**Solid Waste Management Improvement**

**Project**

**ADB Loan No.: 3067-UZB**

**PROJECT MANAGEMENT, IMPLEMENTATION AND SUPERVISION CONSULTANCY SERVICES**

**Contract No.: SUE/Maxsustrans/QCBS-Cons\_1-2016-01**

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**Social Safeguard Monitoring Report**

**Quarterly report – January - March 2019**

**CLIENT – IMPLEMENTING AGENCY**

**State Unitary Enterprise (SUE) “MAXSUSTRANS” (Uzbekistan)**

**LEAD CONSULTANT**

**H.P. Gauff Ingenieure GmbH & Co. KG-JBG (Germany)**

**in association with**

**Infratech Consulting SDN Ltd. (Uzbekistan)**

**March 2019**

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| Social Safeguard Monitoring Report  Quarterly report: January – March 2019 |

Project No: 45366

ADB Loan 3067-UZB

May 2019

UZB: Solid Waste Management Improvement Project (SWMIP)

Financed by the ADB

*This document is prepared by JV «H.P. Gauff Ingenieure GmbH & Co. KG – JBG- (Germany) and Infratech Consulting SDN Ltd. (Uzbekistan)» for State Unitary Enterprise «Maxsustrans», The Khokimiyat of Tashkent city and ADB. This report is a document of the Borrower.*

**Abbreviations**

ADB - Asian Development Bank

AH - Affected Household

AP - Affected Person

CAP Correction Action Plan

EA - Executing Agency

GFP - Grievance Focal Point

GOU - Government of Uzbekistan

GRM - Grievance Redress Mechanism

Ha - Hectare

IA - Implementing Agency

IR - Involuntary Resettlement

IWP - Informal Waste Picker

LARP Land Acquisition and Resettlement Plan

MOF - Ministry of Finance

MSW - Municipal Solid Waste

O&M - Operation and Maintenance

PIU - Project Implementation Unit

PPTA - Project Preparatory Technical Assistance

SLF - Sanitary Landfill

SSEMP Social safeguard and Environmental Monitoring plan

SWM - Solid Waste Management

**NOTE**

In this report, “$” refers to United State dollars (USD) and UZS refers to Uzbekistan sum.

**CURRENCY EQUIVALENTS**

(as on the day of March 22th, 2019)

Currency Unit - sum (UZS) UZS 1,000.00 = $0.1199

$1.00 = UZS 8378.04

This social safeguard monitoring report is a document of the borrower. The views expressed herein do not necessarily represent those of ADB's Board of Directors, Management, or staff, and may be preliminary in nature.

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

As per ADB Safeguard Policy Statement (2009) and the Operations Manual section on safeguard policy (OM F1), borrowers/clients are required to establish and maintain procedures to monitor the status of implementation of social safeguards management and ensure progress is made towards the desired outcomes.

**Glossary**

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| **Compensation** | Payment in cash or kind for an asset to be acquired or affected by a project at replacement cost. |
| **Affected Persons** | Affected persons (APs) are those who experience full or partial, permanent or temporary physical displacement (relocation, loss of residential land, or loss of shelter) and economic displacement (loss of land, assets, access to assets, income sources, or means of livelihoods) resulting from (i) involuntary acquisition of land, or (ii) involuntary restrictions on land use or on access to legally designated parks and protected areas. APs could be of three types: (i) persons with formal legal rights to land lost in its entirety or in part; (ii) persons who lost the land they occupy in its entirety or in part who have no formal legal rights to such land, but who have claims to such lands that are recognized or recognizable under national laws; and (iii) persons who lost the land they occupy in its entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. |
| **Entitlement** | The range of measures comprising cash or kind compensation, relocation cost, income rehabilitation assistance, transfer assistance, income substitution, and relocation which are due to /business restoration which are due to AH, depending on the type and degree nature of their losses, to restore their social and economic base. All entitlements will be given to all affected households as per the entitlement matrix. |
| **The Khokimiyat** | Local government authority that interfaces between local communities and the government at the regional and national level. It has ultimate administrative and legal authority over local populations residing within its jurisdiction. |
| **Land**  **acquisition** | The process whereby a person is compelled by a public agency to alienate all or part of the land s/he owns or possesses, to the ownership and possession of that agency, for public purposes, in return for fair compensation. |
| **Mahalla** | Is a local level community-based organization recognized official by the GoU that serves as the interface between state and community and is responsible for facilitating a range of social support facilities and ensuring the internal social and cultural cohesiveness of its members. Mahalla leaders are elected by their local communities. |
| **Meaningful**  **Consultation** | A process that (i) begins early in the project preparation stage and is carried out on an ongoing basis throughout the project cycle; (ii) provides timely disclosure of relevant and adequate information that is understandable and readily accessible to affected people; (iii) is undertaken in an atmosphere free of intimidation or coercion; (iv) is gender inclusive and responsive, and tailored to the needs of disadvantaged and vulnerable groups; and (v) enables the incorporation of all relevant views of affected people and other stakeholders into decision making, such as project design, mitigation measures, the sharing of development benefits and opportunities, and implementation issues. |
| **Illegal** | HHs that are not registered their business, agriculture, residential and orchard and those who have no recognizable rights or claims to the land that they are occupying and includes people using private or state land without permission, permit or grant i.e. those people without legal lease to land and/or structures occupied or used by them. ADB’s policy explicitly states that such people are entitled to compensation for their non-land assets. |

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| **Replacement**  **cost** | Replacement cost is the principle to be complied with in compensating for lost assets. Calculation of which should include: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, APs and host populations will be consulted to obtain adequate information about recent land transactions, land value by types, land titles, land use, cropping patterns and crop production, availability of land in the project area and region, and other related information. Baseline data on housing, house types, and construction materials will also be collected. Qualified and experienced experts will undertake the valuation of acquired assets. In applying this method of valuation, depreciation of structures and assets should not be taken into account. |
| **Significant**  **impact** | 200 people or more will experience major impacts, which are defined as; (i) being physically displaced from housing, or (ii) losing 10% or more of their productive assets (income generating). |
| **Vulnerable**  **Households** | Low-income households, female-headed households with fewer than 2 adult income- earners, the elderly headed with unemployed family members, and disabled. |
| **Leaseholder** | Legal entity (registered farm) running agricultural production with the use of land plots granted to him on a long-term lease. Lease term is limited up to fifty years but not less than for ten years. Leaseholder cannot sell - buy, mortgage, sublease present, exchange the land. |

