

Land Acquisition and Resettlement Plan

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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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Addendum No. 3 to the Land Acquisition and Resettlement Plan

CENTRAL ASIA ECONOMIC COOPERATION CORRIDORS 2, 5, and 6 (DUSHANBE – KURGONTEPPA) ROAD PROJECT

LOAN L3451 / GRANT 0509 / GRANT 0510 – TAJ,

Ministry of Transport of the Republic of Tajikistan



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ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
AE	Affected Entity
AH	Affected Household
AP	Affected Person
DMS	Detailed Measurement Survey
D/F	Dekhan Farm
AD	Displaced Person
EA	Executing Agency
FP	Focal Person
GRC	Grievance Redress Commission
GRM	Grievance Redress Mechanism
GOT	Government of Tajikistan
IA	Implementing Agency
LARDD	Land Acquisition and Resettlement Due Diligence (report)
LARF	Land Acquisition and Resettlement Framework
LARP	Land Acquisition and Resettlement Plan
LHS	Left hand side
NSS	National Safeguards Specialist
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'
TSJ	Tajik Somoni

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. This addendum to the LARP is prepared for Dushanbe-Kurgonteppa road section commencing at Km 0+275 to Km 33+475 to cover the LAR impacts occurring as a result of design changes that require acquisition of some additional privately used land and assets.
2. This addendum No. 3 to the approved LARP is based on the entitlements and compensation rights and requirements established for the entire road project and stipulated in the original LARP of the project approved by government and disclosed on the ADB website in June 2017.
3. This LARP Addendum No 3 includes: (i) project background, (ii) status of implementation of the approved LARP, LARP Addendum No 1 and LAPR Addendum No 2, (iii) design changes requiring LARP Addendum No 3, (iv) scope of impact triggered by current design changes, (v) information disclosure and public consultations with APs, (vi) grievance redress mechanism, (vii) legal framework, (viii) compensation entitlements and one-time allowances, (ix) resettlement budget, (x) institutional arrangements (xi) LARP Addendum No 3 implementation schedule, and (xii) monitoring of the LARP Addendum No 3 implementation.

1.2 Project Background

4. The Government of the Republic of Tajikistan (GoT) and Asian Development Bank (ADB) are financing the CAREC Corridors 2, 5, and 6 (Dushanbe-Kurgonteppa) Road Project. Phase 1 of the project covers a 33.470 Km road section which stretches from Dushanbe at Km 0+275 and ends at Km 33+475 to Chashmassor village (Galaobod Jamoat).
5. The project is supervised by Kocks Consult GmbH and the Construction Contractor is Xinjiang Beijing Ltd. 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.
6. The current road passes through the suburbs of Dushanbe to "Dushanbe Gate" as a dual two-lane highway. Passing through a built-up retail/industrial area where vehicles park on both sides of the road most of the day. At Dushanbe Gate, the road narrows to a single two-lane road that runs through the Jamoats of Chimteppa, Chorgulteppa, Lohur, Fakhrobod and Galaobod.

1.3 Brief Overview of Previously Approved LARPs

7. The Project requires land and assets acquisition due to the enlargement of the road. Consequently, Land Acquisition and Resettlement Plan (LARP) was prepared.
8. The Census conducted in November 2016, identified 76 Project-affected households, Dekhan farms, including owners and users of land/buildings, business owners, and renters with a total of 624 persons. Later, based on the revised design and some

changes in the ROW alignment, an additional DMS was conducted. The result revealed a changed impact to ten (10) households¹.

9. The changes were covered by the Addendum to the LARP. In total, the LARP and Addendum No 1 to LARP covered 72 affected households (595 members) along Phase 1 of the Project.
10. The original LARP was approved and disclosed in July 2017, followed by LARP Addendum No 1 disclosure in August 2017. The LARP Addendum No 2 was approved and disclosed in February 2020.
11. In total, 88 project affected parcels of 75 AHs (622 APs) and 1 AE were cash compensated in compliance with the approved original LARP, and LARP Addendums No 1 and No 2.

1.4 Design changes requiring LARP Addendum No 3

12. This addendum No 3 to the approved LARP is prepared for Dushanbe-Kurgonteppa road section commencing at Km 0+275 to Km 33+475 to cover the LAR impacts occurring as a result of design changes occurred at sixteen location requiring acquisition of some additional privately used land and assets.
13. The design changes have been required for widening the ROW or side walks, for organising to U-turns, proper exits to animal crossing, construction of overpass, potable water pipeline, interchange ramp or as a result of shifting central line.
14. These design changes caused slight realignment of the ROW and triggered LAR impacts over sixteen (16) land parcels attached with assets used by private persons as described in table 1 in the chapter Impact Assessment. The photos of land parcels and assets affected as a result of design changes are presented in Annex 1.

1.6 Scope of Land Acquisition and Resettlement and Impact Summary

15. Social Safeguards Team of the Engineer, Kocks Consult GmbH, in coordination with representatives of the PIURR and lead engineer of Construction Contractor conducted on-site examination of all sections of design changes, identified all additional land parcels, determined the area of new land acquisition, defined land tenure status and identified all APs.
16. The area of new land acquisition was determined through DMS. Based on design change maps land demarcation² was carried out to determine the boundaries of land take. Each proposed design change was compared with the previously approved designs, and also set out on site, to identify impacts. In coordination with local government land tenure status was determined once all APs were identified as a result of census.
17. Census was followed by SES. Social Safeguards Specialists of Engineer, Kocks Consult GmbH and PIURR met in person with most informed member of project

¹ Out of ten, six previously affected households did not incur project impact any more, two AHs faced changed impact and two were newly affected households.

² Drawings of approved design changes were the baseline documents exercised for land demarcation and identification of new land take boundaries.

affected household for socio-economic survey. The form of questionnaire³, elaborated and approved under original LARP, was filled out for SES purposes.

18. All required surveys were planned and undertaken to determine the names of APs, to conduct census and SES of APs/affected households, and inventory of affected assets, and road side traders. The resulting changes to private land and assets were recorded and evaluated by relevant State Agency - State Unitary Enterprise for Valuation (SUE) 'Narkhguzori' - to determine the amount of compensation to be paid to individual APs, 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.
19. This addendum No. 3 to the approved LARP of the project is based on the entitlements and compensation rights and requirements established for the project and stipulated in the original LARP of the project approved by government and disclosed on ADB website in July 2017. LARP Addendum No 1 was approved and disclosed in August 2017. LARP Addendum No 2 was approved in February 2020.
20. The scope of impact of approved design changes along these sixteen (16) locations is as follows:
 - a) In total, works in the road section will impact sixteen (16) land parcels; among them 5 are residential, 8 commercial, 2 Dehkan farm land parcels and 1 State land used by AP losing perennials.
 - b) In addition six (6) APs hired labor facing temporary loss of wages;
 - c) None of the APs will lose residential dwellings, therefore no physical displacement is required.
 - d) Total of 7 APs and 2 AEs will lose 140 mature fruit bearing trees and 8 fruit tree saplings.
 - e) Two (2) APs will lose main structure of commercial designation, while 11 APs will face impact only to supplementary structures, fences, walls and other developments.
 - f) One (1) AP will experience loss of income as a result of temporary stoppage of business⁴.
 - g) Two (2) APs will be severely affected; 1 AP is the owner of operating commercial facilities and 1 AP is owner of trading shed. Both structures will be demolished and compensated to be reinstated further away from the road ROW.
 - h) One (1) AH is qualified as vulnerable.
 - i) Overall, two (2) AEs and twenty (20) APs have been enrolled to be compensated for the losses encountered through the new design changes covered under this LARP Addendum No 3.
21. The risk of opportunistic encroachment on land designated for acquisition by the project is managed through the declared 25 April 2016 cut-off date, applicable to the original LARP.

³ Sample of blank questionnaire and inventory forms used during field surveys are provided in Annex 2.

⁴ The AP is the owner of the operating commercial facility (at km 9) located in 2 meters away from the road ROW and affected as a result of road surface alleviation once new road is constructed. The 6 APs are hired labor in this commercial facility.

1.7 Information Disclosure, Consultations and Participation

22. All twenty-two (22) APs have been individually consulted and provided with full information on design changes and impacts to their land and assets. During DMS, census, SES, inventory of affected assets all APs were present and participated in the survey process.
23. The Social Safeguards Consultants personally met with each project affected household and representative of Dekhan Farm and informed about the pending project impact. Due to the small number of APs no public disclosure meeting was organized, instead the Consultant and the representative of the PIURR, individually in person met all the APs including the directors of the Dekhan Farms.
24. Individual consultations with APs started as early as September 2019 and continued till October 2020. The details of individual consultations with APs is presented in Annex 5.
25. This face-to-face interaction is rather efficient source for sharing the information with APs and answer their question, which mainly refer to tentative time for land acquisition and issuance of cash compensations, start of road works in vicinity of their location an possible job opportunities.
26. Overall the population is well aware of this road project. Many of them previously participated in consultations and received the Project brochure. Social Safeguards Specialists of the Engineer, the of PIURR and representatives of local government regularly meet with local population and update them on project activities, implementation schedules, GRM benefits and all other project related issues.
27. Consultation meetings were held with other stakeholders including Jamoat representatives, raisi mahala and other local authorities to ensure to meet the ADB SPS requirements specially meaningful public consultations.
28. The LARP Addendum No 3 in English will be uploaded to the ADB website⁵. A Russian version will be uploaded on the MOT website⁶ and hard copies will be made available at local Jamoats and to be made available to the project stakeholders.

1.8 Institutional Arrangements

29. As described in the approved LARP 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.

1.9 Grievance Redress Mechanism

⁵ www.adb.org

⁶ www.mintrans.tj

30. The Grievance Redress Committees were established in all five project affected Jamoats in compliance to the MoT letter No. 516, dated May 20, 2016.
31. Five GRCs have been formed and have been operating since the commencement of the project and will keep operating during the entire project cycle. The Focal Persons (FPs) are appointed to Jamoat GRCs and at the PIURR.
32. 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 appeal any decision, practice or activity related to the Project. The PIURR ensures that grievances and complaint are addressed in a timely and effective manner.

1.10 Monitoring and reporting

33. 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, stipulation of the approved LARP, and the present LARP Addendum.
34. Reporting requirements will fully cover the newly affected areas and APs under this LARP addendum similar to the approach exercised with regard to the entire section of this road project.
35. Impact monitoring will encompass verification of the following indicators:
 - a. Whether all physical inputs committed in the Addendum to LARP have been delivered and all services provided
 - b. Whether the mitigation actions prescribed in the Addendum have provided the desired effects
 - c. The socioeconomic status of the affected population and host population measured against the baseline conditions before the displacement.

1.11 Resettlement Budget

36. The total implementation cost of the Addendum No 3 to LARP, including compensation, rehabilitation allowances as well as administrative costs for LARP implementation and contingency amounts to **1,279,214.76 TJS**, which is equivalent to **\$ 123,753.46 USD** (at exchange rate as of October 19, 2020 of the National Bank of the Republic of Tajikistan).

II. PROJECT DESCRIPTION

37. Dushanbe is the capital and largest city of Tajikistan, and is home to approximately 775,000 people. Kurgonteppa is the capital of the Khatlon region and the third largest city in Tajikistan, with a population of about 100,000 people. Kurgonteppa is home to a number of industrial enterprises, universities, colleges, and hospitals. The project road passes through terrain that varies from flat to mountainous, and connects Dushanbe to Afghanistan. Apart from a 3.4 Km section immediately south of Dushanbe, the road is a two-lane carriageway with few in-built safety features. The road could be a resourceful engine for regional integration and inclusive economic growth, however, this potential is limited by three factors: (i) road capacity, (ii) road condition, and (iii) road safety.
38. Traffic volumes on the road have grown steadily, averaging around 13% per annum over the 2000-2014 period. Present traffic volumes range from approximately 7,000-10,000 vehicles per day in the central section of the road to about 16,000 vehicles per day in the peri-urban sections on the outskirts of Dushanbe and Kurgonteppa. The road is projected to reach its traffic capacity by 2020 for most of its length. Although its surface is in overall reasonable condition, with an average international roughness index (IRI) of around 6; this figure masks several significant sections where the pavement is rapidly deteriorating. Broadly, the road pavement requires improvement either immediately or in the near to medium term. This is due to the emergence of cracking and potholes and damage to structures and drainage systems. Also, the road has a poor safety record, with a high concentration of accidents in the more heavily trafficked sections adjacent to Dushanbe and Kurgonteppa in particular.
39. The project will support the government's program to progressively improve the road by: expanding its width from two to four lanes to address the impending capacity constraints improving its surface condition by structural overlays of the existing pavement and construction of new pavements to address the condition constraints, and providing well-designed safety facilities to address the existing road safety deficiencies.
40. The project will also serve to take stock, draw lessons and analyze the institutional gaps on road safety and road asset management with a view to incrementally strengthening MOT's capacities on these topical aspects. This approach will support a policy dialogue that will run in parallel with the progressive improvement of the road and will be closely coordinated with other development partners active in the transport sector.

