

Jizzakh Solar PV Project

Social Due Diligence on Land

Masdar

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Quality information

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Acronyms & Abbreviations

Term	Definition
AC	Alternating current
ADB	Asian Development Bank
Affected communities	Local communities who are directly impacted by the Project.
AIP	Access to Information Policy
AOI	<p>Area of influence.</p> <p>The AOI (based on the definition in IFC PS1) adopted by the Project is:</p> <ul style="list-style-type: none"> • The area likely to be affected by: <ul style="list-style-type: none"> – Project activities and facilities that are directly owned, operated, or managed (including by contractors) by the Project Proponent and that are a component of the Project; – Impacts from unplanned but predictable developments caused by the Project that may occur later or at a different location; or – Indirect Project impacts on biodiversity or on ecosystem services upon which 'Affected Communities' livelihoods are dependent. • Associated facilities, which are facilities that are not funded as part of the Project and that would not have been expanded if the Project did not exist and without which the Project would not be viable. It is anticipated there will not be any associated facilities for the Project; and • Cumulative impacts that result from the incremental impact, on areas or resources used or directly impacted by the Project, from other existing, planned or reasonably defined developments at the time the risks and impacts identification process is conducted.
CAP	Corrective Action Plan
CC	Civil Code
CESCR	International Covenant on Economic, Cultural and Social Rights
CoM	Cabinet of Ministers
Developer	Masdar, Abu Dhabi's (UAE) renewable energy company specialising in the development, commercialisation, and deployment of clean technologies across utility-scale plants, off-grid projects and sustainable real estate.
EPC contractor	Engineering, procurement and construction contractor
ESIA	Environmental Social Impact Assessment
ESMP	Environmental Social Management Plan
GAD	Gender and Development
GBI	Green Business Innovation
GDP	Gross Domestic Product
GHG	Greenhouse Gas
GoU	Government of Uzbekistan
GRM	Grievance Redress Mechanism
GW	Gigawatts
IEC	International Electrotechnical Commission
IFC	International Finance Corporation
IFI	International Finance Institutions
ILO	International Labour Organization
ILC	International Labour Conference
LAA	Land Acquisition Audit
LC	Land Code
LRP	Livelihood Restoration Plan
MPPT	Maximum Power Point Tracking
MWac	Megawatt of AC power, measurement of installed capacity of the solar PV facility.
NGO	Non-governmental Organizations
OHL	Overhead Transmission Line
OHS / EHS	Environmental / Occupational Health and Safety
OVOS	National Environmental Impact Assessment of Uzbekistan
PAP	Project Affected Person
PPA	Power Purchase Agreement
Project	A 200 MWac solar PV facility in the Sherabad district, Surkhandarya region of the Republic of Uzbekistan, complete with 220/110/10 kV substation and a 50.43 km transmission line to the Surkhan 220 kV substation.
Project Area	The geographic area comprising the Project Site and its immediate surroundings.

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Project Site	The Solar PV Site and overhead line grid connection
PV	Photovoltaic (the conversion of sunlight into electrical energy)
SCA	Social Compliance Audit
SDD	Social Due Diligence
SEP	Stakeholder Engagement Plan
Solar PV Site	The land within which the solar PV panels and associated equipment will be located. It excludes the overhead line grid connection.
SPS	Safeguard Policy Statement

1. Introduction

The following report is a Social Due Diligence (SDD) on Land, which is designed to assess the land acquisition and involuntary resettlement impacts of the proposed Solar Power Project in Jizzakh and recommend measures for managing impacts on affected households in line with the requirements of the Asian Development Bank (ADB) and the Government of Uzbekistan.

The SDD was produced by AECOM Limited (AECOM) in collaboration with Green Business Innovation (GBI), an environmental and social consultancy based in Uzbekistan, to respond to the requirements of the ADB.

1.1 Project Overview

The Government of Uzbekistan (GoU) aims to develop up to 5 gigawatts (GW) of solar power by 2030 through the development of privately financed and operated renewable energy projects. Scaling Solar is a World Bank Group program that assists governments to procure and develop large solar projects with private financing. World Bank Group's Scaling Solar Uzbekistan Round 2 program aims to add over 400 MW of clean and renewable PV energy to the country's energy mix. As part of this round, two sites — in Jizzakh and Samarkand regions have been identified for development.