**Table of contents**

[Abbreviations 3](#_Toc4161071)

[Glossary 4](#_Toc4161072)

[Executive Summary 7](#_Toc4161073)

[1. Introduction 8](#_Toc4161074)

[2 Project description and current activities 9](#_Toc4161075)

[2.1 Project Description 9](#_Toc4161076)

[2.2 Project Objectives and Outputs 9](#_Toc4161077)

[2.3 Project Site Description 10](#_Toc4161078)

[2.4 Project management and Contractors team 12](#_Toc4161079)

[3 Social Safeguard activities 14](#_Toc4161080)

[3.1 Brief methodology 14](#_Toc4161081)

[3.2 Compliance to safeguards provisions in agreements under the project 14](#_Toc4161082)

[3.2.1 Compliance to Project Administration Manual 14](#_Toc4161083)

[3.2.2 Compliance with Social Safeguard Covenants of Loan Agreement 17](#_Toc4161084)

[3.3 Project activities during current reporting period (January – March 2019) 20](#_Toc4161085)

[4 Gender and poverty assessment 22](#_Toc4161086)

[5 Redress Grievances 23](#_Toc4161087)

[6 Public Awareness and Consultations 25](#_Toc4161088)

[7 Conclusion 26](#_Toc4161089)

[Annex I Decision of khokim of Akhangaran Districts of Tashkent region on land plot of 30 ha 28](#_Toc4161090)

[Annex II Decree of the Khokimiyat of Akhangaran district on acceting the land plot of 30 ha to the reserve fund of the Khokimiyat based on state program on land size optimization 31](#_Toc4161091)

**Executive Summary**

1. The Government of Uzbekistan (GoU) has applied for a loan from the Asian Development Bank (ADB) for the development and improvement of Solid Waste Management (SWM) system of the capital city (Tashkent). The loan reference number is L3067-UZB: Solid Waste Management Improvement Project (SWMIP). The loan was signed between the Republic of Uzbekistan and Asian Development Bank (ADB) dated 27 February 2014 and Project Agreement dated 12 March 2014 signed between ADB, Tashkent City Municipality and the State Unitary Enterprise “MAXSUSTRANS”.
2. The project was prepared to impact an improved urban environment and quality of life for the residents of Tashkent. The project will develop a sanitary landfill that meets international standards, rehabilitate transfer stations, and modernize the waste collection and transfer fleet. It will build capacity in waste management and help formulate a national strategy on solid waste management. At this stage of project implementation the detailed design is carried out. No civil works started under the project.
3. **Social safeguard monitoring** is carried out to assess the current issues on land, and to report any other social concerns occurred during project implementation. Social safeguard monitoring is carried out in compliance with the ADB requirements. This report is the Quarterly Report on Social Safeguards Monitoring and Evaluation of the Solid Waste Management Improvement Project. It covers the period of January – March 2019. It presents the social due diligence from January 2019 to March 2019 as per the requirements of the ADB. The report presents a review of the actions taken by various stakeholders in the project for compliance with the ADB social safeguard requirements and further states the actions that would be taken in the due course of the project.
4. **Land acquisition and resettlement:** Land acquisition and resettlement plan was designed in 2012 at the stage of preparation of Feasibility study under the project. No civil works are started under the project yet. Once the detailed design is completed, the LARP will be updated to assess the project impacts on lands, people and structures. Detail design is currently being created by Sanitary Landfill Design and Supervision Consultant C\_2
5. **Gender:** Gender action plan is prepared and submitted to ADB through Bi-annual report.
6. **Grievance redress mechanism:** GRM is designed for the project in LARP 2012. The complaint handling process is reported to ADB through quarterly and bi-annual reports. The PIU safeguard consultant periodically reviews and records the efficiency and effectiveness of the GRM highlighting the project’s ability to prevent and address grievances. No complaints are received during this monitoring period (January – March 2019).
7. **Public Awareness and Consultations:** Consultant conducts meaningful consultation with project stakeholders and persons involved into the project implementation. There are no public consultations at this stage of monitoring. Consultant intends to conduct public consultations once the LARP in updated (May 2019).
8. **Introduction**
9. This report is the Quarterly Report on Social Safeguard Monitoring under Solid Waste Management Improvement Project. The report describes the implementation and evaluation of social safeguards activities for January – March 2018. The social safeguard monitoring report covers, in particular, the progress and current status of the implementation of social safeguard indicators of project.
10. To conduct the safeguard monitoring under the project, PIU Consultants (H.P. Gauff Ingenieure GmbH & Co. KG – JBG- (Germany) and Infratech Consulting Ltd (Uzbekistan) were selected through the tender, and the agreement was concluded with them in December of 2016.
11. International Construction Contractor has not been hired yet. The project is on stage of detailed design started in December 2018. The contractor for detailed design of new landfill and closure the existing landfill is Sanitary Landfill Design and Supervision Consultant – China Urban Construction Design & Research Institute Co., Ltd." The period of preparation of detailed design is December 2018- May 2019. The construction period will be 18 months.
12. Social Safeguard monitoring is implemented during the whole period of project detailed design and civil works.
13. The social safeguard monitoring provides information on: i) progress of the land acquisition and resettlement by establishing social safeguard compliance status, ii) status of implementation of social safeguard measures for all persons affected by the project taking into account the available and potential social risks resulting from implementation of the project, iii) identification of non-conformances / unanticipated impacts and implement necessary mitigation / remedial measures (in case of adverse impacts), and iv) monitoring and evaluation of implementation of other safeguard measures.
14. The social safeguard monitoring is carried out on quarterly basis. The main objective of this Bi-annual Social safeguard monitoring report is to provide progress on issue on land acquisition, and to report any other social concerns occurred during project implementation. The report is also prepared to comply with social safeguard requirements of the Government of Uzbekistan and ADB as well as to fulfill the loan covenant as described in the loan agreement No.: 3067-UZB signed between Government and ADB.
15. The ADB safeguard policy requires that project implementation will subject to the LARP related conditions. The most important conditions are: (i) land acquisition including demolishing of any structure and housing is allowed only after all compensations are fully paid, and (ii) commencement of Civil Works is conditional to the satisfactory implementation of the final LARP to be checked and verified by independent monitoring party and reported in the LARP compliance report.
16. At this stage of project implementation no civil works are started. Once detailed design under the project is completed, updated LARP will be prepared. The period of preparation of detailed design is December 2018- June 2019. Based on the Cabinet of Ministers Resolution # 146 (25.05.2011) of GOU any- land acquisition and demolition of the structures only can be carried out after the value of compensation has agreed by the land leaseholder and owner of structures. The GOU’s law and regulations on land acquisition require also that civil works can be commenced only after compensation for land acquisition is fully paid.
17. **Project description and current activities**