2.1. Project Realignment and Design Changes

41. The design changes and reasons for design changes covered by this LARP Addendum No 3 are described in the table 1.

Table 1. Description of design changes covered under LARP Addendum No 3

No	Km start	Km end	R/L	District	Jamoat	Village	Design change
1	4+140 (0+800)	4+140 (0+115)	R and L	Rudaki	Chimteppa	Chimteppa	Turn to local road
2	4+200	4+280	R	Rudaki	Chimteppa	Chimteppa	Widening for side walk
3	5+660	5+900	R	Rudaki	Chorgulteppa	Obishifo	Widening of ROW due to U-turn
4	5+460	5+900	L	Rudaki	Chorgulteppa	Obishifo	Widening of ROW due to U-turn
5	5+930	6+0,67	L	Rudaki	Chorgulteppa	Obishifo	Widening of ROW due to U-turn
6	6+320	6+370	R	Rudaki	Chorgulteppa	Obishifo	Widening for side walk
7	6+480	6+528	L	Rudaki	Chorgulteppa	Obishifo	For construction of potable water pipeline
8	6+648	6+648	R	Rudaki	Chorgulteppa	Obishifo	Overpass construction
9	7+940	7+980	R	Rudaki	Chorgulteppa	Obishifo	Widening of road edge
10	9+510	9+535	R	Rudaki	Chorgulteppa	Obishifo	Restoration of side road to match new road surface elevation
11	10+260 (1+000)	10+500 (4+600)	R and L	Rudaki	Lokhur	langikhaet	Interchange ramp
12	13+080	13+180	R	Rudaki	Lokhur	Alabaital	Shifting central line
13	13+220	13+360	L	Rudaki	Lokhur	Alabaital	Shifting central line
14	19+420	19+600	L	Khuroson	Fakhrobod	Fakhrobod	To arrange entrance to Animal crossing
15	30+900	30+990	R	Khuroson	Galaobod	Chashmassor	U-turn, also connection of existing restaurant access road, to nearby public side road
16	31+710	31+730	L	Khuroson	Galaobod	Chashmassor	U-turn

42. These design changes caused slight realignment of the ROW and triggered LAR impacts over twenty-two (22) APs, holding private assets attached nine (9) private land parcels, seven (7) state-owned land parcels as described in chapter Impact Assessment.

2.2. Objective and Scope of LARP Addendum No 3

43. The main objective of Addendum No 3 to LARP is to identify project affected persons (APs) subject to economic displacement due to the Project realignment and to assist them to restore their livelihoods. The Addendum No 3 to LARP is based on the approved LARP stipulations and complies with the relevant laws of the Republic of Tajikistan and the requirements of ADB's Safeguard Policy Statement (SPS) 2009.
44. The Addendum No 3 to LARP has been prepared to:
 - i. address and mitigate impacts caused by the project
 - ii. ensure compliance with ADB's SPS (2009) requirements, and
 - iii. determine compensation, resettlement and rehabilitation assistance for the affected households.
45. The Addendum No 3 to LARP is based on the newly approved design changes. The ROW of new realignments is now fixed, any further changes of the design would be made within the corridor. The following steps were taken for the completion of this Addendum No 3 to LARP:
 - i. disclosure of Project information and consultations with APs
 - ii. completion of the socioeconomic survey (SES) and census of APs
 - iii. inventory of losses for all APs/AEs
 - iv. completion of detailed measurement surveys (DMS)
 - v. valuation of affected land, buildings, structures and perennials, and
 - vi. preparation of the compensation budget for identified losses.
46. The LARP Addendum No. 3 is prepared by the MOT with technical support provided by National and International Social Safeguards and Resettlement Specialists deployed by the Construction Supervision Company and the representatives of the PIURR. The document is developed in compliance with the approved LARP, ADB SPS 2009, and relevant laws and regulations of the Republic of Tajikistan.
47. The present Addendum No 3 to LARP covers all newly identified project affected land parcels located within the ROW realigned as a result of new design change, as well as owners and possessors of land and project affected assets subject to cash compensation including severely affected and vulnerable AHs.
48. LARP Addendum No 3 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 the official 'No Objection' being granted to the final LARP Addendum No 3.
49. 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 realigned sections of the road ROW will be reflected in the relevant Social Compliance Monitoring Report and the award on commencement of road works will officially be allowed.

III. SCOPE OF IMPACT

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

3.1. Impact Assessment Survey Methodology

51. One of the key principles adopted for the preparation of this Addendum No 3 to LARP is that all compensation payments and livelihood restoration assistance must be based on a detailed understanding of the Project impacts on displaced people. The data collection started in July 2020, DMS was carried out in August 2020. In September 2020 the team double checked some data and prepared the detailed description of project affected assets subject to valuation and cash compensation.

52. In order to accurately assess the extent of the Project's LAR impacts, the following surveys and valuations were undertaken:

- i. Enumeration of all project affected assets
- ii. Census and SES of all project affected households
- iii. Detailed Measurement Survey (DMS) to measure the affected area of the lands, buildings, improvements and determine ownership status of APs
- iv. Inventory of project affected assets was undertaken 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' signature.

53. Along these fifteen (15) locations of design changes the DMS identified the total of sixteen (16) project affected land parcels; among them nine (9) are private land parcels and seven (7) state land parcels are attached with project affected private assets. Overall the confirmed LAR impact is extended over two (2) Dehkan Farms lands, one (1) State land used by AP, eight (8) Commercial APs, five (5) residential APs, six (6) APs losing monthly wages.

54. The table below provides gender disaggregated data on 73 persons, family members of 16 APs defined eligible to cash compensation under this LARP Addendum No 3.

Table 2. Gender disaggregated data of APs

Description	No of affected plots	No of APs	No of AEs	Total of APs and AEs	No of Male APs	No of Female APs
Residential Private	5	5		5	4	1
Commercial private	8	8		8	7	1
Hired labor - shop employees	0	6		6	3	3
State land used by AP	1	1		1	1	
Dekhan	2		2	2	2	
Total	16	20	2	22	17	5

55. Census covered all twenty-two APs and also interviewed several local resident households not affected by the approved design changes.

56. The Detailed Measurement Survey (DMS) was conducted in August 2020. Once the final design was approved the DMS data was double checked, some details confirmed and updated in September 2020.
57. The DMS was conducted in the presence of AP, Head of the village (i.e. Rais Mahala), representatives of project affected Jamoats, relevant Hukumat, local land committee, road maintenance department, PIURR resettlement engineer, and International and National Social Safeguards and Resettlement specialists of Construction Supervision Company.
58. 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 document.
59. The State Agency - State Unitary Enterprise for Valuation (SUE) 'Narkhguzori' was provided with detailed list of project affected assets collected during the inventory for assessment and determination of compensation amounts per each type of assets, such as fruit bearing perennials, residential structures and improvements except agricultural land. The SUE Valuation Report was issued on October 6, 2020.

3.2. Affected Land

60. Out of total 16 project affected land parcels only nine (9) land parcels hold by APs under private land use right will be compensated in cash for the loss of land use rights. The remaining seven (7) land parcels attached with some fences, or private improvements to the State land; therefore APs occupying these areas will be compensated in cash for affected assets only.
61. The table below provides a description of land tenure status and land category of project affected land parcels subject to cash compensation in favor of APs holding private land use right certificate.

Table 3. Project impact on private land parcels subject to land compensation

Land use category	Land tenure status	Land parcels (number)	Total area (sq. meter)	Affected area (sq. meter)
Residential land	Certificate holders Ownership	3	5,200	648.25
Commercial land	Ownership certificate	5	68,100	4,616.00
Dekhan Farm land	Land use right certificate	1	3,000	124.00
Total		9	76,300	5,388.25

3.2.1. Affected Fruit Trees

62. New design changes will affect the total of 192 perennial trees; among the 148 are fruit bearing trees standing on privately owned/used land plots located within the realigned ROW. In total seven (7) APs and two (2) Dekhan Farms will lose 140 mature fruit bearing trees and 8 fruit tree saplings.

Table 4. Summary of project affected fruit trees

No	Description	Number
1	Mature fruit trees	140
2	Fruit tree saplings	8
3	Timber or decorative trees	44
	Total	192

63. The table below provides the breakdown of project affected fruit trees according to species and approximate age and number of APs without double counting

Table 5. Project affected fruit trees and APs eligible to compensation

No	Fruit tree species	No of affected mature fruit trees	No of affected fruit tree saplings	Total number of affected fruit trees and saplings	No of APs eligible to compensation for project affected fruit trees and saplings
1	Apricot	2		2	2
2	quince	1		1	1
3	Grapes	2		2	1
4	Cherry	3		3	2
5	Pear	1		1	1
6	Pomegranate	1		1	1
7	Walnut	2	1	3	2
8	Plum	1		1	1
9	Mulberry	10	5	15	6
10	Persimmon	9		9	2
11	Wild Cherry	18	2	20	2
12	Apple	90		90	1
	Total (w/o double counting)	140 (9 APs)	8 (3 APs)	148	9 APs

64. In addition to fruit bearing trees the total of forty-four (44) decorative and timber trees grown on the state land occupied by local population residing along the existing road. None of the decorative trees are considered valuable varieties.

65. Table 6 below provides the description of decorative, mainly pine trees, timber trees of various species, and the number of APs who claimed possession of the perennials grown within the ROW of the proposed road project⁷.

Table 6. Project affected non-fruit bearing perennials

No.	Non-fruit bearing trees	No. of trees	APs (Claimants)
1	Pine (Decorative trees)	8	3
2	Various timber trees	36	4
	Total (w/o double counting)	44	7

3.2.2. Affected Crops

66. No crops will be affected along newly affected land.

3.2.3. Affected Business

67. The total of seven (7) APs are eligible to cash compensation for temporary loss of income (1 AP) and temporary loss of wages (6 APs).

68. The only AP facing the temporary stoppage of business is the owner of three operating commercial facilities of different profile. These three operating commercial facilities placed under the roof of one building is covered under this LARP Addendum No 3 due to temporary stoppage of business operations. As a matter of fact, although the building with these four shops is standing outside of the ROW of new realignment, the shop - once the new road is constructed - will appear within 2 meters from the ROW edge and on 1 to 2 meters lower of the road surface. Therefore, the shop will receive cash compensation to reconstruct the shop into 2-storied shop and secure some parking area for potential customers. In addition, shop owner AP will receive additional compensation for temporary stoppage of business.

69. The other six (6) APs working as hired labor for the owner of these three operating commercial facilities will experience temporary loss of wages.

70. Therefore, as shown in table 7 the total of seven (7) APs are defined eligible to cash compensation: among them, one (1) AP, owner of three commercial facilities operating under the roof of one building will be cash compensated for loss of income as a result of temporary stoppage of business; and six (6) APs, hired labor in this commercial facilities will be compensated for temporary loss of wages.

Table 7. Loss of income and wages as a result of business stoppage

Description of severe impact cases	No of parcels	No of AP
AP owner of 3 operating commercial facilities	1	1
APs hired labor in 3 operating commercial facilities	N/A	6
Total	1	7

⁷ Wood and decorative trees are not compensated in cash as APs keep the logged down trees. This decision was made in consultation with APs.

71. The other nine (9) APs will not experience any stoppage of business, the reason is that in case of:

- a) Five (5) APs are not operating at all therefore project impact may not cause any stoppage of business or loss of income
- b) Three (3) APs keeping operating business will not risk any stoppage of business as project impact will only be extended to fences, or supplementary structures that are not essential to keep the business operations on and will be reinstated on the remaining portion of land parcel
- c) The AP who built trading shed on his residential land and allowed local people to sell their produce free of charge, therefore no loss of income is expected. In addition, current shed will be demolished only after the construction of a new shed in completed and traders will be able to keep on trading without any disturbance or loss of daily income.

72. The table below provides the details of project impact to the structures, status of business operations and expected temporary loss of income and wages.

Table 8. Summary of project affected businesses and cases of income loss

No	Ko	Description of AP	Affected assets	Status of business operation	Duration of Business stoppage
1	2	Commercial	Concrete-covered area, metal gate movable lighting	No operation	No stoppage of business
2	3	State	Iron-meshed fence	Operating Perennials Nursery	No stoppage of business
3	4	Commercial	Iron-meshed fence	commercial - cattle farm for butchers	No stoppage of business
4	9	Commercial	Vacant commercial land	No operation	No business operation - No loss of income
5	10	Commercial	Commercial - due to access business losses	Operating shop	6 months stoppage of business
6	11	Sales person	Hired labor	Full-time hired labor	Loss of wages - 3 months
7	12	Sales person	Hired labor	Full-time hired labor	Loss of wages - 3 months
8	13	Sales person	Hired labor	Full-time hired labor	Loss of wages - 3 months
9	14	Sales person	Hired labor	Full-time hired labor	Loss of wages - 3 months

10	15	Cook at Bistro	Hired labor	Full-time hired labor	Loss of wages - 3 months
11	16	Cook at Bistro	Hired labor	Full-time hired labor	Loss of wages - 3 months
12	18	Commercial	Unfinished structure of Fuel Station	No operation	No stoppage of business
13	19	Commercial	Commercial vacant land	No operation	No business stoppage
14	20	Commercial	Concrete foundation of unfinished structure	No operation	No business stoppage
15	21	Commercial	Fence, some land, perennials and supplementary structure of a restaurant	Operating shop	No business stoppage
16	22	Residential AP, Owner of Trading Shed	Trading Shed	Operating	No business stoppage Current shed will be demolished after construction of new shed

73. The project affected trading shed⁸ attached to private residential land parcel will be cash compensated to AP. The AP will rebuild a new trading shed on the remaining portion of his own residential land parcel prior to demolition of existing trading shed currently located within the project ROW. Therefore, the trading shed users will not be disrupted from carrying out their regular activity, as they will move to a new shed the AP will construct once the cash compensation issued and before the existing shed is demolished for road construction purposes.

