 Vulnerable Groups

192. Tajikistan's legislation does not make a distinction between vulnerable and other categories of APs when deciding on compensation for affected assets. Also, there is no special consideration given under Tajikistan's laws and regulations to vulnerable households. The approach to identify project affected vulnerable households considered all relevant criteria²⁹ as per ADB SPS 2009, this LARP and established practice.
193. Therefore, in compliance with approved LARP one-time allowance for vulnerable affected families is equivalent to official monthly average wage for 3 months. In addition, enrolment in Government social assistance, if not yet enrolled and priority in project related employment for members of vulnerable households.

6.7 Establishment of the Cut-off Date

194. For the proposed road section compensation eligibility is limited to APs by a **cut-off date, June 25, 2020**. The APs have been informed about the essence and meaning of the cut-off date during the DMS and public consultation.
195. **APs who settle in the affected areas, or erect any fixed assets**, such as fences, auxiliary structures, buildings of residential and/or commercial designation, perennials (decorative and /or fruit bearing trees) and woodlots and other fixed or movable assets (except annual crops³⁰), **after the cut-off date will not be eligible for any compensation.**

²⁹ As articulated in the Definition of Terms of this LARP, vulnerable is "anyone who might suffer disproportionately or face the risk of being marginalized from the effects of resettlement and includes: female-headed households with dependents; disabled heads of household; poor households; landless people; elderly households with no means of support; households without security of tenure; ethnic minorities; and small farmers (with landholdings of two hectares or less).

³⁰ APs will not be restricted to keep using project affected agricultural land parcels to grow annual crops and vegetables. Considering that sometimes LARP implementation may be delayed for several months for various reasons, APs are encouraged to keep cultivating project affected land parcels to grow annual crops and vegetables and include default cash compensation for annual crops even if APs will manage to collect yield prior to vacating project affected land for road construction purposes.

196. However, they will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated, and they will not pay any fine or sanction. Forced eviction will only be considered following exhaustion of all other efforts.

6.8 Entitlement Matrix

197. The table below describes the Entitlements and additional allowances to compensate all type of income and assets loss identified in the context of this specific project.

Table 21 Entitlement Matrix

No.	Asset	Affected Person/ Affected Entity	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.
		Cooperative 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/ 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 users (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 users (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"	Cash compensation at replacement rate for affected structure/other fixed assets (without deduction of depreciation, taxes, costs for salvageable materials and

		and encroaching structures	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, including "informal" and encroaching	Cash compensation equal to gross income generated on the affected land area for 1 year at market rate at time of revocation. No compensation for land will be paid.
5	Trees	All APs, 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. APs choice was to collect the wood from the cut trees. APs will be eligible to dispose logged trees themselves, if they so choose.
6	Business and employment (temporary and permanent)	All APs (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 ³¹ multiplied by 12. In case of the temporary loss of a business, compensation equal to the net income for the period of disruption (<1 year). The income is based on the tax declaration, or it is calculated based on the monthly average wage multiplied by the number of months since the operation was disrupted (less than 12 months).
			Workers indemnity for lost wages equal to 3 months' income. For temporary loss of employment, indemnity for lost wages for the duration of impact if less than 3 months.
7	Relocation	Physically displaced APs regardless of type of impact	Transportation allowance (cost of labor and vehicle rent to transport materials of the house/business structures to a new location). Communal and site preparation cost for the alternative land plot (including connection to power grid, water supply system, installation of latrine etc.).
8	Severely affected households	APs losing more than 10% of agricultural land/income resources,	Compensated based on the net annual income from the affected land.
		APs 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 receiving government	Allowance equivalent to official monthly average wage for 3 months;

		assistance for poor, single women-headed AH below poverty line, elderly households, and AHs with no means of living, AHs headed by disabled person or other AH members, landless people; households without security of tenure; ethnic minorities; and small farmers (with landholdings of 0,2 hectares or less).	Enrolment in Government social assistance, if not yet enrolled; Priority in project-related employment for members of vulnerable households (if at legal working age).
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	For unforeseen and temporary impacts other than stated above, ADB SPS (2009) general principles and objectives will be used as the minimum benchmarks, and appropriate impact mitigation measures will be sought to meet them. The payment for rented land during the construction, will be based on the market price under negotiated agreement. After discontinuation of land use, the land must be restored to the original status, or as per the agreement with the land rights holder.
Unanticipated impacts			
12	Other unanticipated assets loss or impact on livelihood	All APs residing in the project corridor before the cut-off date.	Compensated as per the Project-specific Entitlement Matrix.

VII. INSTITUTIONAL ARRANGEMENT

198. The planning, preparation and implementation of the LARP involves distinct processes and different parties. This chapter details the core agencies and organizations involved, as well as their roles and responsibilities during the land acquisition and resettlement activities. Various State Agencies and Institutions are responsible for different functions in the LAR processing and implementation. The Land Code stipulates that the decision for LAR for state and public needs is made by the local state authority (district authority) or, for major infrastructure projects, the decision on LAR may be approved by the Government. More specifically, the Prime Minister Office, which is inter alia in charge of construction/ infrastructure projects, endorses LAR related decisions, including compensation packages.
199. The core agencies and organizations involved in the LAR process are: ADB, Ministry of Transport, Project Implementation Unit for Road Rehabilitation (PIURR), Ministry of Finance, Ministry of Agriculture, State Committee for Land management and Geodesy (SCLMG), State Unitary Enterprise for Valuation (SUE) 'Narkhguzori', District Authorities, Local Executive Government Districts (Hukumats), Jamoats, City and Town Local State Executive Authorities, LAR Committee, and other state agencies.

Asian Development Bank (ADB)

200. The ADB is the funding agency of the Project. In addition to funding, ADB regularly reviews the Project and LARP implementation as well as provide clearance for contract awards to initiate civil works on the road Project.

The Ministry of Transport (MoT) is the Executing Agency.

201. The MoT has the overall responsibility for the Project in areas such as preparation, implementation and financing of all LAR tasks, cross agency coordination, management, monitoring and evaluation of all project implementation aspects, including procurement of goods, services, and works on the projects.

The Project Implementation Unit for Road Rehabilitation (PIURR)

202. The MoT has the Project Implementation Unit for Road Rehabilitation (PIURR) which is the Implementing Agency. The PIURR will, during the duration of the Project, ensure the operation of the project implementation unit and adequate resources and skilled personnel. The PIURR employs staff with extensive experience in managing ADB Projects including a full time designated safeguards specialist who, with assistance from other designated officials as necessary, will be managing the implementation of the LARP, including co-ordination of the work of all involved agencies.
203. The PIURR Social Safeguard Specialist is responsible directly to the PIURR Director. The PIURR Social Safeguards Specialist is responsible for: cross-agency coordination and cooperation, liaison between the resettlement specialists of the Supervision Consultant, other relevant organizations, agencies and government authorities and ADB with respect to LAR tasks, verification of the list of APs based on the final design; maintaining regular coordination and communication with relevant state agencies; following up and providing support during notification of APs on upcoming land/property acquisition; providing support during verification of the AP census and socio-economic survey data, and valuation of the land and other assets to be acquired; preparing documents for negotiation of compensation with the APs; preparing documents for formalizing agreements with APs, processing of compensation payments, following up with registration of land/property titles; conducting regular consultations and exchange of information with APs on the implementation of the LARP; disclosing the LARP and

the information brochures; reviewing and issuing the LARP to ADB for review; planning and managing LARP implementation and the distribution of compensation; following up with expropriation if such case occurs; assisting in receiving, recording, resolving and reporting of grievances related to land/property acquisition process and other issues related to the Project and coordinate with the local authorities; ensuring proper internal monitoring; monitoring/supervising the temporary land acquisition carried out by contractor(s) engaged for the project; preparing regular reports on the progress of LARP related activities.

The Ministry of Finance

204. The Ministry of Finance (MoF) has the overall financial responsibility for the Project. The LARP budget and compensation payments will be endorsed by the Ministry of Finance. The MoF is responsible for allocating the compensation budget for government projects. It basically performs well when and if the compensation budget is considered and included during the annual budgeting process.

205. The Ministry of Finance acts based on requests coming from an EA and transfers funds to the EA for compensation based on the supporting documents, i.e. endorsed LAR related documents. However, EAs/projects usually face problems getting funds allocated for LAR mid-year because the budget does not have any assigned funding for LAR even if the project is included in strategic documents.

Ministry of Agriculture

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

State Committee for Land management and Geodesy (SCLMG)

207. During the impact assessment, when land user data is concerned, land specialists from SCLMG subdivisions at district and Jamoat levels provide information on ownership/use rights and propose the replacement land plot for APs. The central office of the CLMG, through its subdivisions deals with the transfer of land use rights from land users to the EAs.

208. Based on the National Law on State Registration of Immovable Property and Rights to it a Unified Registration System (URS) was created under SCLMG, which combines functions of several institutions such as Regional and Rayon offices of Bureau of Technical Inventory (BTI), the Ministry for Justice and some of the functions of local government offices into a more efficient and streamlined registration authority. There are 34 URS offices operating at district and city level in the country.

209. During the LARP preparation and implementation phases, the agency will provide the following services: (i) together with the DMS and valuation teams visit each affected property, provide information on the right to use land and verify the documents on ownership use rights; (ii) participate in the technical inventory of the immovable property and assist in preparation of the ownership certificates for the remaining immovable assets; (iii) enable objective valuation of affected immovable assets by providing information necessary for the valuation.

State Unitary Enterprise for Valuation (SUE) 'Narkhguzori'

210. All agencies involved in the appraisal process should be licensed to perform such services. Of all the pricing and valuation entities functioning in the country, both independent and state-

owned, the State Unitary Enterprise (SUE) “*Narkhguzori*” (pricing) under the State Committee on Investment and State Property Management is the only licensed institution performing valuation services for huge infrastructure development projects. During the LARP preparation, the valuers of the SUE ‘Narkhguzori’ will evaluate: (i) all state-owned assets; (ii) project affected residential, commercial or industrial buildings (and the functional land plot associated with the structures).

District Authorities

Hukumat

211. The district (Hukumat) is the local administrative body, established in all cities and rayons. The planning and implementation of any LAR activities related to land and assets is done through districts’ authorities (Hukumats). This local administration has a direct link with the people through sub-districts known as ‘*Jamoats*’ and heads of communities (Raisi Mahala). The impact assessment is verified/signed and stamped by relevant district level specialists (chief architect, head of agriculture department, head of land management committee, etc.) Based on the list of APs, the district level authorities prepare a request letter for compensation payment and send it to the EA for further action.

212. In relation to land and immovable property administration, the Hukumat assists the concerned departments in resolving issues such as allocation of land use rights, and decisions on acquisition of land use rights and allocation of alternate sites for resettlement.

Jamoat

213. The Jamoat is the sub-district level local authority and is instrumental during impact assessment as it identifies/ verifies land users and their type and ownership/use status. The Jamoat also re-confirms the names of APs. While district level authorities officially endorse the list of APs, the Jamoat level authorities are the front-line force working with the surveyors to identify the impact. They also have a vital role in overseeing the clearance of the Project corridor after the APs receive the compensation. In addition, Jamoat is in charge of registration of titles to land use and land-lease agreements; keeping of household registers; and control over land protection and issuance of land use rights.

City and Town Local State Executive Authorities

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

LAR Committee and Other State Agencies

215. The main role of the LAR Committee is identification of impact and valuation of lost assets. The LAR Committee is comprised of representatives from the PIURR, District Commission for Land Acquisition, State Architecture, State Committee on Investment and State Property Management, State Unitary Enterprise for Housing and Communal Services, relevant local governments such as Jamoats and Hukumats, representatives of Dehkan farms, environmental department, PPTA safeguards team and others.