## Project Description

1. The Government of Uzbekistan (GOU) seriously recognizes the need to develop and implement a national Solid Waste Management (SWM) strategy. Solid Waste Management Improvement Project (L3067-UZB) is implemented for the development and improvement of Solid Waste Management (SWM) system of the capital city (Tashkent). Therefore, the GOU has requested support from ADB to address the SWM challenges. The proposed Project will contribute to sustainable urban development in Uzbekistan by:
2. modernizing SWM to provide continuous and reliable municipal services;
3. promoting financial sustainability of municipal services through tariff rationalization and prudent financial management;
4. supporting policy and institutional reforms for improved sanitation and environmental management;
5. mitigating climate change through a major reduction of GHG emissions, and through compliance with international standards on waste minimization and material recycling; and through all these measures;
6. improving livability of cities.
7. The volume of the existing dumpsite is exhausted and the original plan of the city was to extend its dumpsite operations to an adjacent lot of additional 30 hectares of area. Being fully aware of the inevitable environmental impacts through the extension of this practice, the city asked the national government for assistance in this matter. Based on these activities, the Cabinet of Ministers approved in summer 2012 the location of new dumpsite on 30 hectares of agricultural area for the utilization for waste management activities.
8. According to the designed Feasibility study of the project, 30-hectare land plot located immediately to the south of the existing Akhangaran dumpsite (25 ha for Landfill and 5 ha for facilities) was considered as land plot for new potential landfill. This land plot was planned to allocate for development an interim dumpsite extension and also for upgrading this facility to a sanitary landfill facility in compliance to internationally accepted standards of environmental protection.
9. Project entails potential land acquisition of 30 ha. The appropriate Land acquisition and resettlement plan for potential allocation of land plot was prepared in 2012. LARP included all the potential impacts, mitigation measures and requirements for the project implementation. In compliance with ADB SPS requirements LAPR will be updated once the detailed design is ready (May 2019).

## Project Objectives and Outputs

1. The overall objective is to provide an improved solid waste management (SWM) system in Tashkent, the capital city, to upgrade urban infrastructure and services. The project will develop a sanitary landfill that meets international standards, rehabilitate transfer stations, and modernize the waste collection and transfer fleet. It will build capacity in waste management and help formulate a national strategy on solid waste management.
2. Given the current SWM practices, the option converting and allocating an area adjacent to the existing dumpsite to an engineered Sanitary Landfill was decided. The proposed sanitary landfill facility (SLF) concept will be based on the Best Environmental Practices (BEP) resulting to a state-of–the-art design consistent with international acceptable standards. This “stand alone” facility will drastically improve the SWM system (i.e. the handling and final disposal of MSW) with a possible integration capability for a long-solution to cover the entire Tashkent region. The inclusion into the design of a multi-barrier system, leachate and gas collection systems will result in a significant reduction of anticipated impacts. Solid Waste Management Improvement Project (hereinafter called “Project”) is to contribute to the following issues:

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| * Segregation of Municipal Solid Waste stream; * Proper collection and dumping to appropriate sites * Establishment of modern SWM systems * Remediation of old 'truck and dump' practices in cities and regions |

1. The project was prepared to impact an improved urban environment and quality of life for the residents of Tashkent. The outcome will be improved SWM services and management in Tashkent with the following key outputs: (i) Output 1 - Rehabilitated and expanded solid waste management (SWM) system in Tashkent; (ii) Output 2 - Strengthened operational capacity; (iii) Output 3 - National SWM strategy.
2. There are two executing agencies (EAs) for the project – the Tashkent Municipality (Hokimiyat of Tashkent city) for the overall oversight and monitoring of Outputs 1 and 2 and State Committee of the Republic of Uzbekistan of Ecology and Environment Protection (SCEEP)[[1]](#footnote-1) for execution of Output 3–the national SWM strategy. Outputs 1 and 2 will be implemented by State Unitary Enterprise “MAXSUSTRANS”. A PIU was established within MAXSUSTRANS to support project implementation. This support will include project management, financial management, procurement, contract administration, safeguards implementation, construction and technical supervision, and monitoring and evaluation.
3. GoU through it Implementing Agency (IA), the State Unitary Enterprise (SUE) “MAXSUSTRANS” utilizes part of project loan proceeds towards the cost of the contract for Consulting Services related to Project Management, Implementation and Supervision, supporting the Project Implementation Unit (PIU).

## Project Site Description

1. The Akhangaran landfill is located approximately 35 km south of the center of Tashkent City in the Akhangaran district of Tashkent Province. The facility has been in use since 1967 and is currently handling the wastes collected from Tashkent city and partial from Chirchik. The proposed site for a modern Sanitary Landfill is located at the eastern side of the existing Akhangaran Landfill. The total area for Landfill will cover approximately 25 hectares of agricultural land.Location map of Akhangaran landfill is given on **Figure** below.

**Figure 1 Location map of Akhangaran landfill**

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1. Access to the site: Land acquisition for the expansion of existing landfill will not require construction of any additional access road to the site. This is visualized below on given image (**Figure** below). Access to land will be through already functioning road. Existing access and other bypass roads should be taken in consideration for repair- and reconstructions works. Buffer zone for the SLF will be within the acquired land plots.

**Figure 2 Proposed Akhangaran landfill expansion**

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\* Yellow line is border of existing landfill; blue line is border of expansion

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| **Figure 3 Map of acquired land plot and irrigation canal** |
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## Project management and Contractors team

1. **Agencies involved in Investment Program Implementation:** The following agencies are involved in implementing the investment program:

* State Committee on Ecology and Environmental Protection (SCEEP[[2]](#footnote-2)) and Tashkent Hokimiyat (Municipality) are the Executing Agencies (EA). Tashkent Hokimiyat responsible for management, coordination and execution of all activities funded under the loan and has overall responsibility for compliance with loan covenants. SCNP is responsible for implementation of output 3 of the project – preparation of National Municipal Solid Waste Strategy of city Tashkent.
* State Unitary Enterprise “Maxsustrans” (Maxsustrans) is the implementing agency (IA), which is responsible for administration, implementation (design, construction and operation) and all day-to-day activities under the loan. An Investment Program Implementation Unit (PIU) is established within Maxsustrans for Investment Program related functions. The PIU coordinates construction of subprojects, and ensures consistency of approach and performance.