3.2.4. Project Affected Structures

74. None of APs face the loss of residential dwelling, meaning new design changes do not require physical displacement .

75. However, some supplementary structures, improvements and fences/walls being under possession of three (3) AHs will be affected by the approved design changes and cash compensated.

Table 9. Project impact to private assets of residential AHs

Description	No of APs	No of items	Unit measure (sq. meter)	Unit measure (cubic meter)
Supplementary structures residential	1	1	11.4	
Chicken house, cattle barn, etc	2	2	29.64	

⁸ On a daily basis the shed is free of charge used by several dozen, mainly female traders, to sell their produce to road users.

Description	No of APs	No of items	Unit measure (sq. meter)	Unit measure (cubic meter)
fence	2	2	54	36.5
Canopy	1	1	94.2	
Metal fence	2	2	125.77	
concrete improvements	1	1		0.39
Tandoor	1	1	1.35	
metal gates	1	1	162	
Total (w/o double counting)	3	11	478.36	36.89

76. In total seven (7) APs will face the loss of various supplementary structures, improvements attached to commercial land or State land parcels occupied for future commercial purposes. All project affected structures were inventoried and included in the LARP Addendum No 3 compensation budget.

77. The table below provides the detailed description of project affected structures of designed for current and future commercial use.

Table 10. Project affected supplementary assets of commercial designation

Description	No of APs	No of items	Unit measure (sq. meter)	Unit measure (cubic meter)
Unfinished structure of fuel station	1	1	50.9	
Trading shed	1	1	58.56	
Operating shop	1	1	87.1	
Unfinished structure of car wash	1	1	141.12	
Supplementary structure	1	1	34.27	
Alcove	1	1	14.91	
Lighting posts (movable)	1	3		
Metal fence	4	4	236.73	
Concrete improvements	5	5		138.09
Metal gates	1	1	7.68	
Total (w/o double counting)	7	19	631.27	138.09

78. The project will affect iron-meshed fence, metal fence and metal gates attached to two (2) Dehkans and two (2) commercial land plots as described in the table below.

Table 11. Project affected structures of Affected Entities

Description	No of APs	No of items	Unit measure (sq. meter)	Unit measure (cubic meter)
Fence (iron meshed)	1	1	328.59	1.48
Metal fence	2	2	399	
Metal gate	1	1	9.18	
Total (w/o double counting)	4	4	736.77	1.48

3.2.5. Severely Affected Persons

79. There are two APs facing severe project impact. One AP is the owner of three commercial facilities operating under the roof of one building and the second AP is the owner of trading shelter built on his private residential land.

80. Both APs will be compensated for permanent impact to their structures; however, both APs is eligible to reinstate new structures on the remaining portion of their own land parcels.

Table 12. Cases of Severe Impact

Description of severe impact cases	No of parcels	No of APs
Loss of main building (operating shop)	1	1
Loss of trading shed	1	1
Total	2	2

3.2.6. Vulnerable Households

81. One (1) AH residing in village Chimteppa is qualified for vulnerable allowance. Two female members of this project affected household suffer from physical disability and are recipients of state financial aid. This AH is identified vulnerable and will receive one-time allowance for vulnerability amounting to three months of national average monthly salary⁹.

Table 13. Vulnerability among APs' households

Description	Number of AHs	Percent (%)
Vulnerable households	1 ¹⁰	6.25
Households not considered vulnerable	15	93.75
Total	16	100

3.2.7. Transportation Allowance

82. None of the APs will need to transport their belongings because they have spare facilities on the same territory.

⁹ Each vulnerable AH will receive 3,826.80 TJS calculated at three times of average monthly salary (1,275.60 TJS /month as of July 2020) Link to official source: <https://tradingeconomics.com/Tajikistan/wages>.

¹⁰ Two females with physical disability are the members of one AH.

IV. SOCIO-ECONOMIC PROFILE OF AFFECTED HOUSEHOLDS

83. The census and SES, conducted during preparation of the Addendum No 3 to the approved LARP, covered 100 percent of the AHs.

4.1 Demography of Project Affected Households

84. The Socio-economic profile of the AHs is based on the information obtained during census and the results of socio-economic survey covered sixteen (16) AHs that composed 73 (45 male and 28 female). The average size of a household is seven (7) persons. However, one AH comprises 13 members and other AH even 21 members.

85. The table below shows the age composition of the AHs disaggregated according to gender and age groups of adults and under-age persons.

Table 14. Breakdown of APs according to Age Groups and Gender

Gender	Head of AH		APs	
	Number	(%)	Number	%
Male	16	100	45	61.64
Female	0	0	28	38.36
Total	16	100	73	100

86. The table below shows the age composition of project affected persons. According to the table, the largest group of population (36.99.%) is within the age group of 18-35 years, while children below seven (7) years of age make up 21.92 % and 13.70 % of the total are youth aged from 8-17 years.

Table 15. Age composition of APs

Age group	Head of AH		Members of AH	
	Number	%	Number	%
0 - 7	N/A	N/A	16	21.92
8-17	N/A	N/A	10	13.7
18 - 35	5	31.25	27	36.99
36 - 45	3	18.75	7	9.59
46 - 55	2	12.5	5	6.85
56 - 65	3	18.75	5	6.85
66 and more	3	18.75	3	4.11
Total	16	100	73	100

87. Table below describes marital status of project affected persons and confirms that except one Head of affected household all heads are married. Only one young lady is divorced and lives with her parents; she is fully supported by her father who is the main breadwinner and the head of the AH.

Table 16. Marital Status of AHs

Marital Status	Head of AH		Other members of AH (except the Head of AH)	
	Number	%	Number	%
Married	15	93.75	37	50.68
Single	1	6.25	9	12.33
Widow (Female)	0	0	0	0.00
Divorced (Female)	0	0	1	1.37
Under-age	0	0	26	35.62
Total	16	100	73	100

88. As shown in table below nuclear families are exceeded with the affected households cumulating 10 extended families composed on average by 7-8 household members sharing the shelter and income.

Table 17. Types of AHs

Type of the AH	Number of AHs	Percent (%)
Nuclear	6	37.5
Extended	10	62.5
Total	16	100

4.1. Occupation and main source of income of AHs

89. As composed in the table below, the major source of income of AHs is based on the information obtained during census and socioeconomic survey of 100% of located AHs. The table below shows main occupations of APs which does not highlight agricultural activity as one of the main occupations of the rural population, and AHs may be less affected as a result of the realigned ROW.

Table 18. Types of Occupation of APs

Occupation	Head of AH		Members of AH	
	Number	%	Number	%
Pensioner	2	12.5	3	4.11
Hired in private sector	8	50	18	24.66
Business owner	4	25	1	1.37
Housewife	0	0	18	24.66
Schooler/student	0	0	10	13.70
Unemployed	0	0	4	5.48
Under-age	0	0	16	21.92
Other	2	12.5	3	4.11
Total	16	100	73	100

90. The tables below display average monthly income and sources of income of AHs.

Table 19. Average monthly income of AHs

Monthly Income (TJS)	Number of AH	Percent
1,100-2,000	3	18.75
2,100-3000	4	25.00
3,100-4,000	5	31.25
Over 6,000	4	25.00
Total	16	100

Table 20. Sources of Income of AHs

Source of Income	No of AHs	Total Income (TJS)	Average Income (TJS)
Agricultural activity	1	5000	5000
Employment	11	19500	1773
Business	3	13500	4500
Labor work	4	7050	1762,5
Remittances	3	7000	2333
Other	4	6100	1525

91. Some AHs reported several sources of income, such as regular employment and temporary labor work, or pensions and remittances.

4.2. Expenses of AHs

92. The biggest share of expenses relates to clothing, health care, purchase of consumption goods and food, plowing and sowing costs, keeping livestock, and interest rates for swift loans.

Table 21. Average monthly expenses of AHs

Average monthly expenses	% of total expenses
Food	42,30
Clothes	13,68
Health Care	5,47
Education	3,69
Communication	2,67
Transportation	3,4
Social events/social responsibilities	0,0
Agriculture expenses	7,5
Water supply	3,72
Utilities (electricity, etc.)	4,93
Land Tax	4,22
Loan payments	8,46
Total	100

4.3. Education and Literacy of AHs

93. The level of literacy of AHs is reported to be 100%.

Table 22. Education and literacy of surveyed AHs

Education/Literacy	Head of AH		Other members of AH (except the Head of AH)	
	Number	%	Number	%
Primary	0	0,00	0	0,00
Secondary	8	50,00	39	53.42
Technical/Vocational	2	7,14	4	5.48
Higher (university)	6	42,86	14	19.18
Kids	0	0,00	16	21.92
Total	16	100	73	100

4.4. Vulnerability among AHs

94. Only one (1) AH has been identified as vulnerable during the census and socio-economic survey. Two female household members are recipients of State targeted aid for physical disability.

Table 23. Breakdown of Vulnerable AHs per categories of vulnerability

Female Headed Household	HH Below Poverty Line	APs with disability	Total of Vulnerable AHs according to Vulnerability Index
0	0	1 ¹¹	1
Total		1	1

4.5. Women in the Local Context

95. Women are mainly involved in household activities. Women participate in household decision-making processes and organizing family matters. During census and socioeconomic survey, most families suggested male members to be the respondents. Females heading the affected household were active and willing interviewees.

Table 24. Activities Females are Involved

Type of activity/work	Percent
Selling agricultural produce	18.75
Trading and business	31.25
Agricultural activities	6.25
Handmade produce	31.25
Household activities	0.00
Cattle breeding	87.50
Planting/growing crops	12.50

96. Women are actively involved in decision making process in family care, children's education, household issues, and sharing social responsibilities. Given table below describes the level of participation of females in various activities of the surveyed affected households.

Table 25. Participation of Females in Decision Making Process

Activity	No of AH	Percent
Financial Issues	16	100.00
Children's education	8	57.14
Giving care to children's health	8	57.14
Property acquisition /sale	3	21.43
Everyday work in the family (Family routine)	14	100.00
Social events/ social responsibilities	7	50.00
Total (w/o double counting)	16	100

¹¹ Two female members of AH suffer from physical disability and are recipients of state financial aid.

4.6. Impact on Minorities

97. No ethnic minorities are among the Project Affected Persons. 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 program 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.
98. The project at the construction phase 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 the identified needs.

V. LEGAL AND POLICY FRAMEWORK

99. 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.
100. 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)¹²
 - b. Land Code (amended in 2012)¹³
 - c. Land Code (amended in 2008)¹⁴
 - d. Civil Code (amended in 2007)¹⁵
 - 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, 2000. № 515)¹⁶
101. 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.

5.1 Types of land ownership and land use rights allocation

102. 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, defense and joint ventures that include foreign entities.
 - b. Limited or fixed-term use may be granted to legal or physical persons for either a short-term (up to 3 years) or long-term (3 to 20 years).
 - c. Life-long inheritable tenure which may be assigned to physical persons or collectives. Physical persons must re-register the right in the case of inheritance.

¹² Constitution, November 6, 1994, as amended on 22 June 2003.

¹³ Land Code of the Republic of Tajikistan as amended on 01 August 2012

¹⁴ 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.

¹⁵ 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

¹⁶ Approved by the Decree of Government of Republic of Tajikistan, December 30, 2000.№515.

This right applies to land-shares used to organize a Dekhan farm, as well as household (garden) plots.

103. The only secondary use-right recognized under the Land Code is the right to lease. According to the Code, primary rights holders may lease out their plots for a term not exceeding 20 years. The land is used in accordance with the state-established land-use standards. The right to use land may be terminated for various reasons such as termination of activities by the land user, non-use for two years and use of the land differing from the use established in the use-rights document. (Land Code Article 37).
104. Dekhan land is the result of the splitting up of large state owned farm enterprises, known as Kolkhoz and Sovkhoz farms, which were established throughout much of the former Soviet Union. Sovkhoz farms were run by the state, while Kolkhoz farms were a form of co-operative farm, run by a committee of members approved by the state. The Agrarian Reform Program in Tajikistan was adopted for the period of 2012-2020. Creation of Dekhan farms is one of the priority areas of land reform. The basis for creating Dekhan farm in the Republic of Tajikistan is defined by the Law "On Dekhan farms"¹⁷, №48 of 10 May 2002. It resulted in the creation of 31 Dekhan farms in 1992 with 300 hectares of land. In 2003, there were 16,433 registered Dehkans farms with 240,100 hectares¹⁸.
105. In Dekhan farms, the land remains state property (which cannot be bought or sold), but farmers are granted inheritable land use rights which give complete legal freedom to landholders to manage the land as they desire. The state collects taxes and can repossess the land if it believes the land is not being managed properly. There are three types of Dekhan 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).
106. A collective Dekhan consists of two or more unrelated families, producing and marketing jointly. Dekhan farm —associations, or — associative Dekhan 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).
107. Presidential land is similar to Dekhan land. It was allocated in small plots to private households in the late 1990s by Presidential Decree. The essential difference between Dekhan 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).
108. 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.