This report covers the development of 220 MWac solar PV project in Gallaorol District, Jizzakh region of Uzbekistan, referred to as "the Project". The site is 562 ha. The Project will also comprise a 14.77 km overhead transmission line from the on-site substation to the existing Saribazar substation.

Masdar (Abu Dhabi Future Energy Company PJSC) is a global leader in renewable energy and sustainable urban development, with headquarters in Abu Dhabi and has been appointed as the project developer for the Jizzakh Solar PV Project. The Ministry of Energy of the Republic of Uzbekistan has made the land order in 2019 from the local Khokimiyat and therefore land is therefore earmarked for the project. At this time all lease holdings which intersected with the project were handed back to the state or altered to exclude the project area. The official land allocation to Masdar is still in progress.

Table 1.1 Key Project Characteristics

Characteristics

Location	Gallaorol District, Jizzakh region, Republic of Uzbekistan
Installed capacity	100 MWac
Solar PV Site area	562 ha
Overhead grid connection line	14.77 km 220 kV Steel lattice towers
National grid substation	Saribazar

Further details about the Project design, construction and operation are provided in Section 3.

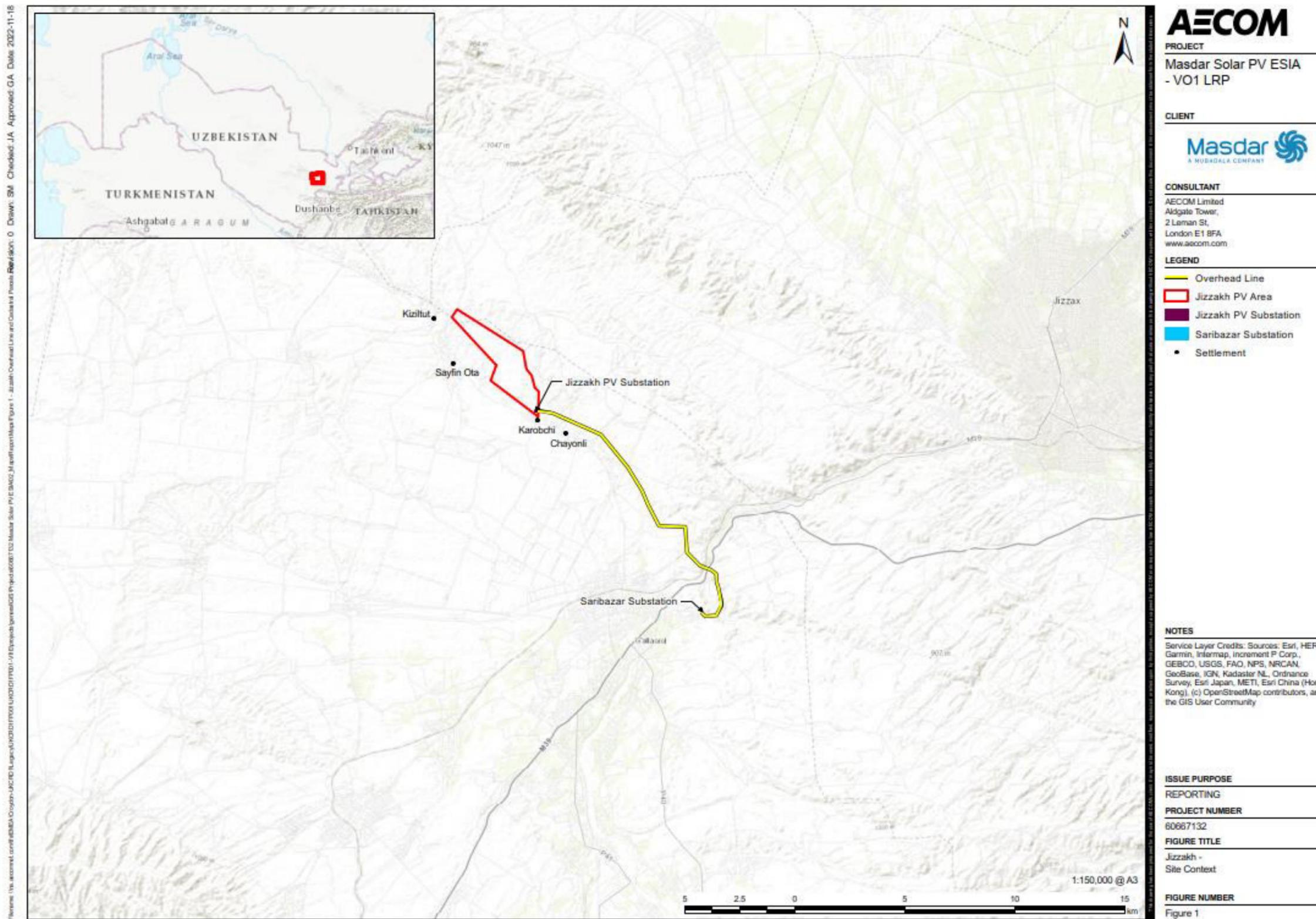


Figure 1.1 Site Context

1.2 Scope and Objectives of the Land Acquisition Audit

The objectives of this SDD on Land are to:

- identify past concerns related to impacts associated with land acquisition and economic and physical displacement, particularly for the 562 ha site designated for the solar power plant and land already allocated for other associated facilities.
- determine whether actions taken in the acquisition of land were in accordance with ADB's safeguard requirements and national legislation.
- identify and plan appropriate measures to address outstanding compliance issues.
- develop a Corrective Action Plan (CAP) that will address any issues identified during the audit by specifying time-bound actions to achieve and maintain compliance with the objectives, principles, and requirements of SPS and other social requirements and national legal requirements. agreed with the ADB and Masdar.