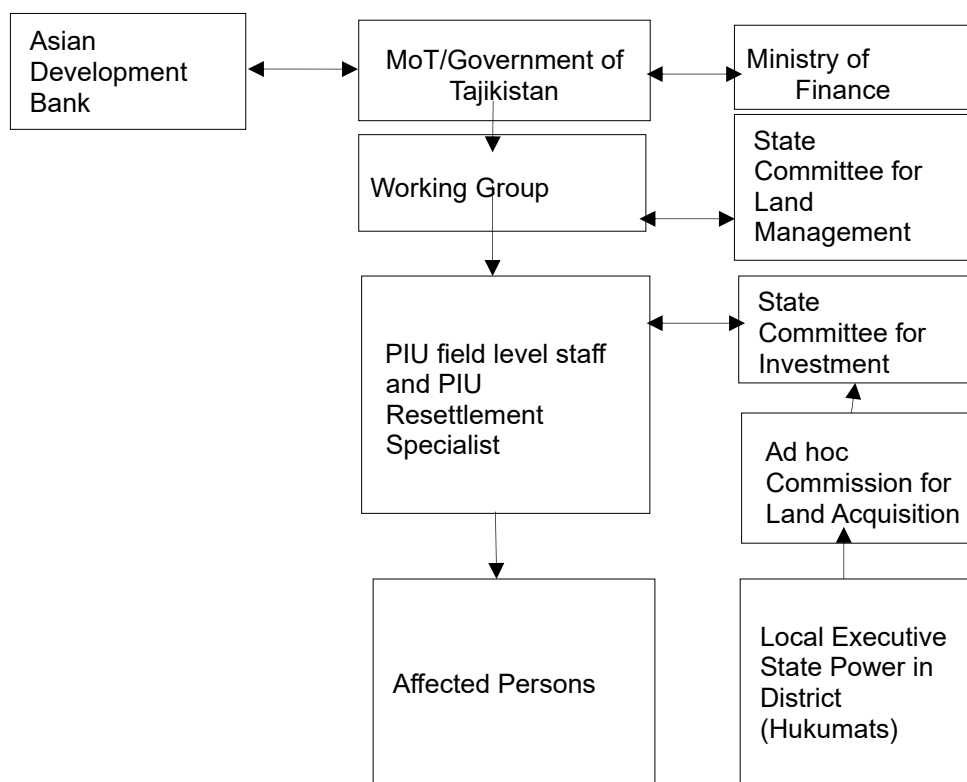
216. The LAR Committee seeks to ensure due diligence in the implementation of the Detailed Measurement Survey (DMS), census of the displaced persons and valuation of acquired assets. The LAR Group ensures that the DMS and valuation results are technically comprehensive and

comply with ADB social safeguard requirements as well as the relevant norms of the Republic of Tajikistan.

Construction Supervision Consultants

217. The Construction Supervision Consultants (CSCs) will assist PIURR to: Prepare and supervise the consultations, disclosure of information and documents, detailed measurement survey, census and socio-economic survey related to the finalization of the LARP; Coordinate with the licensed valuator in the conduct of official valuation of affected assets to ensure that these are conducted following the replacement cost principles of the ADB SPS (2009); Ensure complete relocation or reconstruction of affected structures/businesses before civil works commencement and payment of appropriate compensation before displacing the APs; Monitor LARP implementation process, provide data and support to PIURR during preparation of quarterly monitoring reports on LARP implementation and monitoring activities; Inform the PIURR on the issues and bottlenecks that arise during LARP implementation and monitoring, and provide recommendations and suggestions on solution of such issues; Control the activities of Contractor(s) and Subcontractor(s), including implementation of mitigation measures, temporary land acquisition, etc.; Provide advice to PIURR on LAR issues and grievance redress; Study, communicate to PIURR and implement immediate inter-mediation in case of any non-compliance with the LARP. The institutional arrangement for implementation of this LARP is presented in Figure 4.

Figure 6: Institutional Arrangement



VIII. INFORMATION DISCLOSURE, CONSULTATIONS AND PARTICIPATION

8.1 General

218. According to ADB SPS (2009), the APs must be meaningfully consulted and provided with opportunities to participate in the planning and implementation of LAR. Under the same principles, the APs have to be informed in an appropriate and timely manner of the planning process outcomes, as well as the schedules and procedures for the preparation and implementation of the LARP, including entitlements, payment procedure and relocation.
219. The laws and policies of Tajikistan which apply to information disclosure to local population and apply to provision of information for communities within the project influence area. These legal documents are:
- i. Constitution of Tajikistan
 - ii. Civil Code
 - iii. Land Code
220. These legal documents cover the major requirements considered under ADB Involuntary resettlement Policy foreseen in ADB SPSP 2009. However, apart formal notification requirements set in the Land Code, there is no requirement for the government to discuss project designs or possible LAR options with the APs. Nevertheless, the local government authorities (Hukumats and Jamoats) disseminate to the local population all information issued in the form of a decree and other decisions related to the project. In addition, the PIURR takes the lead in the coordination of information disclosure at the local levels and conducts consultations with the local population as per the ADB SPS 2009 requirements.

8.2 Consultations and Information Disclosure

221. From August 3-10, 2020 during DMS the team of Social Safeguards specialist and PIURR representatives conducted individual consultations with APs, including Jamoat representatives, raisi mahala, and other local authorities and were provided with Project Informative Brochure.
222. During DMS, census, SES, inventory of affected assets all APs were present and participated in the survey process. This face-to-face interaction is rather efficient source of information sharing with APs and answering their questions. Between August 6-8, 2020 through individual consultations was conducted with all (21 AP) project affected persons including nineteen (19) APs and representatives from two (2) AEs located within the ROW of Dangara-Okmazor road section. The list of individually consulted persons and photos are provided in Annex 2.
223. On August 20, 2020, a LARP public consultation meeting was conducted in Jamoat Lohur, village Tojmahal. Public consultations were carried out in accordance to the newly adopted rules through applying the preventive measures elaborated regarding COVID-19 pandemic.
224. The meeting attended by 31 persons included representatives of local government, people for project influence area and most importantly 14 APs. The Minutes of the Public Consultation and photos of the area are provided in Annex 5.
225. The meeting attendees received full information on pending road project, expected benefits and impacts, rights and responsibilities of APs and other project stakeholders, ADB principles and compensation entitlements, benefits of GRM, valuation methodology for determination compensations, essence of the cut-off date, principles of compensation entitlements and compensation eligibility criterion. All attendees were provided with the copy of Project Informative Brochure prepared in Tajik language provided in Annex 1.

226. The meeting was closed after question-answer session. The APs questions were mainly focused on the tentative time frame for land acquisition, issuance of cash compensation, tentative timing of commencement of road works in vicinity of their location and any possible job opportunities in road works.

LARP Disclosure

227. The LARP public disclosure meeting will be organized in new format preliminarily agreed with PIU and ADB to allow all project stakeholders and APs provide their feedback, comments and suggestions. Relevant comments will be incorporated in the final LARP.
228. The notification on time, date and format of LARP public disclosure will be disseminated through local media channels; hard and soft copies of full LARP in Russian language and Public Information Brochure, reduced version of Implementation Ready LARP translated in Tajik language will be provided to all project affected settlements (Hukumats, Jamoats and villages) to be made available to AP and other interested project stakeholders.
229. In addition, all APs will be provided with a copy of Public Information Brochure prepared based on Implementation Ready LARP in Tajik language. Additionally, the relevant notifications on cut-off date and entitlement matrix will be displayed on the information board of local government buildings and published in the local newspaper. Social network will be extensively used for people outreach and provision of relevant information.
230. In case of increased pandemic risks additional feasible measures may be elaborated ad-hoc to address the actual circumstances and ensure public awareness without creating any risks to public health and safety.
231. All sources of information dissemination will be exercised to ensure the notifications are made with sufficient clarity to encourage participatory involvement of APs, government agencies and any other interested person(s) including NGOs.
232. The English version of the Implementation ready LARP approved by ADB and MOT will be uploaded on ADB website, Russian version will be uploaded on the MOT website and sufficient number of hard copies distributed through relevant hukumats, jamoats and villages within project area.

IX. GRIEVANCE REDRESS MECHANISM

9.1 General

233. All grievances related to the Project will be addressed with the participation of the PIURR, Construction Supervision Consultant and Contractor's representatives. In more complex cases, representatives of other authorized institutions are to be invited. The GRM covers issues related to social, environmental and other safeguard issues under the ADB SPS 2009 and applicable laws of Tajikistan.
234. The PIURR members of the GRCs include:
- i. Chief Engineer
 - ii. Social safeguard specialist
 - iii. Environmental safeguard specialist
 - iv. MOT lawyer other specialists as necessary
235. The Grievance Redress Committees will be established to function for the entire project implementation cycle in Lokhur and Oksy Jamoats of Dangara Districts in compliance with the country legislation and the requirement of PIU letter No. 727, issued on July 3, 2020.
236. Grievance Redress Committees at the Jamoat level will be operating during the entire project cycle. A Focal Person (FP) appointed at each Project Jamoat will coordinate between APs, GRC members at local and PIURR level. The PIURR has been involved in all consultations with project affected persons. Public Information Brochures with GRC contact details were distributed during DMS to ensure all interested person can reach in case of project related questions, concerns or complaints.
237. The GRCs will function for the duration of the project implementation. The PIURR and the PPTA Consultant will conduct training for members of three GRC at the Hukumat level.

9.2 Grievance Resolution Process

238. Grievances can be lodged with the Focal Person at the jamoat's GRC. The jamoat's FP, in consultations with the PIURR safeguard specialist, will screen the grievance for eligibility. If eligible, the jamoat's FP will organize a meeting of the Grievance Redress Committee (GRC). The PIURR representatives will be informed and invited to the meeting.
239. The complaint registered with the GRM should be reviewed, addressed and a decision made on its relevancy to the Project within 14 calendar days of lodgement. If the case is complex or requires more detailed investigation (e.g. inspection by technical experts or legal opinion from the state or certified private entities) the complaint review period may be extended to 30 calendar days or more, if necessary. In such cases, written notification should be sent to the complainant explaining the reasons for extension, describing the process and indicating the expected dates for the delivery of the results of the revision.
240. All supporting documents such as, photographs, related certificates and legal and technical expert opinions, if required, should be prepared, reviewed and assessed. Once the complaint is resolved, the GRC will organize a complaint closure meeting, where the complainant confirms the closure of the complaint. The PIURR representative will oversee the resolution of the complaint.
241. All efforts will be made to settle issues at the Project level. All complaints and resolutions will be properly documented by the PIURR and made available for review, monitoring and evaluation purposes. A PIU safeguard specialist keeps in regular contact with the FP of the

GRCs and will have a database for the whole Project's grievances cases, including the status of grievances. This report will be regularly included in monthly project progress reports.