¹⁷ Law of the RT "On Dekhan farms".2002. www.mmk.tj

¹⁸ 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.

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

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

110. 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.
111. 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.
112. 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."

5.3 Provisions regulated by the Land Code

113. In August 2012 amendments to the Land Code that enable legal sales and lease transactions for land use rights were approved¹⁹. The Land Code also includes changes to the provisions related to land acquisition²⁰.
114. 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.
115. The state may revoke land plots for state and public needs from land users after:
- i. allocating a land plot of equal value
 - ii. constructing housing and other buildings with the same purpose and value, in a new location for the natural persons and legal entities to whom the land plot had been allocated, in accordance with established procedures
 - iii. fully compensating for all other losses, including lost profits, in accordance with the legislation of the Republic of Tajikistan.
116. 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).

¹⁹ Law 891, dated August 2012, article 19.

²⁰ Articles 37-45.

117. 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:
- a) 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.
 - b) 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).
118. Upon termination of the rights to a property, the property will be assessed based on its market value (Article 265 Civil Code).
119. 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).
120. 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).
121. 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).
122. Article 24 of the Land Code describes the allocation of land for non-agricultural purposes, and provides that when choosing a suitable location for such land uses, land not suitable for agriculture should be favored. The same principle is stressed by Article 29, which discourages the use of high yielding agricultural land for non-agricultural use. However, Article 29 also allows for allocation, and appropriating of agricultural land for *“other very important State objects”*.
123. In accordance to Article 19 of the Land Code, the land right users may:
- i. execute civil-legal transactions (buying-selling, gift, exchange, mortgage and other) with allocated (acquired) use right to a land plot with a right to alienate it independently without interference of executive government bodies, except for provisions of present Code; (In the Republic of Tajikistan Law edition dated 1 August 2012 No. 891)
 - ii. lease the land plot
 - iii. establish private (based on consent) servitude to a land plot; (In edition dated 1 August 2012 No. 891)
 - iv. mortgage the right to a land plot

- v. receive compensation in the event of withdrawal of the right to use the land plot for state and public need in accordance with Article 41 – 43 of the present Code.
124. Compensation for land which belongs to the State but is allocated and essentially leased to users by each Hukumat, is divided between the Hukumat and the user according to the following proportion:
- i. 40% to the Hukumat, which will no longer derive income from taxes and leases for the portion of the land being acquired
 - ii. 60% to the land user, who suffers a reduction in his/her income-generating asset.
125. 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.

5.4 ADB SPS 2009 Involuntary Resettlement Safeguards

126. 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.
127. These can be summarized as follows:
- I. Screen the project early on to determine past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, related to resettlement impacts and risks.
 - II. Carry out meaningful consultations with affected persons, host communities, and concerned non-government organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, Indigenous Peoples, and those without legal titles to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and resolve the affected persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
 - III. Improve, or at least restore, the livelihoods of all displaced persons through (i) land-based resettlement strategies when affected livelihoods are land based (where possible) or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (ii) prompt replacement of assets with access to assets of equal or higher value, (iii) prompt compensation at full replacement cost for assets that cannot be restored, and (iv) additional revenues and services through benefit sharing schemes where possible.

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

128. ADB SPS 2009 distinguishes three categories of displaced persons, 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.

129. 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, cops, businesses) at full replacement cost.

130. The risk of opportunistic encroachment on land designated for acquisition by the project is managed through the declared 25 April 2016 cut-off date, applicable to original LARP and LARP Addendums.
131. 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)²¹.
132. 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.
133. 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.

²¹ 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 26. Comparison of the Provisions under ADB SPS 2009 and National Legislation of the Republic of Tajikistan

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

	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.		
	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. Different in principle and application already adjusted for previous ADB projects.
4. Procedural mechanisms	Prior notification. Timely notice on land acquisition needed.	A. Prior notification. Written notification prior to withdrawal (acquisition) of land.	A. Same.
	B. Information disclosure. LAR documents should be disclosed in a timely manner and in a language accessible to local population.	B. Information disclosure LAR decisions to be published in national media in Russian and Tajik within 5 days from approval.	B. Same in principle, different in application to ensure full LARP disclosure. Already reconciled for ADB projects.
	C. Public consultation. Meaningful public consultations are to be held with the 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. Different in principle and application. Already reconciled for ADB projects.
	D. GRM should be established for each project s, and information on GRM should be communicated to APs.	D. GRM. No project specific GRM exists. Disagreements are resolved by through Hukumats' grievance mechanism or appeal to court.	D. Different in principle and application. Reconciled for ADB projects.
5. Prior acquisition	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.
6. Resettlement planning, assessment and valuation of project impacts	LARP Preparation: includes compensation entitlements, income / livelihood restoration strategy, monitoring plan, budget and implementation schedule, based on sound impact / valuation surveys as detailed below.	LARP Preparation: No requirements to prepare LARP or pursue measures to restore the livelihoods of APs to the pre-project level. A series of activities similar to those mandated by the SPS are however required as follows:	A. Different in principle and application. Already reconciled for ADB projects through technical instructions.
	Detailed measurement survey (DMS). Measures quantitatively impacts for	i. DMS. Measures all impacts in quantitative terms.	Same in principle and application. Valuation mechanisms

	each affected property.		need to be updated.
	AP /AP Census (including review of legal status). Identifies all APs and establishes a list of legitimate Beneficiaries.	Census: AP /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.
	Socio-economic survey. Includes information on AP's disaggregated by age, sex, family size, education, occupation, income source.	iii. Socio-economic survey. No comparable requirements exist	iii. Different in principle and application but already reconciled for ADB projects.
	iv. Valuation survey	iv. Valuation survey	iv. 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.
	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 already reconciled for previous ADB projects.
	c) Trees/crops. Based on the set methodology.	c) Trees/crops. Based on the set methodology.	c) Same in principle, but different in application. Already reconciled for previous ADB projects.
	M&E: M&E depends on the project category, external for Category A and internal for Category B projects.	M&E: No M&E requirements in national legislation	v. M&E: Different in policy but reconciled once LARP is endorsed for ADB projects.
7. Special assistance to vulnerable severely affected and relocating APs	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	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. Different in principle and application. For ADB projects reconciled by endorsing the entitlement matrix and the LARP.
	B. Resettlement assistance. APs to be resettled receive relocation assistance covering transport and transitional period livelihood costs.	Resettlement assistance No special consideration is required for resettled APs. However, the package depends on Government's decision regarding transitional period allowance.	B. Different in principle and application. For ADB projects reconciled by endorsing the entitlement matrix and the LARP.

VI. COMPENSATION ENTITLEMENTS

134. 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.

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

6.1. Land

136. The following types of land impacts are recognized under the Republic of Tajikistan's laws:
137. **Agricultural land:** Households with agricultural land use right will be rehabilitated through the provision of compensation and equal to following:
138. **Permanent land holders** (individual and cooperative): Cash allowance for loss of land use rights equal to the average net income from crops in the past 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.
139. **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.
140. **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).
141. **Residential/Commercial Land:** Households with affected residential/commercial land use rights, will be rehabilitated through the provision of the following compensations.
146. **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.
147. **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 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

148. 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

149. **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.
150. **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.
151. 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 will be re-planted during the project implementation.
152. Wood and decorative trees are not of special variety and do not represent high valued trees.

6.4. Businesses

153. 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).
154. Temporary stoppage of business will be compensated as one-time allowance that equals to average monthly salary of 1,275.60TJS/m, for maximum 3 months, defined as of July 2020 by the GoT.

6.5. Relocation, Transition and Severity/Livelihood Rehabilitation Allowances

155. Transportation allowance for the cost of labor and vehicle rent to transport the households/and business belongings to a new location.

156. Communal and site preparation cost for the alternative land plot (including connection to power grid, water supply system, installation of a latrine).
157. APs who lose more than 10% of their income or APs who are to be relocated, will receive either payment equal to one (1) year's average crop production in the project district, in addition to standard crop compensation, or cash allowance equal to three months of the official monthly average wage, whichever is higher.
158. There is no monetary compensation for loss of common, public or any government department assets. Affected common and public assets will be fully replaced or rehabilitated to maintain their pre-project functions.

6.6. Vulnerable Groups

159. 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 APs (the poor, women-headed households or families with many children) during the LAR process. Therefore, in compliance with approved LARP and this Addendum onetime 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. Entitlement Matrix

160. 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. The Entitlement Matrix (EM) has not been changed from the EM of the approved original LARP disclosed in July 2017.

Table 27. 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" and encroaching structures	Cash compensation at replacement rate for affected structure/other fixed assets (without deduction of depreciation, taxes, costs for salvageable materials and other transaction costs). All buildings and structures will be compensated in their entirety; or According to the owner's choice, if feasible, a building for building/structure for structure exchange.
		Renters	Rental allowance in accordance with the conditions of the rental agreement, but not less than cost of rent for 3 months; or Continuation of the rental agreement for an alternative building/structure.
4	Crops	All APs, 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	Compensation reflecting income replacement.

		"informal" and encroaching	<p>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.</p> <p>For timber trees, APs will collect the wood from the cut trees.</p>
6	Business and employment (temporary and permanent)	All APs (including workers of affected Businesses)	<p>Owners of shops/commercial establishments:</p> <p>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 wage²² multiplied by 12.</p> <p>In case of the temporary loss of a business, compensation equal to the net income for the period of disruption (<1 year). The income is based on the tax declaration, or it is calculated based on the monthly average wage multiplied by the number of months since the operation was disrupted (less than 12 months).</p> <p>Workers indemnity for lost wages equal to 3 months' income. For temporary loss of employment, indemnity for lost wages for the duration of impact if less than 3 months.</p>
7	Relocation	Physically displaced APs regardless of type of impact	<p>Transportation allowance (cost of labor and vehicle rent to transport materials of the house/business structures to a new location.</p> <p>Communal and site preparation cost for the alternative land plot (including connection to power grid, water supply system, installation of latrine etc.).</p>
8	Severely affected households	<p>APs losing more than 10% of agricultural land/income resources</p> <p>APs needed to physically relocate due to loss of home or business.</p>	<p>Compensated based on the net annual income from the affected land.</p> <p>Severity/livelihood rehabilitation allowance in the form of cash compensation equal to the official monthly average wage for 3 months.</p>
9	Vulnerable households	APs receiving government assistance for poor, single women-headed AH below	<p>Allowance equivalent to official monthly average wage for 3 months;</p> <p>Enrolment in Government social assistance, if not yet enrolled;</p>

		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).	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	<p>For unforeseen and temporary impacts other than stated above, ADB SPS (2009) general principles and objectives will be used as the minimum benchmarks, and appropriate impact mitigation measures will be sought to meet them.</p> <p>The payment for rented land during the construction, will be based on the market price under negotiated agreement. After discontinuation of land use, the land must be restored to the original status, or as per the agreement with the land rights holder.</p>
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

161. 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.
162. 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)

163. 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.

164. 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)

165. 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.
166. 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 socioeconomic 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

167. 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.
168. 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

169. 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)

170. 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.
171. 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.
172. 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’

173. 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

174. 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.
175. 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

176. 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

177. 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.