To meet the objectives above, the SDD will focus on past impacts associated with land acquisition, identifying any historic Project Affected Peoples (PAPs) who are all leaseholders (hereafter referred to as 'historic leaseholders') who have been subject to involuntary displacement when the land for the solar plant site was allocated for the development of the Jizzakh Solar PV Project. Present impacts on land acquisition, particularly for other PAPs affected by the Project's HOL and other associated facilities will be mitigated by mitigation measures included in the Jizzakh Livelihood Restoration Plan developed in parallel with this SDD.

1.3 Structure of the Report

The Report includes five sections and is structured as below:

- **Section 1** – it outlines an overview of the Project, the scope and objectives of the Land Acquisition Audit.
- **Section 2** – it outlines the methodology and tasks applied in the preparation of the present audit.
- **Section 3** – it describes the Project and its components.
- **Section 4** – it presents applicable local and international standards with regards to the Project's social performance and management.
- **Section 5** – presents the Land Acquisition Review.
- **Section 6** – presents the Compliance Evaluation.
- **Section 7** – It presents the proposed Corrective Action Plan.

2. Audit Methodology

The following section describes the methodology used to obtain relevant information for the development of the SDD. The audit has been a combination of document review of relevant government, company and other Project documentation and engagement activities with local authorities and historic leaseholders.

2.1 Document Review

AECOM undertook a review of existing documentation, including information gathered during the ESIA studies, Stakeholder Engagement Plans and any further publicly available information to understand the socio-economic characteristics of the Project areas, including ethnic composition and the presence of vulnerable groups. AECOM carried out a review and a gap analysis of applicable legislative requirements as outlined in Section 4.

AECOM made a request to Masdar and relevant authorities of any documents relating to historic land acquisition and resettlement activities. This included:

- Land Transfer Agreements (In Russian)
- Environmental and Social Impact Assessment (ESIA),
- Scoping Report

With the exception of the Land Transfer Agreements, no other government documentation regarding historical land transfer were available.