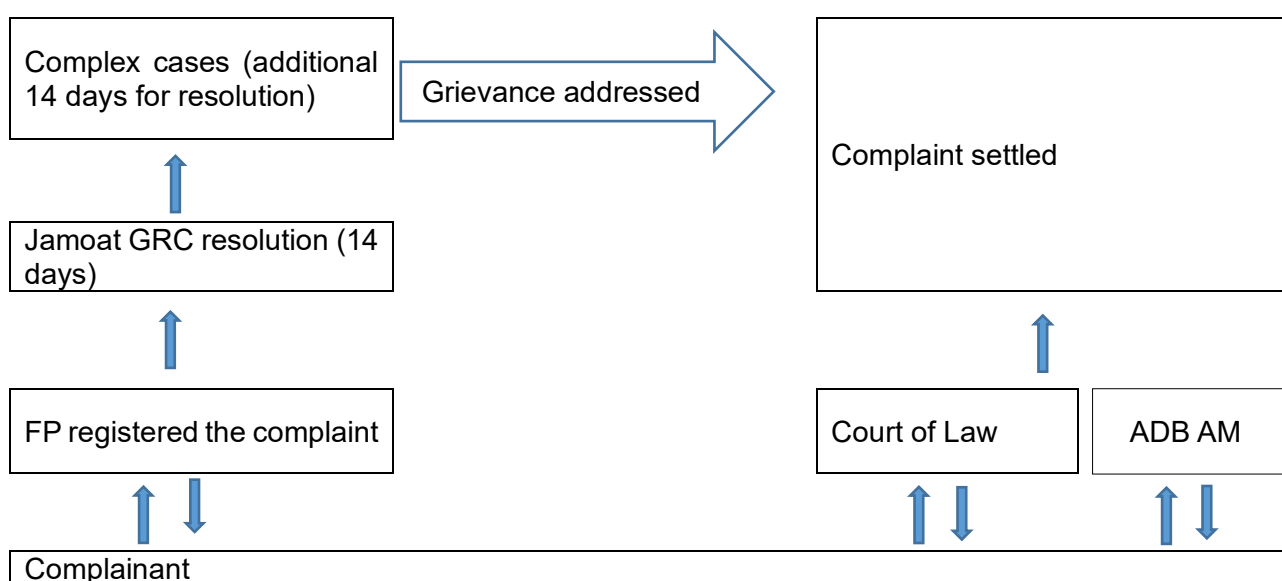
242. Regardless of the set grievance mechanism and procedures, APs will have the right to submit their cases to a court of law at any point in time of the grievance redress process. All efforts will be made to settle the issues at the Project level through community consultation with affected person.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

243. If APs want to register a complaint with the ADB, the Focal Person will inform the complainants that they can refer their complaints through the ADB Tajikistan Resident Mission for proper coordination with the responsible project officer and relevant staff. Alternatively, the complainants may access the ADB Accountability Mechanism through its Complaint Receiving Officer (CRO) which will then forward it to either the Office of the Special Project Facilitator (OSPF) for facilitation of complaint resolution, or to the Office of the Compliance Review (OCRP) in case of allegation of ADB's violation to its operational policies and procedures. The Focal Person will provide the complainants the following contact information:

Resident Mission of Asian Development Bank in Republic of Tajikistan
45 Sovetskaya Street, Dushanbe, Tajikistan
Tel: 992 372 210558/271895/271897

Complaint Receiving Officer (CRO), Accountability Mechanism
Asian Development Bank
ADB Headquarters, 6 ADB Avenue, Mandaluyong City 1550, Metro Manila, Philippines
Tel. +63 2 4444 loc. 70309, Fax + 63 2 636 2086, E-mail: amcro@adb.org

Figure 7: Grievance Resolution Process



District Level GRCs

244. Under the Order³² No 722, dated June 3, 2020 of the Chairman of Dangara District Khatlon Oblast of the Republic of Tajikistan "On establishment of Grievance Redress Committee for consideration of grievances related to the implementation of Bohtar-Dangara-Okmazor Road Rehabilitation Project" Dangara District Level Grievance Redress Committee (GRC) is under the process of formation and the Head, Deputy Head and Secretary of GRC will soon be appointed and Committee Members officially assigned, according to the following composition:

Composition of GRC at District Level

1	Sharifzoda J	First Deputy Chairman of the Dangara District, Chairman of the Grievance Redress Commission
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Members of the Grievance Redress Commission:

2	Sobirzoda Sh.	Head of the Department the Chairman of Dangara district
3	Ashurzoda B.	Chief of the construction of the district
4	Sattorzoda U.	Chief specialist on legal issues of the District Chairman's Office
5	Kfromftuloev Sh.	The head of the land Committee of Dangara
6	Ashurov D.	Specialist on investment and property management department of Dangara district
7	Kenjazoda I.	The head of Electric Power Department
8	Nuralizoda Kh.	Head of Environmental Protection of the district
9	Valizoda M.	Head of branch of the Emergency Situations Committee and Civil Protection of Dangara district
10	Malaev F.	Head of Telecom Company of Dangara district
11	Abdullozoda B.	Head of MDNRA of Dangara district
12	Kholov A.	Head of Traffic police of Dangara district
13	Nematov O.	Acting as a Head of Agriculture Department of Dangara district
14	Abduloev E.	Head of Jamoat of Lolazor village
15	Nazarov H.	Head of Oksu village
16	Kodirov B.	Head of Sangtuda village
17	Kurbonzoda B.	Acting as a Head of Jamoat Korrez
18	Gafforov J.	Head of Lohur village
19	Nabiev F.	Director of the State Subsidiary Enterprise for Water Supply and Sewerage at Dangara district
20	Mukimov A.	Head of land sanitation and irrigation department of the district
21	Kurbonov S.	land management of Lolazor village
22	Amirkhonzoda R.	land management of Oksu village
23	Sharbatov N.	land management of Sangtuda village
24	Karimov K.	land management of Korrez village
25	Cattorov N.	land management of Lohur village

³² The Order was issued in accordance with the requirements of Articles 26 of the Law of the Republic of Tajikistan "On regulatory legal acts" and 19, 20 of the Constitutional Law of the Republic of Tajikistan "On local executive body of the government".

Representatives of the PIURR Safeguards Unit

<p>Rahmonzoda Inoyatullo</p> <p>Chief engineer, Projects Implementation Unit for Roads Rehabilitation 14 Ayni Street, 4th Floor, Dushanbe. Tajikistan Tel: +992 (37) 222 20 79 +992 90 111 31 13 Email: rahmonzoda@piu.tj</p>	<p>Kholikov Makhmudjon</p> <p>Main resettlement specialist, Projects Implementation Unit for Roads Rehabilitation 14 Ayni Street, 4th Floor, Dushanbe. Tajikistan Tel: +992 (37) 222 20 78 +992 90 555 06 60 Email: bobojon@piu.tj</p>	<p>National Social and Environmental Safeguards Focal Points Resident Mission of Asian Development Bank in Republic of Tajikistan 45 Sovetskaya Street, Dushanbe. Tajikistan Tel: 992 372 21 05 58</p>
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GRC Complaint Register, Records and Documentation

245. The PIURR of the MoT will maintain the complaint register. This will include a record of all complaints for regular monitoring of grievances and results of services performed by the Arcs for periodic review by the ADB.

Technical Experts

246. When requested by the PIURR to provide technical expertise for the assessment of an impact claimed by the complainant, the relevant expert will:
- examine the case, perform relevant tests or an investigation
 - prepare a short report based on the results of the examination completed
 - recommend if further or additional legal opinion or expertise is needed to make a judgement on the substance of the case.

X. LARP BUDGET

General

247. In coordination with the PIURR, the National and International Social Safeguards Specialists of KOCKS carried out a detailed inventory of all project affected assets and land subject to cash compensation. Inventory data were provided to the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori' to determine compensation amounts (unit rates) per each type of affected asset (structure, perennials) to address income loss compensation in accordance to the country legislation and ADB SPS 2009.

248. The LARP budget was prepared based on the SUE valuation report officially submitted on September 3, 2020.

249. The total estimated budget is **425,693.15** TJS equivalent to **41,275.33** USD.

250. This includes:

- LAR compensation and allowances **304,461.52** TJS (**29,520.68** USD) for eligible APs/AEs
- Cost for reinstatement of project affected State structures **36,093.00** TJS (3,499.59 USD).
- Costs for LAR implementation for PIU in the amount of 17,027.73 TJS (equivalent to 1,651.01 USD).
- The contingency cost 20% equals 68,110.90 TJS, equivalent to 6,604.05 USD according to the exchange rate of 1 USD – 10.3135 TJS as of August 14, 2020.

251. The total LARP budget as shown in table 37 summary LARP budget is final with all figures examined and updated according to SUE Valuation Report (dated September 3, 2020) , and then submitted to PIU/MOT and ADB for their review and approval for LARP implementation.

Land Compensation

252. During determination of land compensation unit rates the Consultant applied traditional approach exercised for the determination of land compensation unit rates during the preparation of various approved LARPs for other road projects financed under the CAREC portfolio since 2016 to the present.

253. Calculation of compensation amounts for privately utilized land is based on the following methodology. Namely: land compensation is based on the current value of annual crops grown on the affected land parcels and multiplied by five (5) years. In order to avoid large differences in price for loss of land use rights caused by the market value of different types of crops planted in the period of the DMS, the value of all crops affected in the Project area was aggregated, and one average 'land price' established. This approach ensured that two (2) neighbours holding land use right to similar quality of land would receive land cash compensation in the same proportional amounts of unit rate per square meter of project affected land, regardless of the standing crop.

254. Table 23 below provides information on the area of affected agricultural land grown with various types of crops. The average annual yield capacity (kg per square meter) is multiplied by five (5 years) and multiplied by the average market price (TJS/kg) of each type of crop, and the last column provides the total average per type of crop.

255. To determine the average, the total of average 231.20 TJS is divided by 12 as total number of different types of crops and equals to 19.2667 TJS/sq.m. This is the suggested compensation unit rate to compensate project affected land of residential and commercial designations. The information of land use right price for agricultural land, as well as average yield capacity and market price of produce was based on the data provided by the Hukumats of Vose and Temurmalik during preparation of Hulbuk-Temurmalik-Kangurt LARP.

Table 22 Calculation of land compensation according to yield capacity of affected crops

No	Description of crops	Area of affected crops (sq.m.)	Average yearly yield (kg/ha/yr.)	Average yearly yield (kg/m ²)	Total yield for 5 years (kg/sq.m.)	Average price kg/TJS	Total average (TJS/sq.m.)
1	Peas	112.00	4,050	0.405	2,03	4	8.10
2	Potato	1,158.40	20,000	2.00	10,00	7	70.00
3	Maize	56.00	4,050	0.405	2,03	4	8.10
4	Linen	23.00	1,050	0.105	0,53	3	1.58
5	Safflower	900.00	1,200	0.12	0,60	4	2.40
6	Onion	272.00	39,500	3.95	19,75	2.5	49.38
7	Lucerne	6,773.15	15,000	1.5	7,50	1	7.50
8	Vegetables	1,621.40	36,500	3.65	18,25	3	54.75
9	Wheat	21,900.35	4,050	0.405	2,03	4	8.10
10	Beans	220.50	4,050	0.405	2,03	4	8.10
11	Cotton	2,516.00	2,300	0.23	1,15	6	6.90
12	Barley	324.40	4,200	0.42	2,10	3	6.30
	Total	35,877.20	135,950.00	13.60	67,98	45,50	231.20
	Price per m² = TJS 19.27						

256. The valuation of residential and commercial land categories presented particular challenges as these lands have no intrinsic productive value. An option was considered and agreed as an interim measure with the Land Committee, which has been used in the process of ADB funded project in Tajikistan. This option provides that, when losses of residential/commercial land are too small to be practically compensated via replacement plots, cash compensation could be provided as an alternative. In the absence of official market rates, the valuation methodology agreed considers the annual lease rate/land tax value of the land and based on international standards on the average number of years of lease payments necessary to pay for the asset. Based on this approach, the users of residential/commercial land will be paid the current lease rate project areas (\$1,000 per hectare) multiplied by 25 years³³. This compensation corresponds to a unit rate of \$2.5 (TJS 25.67) per sq. meter. The compensation unit rates were exercised by the PIU during land acquisition and issuance of cash compensation for other projects financed by the international finance institutions.