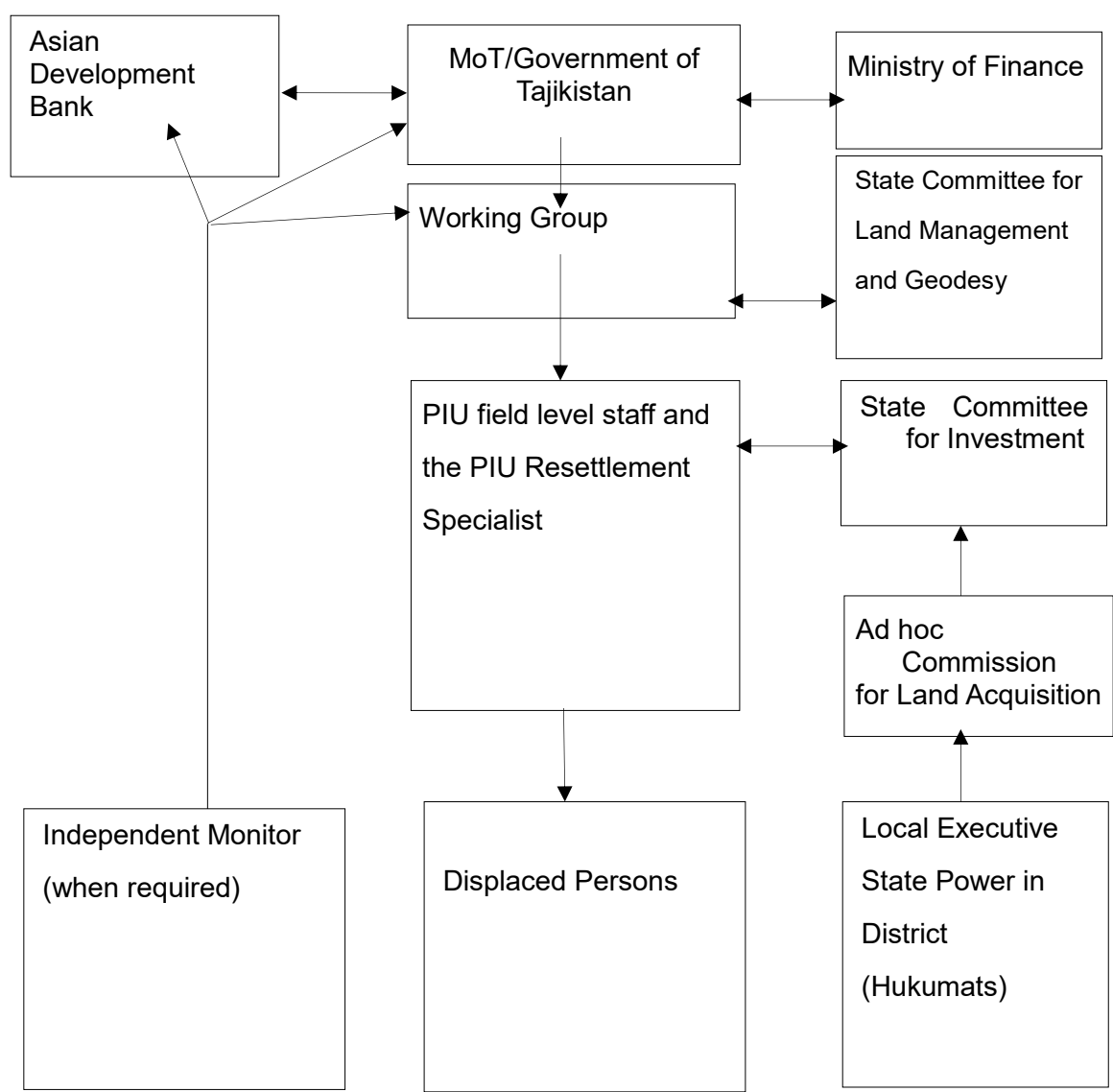
LAR Committee and Other State Agencies

178. The main role of the LAR Committee is identification of impact and valuation of lost assets. The LAR Committee is comprised of representatives from the PIURR, District Commission for Land Acquisition, State Architecture, State Committee on Investment and State Property Management, State Unitary Enterprise for Housing and Communal Services, relevant local governments such as Jamoats and Hukumats, representatives of Dekhan farms, environmental department, PPTA safeguards team and others.
179. 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

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

Figure 1: Institutional Arrangement



VIII. INFORMATION DISCLOSURE, CONSULTATIONS AND PARTICIPATION

8.1. General

182. 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.
183. 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:
- a. Constitution of Tajikistan
 - b. Civil Code
 - c. Land Code
184. 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

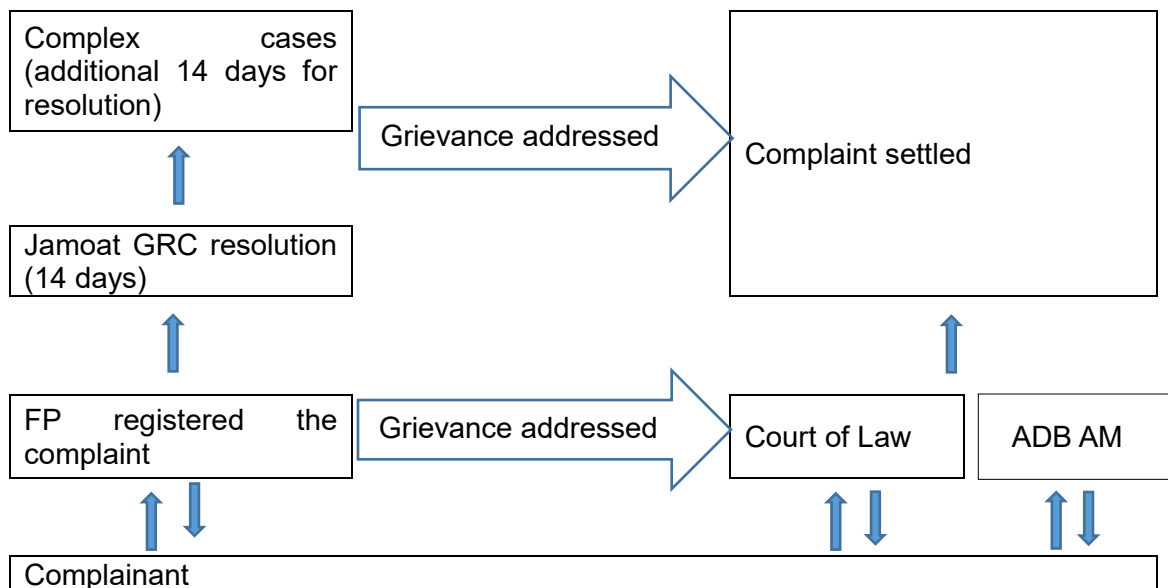
185. All twenty-two (22 APs) have been individually consulted and provided with full information on design changes and impacts to their land and assets. Initial individual consultations that started in September of 2019 and continued till October 2020 ensured that each AP was individually met several times for SES, inventory of project affected assets and for obtainment of additional information on land tenure and/or vulnerability status.
186. 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 for sharing the information with APs and answer their question, which mainly refer to tentative time for land acquisition and issuance of cash compensations, start of road works in vicinity of their location an possible job opportunities.
187. The detailed information on the dates of individual consultations, the APs' frequently asked questions and provided answers is presented in Annex 5.
188. Overall the population is well aware of this road project. Many of them previously participated in consultations and received the Project brochure. Social Safeguards Specialists of the Engineer, the of PIURR and representatives of local government regularly meet with local population and update them on project activities, implementation schedules, GRM benefits and all other project related issues.
189. The LARP addendum No 3 will be publicly disclosed once it is approved by ADB in December 2020.

IX. GRIEVANCE REDRESS MECHANISM

9.1. General

190. All grievances related to the Project have been 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.
191. 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
192. The Grievance Redress Committees were established, by the requirement of MoT letter No. 516, issued on 20 May 2016, to function for the entire project implementation cycle.
193. There are five (5) Grievance Redress Committees at the Jamoat level - one (1) in each Project Jamoat. A Focal Person (FP) is appointed at each Project Jamoat and at the PIURR. The PIURR FPs participated in all consultations with communities and shared their contact details with participants for questions related to the Project and in the event of grievances for the entire duration of the Project, including the preparation and implementation of the LARP.
194. The GRCs will function for the duration of the project implementation. The PIURR and the PPTA Consultant will conducted training for members of three GRC at the Hukumat level.

Figure 2: **Grievance Resolution Process**



District Level Grievance Redress Committee Members

Position	Name	Telephone number
Rudaki and Khuroson districts		
Deputy Chairman of the district	Qurbonov Rahmatbek	919 89 96 85
Deputy Chairman Land Committee Khuroson	Habibov Hakimjon	919 74 32 31
Deputy Chairman of the District for Construction		
Architecture Department		
Land surveyor		
Five Chairmen of Jamoats		
Chairman of villages (Raisi Mahala)		
Representative of the MoT /Resettlement specialist of PIURR	Kholikov Mahmudjon	987 13 10 01 905 55 06 60
Safety Specialist of PIU RR	Davlatov Hasan	931 27 92 24
Representative of Consultant/ Contractor	By designation	
Assets valuator when required		
Woman's Affairs Division representative		
Representative of the APs		900 01 84 02
Representative of the APs		902 52 52 25

Representatives of the PIURR Safeguards Unit

Rahmonzoda Inoyatullo	Kholikov Makhmudjon	National Social and Environmental Safeguards
Chief engineer, Projects Implementation Unit for Roads Rehabilitation 14 Ayni Street, 4th Floor, Dushanbe. Tajikistan Tel: +992 222 20 273 +992 90 111 31 13 Email: rahmonzoda@piu.tj	Lead 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	Focal Points Resident Mission of Asian Development Bank in Republic of Tajikistan 45 Sovetskaya Street, Dushanbe. Tajikistan Tel: 992 372 21 05 58

Technical Experts

195. 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.

GRC Complaint Register, Records and Documentation

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

X. RESETTLEMENT PLAN ADDENDUM NO 3 BUDGET

10.1. General

197. National and International Social Safeguards Specialists of KOCKS in coordination with the PIURR carried out 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.
198. The total implementation cost of the LARP Addendum No 3 including compensation, rehabilitation allowances as well as administrative costs for LARP implementation and contingency amounts to **1,279,214.76 TJS**, which is equivalent to **\$ 123,753.46 USD** (as per the exchange rate on October 19, 2020, National Bank of the Republic of Tajikistan).

10.2. Land Compensation

199. Compensation amount for privately used land was calculated based on the methodology as described in approved LARP prepared in 2017 for this road section, namely: land compensation was based on the current value of annual crops grown on the affected land parcels and multiplied by 5 years²³.
200. In order to avoid large differences in price for loss of land use right caused by the market value of different types of crops planted in the period of the DMS, the value of all crops affected in the Project area was aggregated, and one average 'land price' was established.
201. This approach ensured that two neighboring holding land use right to similar quality of land would receive land cash compensation in same amount of unit rate per square meter of project affected land, regardless of the standing crop.
202. In addition to compensation for loss of land, the APs would receive compensation for loss of annual crops based on the crops grown by individual APs. In particular loss of annual crops would be cash compensated in amount equal to market value of one (1) year yield grown during the DMS. Thus, the compensation will not be dependent on individual 'luck' arising from the choice of a more expensive crop to grow in the period of the DMS.
203. The following calculation is based on land compensation unit rate under approved LARP Addendum No 2 being updated for LARP Addendum No 3 according to the exchange rates as of October 19, 2020.

²³ 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.

Table 28. Calculation of land compensation unit rates

Land Category	Compensation Rates as per approved LARP Addendum No2	Equivalent in USD (at exchange rate of approved LARP Addendum No 2) (USD/sq.m.)	Updated Land compensation unit rates for LARP Addendum No 3 (TJS/sq.m.)
Rural Residential	24.22	2.50	25.84
Rural Commercial	24.22	2.50	25.84
Agricultural	11.44	1.18	12.20
Fallow & Fodder	7.88	0.81	8.41

204. 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 years²⁴. This compensation corresponds to a unit rate of \$ 2.5 (TJS 25.84)²⁵ 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.
205. 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 29 below gives the land compensation unit rates developed according to the above described methodology, as suggested for the given road project.

Table 29. Land Compensation Unit Rates according to land category

No	Land Category	Land Compensation Unit rates (TJS// sq/m/)
1	Residential	25.84
2	Commercial	25.84

²⁴The 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.

²⁵ Calculated at USD - TJS exchange rate as of Oct 19, 2020.

3	Agricultural (Dehkan Farm land)	12.20
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206. 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 - 10.3368 TJS announced by the National Bank of the Republic of Tajikistan on October 19, 2020.

Table 30. 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	648.25	25.84	16,750.78	1,620.50
Commercial	5	4,616.00	25.84	119,277.44	11,539.11
Dehkan Agricultural	1	124.00	12.20	1,512.80	146.35
Total	9	5,388.25		137,541.02	13,305.96

10.3. Cost for Renewal Land Use Rights and Property Ownership of Certificates

207. The PIU will provide technical assistance to each and every AP to obtain re-new land use rights once the portion of project affected land is acquired. In addition the certificates on land use right and property ownership will be issue free of charge to APs, as the PIU will cover all official fees.

10.4. Valuation of Project affected Fruit Trees

208. Compensation amount for project affected fruit bearing perennials subject to cash compensation at replacement value at current market prices was determined by State Unitary Enterprise for Valuation (SUE) 'Narkhguzori'; more specifically, the detailed table of inventory records was through PIU 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 structures, fences, walls and other developments. This approach is applied to address income loss compensation in accordance to the country legislation and ADB SPS 2009.

209. Unit rates vary according to approximate age determining average productivity of a project affected fruit tree. Tables 31 and 32 below separately describe compensation amounts for mature and saplings of project affected fruit trees evaluated individually as shown in the SUE valuation report²⁶ dated October 28, 2020.

²⁶ 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 31. Cost for compensation mature fruit trees

No	Fruit tree species	No of mature fruit trees	No of APs	Compensation Amount (TJS)	Compensation Amount (USD)
1	Apricot	2	2	270.00	26.12
2	quince	1	1	240.00	23.22
3	Grapes	2	1	720.00	69.65
4	Cherry	3	2	216.00	20.90
5	Pear	1	1	450.00	43.53
6	Pomegranate	1	1	126.00	12.19
7	Walnut	2	2	900.00	87.07
8	Plum	1	1	240.00	23.22
9	Mulberry	10	6	1,216.00	117.64
10	Persimmon	9	2	3,000.00	290.23
11	Wild Cherry	18	1	4,320.00	417.92
12	Apple	90	1	8,640.00	835.85
	Total	140	9 APs (w/o d/c)	20,338.00	1,967.53

Table 32. Cost for compensation fruit tree saplings

No	Fruit tree species	No of fruit Tree saplings	No of APs	Compensation Amount (TJS)	Compensation Amount (USD)
1	Walnut	1	1	11	1.06
2	Mulberry	5	2	50	4.84
3	Wild cherry	2	1	24	2.32
4	Total	8	3 (w/o d/c)	85	8.22

210. The valuation report prepared by the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori', dated October 6, 2020 was provided to PIU as a separate file.