1. **Project team:** Maxsustrans hired International Project Management and Supervision Consultant (PIU Consultants) - *H.P. Gauff Ingenieure*. The Company has a many-year-long work experience in the field of waste management. Under the Tender terms and conditions, the mentioned Company hired a national Social Safeguard Specialist (Ms. Maria Malinovskaya) and national Environmental expert (Mr. Sergey Karandayev), who are implementing social and environmental safeguards services.
2. The selection of a consultant began in December 2017. The contract was awarded on November 16, 2018. The main reasons for the delay are the following: 1) Changes in the legislation of the Republic of Uzbekistan on procurement procedures, including for IFC funds. 2) Process of institutional reforms among the government bodies and executive agencies initiated by the government in 2017; 3) Composition of Tender Commission of Tashkent The Khokimiyat responsible for holding a large-scale tenders changes 3 times due to the amendments in order and regulations of tender commissions. This all delayed the process of evaluation, approval of the results of the evaluation and award of the contract.
3. Construction Supervision Company is responsible for preparing quarterly progress reports which cover the implementation of the Social safeguard measures that may occur during the implementation. All mitigation measures during construction will be implemented by the contractor and these will be monitored by the Supervision Consultant (SC).
4. Sanitary Landfill Design and Supervision Consultant "China Urban Construction Design & Research Institute Co., Ltd." has been hired on December 14, 2018. This consulting company will do design works of closing old landfill and establishing of new sanitary landfill. During the construction work they will supervise all construction works related to Landfill establishment.
5. **Social Safeguard activities**
   1. **Brief methodology**
6. This section presents information on general and special methods which is used to prepare the Social safeguard monitoring report, including design CAP (if required). The methodology applied for this report includes reviewing and analysis of records and documents as well as contacts with the representatives of local and regional authorities
7. Indicators for monitoring are the followings:
   * + Status on land issues for the construction site of new landfill;
     + Compensation payment (if required);
     + Grievances by type and resolution status;
     + Implementation of social awareness program;
     + Any other social concerns occurred during project implementation;
     + Compliance status of project implementation (social and resettlement issues) with ADB SPS.
   1. **Compliance to safeguards provisions in agreements under the project**
      1. **Compliance to Project Administration Manual**
8. The Project Administration Manual (PAM) describes the essential administrative and management requirements to implement the project on time, within budget, and in accordance with Government and Asian Development Bank (ADB) policies and procedures. The PAM is mandatory and serves as the main document describing implementation details. The status of implementing the safeguards requirements set out in PAM are provided in Table below.

Table 1 Compliance to PAM

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| **Details** | **Compliance Status** | **Remarks** |
| **Section VII - Safeguards b) Social – Involuntary resettlement.** | Completed | Monitoring of social safeguards is implemented quarterly (Quarterly Reports -Bi-annual reports). |
| Municipality and Maxsustrans ensure that LARP would be implemented, and monitored to ensure that no affected people would suffer by unattended impacts associated with land acquisition. | On-going | IA ensures that no affected people would suffer by unattended impacts associated with land acquisition.  LARP 2012 was prepared in compliance with the designed Feasibility study of the project. |
| Municipality and Maxsustrans ensure that:  (i) The PIU recruit a social development specialist to implement the LARP and address other social concerns of the project, if any. | Completed | In 2017 PIU recruited a social development specialist to monitor the LARP and other social concerns of the project.  Consultant carries out monitoring of LARP and submits the results of monitoring in Quarterly reports /Bi-annual reports. |
| (ii) The LARP would be updated upon completion. The report should at least indicate any change to land acquisition from the detailed designed, change to affected people, or change to budget for LARP implementation. The updated LARP must be submitted to ADB for concurrence prior to implementation. | Still ongoing according to necessity | No civil works are started under the project. Development of detailed design is started in December 2018 and not completed yet. The planned period of preparation of detailed design is 6 months (May 2019).  Once the detailed design is completed, LARP will be updated. |
| (iv) The LARP would be disclosed to affected people. | Completed | LARP 2012 was disclosed on ADB and Maxsustrans websites. The link to JMRC site is <https://www.adb.org/projects/45366-004/main>.  The updated LARP will be prepared and disclosed at ADB and Maxsustrans websites once the detailed design is ready. The monitoring report will include the link on the disclosed updated LARP. |
| (vi) The awarding of civil works any contract would be done only after affected people (including other parties to receive compensation for developing new agricultural land) receive full payment of compensation, and report on full payment of compensation is submitted to ADB. The advance payment to the contractor only can be released by ADB after the report on full payment is received. | On-going. | IA ensures that LARP will be completed prior the commencement of construction and procurement tenders.  Civil works will be commenced only once all compensation for land acquisition is fully paid and reported to ADB. |
| (vii) Report on monitoring the implementation of LARP will be submitted to ADB on a quarterly basis until the payment of compensation to affected parties are fully paid. | On-going | Consultant carries out quarterly monitoring of LARP. LARP will be updated once the detailed design is completed. |
| (viii) The Social development specialist of PIU will develop the implementation plan in close consultation with local government for livelihood improvement program to address impacts to waste pickers and waste collection points due to closure of existing dumpsite. | On-going | Consultant monitors the impacts on waste pickers and waste collection points.  **Informal waste pickers:**  No informal / unofficial waste pickers works at the existing landfill. There were 31 permanent contracted waste pickers who are engaged in collection and sorting the wastes.  In September 2018 Consultant carried out the public consultations with the waste pickers. Main source of income of them is salary of work at the landfill.  During the period of construction and closure the existing landfill will not affect these waste pickers. They will not loss the income / livelihoods. They will be redistributed to other points of collection and sorting the wastes by the employing company.[[3]](#footnote-3)  One sample can be to increase the staff in Yakkasaray sorting plant. There a simple mechanical sorting plant has been built with private investments.  No mitigation measures / actions for waste pickers are required.  **Waste collection points (waste paper, plastic, polyethylene and other):** At this stage of project implementation there are no impacts on waste collection points. |
| **Section VII - Safeguards c) Social – Indigenous people**  In the proposed project area and affected area, no group of people maintain a separate cultural and social identity from the mainstream Uzbekistan society that would classify them as ethnic group, ethnic minority or indigenous people as described in ADB SPS, 2009. Therefore, the proposed project has been categorized as a “C” project in relation to indigenous peoples. | Not applicable. | N/A |
| **Section IX - Performance Monitoring, Evaluation, Reporting and Communication B. Monitoring. Safeguards monitoring – Resettlement:** Land acquisition completion report would be submitted to ADB before award of civil works contracts which involves land acquisition and resettlement concerns. Monitor the progress on implementation and performance in regards to the safeguards requirements would be carried out before the civil works start. | On-going. | Consultant carries out monitoring of mitigation measures given in LARP 2012 of the project.  LARP will be updated once the detailed design is completed (May 2019).  All safeguard requirements will be completed before the civil works start. |
| **Section IX - Performance Monitoring, Evaluation, Reporting and Communication B. Monitoring. Disclosure of Monitoring Reports**  All the reports prepared within the project must be disclosed at ADB’ website and website of PIU or Maxsustrans. | Being complied.  . | Quarterly social safeguard monitoring reports will disclosed on ADB and PIU or Maxsustrans websites.  The link to JMRC site will be given in the reports and public materials. |