257. This approach allowed to remain in tune with the methodology of the approved LARPs and at the same time keeping the unit rates fair and reasonable to compensate loss of land of AHs eligible for cash compensation under this LARP. Table 24 below gives the land compensation unit rates developed according to the above described methodology, as suggested for the given road project.

Table 23 Land Compensation Unit Rates according to land category

No	Land Category	Unit rate (TJS/sq.m.)
1	Residential	25.78
2	Commercial	25.78
3	Agricultural	19.27

258. Table below details land compensation costs for project affected land parcels covered by LARP. The amounts of compensation are given in TJS and in USD according to the official exchange rate at \$1 - 10.3135 TJS announced by the National Bank of the Republic of Tajikistan on August 14, 2020.

Table 24 Land Compensation cost

Land category	No of plots	Affected area (sq.m.)	Unit rate (TJS/sq.m.)	Compensation Amount (TJS)	Compensation Amount (USD)
Residential	3	319.72	25.78	8,242.38	799.18
Commercial	1	100.5	25.78	2,590.89	251.21
Agricultural	1	675.00	19.27	13,007.25	1,261.19
Total	5	1,095.22		23,840.52	2,311.58

Valuation of Project affected Fruit Trees

259. Compensation amounts for project affected fruit bearing perennials subject to cash compensation at replacement value at current market prices were determined by the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori'; more specifically, the detailed table of inventory records through PIU was provided to the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori'. The SUE determined compensation amounts per each project affected asset that includes mature and saplings of fruit trees, as well as residential house, supplementary

³³The allowances for the loss of residential land based on 25 years of rental income. This reflects the average rental income period needed to recover the full value of land in most countries of the world.

structures, fences, walls and other developments. This approach was applied to address income loss compensation in accordance with the country legislation and ADB SPS 2009.

260. Unit rates vary according to approximate age determining average productivity of a project affected fruit tree. Tables 26 and 27 below separately describe compensation amounts for mature and saplings of project affected fruit trees evaluated individually as shown in the SUE valuation report dated September 3, 2020. SUE official report attached with item-specific table was presented to the PIU and provided to the Engineer. The LAR budget is prepared based on this official valuation report.

Table 25 Compensation for project affected mature fruit trees

No	Species of affected fruit trees	No. of trees	No. of APs	Compensation (TJS)	In USD
1	Apricot	21	4	3,690.00	357.78
2	Quince	9	1	1,080.00	104.72
3	Cherry	9	5	864.00	83.77
4	Pear	9	1	1,350.00	130.90
5	Fig	4	1	1,260.00	122.17
6	Peach	12	2	1,440.00	139.62
7	Sweet cherry	10	2	2,100.00	203.62
8	Plum	5	1	300.00	29.09
9	Mulberry	28	5	5,896.00	571.68
10	Pistachios	23	1	17,250.00	1,672.57
11	Wild Cherry	10	1	720.00	69.81
Total		140	12 (w/o d/counting)	35,950.00	3,485.72

Table 26 Compensation for project affected fruit tree saplings

No	Species of project affected perennial fruit trees	No. of affected fruit tree saplings	No. of APs	Compensation (TJS)	Equivalent USD
1	Quince	1	1	10	0.97
2	Cherry	1	1	12	1.16
3	Pear	3	1	33	3.20
4	Nut	1	1	10	0.97
5	Sweet cherry	1	1	12	1.16
Total		7	4 (w/o d/counting)	77	7.47

Compensation for annual crops

261. No APs will experience loss of annual crops, therefore, this LAR omits compensation for annual crops.

Compensation for project affected structures

262. Compensation for all project affected structures, including supplementary structures attached to residential land parcels, as well as buildings of the operating grocery shop, pharmacy, car repair workshop, and other structures and improvements subject to cash compensation at replacement value at current market prices were evaluated by the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori'. Each item was evaluated individually and presented to PIU in the form of official valuation report, dated June 26, 2020.

263. Table 28 below presents a summary of all project affected structures, such as solid buildings of commercial designation, supplementary structures and improvements attached to private and state land with private fences, and improvements. The detailed breakdown on project affected structures per AP is described in Table 28 and 29. Both tables are updated based on SUE valuation report prepared specifically for Dangara-Okmazor road section.

Table 27 Summary of project affected private structures

Description	No AP	No of Item	sq.m.	TJS	USD
Main structure	1	1	29.60	22,520.00	2,183.55
Supplementary structures	2	2	203.19	46,248.00	4,484.22
Other improvements	9	9	434.79	53,707.00	5,207.45
Wall and fences	14	14	1,110.00	98,126.00	9,514.33
Total	19 (without double counting)	26	1,777.58	220,601.00	21,389.54

Table 28 Detailed breakdown on project affected structures

No /Parcel Code	No of AP/ Item	Main structure (sqm)	TJS	No of AP/ Item	Supplementary (sqm)	TJS	No of AP/ Item	Other improvement e (sqm)	TJS	No of AP/ Item	Walls/fence (sqm)	TJS	Total TJS	Total USD
1										1	161	2,335	2,335	226.40
2										1	53.2	771	771	74.76
3							1	6	3,406				3,406	330.25
4										1	85.78	1,244	1,244	120.62
5										1	115.05	22,571	22,571	2,188.49
6										1	35.89	5,067	5,067	491.30
7	1	29.6	22,520	1	124.32	16,398	1	40.32	4,142	1	46.44	18,554	61,614	5,974.11
8													-	-
9				1	78.87	29,850	1	0.81	550		31.2	6,349	36,749	3,563.19
10							1	34.91	11,763	1	166.4	5,218	16,981	1,646.48
11										1	50.4	917	917	88.91
12										1	24.3	9,196	9,196	891.65
13							1	73.5	5,145				5,145	498.86
14										1	48.44	2,422	2,422	234.84
15							1	247.5	17,325				17,325	1,679.84
16													-	-
17										1	99.2	10,244	10,244	993.26
18							1	4.6	183				183	17.74
19										1	32	3,040	3,040	294.76
20							1	15.58	9,268	1	153.01	7,452	16,720	1,621.18
21							1	11.57	1,925	1	7.5	2,746	4,671	452.90
Total	1	29.6	22,520	2	203.19	46,248	9	434.79	53,707	14	1,110	98,126	220,601	21,389.5

Compensation for stoppage of Business

264. During LARP preparation, the field surveys identified only two (2) APs:
- a) One (1) AP patent holder and trading in project affected grocery shop will experience temporary stoppage of business. Worth to be noted that grocery shop is owned by father of AP trading and helping his father to run the grocery shop without any official contact or agreement.
 - b) Since the shop owner AP and patent holder AP trading in the project affected grocery shop in one family, i.e. one affected household compensation for stoppage of business will be issued to patent holder AP, while full replacement value to construct new shop on the remaining portion of private land will be issued to father, who is the owner of residential land attached with project affected structure.
265. Both APs as one household will be able to build a new shop on the remaining portion of land. Since the AP will not need to find alternative land he will be able to build a new shop within six (6) months on his own residential land parcel and restart his business activities together with his family member helping in the shop as sales person.
266. Pursuant to the Entitlement Matrix compensation for permanent loss of business for owners is calculated at one (1) year's income based on the official tax declaration plus cost of lost certificates, licenses, or patents. In case tax declaration is unavailable, official monthly salary multiplied by 12 will be adopted.
267. In case of temporary stoppage of business, the number of months to be compensated is less than twelve (12) months and depends on estimated number of months specific businesses expect to face due to project impact. Similarly, in case tax declaration is unavailable, the official monthly average salary is the unit rate to be multiplied to the number of months of temporary stoppage of business.
268. Under this LARP, for cases when tax declaration is unavailable, compensation unit rate is based on the official average monthly salary which was defined at 1,407 per month as of May 2020³⁴ per project affected business multiplied to expected duration of business stoppage, 6 months as shown in the table below.

Table 29 Compensation for project affected businesses

Description	No of APs	Duration of stoppage	Compensation per Affected business	compensation Amount (TJS)	compensation Amount (USD) 1\$-10.31 TJS
Patent owner trading in grocery shop	1	6 months	1,407	8,442.00	818.54
Total	1			8,442.00	818.54

269. These provisions have been proposed and agreed with each APs based on the social impact assessment conducted for particular affected businesses and their feedback obtained through individual consultations during LARP preparation period.
270. In total, one (1) AP will be cash compensated for temporary stoppage of business as shown in table above. The photos of the only project affected business, grocery shop, shop owner and patent holder AP are given in Annex 3.

³⁴ Link for source: <https://tradingeconomics.com/tajikistan/wages>

Relocation and Livelihood Restoration Strategy

271. As described in the document none of the affected households will experience physical resettlement, due to the avoidance of impact to residential dwellings. Therefore, no rental allowances are considered for any AH.
272. Likewise, the owner of grocery shop will not require relocation allowance as he will store the shop equipment in his own storage facilities located nearby on his private residential land parcel.

Rehabilitation allowances

273. The amount of one-time allowances, allocated in addition to the severely affected and vulnerable APs, are defined based on the principles of the approved LARP, country legislation, ADB SPS 2009, and examples of good practice.
274. Methodology to determine amount of one-time allowance for severe impact considers two different cases:
- a) APs losing more than 10% of agricultural land/income resources, will be compensated based on the net annual income from the affected land, to be calculated individually for each specific case based on the inventory results and valuation report data, and
 - b) APs subject to physical relocation due to loss of home or business; and will be issued severity /livelihood rehabilitation allowance in the form of cash compensation equal to the official monthly average wage for 3 months.
275. Methodology to determine amount of one-time allowance for vulnerability is average monthly salary multiplied by three (3) months. According to the official website of the Agency of Statistics under President of the republic of Tajikistan³⁵, in May 2020, average monthly salary was defined at 1,407 TJS/month. Therefore, average monthly salary multiplied to the three (3) months equals 4,221 TJS per severely affected and vulnerable AHs.
276. Amount of one time allowance for severely affected AP losing more than 10% of agricultural land/income resources is calculated individually for the given case. The AP is losing income from 45 fruit trees. Based on the results of inventory and SUE valuation report these 45 mature fruit trees will need 6 years to grow to similar to current yield capacity. Therefore, total compensation amount for project affected mature fruit trees (6,150 TJS) was divided by six (6) years and 1,025 TJS was defined as the amount of one time allowance for severe impact for the given AP.
277. Table 31 below describes calculated unit rates for rehabilitation allowances defined under this document to cover severe impact and vulnerability of eligible AHs.
278. The PIU and Supervision Consultant will be in charge to monitor and assess livelihood conditions of APs/AHs during the preparation of semi-annual annual social monitoring reports. In case if confirmed that any of the APs are facing the risks of livelihood deterioration as a result of project impact even after the issuance of compensation as per approved LARP social due diligence will be carried out to identify the APs in need and Livelihood Restoration Plan (LRP) will be prepared and submitted to PIU and ADB for further review and approval.
279. Once the LRP is approved, the PIU will implement and follow up results will be reassessed in next semi-annual social monitoring report to confirm the achievement of LRP objectives.
280. Table 31 below describes calculated unit rates for rehabilitation allowances defined under this document to cover severe impact and vulnerability of eligible AHs.