10.5. Compensation for Annual crops

211. No APs will experience loss of annual crops, therefore, this LARP Addendum No 3 does not consider any cash compensation for annual crops.

10.6. Compensation for project affected structures and improvements

212. Compensation amount for project affected structures including residential dwellings, supplementary structures, wall, fences and other improvements subject to cash compensation at replacement value at current market prices was determined by the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori'. Each item was evaluated individually and the official report attached with item-specific table was presented to the PIU on October 28, 2020. The LARP Addendum No 3 budget was prepared based on this valuation report.
213. Table 33 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.

Table 33. Compensation for structure and improvements

Description	No of APs	No of items	Affected structure (sq. meter)	Affected structure (cubic meter)	Compensation Amount (TJS)	Compensation Amount (USD)
A. Project affected assets of residential AHs						
Supplementary structures of non residential designation	1		11.40		4,560.00	441.14
Cattle barn, chicken house	2		29.64		11,715.00	1,133.33
Fences and walls	2		54.00	36.50	24,868.00	2,405.77
Canopy	1		94.20		15,202.00	1,470.67
Metal fences	2		125.77		2,689.00	260.14
Concrete made areas, small access bridges, stairs	1			0.39	268.00	25.93
Tandoor	1		1.35		700.00	67.72
Metal gate	1		162.00		258.00	24.96

Sub-total of A (without double counting)	3 APs	0	478.36	36.89	60,260.00	5,829.66
B. Project affected structures attached to land parcels of commercial designation						
Fuel station (not finished construction)	1		50.90		142,520.00	13,787.63
Trading stall	1		58.56		26,352.00	2,549.34
Shop	1		87.10		278,640.00	26,956.12
Car wash (not finished construction)	1		141.12		148,176.00	14,334.80
Supplementary storage	1		34.27		71,049.00	6,873.40
Gazebo	1		14.91		6,954.00	672.74
Lighting (possible to be relocated)	1	3			1,377.00	133.21
Metal fence	4		236.73		9,532.00	922.14
Concrete made areas, small access bridges, stairs	5			138.09	31,360.00	3,033.82
Metal gate	1		7.68		922.00	89.20
Sub-total of B (without double counting)	7 APs	3	631.27	138.09	716,882.00	69,352.41
C. Dehkan Assets						
Iron meshed fence	1		328.59	1.48	29,931.20	2,895.60
Metal fence	2		399.00		8,097.11	783.33
Metal gate	1		9.18		1,468.80	142.09
Sub-total of C (w/o d/counting)	3 APs	0	736.77	1.48	37,587.00	3,636.23
Total of A+B+C (w/o double counting)	13 APs	3	1,846.40	176.46	814,729.00	78,818.30

10.6 Compensation for loss of income due to business stoppage

214. In total seven (7) APs will receive cash compensation for temporary stoppage of business: loss of business income and to experience loss of income as a result of business stoppage; one AP, owner of three commercial facilities operating under the roof of one building and six APs, hired labor in this commercial facilities.

Table 34. Loss of income and wages as a result of business stoppage

No	Impact category	No of AP	Amount in TSJ	Amount in USD
1	Temporary loss of income	1	7,653.60	740.42
2	Temporary loss of wages	6	14,400.00	1,393.08
	Total	7	22,053.60	2,133.50

10.7 Rehabilitation allowances

215. The amount of one-time allowances, allocated in addition for the severely affected and vulnerable APs, are defined based on the principles of the approved LARP, country legislation, ADB SPS 2009, and the good practice examples.
216. Methodology to determine amount on one-time allowance for severe impact and vulnerability is the same as described in the original LARP, average monthly salary multiplied to 3 months. However, the average monthly salary (1,275.60TJS/month) was renewed based on the information retrieved from the official website of the Agency of Statistics under President of the republic of Tajikistan²⁷. In July 2020 average monthly salary was defined 1,275.60 TJS/month. Therefore, as per approved LARP stipulations, average monthly salary of 1,275.60 TJS/m multiplied to 3 months equals 3,826.80 TJS per eligible AH.
217. The table below describes calculated unit rates for rehabilitation allowances defined under this document to cover severe impact and vulnerability of eligible AHs.

Table 35. Unit rates for rehabilitation allowances for Severe Impact and Vulnerability

#	Description of Compensation Item	Calculation	Compensation Unit rate (TJS)
1	Severe Impact	Average monthly salary (1,275.60 TJS X 3 months)	3,826.80
2	Vulnerability	Average monthly salary (1,275.60TJS X 3 months)	3,826.80

²⁷ <https://www.stat.tj/en/survey-results>

Table 36. Cost of Compensation Severe Impact

No	Impact category	No of AHs	Amount in TSJ	Amount in USD
1	Impact on operating shop	1	3,826.80	370.21
2	Fully affected trading shelter	1	3,826.80	370.21
	Total	2	7,653.60	740.42

Table 37. Cost for Compensation Vulnerability

No	Impact category	No of AHs	Unit rate (JTS/AH)	Amount in TSJ	Amount in USD
1	Vulnerable (Disability)	1	3,826.80	3,826.80	370.21

10.7 Technical Assistance in Registration Update

218. In total three (3) APs will be issued cash compensation to cover official fees required for the update the certificates for land use right and obtain new technical passport require for construction of new residential dwelling.

Table 38. Compensation for update land use right and property ownership certificates

Description of	No of AP	Type of document	Official Fee	Compensation amount (TJS)	Compensation amount (USD)
Fuel Station	1	Technical passport	831.70	831.70	80.46
Shop	1	Technical passport	831.70	831.70	80.46
Land Commercial	2	Land Certificate	851.36	1,702.72	164.72
	2		1,400.00	2,800.00	270.88
Residential land	1	Land Certificate (residential)	759.72	759.72	73.50
Residential land	1	Technical passport	696.95	696.95	67.42
	1		1,400.00	1,400.00	135.44

Total	7 AP²⁸		6,771.43	9,022.79	872.88
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Official exchange rate of 1 USD - 10,3368 TJS as of October 19, 2020; source: <http://www.nbt.tj/en>

10.7. Budget summary

219. Presented below is the summary table of updated budget prepared based on the Valuation report of the State Unitary Enterprise for Valuation (SUE) 'Narkhguzori' specifically for this LARP Addendum No 3, and compensation unit rates for additional one-time allowances developed as per the approved LARP and revised according to updated exchange rate.

Table 39. Summary Budget for Cash Compensation and LAR implementation Cost

№	Description	Total Compensation (TJS)	Total Compensation (USD)
A	Land Compensation		
1	Residential	16,750.78	1,620.50
2	Commercial	119,277.44	11,539.11
3	Dehkan Farm	1,512.80	146.35
	Sub-total	137,541.02	13,305.96
B	Structures & improvements		
4	Impact on buildings and structures on the land plot	60,260.00	5,829.66
5	Impact on buildings and structures commercial	716,882.00	69,352.41
6	Impact on the building and structures of the Dehkan	37,587.00	3,636.23
	Sub-total	814,729.00	78,818.30
C	Crops and Perennials		
7	Table of fruit trees affected by the project by species	20,338.00	1,967.53
8	Table of fruit trees (seedlings) affected by the project by species	85.00	8.22
	Sub-total	20,423.00	1,975.76

²⁸ Out of total 9 APs two APs will only be compensated for Technical passport but since they will not lose any land they will not need to update Land Certificate.

№	Description	Total Compensation (TJS)	Total Compensation (USD)
D	<i>Business Stoppage</i>		
9	Temporary stoppage of business	7,653.60	740.42
10	Loss of wages	14,400.00	1,393.08
	Sub-total	22,053.60	2,133.50
E	<i>Rehabilitation Allowances</i>		
11	Severe Impact	7,653.60	740.42
12	Vulnerability	3,826.80	370.21
13	Land use certificate fees	5,262.44	509.10
14	Technical passport fee	3,760.35	363.78
	Sub-total	20,503.19	1,983.51
F	Total of compensation & allowances	1,015,249.81	98,217.03
G	Cost for project affected state property	-	-
15	<i>LAR Implementation Administrative Costs (PIU)</i>	<i>50,762.49</i>	4,910.85
16	Sub-total	1,066,012.30	103,127.88
17	Contingency 20 %	213,202.46	20,625.58
18	TOTAL LARP Budget	1,279,214.76	123,753.46

220. The total LARP Addendum No. 3 implementation cost for the changed road section amounts to **1,279,214.76 TJS** which is equivalent to **\$ 123,753.46 USD** as shown in the above table. Affected persons will be paid **1,015,249.81 TJS (\$ 98,217.03 USD)** which includes compensation for losses and applicable allowances. In addition the summary budget table includes costs for LAR implementation for PIU in the amount of *50,762.49 TJS* (equivalent to 4,910.85 USD according to the exchange rate of 1 USD – 10.3368 TJS as of October 19, 2020).
221. In total in the course of this project the total budget of LARP implementation equals to Table 40 below shows a breakdown of compensation for affected assets. The MoT will ensure that the compensation funds for land acquisition and resettlement are allocated in time for implementation of this Addendum.
222. The budget also includes contingency expenses that will be incurred during the implementation of the Addendum to the LARP. This expense has been estimated and included in the budget at 20 % of the total amount of direct compensation costs. The total LAR cost including original LARP, LARP Addendum No 1, Addendum No 2 and Addendum No 3 given in table below:

Table 40. Total LAR Costs for Original LARP and Addendum No 1, LARP Addendum No 2 and LARP Addendum No 3

Description	LARP Compensati on (TJS)	LAR Implementati on Cost (TJS)	Total TJS (including contingency cost)	Total in USD
Cost for implementation of original LARP (July 2017) and LARP Addendum No 1, (August 2017) (at exchange rate of the National Bank of Tajikistan as of July 21, 2016; 1 USD - USD=7.8682 TJS)	4,892,765.55	244,638.28	6,164,884.59	783,519.05
LARP Addendum No 2 approved in February 2020 (at exchange rate 1 USD=9.6891 TJS of the National Bank of Tajikistan as of Sept 11, 2019)	474,858.00	23,700.00	546,087.24	56,361.00
LARP Addendum No 3 (at exchange rate of the National Bank of Tajikistan	1,015,249.81	50,762.49	1,279,214.76	123,753.46
Total	6,382,873.36	319,100.77	7,990,186.59	963,633.51

XI. MONITORING AND REPORTING

11.1 Monitoring and Reporting Requirements

223. Monitoring for this Addendum to LARP will be done in the same manner as for the LARP. The implementation of this Addendum to LARP will be subjected to internal monitoring as the changes will not trigger a significant amount of involuntary resettlement. In accordance with the requirements under the Safeguard Policy Statement, ADB shall post on its website the draft, final and updated LARP and the resettlement monitoring reports, upon receipt by ADB.

11.2 Internal Monitoring

224. The PIURR will monitor performance (physical progress of the Addendum to the LARP implementation against milestones set in the Addendum), impact (whether the objectives to restore the living standards of the affected population have been properly considered and executed), and Addendum to LARP compliance, indicating whether the compensation program has been carried out in accordance with the provisions of Tajikistan's laws and ADB policies, and to the satisfaction of the APs.
225. The Construction Supervision Consultant have a resettlement specialist on board who will assist the PIURR in the internal monitoring of the LARP implementation processes. The CSC resettlement specialist will:
- i. ensure the replacement cost principles of the ADB SPS (2009) are employed in the valuation of affected assets and compensation is disbursed in accordance with the endorsed Addendum;
 - ii. ensure relocation/reconstruction of affected structures/businesses are completed and set compensation paid before civil works commencement;
 - iii. monitor the Addendum to LARP implementation process;
 - iv. inform the PIURR on issues and challenges during the Addendum to LARP implementation and monitoring; and provide recommendations and suggestions for a solution;
 - v. supervise the implementation of the mitigation measures and temporary land acquisition, advise PIURR on LAR issues and grievance redress, inform PIURR on any non-compliance cases, and suggest appropriate remedies.
226. The completion of the Addendum to LARP implementation will result in the preparation of a Compliance Report which will indicate whether the compensation program has been carried out in accordance with the provisions of Tajikistan's laws and ADB policies, and to the satisfaction of the APs. The Compliance Report will be submitted to EA and ADB. Approval of the Compliance Report by ADB is a condition for the commencement of the civil works.

XII. LARP ADDENDUM PROJECT IMPLEMENTATION SCHEDULE

227. As soon as the LARP Addendum No 3 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 Addendum to LARP. All activities related to LAR (including ADB's notice of 'no objection' to the Addendum to LARP implementation) will be completed prior to the commencement of civil works.
228. The LARP Addendum preparation and implementation schedule is described in the table below.