2.2 Site Visit and Stakeholder Engagement

Using the SEP developed as part of the environmental and social scoping exercise and the information gained from the Document Review task, AECOM conducted stakeholder engagement activities to gather additional information regarding the historic leaseholders to understand the context surrounding historic land acquisition activities, and understand the process followed, such as eligibility requirements, levels of compensation and support distributed. The AECOM Team conducted semi-structured interviews guided by questionnaires to elicit specific information from participants. The Table 2.1 below provides a summary of engagement activities undertaken as part of the SDD.

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Table 2.1 Site visit engagement activities

Stakeholder Category	Stakeholder Engagement Methods	Location/ Timeline	Purpose	Consultation Disclosure Materials	Mean of Advance Notification	Responsibility
SDD						
<ul style="list-style-type: none"> Deputy Khokim of Gallaorol Khokimiyat Cadastre Representative District Agricultural Department Representative 	Face to face meeting	Local Khokimiat Office 22 nd September 2022	<ul style="list-style-type: none"> Historic land use on the Solar PV Area The land transaction process Known and potential impacts on stakeholders from the project Identification of historically impacted people. Identification of vulnerable people and groups Potential options for livelihood restoration and support 	N/A	Advanced notice on Telegram	AECOM & GBI
<ul style="list-style-type: none"> Kokbulak Malhallas Chair Sayfin Community Leader Gallaorol Khokimiyat-Specialist on investment and tourism Kokbulak Malhallas – Women and family issue specialist 	Face to face meeting	Kokbulak Malhallas Office 23 rd September 2022	<ul style="list-style-type: none"> Historic land use on the Solar PV Area The land transaction process Known and potential impacts on stakeholders from the project Identification of historically impacted people. Identification of vulnerable people and groups Potential options for livelihood restoration and support 	N/A	Advanced notice on Telegram	AECOM & GBI
<ul style="list-style-type: none"> Historic leaseholder in the Jizzakh Solar PV area 	Face to face meeting	Poultry Farm Office 23 rd September 2022	<ul style="list-style-type: none"> How the land was used historically and why it was deemed un financially viable for growing feed for his poultry farm Timeline of events for the transaction process How he was notified and engaged If he had any complaints (he had none). How the process was communicated to hi 	N/A	Advanced notice by phone	AECOM & GBI

2.3 Census & Socio-economic survey of displaced people

AECOMs local partner GBI has conducted a socio-economic survey on the historic leaseholder to understand how they have been impacted by resettlement and how their livelihood and quality of life has changed since, their accounts of how their life has changed has been triangulated with other sources as far as possible, including through interviews with representatives of the local Khokimiyat.

2.4 Compliance Review

Based on the information gathered during the Document Review and the site visit, AECOM has developed the present audit report to identify and assessed the gaps between the approach used for historic land acquisition and ADB requirements, and provide specific recommendations, as appropriate, for additional work to bring the projects into conformance with ADB SPS Safeguard Requirements in the form of a Corrective Action Plan (CAP).

2.5 Limitation

During the site visit carried out for the present SDD, there are several limitations identified:

- There are no records of previous engagements with the identified leaseholder to review.

3. Project Description

This section provides an overview of the Project and the land holdings necessary for its implementation. A more detailed description of the Project and its components is available in the ESIA report.

3.1 Project Components and Land Requirements

3.1.1 Location

The proposed Project Site is located in Gallaorol District, Jizzakh region, in the south-east of the Republic of Uzbekistan. Nearest communities (makhallas) are Chayonly (also referred to as Chayli on some maps), Kiziltut, Karobchi (also referred to as Karakchi on some maps), and Sayfin Ota. The Project Site is approximately 10 km north of the city of Gallaorol and 25 km west of the city of Jizzakh, the regional capital. The Site can be accessed via road R-42 off motorway M39.

The site area is 562 ha.

Table 3.1. Site Centre Point Coordinates

	Geographic (WGS 84)	WGS 84 UTM 42N
Longitude	67° 31' 47" E	374733
Latitude	40° 7' 38" N	4442916

The overhead transmission line route is 14.77 km, connecting the Project to the existing national grid substation Saribazar.

3.1.2 Land Ownership and Use

The land within the proposed Solar PV Site boundary belongs to the Government land reserve. The land comprises sparsely vegetated areas or bare ground, and is used as for livestock grazing. No arable agriculture is evident on site, potentially due to the lack of water sources for irrigation.