³⁵ <https://www.stat.tj/en/survey-results>

Table 30 Unit rates for Severe Impact and Vulnerability allowances

#	Description	Specification	Calculation of allowance	Compensation Unit rate (TJS)
1	Vulnerability	APs receiving government assistance for poor, single women-headed AH below poverty line, elderly unattended households, and AHs with no means of living, AHs headed by disabled person or other AH members.	1,407 TJS X 3 months	4221.00
2	Severe Impact	APs losing more than 10% of agricultural land/income resources,	to be identified per individual case	TBD
3	Severe Impact	APs needed to physically relocate due to loss of home or business.	1,407 TJS X 3 months	4221.00

Table 31 Cost for compensation for Severe Impact

No	Description	No of AHs	Unit rate (TJS/AH)	Amount in TSJ	Amount in USD
1	AP losing more than 10% of agricultural land used as fruit garden	1	Defined according to actual impact 6145 TJS /6 years for 45 fruit trees	1,025.00	99.38
2	AP losing business	1	4221.00	4221.00	409
	Total	2		5,246	508.38

Table 32 Cost for compensation for Vulnerability

No	Description	No of AHs	Unit rate (TJS/AH)	Amount in TSJ	Amount in USD
1	Vulnerable	1	4221.00	4221.00	409

Cost for Renewal Land Use Rights and Property Ownership of Certificates

281. The LARP defines the amount of one-time allowance to be issued to APs to cover the costs in obtaining new land use certificates and technical passport for the construction of a new commercial facility to replace the one to be demolished for the proposed road project.
282. A total of five (5) APs will be issued allowance to renew land use certificates, APs will receive compensation to cover land certificate and technical passport for the construction of new commercial facility on remaining portion of private land parcel. The information on official fees is provided by the relevant local government agency. Calculation for registration allowances to update land use certificate and technical passport are given below in table 34.

Table 33. Official fees for renewal of land use certificate and technical passport

Cost Types	APs	Documents	Fee per document	Total amount (TJS)	Total amount (USD)
Home plot and Grocery shop	2	Technical passport	782	1,564	151.65
Sub-total				1,564	151.65
Residential land	3	Land use certificate update	686	2,058	199.54
Agricultural land	1	Land use certificate update	1,805	1,805	175.01
Commercial land	1	Land use certificate update	657	657	63.70
Sub-total				4,520	438.26
Total (w/o d/counting)	5			6,084	589.91

Cost for Reinstatement of State-owned assets included in the LARP Budget

283. Along this road section several state-owned properties will be partially affected. In order to be included in BOQ, the SUE Valuation Report contains calculation of cost required for remeasurement project affected items of public cemetery in Jamoat Oksu and Administration of Dangara Free Economic Zone as shown in Table 35 below.

284. State owned government administered land and assets have been covered during LARP preparation, there are no encroachers or squatters and these land and structures are fully owned and possessed by relevant state agencies only.

Table 34. Cost for reinstatement of project affected Assets public cemetery in Jamoat Oksu

Description of project affected Item	Item Unit measure (sqm)	Amount (TJS)	Amount (USD)
public cemetery in Jamoat Oksu			
Metal Fence	152.87	9,172.00	889.32
Metal gate	7.07	849.00	82.32
Concrete pavement	22.05	992.00	96.18
sub-total	181.99	11,013.00	1,067.82
Administration of Dangara Free Economic Zone			
Concrete covered area and movable protective gate	146.15	25,080	25,080
Sub-total	146.15	25,080	25,080
Total	328.14	36,093.00	3,499.59

Project Affected State-owned Assets not included in the LARP Budget

285. The other state-owned assets described in table 36 will not be cash compensated from the LARP budget unless otherwise decided by the MOT and PIU. The table below contains proposed solutions to address pending impact.

Table 35. project affected State-owned assets not included in the LARP budget

Description	Affected Item	Proposed solution
State forestry Institution of Dangara region	Land and trees	No cash compensation for land and trees; Planting replacement saplings as foreseen in Environment Impact Management Plan
State forestry institution of Khatlon region	Land and trees	No cash compensation for land and trees; Planting replacement saplings as foreseen in Environment Impact Management Plan
Roadside grave	Roadside grave	Construction contractor in coordination with local Jamoat, Raisi Mahalla, local community, and members of related family, if available Coordinate and organize grave relocation (cost will be included in BOQ)
Public place (local market) Jamoat Oksu	Local market	Construction contractor in coordination with local Jamoat organize temporary relocation of trading shed and construction new shed combined with mother and baby room and separate WCs during the road woks (cost will be incurred out of gender component budget)

Budget summary

286. Presented below is the summary table of LARP Budget prepared based on tallying averages of the Valuation report of the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori' specifically for this LARP and compensation unit rates for additional one-time allowances developed as per established practice during LARP preparations.

Table 36. Summary LARP Budget

№	Description	Total Compensation (TJS)	Total Compensation (USD)
A	Land Compensation		
1	Residential	8,242.38	799.18
2	Commercial	2,590.89	251.21
3	Agricultural	13,007.25	1,261.19
	Sub-total	23,840.52	2,311.58
B	Structures & improvements		
4	Main structure	22,520.00	2,183.55
5	Supplementary structures	46,248.00	4,484.22
6	Other improvements	53,707.00	5,207.45
7	Wall and fences	98,126.00	9,514.33
	Sub-total	220,601.00	21,389.54
C	Crops and Perennials		
8	Mature fruit trees	35,950.00	3,485.72
9	Fruit tree saplings	77.00	7.47

№	Description	Total Compensation (TJS)	Total Compensation (USD)
10	Annual crops		
	Sub-total	36,027.00	3,493.19
D	Business Stoppage		
11	Temporary (69 months) stoppage for patent holder	8,442.00	818.54
12	Loss of wages		
	Sub-total	8,442.00	818.54
E	Rehabilitation Allowances		
13	Severe Impact (loss of business)	4,221.00	409.27
14	Severe Impact (loss of net income)	1,025.00	99.38
15	Vulnerability	4,221.00	409.27
16	Land use certificate fees	4,520.00	438.26
17	Technical passport	1,564.00	151.65
18	Construction permit		
19	Cost for relocation		
	Sub-total	15,551.00	1,507.83
F	Total of compensation & allowances APs/AEs	304,461.52	29,520.68
G	Costs of reinstatement of project affected State structures	36,093.00	3,499.59
H	Overall compensations budget	340,554.52	33,020.27
20	LAR Implementation Administrative Costs (PIU) 5%	17,027.73	1,651.01
21	Contingency 20 %	68,110.90	6,604.05
22	TOTAL Estimated LARP Budget	<u>425,693.15</u>	<u>41,275.33</u>

287. Table 37 provides the LARP budget as prepared on the bases of the the SUE valuation report dated September 3, 2020.

288. The total estimated budget is 425,693.15 TJS equivalent to 41,275.33 USD.

289. This includes:

- i. LAR compensation and allowances **304,461.52** TJS (**29,520.68** USD) for eligible APs/AEs
- ii. Cost for reinstatement of project affected State structures 36,093.00 TJS (3,499.59 USD).
- iii. Costs for LAR implementation for PIU in the amount of 17,027.73 TJS (equivalent to 1,651.01 USD).
- iv. The contingency cost 20% equals 68,110.90 TJS, equivalent to 6,604.05 USD according to the exchange rate of 1 USD – 10.3135 TJS as of August 14, 2020.

290. This budget is final, with all figures examined, updated according to SUE report and submitted to PIU/MOT and ADB for review and approval for LARP implementation.

XI. MONITORING AND REPORTING

General

291. While effective institutional arrangements can facilitate implementation, effective monitoring ensures that the course and pace of implementation continues as originally planned. The implementation of LARP will be subjected to internal monitoring only as the Project is categorized as B, due to the scope of project impact.
292. 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.
293. Internal monitoring will be conducted by the PIURR, assisted by the resettlement specialist of the Construction Supervision Consultant. 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.
294. The PIU will be supported by Construction Supervision Consultant (CSC) to supervise the entire construction process, through Social Safeguards and Resettlement Specialist who will liaise between project stakeholders to ensure that social issues, any LAR impacts and grievances are addressed time and effectively.
295. Social Safeguards and Resettlement Specialist of the CSC will assist the PIURR in the internal monitoring during the entire road cycle. Reporting requirements of Social Safeguards and Resettlement Specialist of CSC will cover:
- i. Provision input to Monthly Progress Reports
 - ii. Preparation of Semi-annual Social Monitoring Reports
 - iii. Based on approved LARP preparation of LARP Addendums in case if any need occurs for additional land and assets acquisition
 - iv. Preparation of Due Diligence Report in case of design changes to confirm absence /presence of LAR Impacts
 - v. In case if new design changes cause LAR impacts, carrying out DMS and preparation of LARP Addendum based on approved LARP for MOT/PIU and ADB approval
 - vi. Preparation of LARP Addendum Implementation Compliance Report

Monitoring Aspects

296. At the project implementation phase Social Safeguards monitoring identifies two major aspects:
- a) LARP and Addendums to LARP implementation monitoring, and Preparation of LARP Compliance Report, and
 - b) Social safeguards monitoring and preparation of Semi-annual Social Monitoring Reports.

LARP Implementation Compliance Report

297. In accordance to ADB Conditionalities for starting civil works the pre-condition is approved LARP Implementation Compliance Report.
298. 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, approved LARP and to the satisfaction of the DPs. The Compliance Report will be submitted to EA and ADB.

299. The key objective of LARP implementation monitoring is to assess whether the actual impacts of the project were addressed correctly and fully compensated as required by LARP stipulations and budget. In addition, due attention should be paid to the application of grievance redress procedures during the entire project cycle:
- i. Compensation payments disbursed;
 - ii. Replacement lots allocated (Not applicable to this Project);
 - iii. Housing and infrastructure construction completed;
 - iv. Relocation of people completed (Not applicable to this Project);
 - v. Income restoration and development activities initiated (if required);
 - vi. Monitoring and evaluation reports submitted.
300. Approval of the Compliance Report by ADB is a condition for the commencement of the civil works.
301. The LARP Compliance Report will be based on the following monitoring indicators:
- i. Verification of the schedules and the achievement of targets related to land acquisition and resettlement activities;
 - ii. Verification for whether the resettlement has been implemented in accordance with the approved final LARP;
 - iii. Verification that the unit compensation rates used in the valuation reports, contracts and agreements are in accordance with the LARP provisions;
 - iv. Verification that compensation and the amounts defined in the LARP were delivered to all AHs;
 - v. Assessment of the compensation distribution procedure, its timing in relation with LARP provisions;
 - vi. Review of the GRM and grievance cases including an assessment of whether grievance resolution was carried out in accordance with LARP provisions;
 - vii. Assessment of public consultation;
 - viii. Assessment of the delivery of allowances to severely affected, vulnerable and resettled APs;
 - ix. Final assessment of satisfactory implementation of the LARP and if necessary, details of the required corrective measures.
302. In accordance with the requirements under the Safeguard Policy Statement, ADB shall post on its website the LARP and the resettlement monitoring reports, upon receipt by ADB.
303. 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.

Semi-annual Social Monitoring Report

304. Construction Supervising Consultant will assist the PIURR with international and national Social Safeguards and Resettlement specialists engaged in the process of internal monitoring to effectively detect and address any emerging social safeguards issues during the LARP implementation process and the construction period as well.
305. CSC will be responsible to prepare and submit to PIU/MOT and ADB review and approval Semi-annual Social Monitoring Report.

306. The PIURR will support the Consultant to obtain the above information as the PIURR is responsible for monitoring the day-to-day resettlement activities of the Project through one or more of the following instruments:
- i. supervise the community consultations and disclosure of project information;
 - ii. inform the PIURR on issues and challenges during the project implementation period and provide recommendations and suggestions for a solution;
 - iii. Effectiveness and efficiency of Grievance Redress Mechanism
 - iv. supervise the implementation of the mitigation measures, temporary land acquisition, LAR impacts incurred as result of design change or losses, damages incurred to private assets at the negligence of construction contractor, assist and advice PIURR on procedures to address such impacts, LAR issues and grievance redress, inform PIURR on any non-compliance cases, and suggest appropriate remedies.