Table 41. LARP Addendum Preparation and Implementation Schedule

#	Activities/Months in 2020	July	Aug	Sept	Oct	Nov	Dec
1	Preparation of LARP Addendum No 3						
2	Public Outreach, consulting APs during DMS and LARP Addendum No 3 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 Addendum No 3 budget						
9	PIU/MOT & ADB review and comments						
10	Incorporating comments, announcement of LARP Addendum No 3 Public Disclosure Meeting						
11	LARP Addendum No 3 Public Disclosure Meeting						
12	Finalizing LARP Addendum No 3 based on feedback of APs/AHs and project stakeholders						
13	ADB No Objection to LARP Addendum No 3						
14	LARP Addendum No 3 approval by GoT						
15	Application to MOF and allocation of LARP implementation budget						

16	LARP Addendum No 3 Implementation						
17	Processing land acquisition and Issuance of Compensations						
18	Resolving outstanding issues & grievances						
19	LARP Addendum No 3 Compliance Report prepared by PIU and approved by ADB						
20	Notice to Proceed to Contractors						
21	Site Clearance and commencements of road works						

XIII. ANNEXES

Annex 1. Photos of project affected land parcels

	
<p>Kocks Code No 1 At km 4+140 to km 4+140 RHS And (0+115 and 0+800 LHS)</p>	<p>Kocks Code No 2 At km 4+200 to km 4+280 RHS</p>
	
<p>Kocks Code No 3 At km 5+660 to km 5+900 RHS</p>	<p>Kocks Code No 4 At km 5+460 to km 5+900 LHS</p>



Kocks Code No 5
At km 5+930 to km 6+067 LHS

Kocks Code No 6
At km 6+320 to km 6+370 RHS



Kocks Code No 7
At km 6+480 to km 6+528 LHS

Kocks Code No 8
At km 6+648 to km 6+648 RHS

	
<p>Kocks Code No 9</p> <p>At km 7+940 to km 7+980 RHS</p>	<p>Kocks Code No 10</p> <p>At km 9+510 to km 9+535 RHS</p>
	
<p>Kocks Code No 17</p> <p>At km 10+260 to km 10+500 LHS</p> <p>(and km 1+000 to km 4+600 RHS)</p>	<p>Kocks Code No 18</p> <p>At km 13+080 to km 13+180 RHS</p>

	
<p>Kocks Code No 19</p> <p>At km 13+220 to km 13+360 LHS</p>	<p>Kocks Code No 20</p> <p>At km 19+420 to km 19+600 LHS</p>
	
<p>Kocks Code No 21</p> <p>At km 30+900 to km 30+990 RHS</p>	<p>Kocks Code No 22</p> <p>At km 31+710 to km 31+730 LHS</p>

Annex 2. Sample of the Grievance Log

No	Name of Complainant	Submitted to	Location Km	Submission date	Contact Phone	Content	Activities to Address Complaint/ Comment	Date of resolution
1								

Annex 3. Form for Inventory of Project Affected Assets

Project/Покиа:
Funded by/Маёнгузор:
Implementer/Иҷрокуанда:
Project section / Китъаи лоиҳа

TA-8945 TAJ: CAREC Corridors 2, 5, and 6 DUSHANBE-KURGONTEPPA Road Project
Asian Development Bank
Ministry of Transport, Republic of Tajikistan
Road Km/Роҳ дар км: **ПК**

LAND ACQUISITION AND RESETTLEMENT PLAN - INDIVIDUAL HOUSEHOLDS
НАҚШАИ ҶУДО НАМУДАНИ КИТЪАИ ЗАМИН ВА КУЧОИДАНИ АҲОЛИ - Пурсишномаи хоҷагикҳои алоҳида

№ Act / Санад
Date of visit / Санаи таширф
Tel: _____

District / Ноҳия: _____
Jamoat / Ҷамоати: _____
Address / Адрес: Village / Деҳан: _____

Head of household's Name / Номи насаби сардори оила: _____
ID # _____

Major Economic Activities / Yes=1 / No=2
Ҷаъоиятиҳои асосии иқтисодӣ (даромадноки) оила / Ишора кунед! 1-да / 2-нет

Number of people in the AH/ Шумораи аъзои оила
Male/ Мард
Female/ Зан
Female headed/Зан роҳбаркунанда: 1-да / 2-нет
Number of disabled/ Шумораи шахсонӣ маъқӯб дар оила
Vulnerable AH/Оғлаи камбизоат / ишора кунед 1-да / 2-нет

Шумораи аъзои оила ки синашон аз 16 кам аст
Farm owner/ Деҳкон
Agricultural labor/Кори кироии кишоварз
Daily wage/Кори кироӣ
Small enterprise/ Соҳибкории хурд
Government employment/Кори давлатӣ (расмӣ)
Other /Дигар

Affected Fruit Trees / Дарахтони мевадорандаи зарардида
Apple / Саб
Cherry / Ёлоғ
Small cherry / Олча
Peach / Шабдору
Apricot / Зардолу
Pomegranate / Анор
Nut tree / Чормаз
Mulberry / Тут
Khutta/Хурмо
Other / Дигар
Total/Ҷамъаи

Number of productive trees / Шумораи дарахтони мевадоранда
Number of not productive (sapling) trees / Шумораи дарахтони навинол
Age of the productive tree / Соли таҳмини дарахтони мевадоранда

Affected Non-fruit trees / Дарахтони зарардидаи солафран ва оронии
Pine / Арча
Poplar / Сафедор
Decorative/Ченор
osier/Бад

Number of trees / Шумораи дарахтон
Age of tree / Соли дарахт
Possible replanting/ Имкони кучонидан 1-да / 2-нет

Affected Residential/Commercial land / Area m² / Замини /Наздиқавлиги/Соҳибкории зарардида Масоҳат м²
Type of Land/ тип замин
Total area m2/ Майдони умумии замин (M2)
Affected area m2/ Майдони таъсирдида (M2)
Dimensions / Андозаҳо (М)
Bar / Дарози
Darrow / Дарози

Residential /Наздиқавлиги
Commercial /Соҳибкорӣ
Total/Ҷамъаи

Affected Cultivated Land / Area m² /Замини кишти зарардида / Масоҳат м2
Type of crops / тип урақай
Ownership/1=Owner/ 2=Renter/ 3=illegal
1=зам худӣ 2=зам иҷора 3=зам гай қонуни
Type of land/ (see codes)
PL / IDF / FDF / CDF.
Total area m2/ масоҳати умумии м2
Dimensions / Андозаҳо (М)
Affected area m2/ Майдони таъсирдида м2
CODES
Bar / Дарози
Darrow / Дарози

Vegetables / Сабазот
Orchard / Ёр
Vineyard / Тоқзор
Other / Дигар
Corn /Ауғиримаа
Wheat /Гандум
Cotton /Пахта
Flax /Зарар
Paddy /Шоли
Other /Дигар
Total/Ҷамъаи

Presidential land /Замини Президенти
Individual Dehkan farm /Хоҷагии Деҳқонии Индивидуалӣ
Family Dehkan farm /Хоҷагии Деҳқонии Оилавӣ
Collective Dehkan farm /Хоҷагии Деҳқонии Коллективӣ

Affected Buildings, shops, sheds, outbuildings, walls, fences and other miscellaneous items / Биноҳо, мағозаҳо, Навесҳо, Иншоотҳои беруни, Деворҳо, Чапаракҳо ва дигар иншоотҳои зарардида.
CODES / Рамаз
1 House / Истиомати
2 Kitchen / Ошхона
3 Shed / Навес
4 Fencing / Девор ва чапарак
5 Lavatory / Хоҷагона
6 Tanks / Пулс / Хава, чои обгери
7 Concrete surface / Суфтаи бетоии
8 Tandoor/Навоишона
9 Wells / Овацинаҳо
10 Livestock shelter / Оғилхона
11 Barn / Анбор
12 Other / Дигар
13 Fuel station / НФС (АЗС)
14 Store / Shop / Мағоза
15 Pharmacy/ Аптека
16 Service center / Маркази хизматрасони
17 Restaurant / Ресторан
18 Public center / Маркази ҷамъияти
19 Religious center / Масҷид
20 Cemetery/ Масор
21 Tandoor / Аловона
22 Basement / Таҷхона
23 Iron gate/Дарвозаи оҳани
24 Wooden gate/Дарвозаи ҷубин
Fundament/walls/ roof/floor / таххурси / девори /бом / фарш
1 Concrete /Бетони
2 Rubble concrete /Бутробетон
3 Reinforced concrete / Железобетон
4 Cement blocks / Семаблок
5 Stone wall / Девори санги
6 Burnt bricks /Хашти пухта
7 Mud bricks /Хашти лои
8 Mud wall / Девори лои
9 Mud and stone /Лой ва санг
10 Wire netting fences / Сеткаи симин
11 Metal sheet fences / Тунука
12 Metal netting fences / Панҷараи охани
13 Timber sheet /Тахтаи
14 Wood and asbestos sheet garret / Бом аз тахта ва асбест
15 Wood and metal sheet garret / Бом аз тахта ва тунука
16 Metal frame/Чорчубаи металии
17 Concrete slab/Тахтасанги бетоии
18 Mud plastering/ Андоваи лои
19 Wood floor/ Аз тахта
20 Plywood floor/Аз фанер
21 Other / Дигар

No
Type of structure/ Навъи сохтмон
Dimensions / Андозаҳо
Length / дарозӣ (meter)
Width / бар (meter)
Area / Масоҳат
m2
Number of rooms/ шумораи хонаҳо
Fundament / Поқдевор
Material / масоҳат
Length / дарозӣ (meter)
Width / бар (meter)
Height / Баландӣ (meter)
Material / масоҳат
Length / дарозӣ (meter)
Width / бар (meter)
Height / Баландӣ (meter)
Roofing / Бом
Floor / Фарш

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

Affected Business / Соҳибкории зарардида
1 Shop (Food/Manufactured goods) / Мағозаи Хӯроквории
2 Cafe / Canteen / Ошхона (буфет, столван)
3 Butchery / Дукони Гушт
4 Fuel station / Нуттан фуруши Суғишвории (АЗС)
5 Spare parts trade / Мағозаи ниссонии ахтиёти
6 Snack food outlet / Дукони хуроки тестайришаванда
7 Pharmacy / Аптека
8 Other / Дигар
Affected Business / Соҳибкории 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) Розӣ хастам.
Hukumat's Representative / Намояндаи Ҳукумат ё ҷамоат
KOCKS/KOCK

1
2
3
4
Total/Ҷамъаи

Annex 4. Questionnaire for Census and SES

Republic of Tajikistan
Ministry of Transport

CAREC Corridor 2, 5 and 6 (Dushanbe-Kurgonteppa Road Project)

1.	Head of household /Хозяин семейство					
2.	Spouse /Супруга					
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						
12.						

Number of disabled family members, if any/Количество инвалидов в семье, если имеется.

Number of members receiving help under the government scheme /Количество членов, получающих помощь от Правительства
Правительства

Note: Insert additional column if family members exceed more than 10/Примечание: Вставить дополнительный столб, если члены семьи превышают более чем 10

3. HOUSEHOLD ASSETS /СЕМЕЙНЫЙ БЮДЖЕТ

3.1 Please list houses and structures in your household/Пожалуйста, перечислите здания и сооружения в Вашем домашнем хозяйстве.

No	Type of building/ structure/Тип здания/сооружения

3.2 Landownership & uses (All lands situated anywhere and under the land-use ownership of the household).
Please write the corresponding code.

Земельная собственность и использование [Все земли, расположенные где угодно и под собственностью землепользования домашнего хозяйства].

Пожалуйста, напишите соответствующий код.

Land type/Тип земли	Total area (Ha) /Общая площадь (гек)	1=Irrigated 2=Dry land/ 1= Орошаемая 2= Неорошаемая	В настоящее время используется хозяином/ Presently used by the owner (Yes/Да=1, No/Нет=2)	Type of land-use ownership (see the codes) Тип собственности землепользования (см. коды),
Residential/Жилая (m2)				
Agricultural/Сельско				

хозяйственная				
Grazing/Пастбище				
Commercial/Торговая				
Dekhan farm/Фермерская				
Others(specify)/Другое (уточнить)				

Code/Код:

1= Life-long inheritable use: This right is assigned to physical persons or collectives and applies to land- shares used to organize Dekhan farms as well as for household plots.

1=Пожизненное наследственное использование: Это право назначено на физических лиц или группы и применяется к земле - акции раньше организовывали дехканские фермы, а также для домашних приусадебных участков.

2= Continuous use: This right has no fixed term. It is granted to legal entities such as state and cooperative agricultural enterprises, public and religious organizations and charities, industrial and transportation needs, public enterprises, defense, and joint ventures that include foreign entities

2=Непрерывное использование: Это право не имеет фиксированный срок. Оно предоставляется юридическим лицам, таким как государственные и кооперативные сельскохозяйственные предприятия, общественные и религиозные организации и благотворительные учреждения, потребности в промышленности и транспортировки, общественные предприятия, оборонительные и совместные предприятия, которые включают иностранные предприятия.

3= Limited or fixed-term use: This right may be granted to legal or physical persons for either a short-term (up to 3 years) or long-term (3–20 years).

3=Ограниченное или использование с фиксированным сроком: Это право можно предоставить юридическим лицам или физическим лицам для любого краткосрочное (до 3 лет) или долгосрочное (3–20 лет).