* + 1. **Compliance with Social Safeguard Covenants of Loan Agreement**

1. The status of Compliance with social Safeguard Covenants of Loan Agreement is presented in below:

Table 2 Compliance to social safeguard covenants

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| **Indicators** | **Status** | **Remarks** |
| **Resettlement:** The Borrower shall ensure that all land and all rights-of-way required for the project are made available to the Works contractor in accordance with schedule agreed under the related Work contract and all land acquisition and resettlement activities are implemented in compliance with (a) all applicable laws and regulation of the Borrower relating to land acquisition and involuntary resettlement, (b) the involuntary Resettlement Safeguards; and (c) all measures and requirements set forth in the LARP, and corrective of preventative action set forth in the Social Safeguards Monitoring Reports. Without limiting the application of the Involuntary Resettlement Safeguards or the LARP, the Borrower shall ensure that no physical or economic displacement takes in connection with the Project until; compensation and other entitlements have been provided to affected people in accordance with LARP; and a comprehensive income and livelihood restoration program has been established in accordance with LARP. | On-going | IA ensures that all land and all rights of rights-of-way required for the project are made available.  The project has complied with the ADB Safeguard Policy Statement 2009, Land Code of the Republic of Uzbekistan, Resolution of Cabinet of Ministers of RUz # 97 (29 May 2006), Resolution of Cabinet of Ministers of RUz # 146 (25 May 2011) and other relevant laws and guidelines of the Republic of Uzbekistan on the safeguard issues of land acquisition and involuntary resettlement.  Civil works are no started yet. The project is on the stage of development of detailed design for the construction site.  In 2012 LARP was prepared based on the Feasibility study designed under the project. LARP will be updated once the detailed design is completed.  During last semiannual monitoring period (Bi-annual report 2018) Consultant received information on availability of the land plot (30 ha) required for the construction of new landfill. The registration of the documents for land plot of allocated to Maxsustrans for the project implementation is in progress. The castrater procedure isn’t still finalized.  The land plot is allocated by the district the Khokimiyat of Akhangaran district from the reserve land funds of the district. |
| **Indigenous Peoples:** The Borrower shall ensure that the preparation, design, construction, implementation and operation of the Project and all project facilities comply with (a) all applicable laws and regulation of the Borrower relating to indigenous people; (b) the Indigenous people Safeguards; and (c) all measure and requirements set forth in the IPP (indigenous peoples plan), and any corrective or preventative actions set forth in as Safeguards monitoring Report. | Not applicable. | N/A.  *There are no groups of people maintain a separate cultural and social identity from the mainstream Uzbekistan society that would classify them as ethnic group, ethnic minority or indigenous people as described in ADB SPS, 2009.* |
| **Grievance Redress Mechanism:** Within 12 months after the Effective Date, Borrower shall prepare a grievance redress mechanism acceptable to ADB and establish a special committee to receive and resolve complaints/grievance or act upon reports from stakeholders on misuse of funds and other irregularities, Including grievance due to resettlement. The special committee shall (i) make public of the existence of this grievance redress mechanism, (ii) review and address grievance of stakeholders of the Project, in relation to either Project, any of the service providers, or any person responsible for carrying out any aspect of the project; and (iii) proactively and constructively responding them. | Complied | Grievance redress mechanism was designed within the preparation of LARP in 2012.  IA ensures monitoring of complaints and addresses received under the project.  During the monitoring period of January – March 2019 there are no registered complaints and addresses. |
| **Safeguards Monitoring and Reporting:** The Borrower shall do the following: (a) submit quarterly Safeguards monitoring reports to ADB and disclose relevant information from such reports to affected person promptly upon submission; (b) if any unanticipated social risks and impacts arise during construction, implementation or operation of the Project that were not considered in the LARP, promptly inform ADB or the occurrence of such risks or impacts, with detailed description of the event and the proposed corrective action plan; (c) report any actual or potential breach of compliance with the measures and requirements set forth in the LARP promptly after becoming aware of the breach. | On-going | Social safeguard monitoring reports will be prepared on quarterly basis.  Any actual or potential breach of compliance with the social safeguard measures and requirements will be reported to PIU and ADB.  Quarterly / semiannual reports on social safeguard monitoring will be submitted to ADB and disclosed. |

## Project activities during current reporting period (January – March 2019)

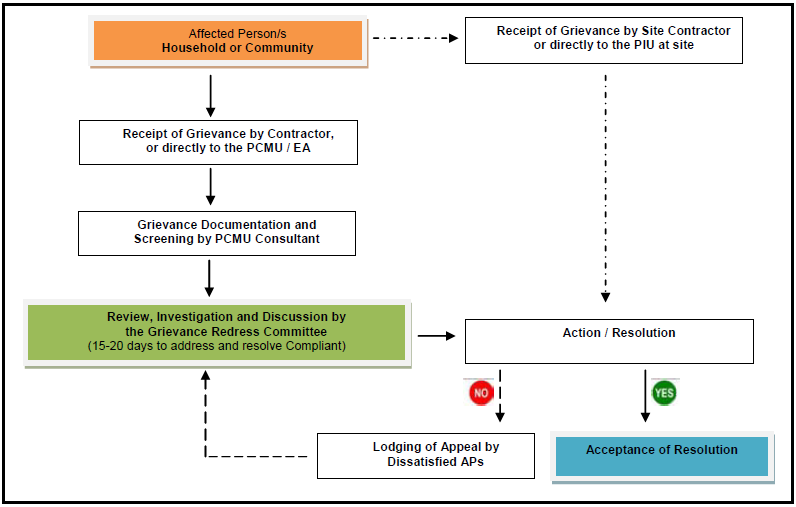
1. LARP was prepared in 2012 based on Feasibility study and disclosed in 2013. Currently project is at the stage of development of detailed design. LARP will be updated once the detailed design is completed (May 2019). The period of development of detailed design is December 2018 – May 2019. No civil works will be started before all the mitigation measures and compensation payments are fully completed.
2. The table below gives detailed information on compliance the current safeguard measures of project implementation with the expected impacts stated in LARP 2012:

Table 3 Compliance with the Entitlement Matrix, LARP 2012

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Type** | **Specifications** | **Affected AHs** | | **Status on January -March 2019** |
| **A. Impact on Land** | | | | |
| Agriculture  land | All land losses independent of impact severity. | One leasehold farmer | | The land plot (30 ha) required for the construction of new landfill is allocated to Maxsustrans by the Decree of district the Khokimiyat of Akhangaran district dated August 25, 2018.  Leasehold farmer assessed as affected persons in LARP 2012 stopped his farming at the land plot and returned it to lands fund of the district.  Leasehold farmer had 188.5 ha allocated for growing of agricultural crops. In 2015 in compliance with the Resolution of the Cabinet of Ministers of RUz No 362 dated December 15, 2015 «Measures on optimization of size of land plots allocated for leasehold farming» the size of leasehold farm was decreased. The average size of land plot allocated for leasehold farming in Tashkent region is stated at 29.6 ha per a farm.  Resulted by the optimization, leasehold farmer mentioned in LARP 2012 returned his land plot sized at 30 ha to the reserve lands find of the district. The application for the return of leasehold land plot is given in Annex II.  There is no project impact on leasehold farmer mentioned in LARP 2012. |
|  | Additional provision in case of severe impacts (more than 10% loss of productive assets) |
| For reclamation of new agricultural land | Land classified as Agricultural land | Special account of the Land Resources and State Cadastre Department of the Tashkent Region. | | IA in cooperation with the Khokomiyat of Akhangaran district will ensure development of measures for reclamation of new agricultural lands in compliance with the requirements of the Resolution of the Cabinet of Ministers No 146 dated May 25,.2011. |
| **B. Impact on Crops** | | | | |
| Agriculture land, orchard | Loss of crops | All affected Households | | The land plot allocated for the project implementation used for growing of crops until August 2018. Leasehold farmer stopped growing crops and returned land plot to the reserved land fund of the district.  There is noimpact of the project on the crops. |
| **C Impact on Income and Livelihood** | | | | |
| Employment from affected agricultural land | Loss of employment from affected agricultural land | Agricultural workers losing their contract | | 1. There is no impact of the project on the agricultural workers. |
| Informal Waste Picking | Loss of income from dumpsite | Informal waste pickers | | No informal / unofficial waste pickers works at the existing landfill. There were 31 permanent contracted waste pickers who are engaged in collection and sorting the wastes.  In September 2018 Consultant carried out the public consultations with the waste pickers. Main source of income of them is salary of work at the landfill.  During the period of construction and closure the existing landfill will not affect these waste pickers. They will not loss the income / livelihoods. They will be redistributed to other points of collection and sorting the wastes by the employing company. One sample can be to increase the staff in Yakkasaray sorting plant – very close to the Transfer Station. There a simple mechanical sorting plant has been built with private investments. |
| **D. Impact on Community Structures and Assets** | | | | |
| Community Structures and Assets | Loss or damage to public infrastructure and utility | Community owned Assets | | Maxsustrans ensures that any losses or damage to public infrastructure and utility (i.e. irrigation and drainage networks, footbridges, roads, schools, health centers etc.) will be rehabilitated / replaced to pre-Project level.  Replacement cost will be calculated based on market rate of construction materials, labour costs and any other costs occurred due to this land acquisition. This cost will be included into the updated LARP once the detailed design is ready. |
| **E. Any unanticipated Impacts** | | | | |
| Any unanticipated impacts | | | Maxsustrans ensures that any unanticipated impacts identified during Project implementation will be compensated in full at replacement rate. | |

1. According to the mentioned Decree of the The Khokimiyat, SUE Maxsustrans shall obtain the proper documents from local Architectural and Construction authority prior to start any design works for construction or rehabilitation on the new land; ensure keeping the working conditions of the existing irrigation, melioration and engineering infrastructures located in the neighboring farmer and agricultural areas; upon using of this land, do re-cultivation and hand over to the local land authority; be aware that the allocated land shall be used within three years upon issuing this decree.
2. At present, the project implementation is on the stage of registration the documents on the land plot transferred to Maxsustrans for construction works. The issues of registration of the documents shall be carried out by the specialists of cadaster department of the The Khokimiyat of the district / region.
3. **Gender and poverty assessment**
4. **Gender and poverty assessment:** Gender action plan is prepared and submitted to ADB through Bi-annual report. The GAP report for 2018 is published at ADB web-site. [[4]](#footnote-4)
5. **Ethnicity Minorities and Indigenous People:** There is no minority in the project area. Therefore, as described in ADB’s SPS, 2009 no special action is required for this indicator.
6. **Redress Grievances**
7. A project-specific grievance redress mechanism (GRM) is established by the EA to provide a transparent mechanism to voice and resolve environmental concerns linked to the project. According to the Decree of President of the Republic of Uzbekistan SUE Maxsustrans established (organized) “People’s Reception Room” in its each district branch in Tashkent city, including one in SUE Maxsustrans building for PIU related queries. The EA ensures that grievances and complaints are addressed in a timely and satisfactory manner to avoid any potential delays in the establishment of the project. Figure below gives the details of the grievance redress mechanism.