Social Impact monitoring indicators

307. Assessment of GRM application and GRC efficiency through monitoring to determine whether:
- i. All physical inputs committed in the LARP have been delivered and all services provided;
 - ii. Mitigation actions prescribed in the LARP have provided the desired effects;
 - iii. Socioeconomic status of affected population against the baseline conditions before the displacement has not been deteriorated as a result of the Project impact;
 - iv. GRC was effective and efficient, and
 - v. Project affected persons were fully aware of GRC availability.
308. The results of social monitoring will be communicated to ADB through the Semi-annual Social Monitoring Reports.
309. The following table outlines possible monitoring indicators which the CSC/PIURR may use during the LARP implementation monitoring.

Table 37. LARP Implementation Monitoring Indicators

Monitoring Aspects	Potential Indicators
Delivery of Entitlements	<p>Entitlements disbursed, compared with number and category of losses set out in the entitlement matrix.</p> <p>Disbursements against time-lines.</p> <p>Identification of the displaced persons losing land temporarily, e.g. through soil disposal, borrow pits, contractors' camps</p> <p>Timely disbursements of the agreed transport and relocation costs, income substitution support and any other resettlement allowances according to the schedule.</p> <p>Provision of replacement land plots.</p> <p>Quality of new plots and issuance of land titles.</p> <p>Restoration of social infrastructure and services.</p> <p>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, micro credit disbursed, number of income generating activities assisted, etc.</p> <p>Affected businesses receiving entitlements, including transfer and payments for net losses resulting from loss of a business.</p>
Consultation and Participation	<p>Consultations organized as scheduled including meetings, groups and community activities.</p> <p>Knowledge of entitlements by the displaced persons.</p> <p>Number of general meetings (for both men and women).</p>

Monitoring Aspects	Potential Indicators
	<p>Percentage of women participated at consultations.</p> <p>Number of meetings held exclusively with vulnerable groups.</p> <p>Level of participation in meetings (of women, men and vulnerable groups).</p> <p>Level of information communicated – adequate or inadequate.</p> <p>Information accessibility and disclosure (translation of information in the local languages).</p> <p>Implementation of special measures for Indigenous Peoples.</p>
Effectiveness of the GRM	<p>Uses of the grievance redress mechanism by the displaced persons.</p> <p>Information on the resolution of the grievances.</p> <p>Number of APs used the GRM.</p> <p>Number of cases resolved at project level.</p> <p>Number of cases transferred to other GRC levels.</p> <p>Number of APs' requests rejected.</p>
Budget and Time Frame	<p>Land acquisition and resettlement staff appointed and mobilized on schedule for the field and office work.</p> <p>Capacity building and training activities completed on schedule.</p> <p>Achieving resettlement implementation activities against the agreed implementation plan.</p> <p>Timely allocation of funds to resettlement implementation agencies.</p> <p>Funds disbursement according to the resettlement plan.</p> <p>Land acquisition and clearance in time for implementation.</p>
Livelihood and Income Restoration	<p>Gender and vulnerability segregated data on displaced persons under the rehabilitation programs.</p> <p>Types of vocational trainings and number of participants (women and men).</p> <p>Number of displaced persons who have restored their income and livelihood patterns (women, men and vulnerable groups).</p> <p>Number of new employment activities.</p> <p>Degree of satisfaction with support received for livelihood programs.</p> <p>Percentage of displaced persons who improved their income and standard of living (women, men and vulnerable groups).</p>

XII. LARP PREPARATION AND IMPLEMENTATION SCHEDULE

310. As soon as the LARP is approved by ADB and the Government of Tajikistan, the IA, with the assistance of local authorities, will conduct consultation with APs, disclose the sum of compensation and plan the disbursement of compensation. The compensation amount will be disbursed within 15 days of the agreement with APs. Grievances or objections (if any) will be redressed as per the grievance redress procedure presented in this LARP. All activities related to LAR (including ADB's notice of 'no objection' to LARP implementation) will be completed prior to the commencement of civil works. The LARP preparation and implementation schedule is described in the table below.

Table 38. LARP Preparation and Implementation Schedule

	Activities/Months in 2020-2021	Mar	Ap	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
		2020										2021				
1	Preparation of LARP															
2	Public Outreach, consulting APs during DMS and LARP implementation															
3	Enumeration, demarcation, survey of land take															
4	Census, SES, Inventory of affected assets															
5	Title Search															
6	Data processing and analyses															
7	Valuation of affected assets															
8	Preparation of LARP & budget															
9	PIU/MOT & ADB review and comments															
10	Incorporating comments, announcement of LARP Public Disclosure Meeting															
11	LARP Public Disclosure Meeting															
12	Finalizing LARP based on feedback of APs/AHs and project stakeholders															
13	ADB No Objection to LARP															
14	LARP approval by GoT															
15	Application to MOF and allocation of LARP implementation budget															
16	LARP Implementation															

17	Processing land acquisition and Issuance of Compensations															
18	Resolving outstanding issues & grievances															
19	Announcement of EOI for CC and CSC															
20	Selection of CC and CSC by MOT/PIU and ADB															
21	LARP Compliance Report prepared by PIU and approved by ADB															
22	Notice to Proceed to Contractors															
23	Site Clearance and commencements of road works															

XIII. ANNEXES

Annex 1. Project Information Pamphlet in English Language

**REPUBLIC OF TAJIKISTAN
MINISTRY OF TRANSPORT
PROJECT INFORMATION BROCHURE FOR
«BOKHTAR – DANGARA ROAD REHABILITATION AND IMPROVEMENT PROJECT »**

Project Implementation Unit for Roads Rehabilitation

Dushanbe, July 2020

A. The proposed Project

The Government of Tajikistan and the Asian Development Bank (ADB) agreed to enhance income and reduce poverty in Republic of Tajikistan by improving road infrastructure, and thereby support the creation of productive employment opportunities. The Road Network Sustainability Project at this stage will consist of two road sections:

- (i) Hulbuk – Temurmalik - Kangurt, approx. 59 km in length; and;
- (ii) Bokhtar – Dangara, approx 72 km in length

Construction work is expected to begin in 2020-2021

The executing agency for implementing the project is the Ministry of Transport (MOT), represented by its Project Implementation Unit for Roads Rehabilitation (PIURR).

The detailed design of the road has been completed by Kocks Consult GMBH, jointly with national design consultant – LLC “Avtostrada”.

The proposed project will improve the condition of the road and increase the volume of cargo traffic as well as passenger transportation between the settlements and also will provide an opportunity for year-round transport links to the main neighbouring cities and Dushanbe, the Capital City of Republic of Tajikistan.

At the same time, it is important to emphasize that improving road infrastructure will increase the development of agriculture, tourism and increase industrial production.

B. Socio-economic census of affected persons

The social and economic census of the affected persons will be carried out by Kocks Consult GMBH together with LLC “Avtostrada”. The team of specialists will carry out required field surveys, such as DMS, census, SES, inventory of project affected assets to determine the scope of project impact within the project influence area. The analyses of field survey results will allow determination of all project affected households and businesses, develop relevant compensation and mitigation measures in the format of Land Acquisition and Resettlement Plan (LARP) prepared in accordance with the ADB Safeguard Policy Statements (2009) requirements and provisions of all applicable laws and regulations of the Republic of Tajikistan.

The main objective of the LARP in relation to land and asset acquisition is to avoid physical or economic displacement, and when it cannot be avoided compensation and mitigation measures should be planned and implemented to ensure that affected persons are provided with fair compensation and reasonable assistance to improve, or at least restore their living standards and livelihoods to pre-project levels.

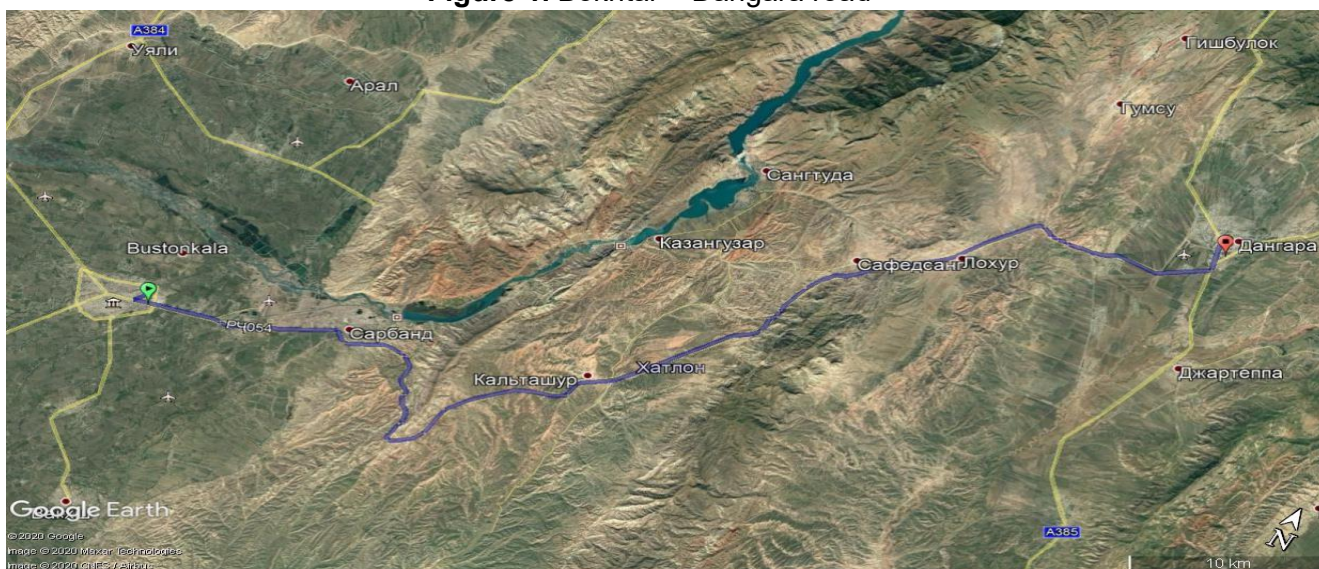
The PIU under MoT will exercise Grievance Redress Mechanism (GRM) and ensure effective and efficient operation of Grievance Redress Commission on National and Local levels through the entire project circle including the LARP implementation, construction and operation periods.

The role and responsibility of the GRC is to accept claims and complaints, assess its validity, determine the scope of eventual impacts, and timely resolve claims as raised during project planning and implementation period.

The objective of this Information Brochure is provide essential information on pending project, planned field surveys and encourage participatory involvement of local population in project planning and LARP preparation activities. More public consultations will be carried out during the field surveys. **The LARP** will also be publicly disclosed and open to comments and suggestions from representatives of affected persons, local government, NGOs, CBOs and any public society.

The route of Bokhtar – Dangara road section to be rehabilitated as a part of the Project is shown in the Figure 1 below.

Figure 1. Bokhtar – Dangara road



C. Property acquisition principles adopted for the project

Civil works in Bokhtar – Dangara road may require acquisition of land and properties. As a part of the ADB SPS (2009) requirements, a land acquisition and resettlement plan (LARP), based on the available design data and the inventory of affected assets, will be prepared.