3.3 Land use/Землепользование

Cultivated (ha)/Обрабатываемая (гектар)	Pasture (ha)/Пастбище (гектар)	Uncultivated (ha)/Необрабатываемая (гектар)	Total land area (ha)/Общая площадь земли (гектар)

3.4 Cropping Pattern/Структура посевных площадей

No	Type of crops/сельскохозяйственная культура	Total cultivated land (Ha)/Общая обрабатываемая земля	Total yield (tone/year)/Общий доход (тонна в год)
Всего			

3.5 Livestock/Животноводство

Cattle/Скот	Number/Количество	Poultry/Домашняя птица	Number/Количество
Bullock /Бычок		Chicken/Куры	
Cow/Корова		Duck/Утка	
Calf /Телёнок		Gees/Гусы	
Sheep/Овца			
Goat/Коза			
Horse/Лошадь			
Donkey/Осёл			
Others (specify)/Другие (уточнить)		Others (specify)/Другие (уточнить)	

3.6 Household's Assets & Amenities/Семейный бюджет и благоустройство

Items/Наименования	Yes/Да=1 No/Нет=2
In-house flush toilet/Смывной туалет	
Latrine/Уборная	
Hot water system/Система горячей воды	
Television set /Телевизор	
Satellite dish/Спутниковая антенна	
Computer/Компьютер	
Internet/Интернет	
Mobile phone/Мобильный телефон	
Refrigerator/Холодильник	
Washing machine/Стиральная машина	
Air conditioner/Кондиционер	
Electric stove/Электроплита	
Motorbike/Мотоцикл	
Car/Автомобиль	
Mini bus/Мини автобус	
Agriculture machinery (specify) /Сельскохозяйственное оборудование (уточнить)	
Other (specify)/Другое (уточнить)	

4. HOUSEHOLD's MONTHLY INCOME/ЕЖЕМЕСЯЧНЫЙ ДОХОД ХОЗЯЙСТВА

4.1 Please include the income of all household's members/Пожалуйста, включите доход всех членов семьи

No	Source/Источник	Self-reported income (TJS) Собственный доход (в Сомони)
1.	Agriculture /Сельское хозяйство	
2.	Employment/Работа	
3.	Business/Бизнес	
4.	Labor/Труд	
5.	Remittances/Переводимые деньги	
6.	Other (specify)/ Другое (уточнить)	
Grand Total/Общий итог		

4.2 Please assess monthly expenditure on different items/Пожалуйста, оцените ежемесячные расходы для различных наименований

No	Items/Наименование	Self-reported monthly expenses (TJS) Самоотчет ежемесячных расходов (в Сомони)
A	Food/Продовольствие	
Sub Total (A) Подитог (A)		
B	1. Clothing/Одежда	
	2. Health/Здравоохранение	
	3. Education/Образование	
	4. Communication/Связь	
	5. Social functions/obligations/Социальные функции/обязанности	
	6. Agriculture (such as seeds, hiring of farm implements etc.) /Сельское хозяйство (такое как семена, аренда сельскохозяйственного оборудования и т.д.),	
	7. Water/ Вода	
	8. Electricity bills/Счета за электричества	
	8. Land tax/Земельный налог	
	9. Credit repayment/Погашение кредита	
	10. Others (specify)/Другие (уточнить)	
Sub Total (B) Подитог (B)		

Grand Total (A+B) Подитог (A+B)

5. INDEBTEDNESS/ЗАДОЛЖЕННОСТЬ

5.1 Do you have any debts? Имеются ли у Вас долги? Yes/Да=1 No/Нет=2 ☐

(If yes, please indicate, your borrowings during last year)

Если да, пожалуйста, расскажите для какой цели вы заимствовали деньги?

Пожалуйста, укажите, Ваши заимствования в течение прошлого года.

No	Source/Источник	Amount taken (in TJS) Заимствованная сумма (в Сомони)	Amount returned (in TJS) Возвратная сумма (в Сомони)	Balance/ Остаток
1.	Bank/ Банк			
2.	Private money lender/Свои деньги			
3.	Relatives/Родственники			
4.	Others (specify)/Другие (уточнить)			
Total/ Итого				

6. HEALTH STATUS/СОСТОЯНИЕ ЗДОРОВЬЕ

9.1 Was any member of your family affected by any illness during the last one year?

/Кто нибудь из членов Вашей семьи заболел какой-либо болезнью в прошлом году?

1. Yes/Да 2.No/Нет ☐

9.2 If "Yes", please indicate the details/Если Да, пожалуйста, уточните подробности.

No. of cases/Кол-во случаев	Type of diseases/illness/Тип болезни	Treatment taken/Принятое лечение
		1. Conventional medicine/ Традиционная медицина
		2. Traditional local medicine Традиционно- местная медицина
		3. No treatment/Не прибегаю к лечению

7. MIGRATION/COMMUTING/МИГРАЦИЯ/ ЕЗДИТЬ НА РАБОТУ В ГОРОД И ОБРАТНО

10.1 Does anyone from your family work outside the Rayon/Country? 1. Yes 2. No ☐

Кто-либо из Вашей семьи работает за пределами района /страны? 1.Да 2.Нет

10.2 What kind of job do they have? (Enter the code) /Какая у Вас работа? (Вставить код)

1. Agricultural labor/Сельскохозяйственный труд 2. Non-agricultural labor/Несельскохозяйственный труд 3. Trade & business /Торговля и бизнес ☐

4. Others (specify): Другое (уточнить)
- 7.1 How much do they earn per month? TJS...../Сколько Вы зарабатываете в месяц?
В Сомони
- 7.2 How often do you and your family members travel out from the village/city? ☐
Как часто Вы и Ваши члены семьи выезжаете из деревни/города?
1. Daily/Ежедневно 2. Two-three times/week/2-2 раза в неделю 3. Less than three times a week/Меньше 3 раза в неделю 4. Other (specify)/Другое (уточнить).
- 7.3 Where do you/they travel?/Куда Вы/Они ездите? ☐
1. Work/Работу 2. Health facilities/Мед. учреждения; 3. Social network/Интернет; 4. School/university/Школа/Университет; 5. All/Везде
- 7.4 Which mode of travel do you/they use?/Какой вид транспорта Вы используете? ☐
1. Private car/Частная машина; 2. Taxi/Такси; 3. Mini bus/Мини автобус; 4. Other (specify)/Другое (уточнить)
- 7.5 How much do you usually pay per trip?/Сколько Вы обычно платите за проезд?.....

8. WOMEN STATUS/СТАТУС ЖЕНЩИНЫ

11.1 Please give us information on activities the household women are engaged in: /Пожалуйста, предоставьте нам информацию о работах, которыми заняты домохозяйки:

No	Economic / Non-economic activities/ Экономическая/неэкономическая деятельность	Engagement in activities 1 = Yes 2 = No Занятость работой 1= Да 2= Нет
1.	Cultivation/Выращивание	
2.	Livestock /Животноводство	
3.	Sale of household's products/Продажа сельскохозяйственных продуктов	
4.	Trade & business/Торговля и бизнес	
5.	Agricultural labor/Сельскохозяйственный труд	
6.	Non-agricultural labor/несельскохозяйственный труд	
7.	Handmade products/Продукция ручной работы	
8.	Household work/Работа по хозяйству	
9.	Other (specify)/Другой(уточнить)	

If engaged in economic activities, total income of the year: TJS.....
Если заняты экономической деятельностью, каков общий годовой доход а Сомони.....

11.2 In which of the following household's matters women are asked for their opinions? /По каким следующим вопросам спрашивается мнения женщин?

No	Issues/проблемы	1 = Yes/Да	2 = No/Нет
1.	Financial matters/Финансовые дела		
2.	Education of		

Annex 5. Individual consultations with APs covered under LARP Addendum No 3

Below is given the table with dates of the individual consultations with APs carried out by Social Safeguards Specialist of Kocks Engineering GmbH and PIURR.

Table 42. Dates of conducted individual consultations

No	Name of consulted AP	Location	Individual Consultation during DMS	Individual Consultation during finalization LARP Addendum No 3
1	Mukhanov Mirzoyali	Rudaki, Jamoat Chimteppa, vi. Chimteppa	27.05.2020	25.09.2020
2	Davlyatov Nuridin	Rudaki, Jamoat Chimteppa, vi. Chimteppa	01.05.2020	25.09.2020
3	Abdyloyev R. BOLLI MILLI	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	08.04.2020	25.09.2020
4	Rakhmonov Y JDMM "Yvar"	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	05.05.2020	28.09.2020
5	Gulov M. Dehkan Asadulo (at pumping station No 2)	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	09.11.2019	25.09.2020
6	Jusupov Sangali	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	16.09.2020	28.09.2020
7	Amirbelova Sayioramokh	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	21.01.2020	28.09.2020
8	Ashurov Khairulo	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	23.09.2019	29.09.2020
9	Abdyloyeva C. JSC Fiondare	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	10.10.2019	29.09.2020
10	JDMM "Umar" Saidova Faizgul	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	25.08.2020	10.09.2020
11	Faizalieyv Sadridin	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	03.09.2020	28.09.2020
12	Odirov Jusychon	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	03.09.2020	28.09.2020
13	Rachabova Chumgal	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	03.09.2020	28.09.2020

14	Rachabova Anorbi	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	03.09.2020	28.09.2020
15	Solikhova Farzona	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	03.09.2020	28.09.2020
16	Rakhmonov Mukhamad	Rudaki, Jamoat Chorgulteppa, vil. Obishifo	03.09.2020	28.09.2020
17	Ismonzade U. Dehkan TOLIB-1	Rudaki, Jamoat Lokhur, vil. Yngihayt	11.09.2020	29.09.2020
18	Azizov Nurulo	Rudaki, Jamoat Lokhur, vil. Alabaytal	16.06.2020	29.09.2020
19	Gairatov Faridun	Rudaki, Jamoat Lokhur, vil. Alabaytal	12.10.2020	29.09.2020
20	Sharipov Churabek	Khuroson, Jamoat Fakhhrobod, vil. Fakhhrobod	10.03.2020	29.09.2020
21	Ismatov Akmal	Khuroson, Jamoat Galaobod, vil. Chashmassor	20.12.2019	29.09.2020
22	Bobokalonov Umar	Khuroson, Jamoat Galaobod, vil. Chashmassor	18.03.2020	29.09.2020

The individual consultations with APs started in September 2019 when the design changes were known and the census commenced. Once the list of APs was defined and census data collected, the inventory of project affected assets and SES was carried out during DMS. The individual consultations with each and every AP allowed to provide the APs will full information on pending project impact, importance of APs' participation in planned surveys and physical presence during inventory of project affected assets.

The table below provides the dates of individual consultations with APs, during which Mr. Kholikov Mahmudjon, the Lead Resettlement Specialist at PIU discussed the objectives of pending road project and its importance for the local population, road users and future development of country economy.

Mr. Kholikov described the need for design changes that required preparation of LARP Addendum No 3 in compliance with original LARP dated July 2017, ADB SPS 2009, country legislation and best international practice. He described the activities undertaken during preparation of LARP Addendum No 3 and highlighted their importance to develop fair compensation package for each and every project affected household and entity. He also explained the method of calculation of compensation unit rates for land, annual crops, fruit bearing perennials and timber trees; compensation entitlements for loss of income and wages caused as a result of temporary and permanent stoppage of business; described the additional mitigation measures foreseeing one-time cash allowance for vulnerable and severely affected households to be paid in addition to compensation for all affected assets.

The importance of the cut-off date, 25 April 2016 defined in the original; explained applicable laws of the Republic of Tajikistan exercised in general practice during implementation of land acquisition and resettlement projects.

Special attention was given to Grievance Redress Mechanism and Grievance Redress Commission operating on the district and national levels during the entire project cycle and being available for any aggrieved person.

All APs were notified that Russian version of the LARP Addendum No 3 once approved by the ADB and MOT will be provided to local Jamoats to be made available for APs and all other project stakeholders.

Table 43. Questions of APs and provided answers

Question asked by consulted APs	Answers provided by PIURR representative
<p>What can I do in given circumstances when the new road surface will be raised higher than my shop; what will happen to the shop, parking area?</p> <p>What shall I do if due to the road project I am losing my business?</p>	<p>The road engineer will consider all possible options to reduce road surface alleviation; in case it is impossible then compensation will be considered to allow the reinstatement of a new building on the height of road level.</p>
<p>What will be the process? How will be receive cash compensation?</p>	<p>You will receive compensation at the Bank office. New account will be opened in the Bank on the name of each recipient; amount of compensation will be wire transferred to this new individual bank account and he/she any time may withdraw cash in full or partial as convenient to account holder.</p>
<p>Will any compensation issued to cover the cost of update the documents?</p>	<p>Yes, we obtained the official fees on document updates from the rayon administration; the cost for renewal technical passport and/or land use certificate also will be cash compensated.</p>
<p>Before we receive cash compensation shall be please be provided with exact description of compensated assets?</p>	<p>Certainly yes. Prior to issuance cash condemnation we (PIU RR) will prepare a separate Act with the description of all project affected assets subject to compensation and for each individual recipient. You will be provided this paper for review and signature. The same Act will be signed by all commission members.</p>
<p>We assume fruit trees subject to cash compensation, correct?</p>	<p>All project affected fruit trees will be inventoried, as well as all project affected structures measured and surveyed and delivered to the committee for evaluation and determination the amount of relevant compensation at replacement value.</p> <p>Once you receive your cash compensation to reinstate affected assets (fences or structures, etc.) and also plant a new sapling of fruit trees on your land parcel.</p>