Figure 4 Grievance Redress Mechanism\*



\* PIU – responsible person for GRM is the director of PIU, Mr. Rustam Shukurov, tel: +99871 2477923

EA is SUE Maxsustrans. The responsible person for GRM is Mr. Shukhrat Inogamov, tel: +99871 2473599, email: [maxsustrans@inbox.ru](mailto:maxsustrans@inbox.ru)

PCMU Consultant is social and resettlement specialist, Mrs. Maria Malinovskaya, tel: +99871 1508887, email: [malinovskaya@almarconsulting.org](mailto:malinovskaya@almarconsulting.org)

1. The PIU has established Grievance Redress Committee (GRC). GRC provides any APs a venue to file complaints and queries on any environmental (or social) aspect related to the project. Grievances can be submitted in writing or orally to the contractor or directly to the PIU / EA contact person. These are properly documented (i.e. indicating the date it was received, details of the complaint and complainant/s) and screened by the designated PCMU safeguard consultant for its veracity and validity. The committee has 15 to 20 days to address and come up with a resolution. Under this GRM, unsatisfied grievances may be able to appeal for a final resolution. This mechanism also does not prevent any AP to approach regulatory agencies to assist and resolve complaints at any stage of the process. In occasions wherein grievances are perceived by the AP to be immediate and urgent; the contractor, EHS officer and PIU on-site supervisor will provide the most accessible and practical solution for a quick resolution of grievances. Such grievances and respective resolutions submitted to the PIU for proper documentation. The PIU contact person is responsible for recording the complaint, the step taken to address grievance, minute of the meetings and preparation of a report for each complaint. Records is kept by the PIU of all grievances received including contact details of AP, date the complaint waste received, nature of grievance, agreed remedial / corrective action and the date this was implemented, and the final outcome in Complaints Log Book kept at the PIU office.
2. The complaint handling process will be reported to ADB through semi-annual reports. The PIU safeguard consultant will periodically review and record the efficiency and effectiveness of the GRM highlighting the project’s ability to prevent and address grievances.
3. In March 2019 Consultant contacted with the representatives of regional and district the Khokimiyat of the project area to obtain information on complaints. No complaints / addresses are received during current report preparation (January – March 2019). Consultant will continue monitoring of complains under the project at further stage of project implementation to ensure the proper and timely address any complains under the project.
4. **Public Awareness and Consultations**
5. Consultant conducts mean meaningful consultation with project stakeholders and persons involved into the project implementation. During last 6 months Consultant carried out the public consultations with the waste pickers at the dumpsite and individual consultation with the leasehold farmer (September 2018) assessed as affected person in compliance with the statements of LARP 2012. Public consultations will be conducted in May 2019 once the LARP is updated.
6. **Conclusion**
7. Consultant carries out quarterly monitoring of social safeguard indicators of project implementation. At this stage of project implementation all covenants are complied with the required items and indicators of the project. No civil works are started yet. The project is at the stage of preparation of detailed design for construction new landfill and closure of existing one. The period of preparation of detailed design is – December 2018- May 2019. Once the detailed design is completed, the LARP will be updated. All the social issues and required mitigation measures will be completed before the start of civil works.
8. Table below presents the implementing schedule of the project:

|  |  |  |  |
| --- | --- | --- | --- |
| **Step** | **Action** | **Responsibility** | **Timing** |
| **A)** | **Detailed design of the project** | EA / IA, PIU, Mahsustrans, Tashkent City Government, Construction Supervision Company | **6 months**  **December 2018-May 2019** |
| 1 | Topographic mapping and develop general layout | EA / IA, PIU, Mahsustrans, Construction Supervision Company | December 2018- February 2019 |
| 2 | Detailed Engineering Design of Dumpsite Closure | EA / IA, PIU, Mahsustrans, Construction Supervision Company | February –April 2019 |
| 3 | Final Design Documents | EA / IA, PIU, Mahsustrans, Construction Supervision Company | May 2019 |
| **B)** | **Civil Works** | EA / IA, PIU, Mahsustrans, Construction Supervision Company | **20 months**  June 2019-November 2020 |
| **C)** | **LARP** |  |  |
| 1. | Updating LARP | PIU | May 2019 |
| 2. | LARP Implementation | PIU | After updated LARP approved by ADB  Prior to civil works start |
| 3. | Public consultation and information sharing on LAR activities | PIU | prior to civil works start |
| 4. | Payment compensation to AHs / APs | Mahsustrans, Tashkent City Government | prior to awarding contract award for any civil works that require land acquisition |
| 5. | External Review of LARP Implementation through submission of a compliance report (LARP verification) | External Resettlement Consultant | Has to start at the same time when LARP implementation is completed |
| 7. | Construction works | IA / PIU, Mahsustrans, Tashkent City Government | After payment of all compensations |
| **D)** | **MONITORING** |  |  |
| 1. | Internal monitoring: Reporting to ADB | PIU | Quarterly monitoring during the project |
| 2. | External Monitoring: Reporting to ADB | External Resettlement Consultant | Quarterly monitoring during the project |

1. **Recommendation for next Social safeguard monitoring and evaluation report:**
2. Assess the progress on registration of the rights for the land allocated for construction of new landfill;
3. Monitoring and assessment of complaints received upon the project;
4. Monitoring any social issues or impacted resulted by the project implementation;
5. Develop required actions and measures to mitigate any impacts if required;
6. Regular coordination with the EA / IA.

Annex IDecision of Khokim of Akhangaran Districts of Tashkent region on land plot of 30 ha



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Translation in English is unofficial

**REPUBLIC OF UZBEKISTAN**

**KHOKIM**

**OF AKHANGARAN DISTRICT**

**OF TASHKENT REGION**

**DECISION**

August «25», 2018 № 1536 Akhangaran town

**On the allocation of land plot for improvement the solid waste management system for SUE “Maxsustrans”of the Khokimiyat of Tashkent city out of the land plots in the possession of the regional public stock in the territory of the collection of citizens of “Yangi Hayot” mahalla of Akhangaran district of Tashkent region**

On the basis of paragraph 4 of Annex 2 of the Resolution of the President of the Republic of Uzbekistan №3874 as of July 19, 2018 “On additional measures to accelerate the implementation of investment and infrastructure projects in 2018-2019”, having considered the submitted documents on the land management related to the allocation of land plot for the organization of production electricity from gas obtained received from solid waste for SUE “Maxsustrans” of the Khokimiyat of Tashkent city out of the land plots in the possession of the regional public stock in the territory of the collection of citizens of “Yangi Hayot” mahalla of Akhangaran district, on the basis of Article 6 of the Law of the Republic of Uzbekistan “On Local State Administration”

**I AM DECIDING:**

1. To approve the Act of the commission on allocating land for non-agricultural needs in the district the Khokimiyat as of August 16, 2018 about allocating a land plot in the area of ​​30,0 hectares, including 26,8 hectares of irrigated land, 1,1 hectares of meadows and pastures, 1,9 hectares irrigation ditches and drainage ditches and 0,2 hectares of roads for the organization of electricity production from gas obtained from solid waste for the Production Directorate of “Maxsustrans” of the Khokimiyat of Tashkent city out of the land plots in the possession of the regional public stock in the territory of the collection of citizens of “Yangi Hayot” mahalla of Akhangaran district.