The following core principles will be followed during the rehabilitation of Bokhtar – Dangara road:

- Land acquisition, and other involuntary resettlement impacts will be avoided or minimized by exploring all viable alternative project designs;
- Compensation at replacement cost for residential houses and commercial structures, supplementary structures and improvements, as well as annual crops, timber and fruit trees will be provided to APs;
- Land will be compensated either by the provision of a replacement plot or in cash. For agricultural land, replacement cost will be based on the production value of the affected plot

(net income for 5 years generated from the affected land area at market rate at a time of taking);

- For residential or commercial land (a type of land that does not have fundamental productive value) replacement cost will be based on the current annual lease rate multiplied by 25 times since in Tajikistan there are no official land markets established as yet;
- APs without legal rights to land will be compensated for non-land assets;
- APs will be assisted to restore their livelihood;
- Persons who will need to relocate will be provided with transportation allowance sufficient to cover transport expenses, communal and site preparation cost for alternative land plot (including connection to power grid, water supply system, installation of latrine), as well as with livelihood rehabilitation allowance;
- Vulnerable APs will be provided with special allowances;
- Appropriate redress mechanisms to address APs grievances will be established;
- Census and socio-economic surveys and consultation with APs, will be conducted;
- The LARP will be disclosed to APs in a language and form that is understandable to them and posted on the MoT and ADB webs for general public disclosure;
- Compensation payments will be initiated only after ADB and Government of Tajikistan have approved the LARP;
- Civil works will commence only after the completion of LARP implementation.

D. Census, socioeconomic survey and the cut-off date

The cut-off-date for this Project is **July 25, 2020**. Any affect that occurred after the cut-off date will not be subject to compensation. It should be noted that the official cut-off-date will be announced through the newspaper “Jumhuriyat” as well as the “Khatlon” TV and Radio broadcast. Relevant notification will also be displayed on the Information Boards in the lobbies of Hukumats and Jamoats located along the project ROW.

Figure 2. Cut-off-date notification published in newspaper “Jumhuriyat”, No.116, as of June 24, 2020



The census, socio-economic survey, and inventory of the Project's affected assets will be completed by August this year.

E. Eligibility for compensation and entitlements

The following groups of Affected Persons will be included in the LARP for rehabilitation of the proposed road project:

- All APs losing land either with legal title, lease holding land rights or without legal status;
- Owners of buildings (residential houses, supplementary structures, other improvements) annual crops, fruit trees and other objects attached to the land;
- APs losing income and salaries whether temporarily or permanently;
- In addition to income and assets loss compensation, one time allowance will be considered for vulnerable groups, severely affected AHs, and APs/AHs if subject to physical resettlement will be provided relocation subsidy;
- Official fees for update land/property use rights certificate and related registration costs will be covered in addition to compensation and one-time allowances.

For inquiries please contact the following persons.

Rahmonzoda Inoyatullo	Kholikov Makhmudjon	Ahmadbekova Guldavlat
Chief Engineer of Project Implementation Unit for Roads Rehabilitation 14 Ayni Street, Dushanbe. Tajikistan Tel: (37) 222 20 73; +992 901 11 31 13. E-mail: rahmonzoda@piu.tj	Main Resettlement specialist of Project Implementation Unit for Roads Rehabilitation 14 Ayni Street, 4th Floor, Dushanbe. Tajikistan Tel: +992 (37) 222 20 78 +992 90 555 06 60 +992 98 713 10 01 Email: bobodjon@piu.tj	Main specialist on Environmental issues of Project Implementation Unit for Roads Rehabilitation 14 Ayni Street, 4th Floor, Dushanbe. Tajikistan Tel: (37) 222 20 78; +992 93 583 99 83 E-mail: ahmadbekova@piu.tj

Annex 2. Community Consultations

Project Information Brochure was distributed to all project affected households and other stakeholders for information.



The list of consulted project affected persons

Project Information Brochure Distribution				
No	Name	Address	Signature	Date
1	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
2	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
3	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
4	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
5	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
6	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
7	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
8	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
9	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
10	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
11	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
12	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
13	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
14	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
15	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
16	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
17	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
18	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
19	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020
20	Yusuf Aliyev	801-11-11-11	[Signature]	8.08.2020

Annex 3. Photos of project affected grocery shop



Grocery shop interviewed after being consulted on road project objectives, impacts and benefits



Grocery shop is the only affected main structure along the entire road section



Sales person at the project affected grocery shop

Annex 4. Grievance Application Forms

Grievance Application Form

Application form	
Name of the applicant _____	
Mobile Phone number: _____	
Email / Residence Hukumat _____ Jamoat _____ Village _____	
Language for communication: Tajik _____ Russian _____ Other _____ (please clarify)	
Date of application _____	Date of acceptance _____
Please explain the reason for your application in detail. Use additional pages if necessary Provide copies of relevant documents, if available.	
Complainant: Full Name _____ Signature _____ Date _____	Accepted: Full Name _____ Signature _____ Date _____

Grievance Log Sample

No	Name of Complainant	Submitted to	Location Km	Complaint Submission date	Contact Phone	Content of Complaint	Comment/ Activities to address complaint	Date of Resolution
0	0	0	0	0	0		0	0

Annex 5. Minutes of Public Consultation Meeting

Minutes of the National Public Consultation under Reconstruction of Bokhtar – Dangara-Guliston Road Project (Dangara-Okmazor section)

Date: August 20, 2020

Place of meeting: In the Lohur Jamoat of the Tojmahal village

Presented:

PIURR

Kholikov Bobojon

Main Social Safeguard Specialist of PIU RR

Ahmadbekova Guldavlat

Main Specialist on Environmental Issue of PIU RR

Consultant «KOCKS CONSULT GMBH»

Fozilov Fozil

National Resettlement Specialist

Mirzoev Nasim

National Sociologist

Hurmatzoda Fathiddin

National Resettlement Specialist

Stakeholders (scanned attendance list is attached).

Agenda:

- Presentations of the Project with main focus on the environmental and social assessment.
- Question time and discussion

The main information shared with the participants:

- Information about the Project
- Information about required and completed Project related activities
- Information on the cut-off-day
- ADB SPS 2009 and legal requirements of the Republic of Tajikistan
- Objectives of the Environmental and Social Assessment
- Process of drafting of the IEE and EMP and its further implementation
- Resettlement Action Plan and Matrix of compensation
- Grievance Redress Mechanism;
- Environmental issues related to the Project
- Examples of environmental impacts' mitigation measures
- Measures to ensure the prevention of the COVID-19 risks
- Importance of active involvement and the vital role of the local authorities (Hukumats and Jamoats), civil society organizations and other interested parties

Upon completion of the presentation stakeholders asked a few questions. The focus was on how road safety and environmental impacts mitigation measures would be implemented. The main questions related to the environmental issues along the whole Project road were as follows:

Questions:

1. Our culverts are under the project road and during the construction work these culverts will be damaged. Who will fix our culverts?
2. Will be taken into account the compensation for replacement of documentation.

3. When our fences will be destroyed, will be provided to us the information regarding the new place for construction of our fences?
4. Will compensation be paid for barren trees?
5. Is there a sidewalk provided in the new road project?

Answers:

1. Construction of the water supply system, electricity, communication and other systems are provided in the design. Any way anything that was damaged by the Contractor will be fixed by the Contractor.
2. Yes, the rates for the replacement of documents will be determined by a special enterprise of the region, and the AP will be compensated accordingly.
3. During the construction of the road, the edge of the road will be determined and after that, road engineers will show where to restore the new fence.
4. No, no compensation will be paid for barren trees, but the contractors during construction will present you these trees as firewood.
5. Pedestrian sidewalks are planned in settlements.

We, the undersigned, participated in a public consultation and received useful information about the project, Bank financing, ADB Security Policy Statement and Grievance Mechanism.

No.	Name	Position	Signature
1	Abdulhaqov A.F.	The Head of the "Neki" Jamoat	
2	Qurbonov Shamsali	AP	
3	Norimov Doaboi	AP	
4	Saidov Hamro	AP	
5	Haidarov Khairullo	AP	
6	Amirkhonzoda Rustam	land surveyor of the "Oqsu" Jamoat	
7	Rizoev Emonqul	AP	
8	Turkmanov A	AP	
9	Pirqadamov K	AP	
10	Jumaeva Mavluda	AP	
11	Gulomova Malohat	AP	
12	Khilvatov Murodali	The Mehtar village resident	
13	Saidov Kholboi	AP	
14	Ahmadbekova G.	PIU RR Specialist	
15	Sattorzoda Nuriddin	land surveyor of the "Lohur" Jamoat	
16	Akramov Fathiddin	The Mehtar village resident	
17	Murodov Akram	Representative of the Lohur Jamoat	
18	Rustamov Olim	AP	
19	Sobirov Jamshed	international relations	
20	Rahmonova Gulnora	Tojmahal village resident	
21	Kamolova Bozorgul	Tojmahal village resident	
22	Khilvatov Mahmadrabab	Medical worker	
23	Kholbaeva Jamila	Housewife	
24	Karimov Qimmatullo	AP	
25	Qurbonov Safar	AP	
26	Pulatov Mamarasul	AP	
27	Fozilov Foziljon	Local Consultant	
28	Hurmatzoda Fathiddin	Avtostrada Consultant	
29	Mirzoev Nasim	Local Consultant	
30	Talabov Ibrohim	Driver	
31	Kholikov Mahmudjon	PIU RR Social Specialist	

Photos taken during Public Consultation on project related social and LAR issues



Annex 6. Copy of the original official letter on Grievance Redress Commission formation



**ҖУМХУРЛИК ТУРКИЯСТОН
БИЛИНГЕН ХАЛВОН
ТАҢСИ БУСАМАН ДАНГАРА
А М Р**

№ 18 08 2020 № 19 * Дангара

Дар борин ташки-кенисине онд би
бурунине ышлагане ыбыста би
«Ташки ва кенисине рон
актывибиларин Дангара-Бостар»

Дар 2008н интириби Маркази табикии кенисине ташкии ронин ва 3
кенисине онд 2020, №721 онд «Ташки ва кенисине рон актывибиларин
Дангара-Бостар» ва би ышлагане бурунине арн аккылатин аккылатин
ондкан Дангара, ва дар аккылатин аккылатин Дангара-Бостар аккылатин
аккылатин ва бикини аккылатин аккылатин аккылатин ва аккылатин аккылатин
аккылатин 14-н Кенисине Чукхурин Ташкиинин «Дар борин ронин
актывибиларин ва аккылатин ронинин», аккылатин 20-н Кенисине Чукхурин
Ташкиинин «Дар борин аккылатин аккылатин аккылатин» ва би даркылатинин
аккылатин 19 ва 20-н Кенисине аккылатининин Чукхурин Ташкиинин «Дар
борин аккылатин аккылатин аккылатин аккылатин»

АМР МЕДИАМ:

1. Кенисине онд би бурунине ышлагане ыбыста би «Ташки ва
кенисине рон актывибиларин Дангара-Бостар» дар аккылатин аккылатин
тешкии аккылатин аккылатин

Шарифови Ч. - Муавини аккылатин аккылатин Дангара, ронин аккылатинин,

Аккылатин аккылатин

Софиевди Ш.	- ронинин аккылатин аккылатин аккылатин Дангара
Алиевди Б.	- аккылатин аккылатин аккылатин аккылатин аккылатин
Сатторовди Ю.	- аккылатинининин онд би аккылатин аккылатин аккылатин аккылатин аккылатин