The proposed Site boundaries were optimized to use the available space and avoid areas with uneven topography and to avoid sensitive areas in the communities.

The route of the overhead transmission line passes through agricultural land however this is not included within the scope of the SCA and is covered under a separate Livelihood Restoration Plan.

3.1.3 Solar Photovoltaic (PV) Technology

In general terms, solar PV technology converts the sun’s energy into electricity using a series of solar panels, inverters and transformers to connect to the electricity grid.

PV cell technologies are broadly categorised as either crystalline silicon or thin-film. Crystalline silicon (c-Si) cells provide high efficiency modules. Thin-film cells provide a cheaper alternative but are less efficient. The performance of a PV module will decrease over time due to degradation. Degradation rate depends on the environmental conditions in the local area and the technology of the module.

Modules are either mounted on fixed-angle frames or on sun-tracking frames. Fixed frames are simpler to install, cheaper and require less maintenance. However, tracking systems can increase yield by up to 20%. Tracking, particularly for areas with a high direct/diffuse irradiation ratio also enables a smoother power output.

The energy generated by the PV modules is then convert from direct current into alternating current electricity, conforming to the local grid requirements, by solar inverters. Inverters are arranged either in string or central configurations. String inverters enable individual string Maximum Power Point Tracking (MPPT) and require less specialised maintenance skills. String configurations also offer more design flexibility. Central configuration inverters are considered to be more suitable for multi-MW plants.

PV modules and inverters are all subject to certification, predominantly by the International Electrotechnical Commission (IEC). New standards are currently under development for evaluating PV module components and materials.

The performance ratio of a well-designed PV power plant will typically be in the region of 77% to 86% (with an annual average performance ratio of 82%), degrading over the lifetime of the plant. In general, good quality PV modules may be expected to have a useful life of 25 to 30 years.

The main components of the solar PV Project are:

- **Solar PV modules:** These convert solar radiation directly into electricity through the photovoltaic effect in a silent and clean process that requires no moving parts. The output from a solar PV cell is direct current electricity. A PV power plant contains many cells connected together in modules which are then connected in strings to produce the required output.
- **Inverters:** These are required to convert the direct current electricity to alternating current for connection to the utility grid. Many modules in series strings and parallel strings are connected to the inverters.
- **Module mounting (or tracking) systems:** These allow PV modules to be securely attached to the ground at a fixed tilt angle, or on sun-tracking frames.
- **Step-up transformers:** The output from the inverters requires a further step-up in voltage to reach the alternating current grid voltage level. The step-up transformer takes the output from the inverters to the required grid voltage.
- **The grid connection interface:** This is where the electricity is exported into the grid network. The substation will also have the required grid interface switchgear such as circuit breakers and disconnects for protection and isolation of the PV power plant, as well as metering equipment.

Figure 3.1 shows the key principles and associated structures of a PV facility.

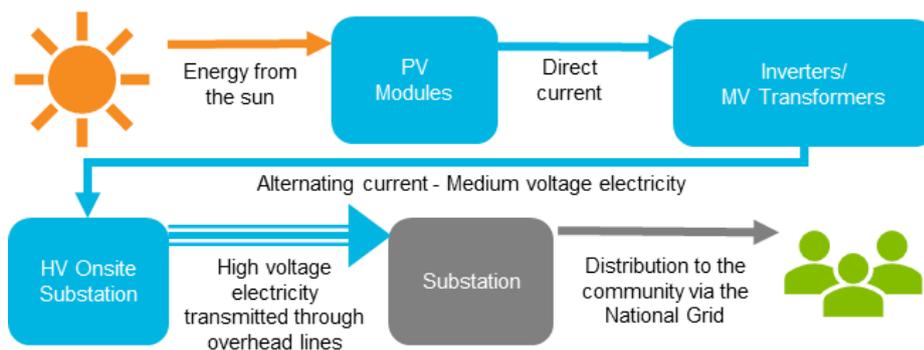


Figure 3.1 PV Power Plant Overview

3.1.4 Construction

3.1.1.1 Construction Programme

The construction is planned to start in 2023 and is expected to last approximately 18 months, with first power targeted in 2024. The key stages of construction, from mobilisation of workforce to commercial operation date.