2. To allocate a land plot in the area of ​​30,0 hectares, including 26,8 hectares of irrigated land, 1,1 hectares of meadows and pastures, 1,9 hectares irrigation ditches and drainage ditches and 0,2 hectares of roads located on the contours of 337k, 338, 340, 342, 343, 344 and 345 of the agricultural map for the organization of electricity production from gas obtained from solid waste for the Production Directorate of “Maxsustrans” of the Khokimiyat of Tashkent city out of the land plots in the possession of the regional public stock in the territory of the collection of citizens of “Yangi Hayot” mahalla of Akhangaran district.

3. Production Directorate of “Maxsustrans” of the Khokimiyat of Tashkent city shall:

А) Note, that to design the construction project for the organization of electricity production from gas obtained from solid waste, first of all, it is necessary to order for assignments (ART-1-2 parts) for architectural planning in the Main Department of Architecture and Civil Engineering of Tashkent region,

B) Approve, that the loss of agricultural production (cash indemnification for losses) from the land plot allocated for permanent use for the organization of electricity production from gas obtained from solid waste for the Production Directorate of “Maxsustrans” of the Khokimiyat of Tashkent city out of the land plots in the possession of the regional public stock in the territory of the collection of citizens of “Yangi Hayot” mahalla of Akhangaran district will be paid for by the Production Directorate of “Maxsustrans”.

C) Remind the Production Directorate of “Maxsustrans” of the Khokimiyat of Tashkent city that, with the condition of transferring used land plots at the disposal of the district public stocks where the electricity manufacturing has been organized from gas from solid waste, with preliminary remediation, and keeping in working condition functioning irrigation and melioration networks, engineering communications in gradually additionally allocated land plots and border areas in the construction period used by farms and agricultural enterprises.

4. On the basis of this decision the head of the district department of Land Resources and the State Cadastre (B. Sotiboldiyev) is assigned to introduce appropriate changes in the district land fund.

5. To make official warning to the Production Directorate of “Maxsustrans” that on the basis of Article 10 of the Law of the Republic of Uzbekistan “On Local State Administration”, if the allocated land plot is not developed within three years, this decision loses its validity.

6. To introduce the discussion of this decision into the agenda of the regular session of the Council of People’s Deputies of Akhangaran district.

7. To ask khokim of Tashkent region to approve this decision.

8. Control over the execution of this decision shall be assigned to the first deputy of khokim of district M. Miryunusov.

Khokim of the district U. Tursunov

# **Annex II Decree of The Khokimiyat of Akhangaran district on acceting the land plot of 30 ha to the reserve fund of the Khokimiyat based on state program on land size optimization**[[5]](#footnote-5)

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Translation in English is unofficial

**Decision**

**On returning to the district state reserve a part of land belonging to Shakhboz Nuri Ziyo farming enterprise working in mahalla Yangi Hayot**

According to Article 36 (part 4) of the Land Code of the Republic of Uzbekistan, Paragraph 1and having considered the petition of the head of Shakhboz Nuri Ziyo farming enterprise H. Khakimov to the district khokim,

**I decide:**

1. To satisfy the petition addressed to the khokim of the district on returning to the district state reserve a total of 83.61 hectares of land belonging to Shakhboz Nuri Ziyo farming enterprise working in mahalla Yangi Hayot, including: 45.06 hectares of irrigated land, 0.8 hectares of lakes, 24.4 hectares of gardens, 3.9 hectares of pastures and pastures, 0.5 hectares of forests, 6.52 hectares of ariks and dumps, 1.37 ha of roads and part of 1.06 hectares of land, ie 30.0 hectares, of which 26.8 are irrigated, 1.1 pastures, 1.9 water and 0.2 ha of roads.

2. To return part of the land plot owned by Shakhboz Nuri Ziyo farming enterprise, namely 337k, 338, 340, 341, 342, 343, 344 and 345 contours which are 30.0 hectares of land out of which 26.8 irrigated, 1.1 pastures, 1.9 water reaches and 0.2 hectares of roads to the district state reserve.

3. To take into account the fact that due to the return of 30.0 hectares of land of the Shakhboz Nuri Ziyo farming enterprise to State Reserve, a total of 83.61 hectares of land belonging to the farm, including 18.26 hectares of irrigated land, 0.8 hectares of lakes, 24.4 hectares of gardens, 3.9 hectares of pastures and pastures, 0.5 hectares of forests, 6.52 hectares of ariks and dumps, 1.37 hectares of roads and 1.06 hectares other lands remained.

4. To leave at the disposal of Shakhboz Nuri Ziyo farming enterprise returning land to the state reserve of the district before harvesting crops in the area of agricultural crops sown under a contract for the sale of wheat to the state for harvesting in 2018.

5. To charge the head of the Department of Land Resources and State Cadastre (B.Sotoboldiev), reconstruction of long-term lease of the land plot of Shakhboz Nuri Ziyo farming enterprise and make changes in the land tax.

6. To charge the Heads of the State Tax Inspectorate, enterprises for preparation, servicing and supply and commercial banks to take urgent measures to compensate Shakhboz Nuri Ziyo farming enterprise debts in accordance with the current legislation.

7. Control of execution of this resolution shall be handed over to the Deputy hokim of region, M.Miryunusov.

**District Hokim\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_U.Tursunov**

**To the khokim of Ahangaran district**

**U.M.Tursunov**

**From** **the head of Shakhboz Nuri Ziyo farming enterprise**

**H. Khakimov**

**Application**

Hereby I would like to ask you to accept the leasehold land plot 30 ha used for growing agricultural crops to reserve land fond of the Khokimiyat.

**The head of Shakhboz Nuri Ziyo farming enterprise H. Khakimov**

1. According to the President Decree # 5024 as of 21.04.2017 the State Committee of Uzbekistan for Nature Protection was renamed into the State Committee of the Republic of Uzbekistan of Ecology and Environment Protection (SCEEP) [↑](#footnote-ref-1)
2. According to the President Decree # 5024 as of 21.04.2017 the State Committee of Uzbekistan for Nature Protection was renamed into the State Committee of the Republic of Uzbekistan of Ecology and Environment Protection (SCEEP) [↑](#footnote-ref-2)
3. “Mehr sahovat” Ltd. Company [↑](#footnote-ref-3)
4. <https://www.adb.org/documents/uzbekistan-gender-assessment-update?from=DigestNotification&e=-PiOWAZFo0e8vflTU2rwSQ&at=9> [↑](#footnote-ref-4)
5. Resolution of the Cabinet of Ministers of RUz No 362 dated December 15, 2015 «Measures on optimization of size of land plots allocated for leasehold farming». [↑](#footnote-ref-5)