Кароматуллоев Ш.	- раиси Кумитан идораи зинини ноҳияи Данғара
Ашӯров Д.	- мутасаддиси ғишари бахши сармоиғузорӣ ва идораи имволи давлатии ноҳияи Данғара
Кенҷақова И.	- сардори идораи Шабакаҳои барқи ноҳияи Данғара
Нураллоева Х.	- сардори Шуъбаи ҳифзи муҳити зистии ноҳия
Валиева М.	- сардори Бахши Кумитан ҳамаҷониб фарогири ноҳияи Данғара
Малика Ф.	- сардори ҚСНП «Телерадио»-и ноҳияи Данғара
Абдуллоева Б.	- сардори МДНРА ноҳияи Данғара
Ходова А.	- сардори шуъбаи бозорӣ давлати автомобилҳои ноҳияи Данғара
Неъматов О.	- н.а. сардори шуъбаи кинематографии ноҳияи Данғара
Абдуллоев Э.	- раиси Ҷамоати деҳоти Лолазор
Назаров Х.	- раиси Ҷамоати деҳоти Оқсу
Қодиров Б.	- раиси Ҷамоати деҳоти Санғузда
Қурбонқова Б.	- н.а. раиси Ҷамоати деҳоти Қорғиз
Ғаффаров Ҷ.	- раиси Ҷамоати деҳоти Лоҳур
Набиев Ф.	- директори Корхонаи давлатии фармоиштаҳои обтаъминкунии ва каналлестроении ноҳияи Данғара
Сайфуллоев А.	- сардори КЭОНД ноҳияи Данғара
Мухоммад А.	- сардори идораи беҳдошти замин ва обёрӣ ноҳияи Данғара
Қурбонов С.	- заминсози Ҷамоати деҳоти Лолазор
Амирганиева Р.	- заминсози Ҷамоати деҳоти Оқсу
Шарбаева Н.	- заминсози Ҷамоати деҳоти Санғузда
Қаримов Қ.	- заминсози Ҷамоати деҳоти Қорғиз
Сагдиров Н.	- заминсози Ҷамоати деҳоти Лоҳур

2. Комиссия оид ба баррасии масъалаҳои вобаста ба «Таъсис ва ташкилоти роҳи автомобилгарди Данғара-Бохтар» таъсисдиҳандаи корҳои шавд, ки масъалаҳои ҷойдоштари ба Маркази таъсисдиҳандаи таъсисдиҳандаи роҳи баррасӣ намояд.

3. Назорати иҷрои қарори мазкур ба зинини муовини соҳавии раиси ноҳияи гузошта шавд.

Раис

Рахмонов И.Х.

Annex 7. English translation of the official letter on Grievance Redress Commission formation

On the formation of a commission for related issues on “ Rehabilitation and Improvement of Dangara – Bokhtar Road”

Based on the letter from PIU dated June 3, 2020 No. 727 on “ Rehabilitation and Improvement of Dangara – Bokhtar road” and for the purpose of considering complaints and appeals of citizens of the Dangara region, located on the Dangara-Bokhtar highway, in accordance with the requirements of article 14 of the Law of the Republic of Tajikistan "On roads and road activities" , Article 26 of the Law of the Republic of Tajikistan "On Normative Legal Acts" and in accordance with Articles 19 and 20 of the Constitution of the Republic of Tajikistan "On Local Authorities".

I DECREE:

1. To create commission related issues concern to "Rehabilitation and Improvement of Dangara – Bokhtar road" in the following composition.

Sharifzoda J. - First Deputy Chairman of the Dangara District, Chairman of the Commission;

Members of the commission:

Sobirzoda Sh. district	- Head of the Department the Chairmen of Dangara district
Ashurzoda B.	- Chief of the construction of the district
Sattorzoda U.	- Chief specialist on legal issues of the District Chairman's Office
Kfromftulloev Sh.	- The head of the land Committee of Dangara
Ashurov D.	- Specialist on investment and property management department of Dangara district
Kenjazoda I.	- The head of Electric Power Department
Nuralizoda Kh.	- Head of Environmental Protection of the district
Valizoda M.	- Head of branch of the Emergency Situations Committee and Civil Protection of Dangara district
Malaev F.	- Head of Telecom Company of Dangara district
Abdullozoda B.	- Head of MDNRA of Dangara district
Kholov A.	- Head od Traffic police of Dangara district
Nematov O.	- Acting as a Head of Agriculture Department of Dangara district
Abdulloev E.	- Head of Jamoat of Lolazor village
Nazarov H.	- Head of Oksu village
Kodirov B.	- Head of Sangtuda village
Kurbonzoda B.	- Acting as a Head of Jamoat Korrez
Gafforov J.	- Head of Lohur village
Nabiev F.	- Director of the State Subsidiary Enterprise for Water Supply and Sewerage at Dangara district
Mukimov A.	- Head of land sanitation and irrigation department of the district
Kurbonov S.	- land management of Lolazor village
Amirkhonzoda R.	- land management of Oksu village

Sharbatov N. - land management of Sangtuda village
Karimov K. - land management of Korrez village
Cattorov N. - land management of Lohur village

2. Commission related issues concern to "Rehabilitation and Improvement of Dangara – Bokhtar road " is in charge to submit the list of existing issues to PIU
3. Control over the implementation of this resolution to assign to the sectoral deputy of the chairman of the district

Chairman Rahmon I. H.

Annex 8. Form for Inventory of Project Affected Assets of APs

	LAND ACQUISITION AND RESETTLEMENT PLAN - INDIVIDUAL HOUSEHOLDS								No Act / Canada				
Project/Лоика:						ТА-8945 TAJ.: CAREC Corridors 2, 5, and 6 DUSHANBE-KURGONTEPPA Road Project							
Funded by/ Маънагузор:	Asian Development Bank										Date of visit / Саниа таурифи		
Implementer/Ирокуанда:	Ministry of Transport, Republic of Tajikistan												
Project section / Китъан лоика		Road Km/Pox дар км	PК		Road side L/R/Канори рох Ч/Р		Ten:						
District / Ноҳияи											Jamoat /Ҷамоати		
Head of household's Name / Ному насаби сардари оила:		ID #											
Major Economic Activities / Yes=1 / No=2 Ваъзти оила дар хона		Faqoliyatxoh asosini iktisodisi (daroamadnoxi) oila / Ишора кунед! 1да / 2нет											
Number of people in the AH/ Шумораи аъзоёни оила	Male/ Мард	Female/ Зан	Female headed/Zan roxbarunaru nanda: 1da / 2net	Number of disabled/ Шумораи шахсонии маълӯб дар оила	Vulnerable AH Oinay kambazot / Ishora kuneid 1da / 2Net	Agricultural labor Kori kironi kinoshavarzin	Daily wage Kori kiron xurud	Small enterprise/Sохибкории хурд	Government employment/Kori davlatii (rasmi)	Other/Dигар			
Affected Fruit Trees Дарахтони мевадиқандан зарардида			Number of Productive Trees / Шумораи дарахтони мевадиқанда	Number of not productive (sapling) trees Шумораи дарахтони навникол	Age of the productive tree / Соли таммини дарахтони мевадиқанда	Affected Non-fruit trees Дарахтони зарардида сояғадан ва оришия					Number of trees Шумораи дарахтон	Age of tree Соли дарахт	Possible replanting/Iлкони кучонидан 1нда / 2чнет
Apple / Сеф Cherry / Гелос Small cherry / Олуца Peach / Шафтропу Apricot / Зарадуру Pomegranate /Анор Nut tree / Чормағз Mulberry / Тут Khurma/Xурмо Other /Дигар TotalXамиги						Pine / Арча Poplar / Сафардор decarative/kинор osier/Бод							
Affected Residential/Commercial land / Area m² / Замини Маздахизлагити/Сохибории зарардида Масоҳат м²						Total area m2/Mайдони умумии замин (M2) Type of Land/ тип земагн					Dimensions Андозаҳо (М) Bar Darozni		
Residential Mаздохизлагити Commercial Сохибории TotalXамиги						L/Ч R/Р	L/Ч R/Р	Бар Дарози					
Affected Cultivated Land / Area m²Замини кишти зарардида / Масоҳат m2													
Type of crops /тип уражай	Ownership1=Owner/ 2=Renter/ 3=tillage 1=зам худй/ 2=зам иҷора 3=зам гай конуни:	Type of land/(see codes) PL / IDF / FDF / CDF.	Total area m2/ масоҳати умуми m2	Dimentions Андозаҳо (М) Bar Darozni	Affected area m2/ Майдони таъсирдида m2	CODES							
Vegetables /Сабазаот Orchard / Бор Vineyard /Токопор Other /Дигар Corn /Нуворммака Wheat /Гандум Cotton /Пахта Flax /Запар Paddy /Шоли Other /Дигар TotalХамиги						(PL)	(IDF)	(PDF)	(CDF)				
Affected Buildings, shops, sheds, outbuildings, walls, fences and other miscellaneous Items / Бинохо, магазоха, Нарвасхо, Иншоотҳои беруни, Деворчо, Чапаракхо ва диғар иншоотҳои зарардида. CODES / Рамаз													
1 House / Истикомати 2 Kitchen / Ошхона 3 Shed / Нарвас 4 Fencing /Девоп ва чапарак 5 Lavatory / Хачатохона 6 Tanks / Рооб/, Халя, чоки обтури 7 Concrete surface / Суфтаи бетони 8 Tandolonah/Nовбойгохона 9 Wells / Свагинихохо Livestock shelter / Орилтохона 11 Barn / Анбоп 12 Other / Диғар	13 Fuel station / HOC (АЗС) 14 Store / Shop / Маргаза 15 Pharmacy/ Алтека 16 Service center \Маркази хизматарасони 17 Restaurant / Ресторан 18 Public center / Маркази чамъянгити 19 Religious center / Масҷид 20 Cemetery/Мазар 21 Tandur / Аловчихона 22 Basement / Тахомана 23 Iron gate/Даревази охангани 24 Woden gate/Даревази चुбин	Fundament/walls/ roof/floor / тахкурси / девори /бом / Фарш 1 Concrete /бетони 2 Rubble concrete /Бутобетон 3 Reinforced concrete /Железобетон 4 Cementblocks / Цементблок 5 Stone wall / Девורי сангии 6 Burnt bricks /Хисhti пуқта 7 Mud bricks / Хишти лои 8 Mud wall / Девורי лой 9 Mud and stone /Лой ва санг 10 Wire netting fences / Сеткаи симин 11 Metal sheet fences \ Туника 12 Metal netting fences / Панҷараы сахни 13 Timber sheet /Тахтаги 14 Wood and asbestos sheet garret / Боm аз тарта ва асбест 15 Wood and metal sheet garret / Боm аз тарта ва туника 16 Metal frame/Қорчубан металии 17 Concrete slab/Tакхасагити бетони 18 Mud plastering/ Андоваи лои 19 Wooden floor/ As тарта 20 Plywood floor/Az фанер 21 Other / Диғар											
No Type of structure/ Наъвы сохтмон Dimentions /Андозаҳо Length / дарози (meter) Width / бар (meter) Area / Масоҳат m2 Number of rooms/ шумораи хонахо Fundament / Пойдевор Material / масолех Length /дарози (meter) Width / бар (meter) Height / Баланди (метр) Walls / Девоп Material / масолех Length / дарози (meter) Width / бар (meter) Height / Баланди (метр) Roofing/ Боm Floor/ Фара													
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16													
Affected Business / Сохибории зарардида Spare parts trade / Маргази қисмоми эктияти Snack food outlet / Дуќони хуроми тастпашавања Pharmacy / Алтека Other / Диғар Date / сана Affected Person Agreed / Шахси таъсирдида (сардори оила) Рози ҳастам: Signatures / Имзохо													
№ Affected Business Сохибории зарардида Number Шумора Area m² Масоҳат м² Monthly net income / Даромади моҳона Patent Патент No of official employees /Шумораи коргарон	Date / сана Affected Person Agreed / Шахси таъсирдида (сардори оила) Рози ҳастам: Signatures / Имзохо												
1 2 3 4 Total/Huroo	KOCKSKOKC												