3.1.1.2 Construction Activities

Construction activities will comprise:

1. Site preparation:
 - Temporary fencing of the Site
 - Vegetation clearance
 - Earthworks, including ground levelling (cut and fill), installation of drainage ditches, trenching for cables, construction of internal site tracks. Excavated material will be re-used within the Site for backfilling as much as possible (subject to geotechnical suitability) in order to reduce the need for aggregate to be brought to Site from elsewhere
2. PV power plant installation:
 - Import of components to Site
 - Installation of foundations and mounting structures

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- Installation of solar panels
 - Installation of other equipment (inverters, substation)
 - Installation of lattice steel towers for the connection to the national grid substation
 - Installation of export cables
 - Connection to national grid substation
3. Commissioning of the PV plant:
 - Mechanical and visual inspection
 - Electrical and equipment testing
 - Commencement of electricity supply into the grid
 4. Site clean-up and reinstatement.

3.1.5 Operation

Masdar will be responsible for the design, build, finance, operate, maintain and transfer of a solar PV power plant of around 220 MWac in the Gallaorol District, Jizzakh region of Uzbekistan. During the operational phase, JSC National Electric Grid of Uzbekistan will purchase the generated electricity as per the Power Purchase Agreement (PPA).

After commissioning, the transmission line will be transferred to JSC National Electric Grid of Uzbekistan for operations and maintenance. JSC National Electric Grid of Uzbekistan will be responsible for the maintenance of the safety protection zone under the transmission line including vegetation management and land use close to the line.

3.1.1.3 Routine Maintenance Activities

Operation and maintenance of the facility will include:

- Replacement of faulty PV modules
- Repair of inverters and other ancillary equipment
- Periodic cleaning of PV modules depending on soiling and sand/silt accumulation
- Delivery of water and emptying the septic tank
- General upkeep of the territory within the Solar PV Site

A preventive maintenance program will be established for maintenance of the inverters; mounting structures; surge arresters, cables and PV junction boxes; meteorological station; security, fencing and gates; ditches and drainage culverts; and all sub-station components, including services and septic tank.

3.1.6 Decommissioning

A typical design life of a solar PV facility is 20–30 years. The Project components will be continuously maintained throughout the lifetime of the Project. The condition of equipment will be reviewed at the end of the design life to determine whether it remains in a viable condition to continue operation after that time. The facilities may be upgraded or renewed based on the cost-benefit analysis.

The Project will be dismantled once it is no longer economical, and the land plot reinstated to its current state (albeit not reprofiled). Decommissioning of the PV power plant is expected to require 6–8 months to complete.

During decommissioning, all above ground infrastructure will be removed. It is anticipated that the redundant solar PV panels will be either recycled or sold for reuse, depending on market conditions at the time.

Below ground infrastructure such as buried cables will be removed to a depth of 0.5 m and backfilled with topsoil.

The site will be re-seeded with plants consistent with surrounding areas. The success of bio-restoration will be monitored for two dry seasons following decommissioning, and remedial actions will be taken at locations where rates of restoration are below the expected levels.

The decommissioning will abide by the relevant legislation and regulations that are applicable at the time and decommissioning will be planned at least six months in advance

3.1.7 Project Alternatives

3.1.1.4 No project-Alternative

The first alternative considered for any new project is a no development option, which means not adding a low carbon (solar) generation capacity into the country's energy mix. Uzbekistan has vast natural gas reserves, and over 85% of electricity here is being produced from natural gas (International Energy Agency, 2020).

Presidential Decree No. PP-4477 of 4 October 2019 approved the Strategy for the Transition of the Republic of Uzbekistan to the Green Economy for the Period 2019–2030 (The President of the Republic of Uzbekistan, 2019). Priority goals of the strategy include reducing specific GHG emissions per unit of GDP by 10% of the 2010 level and raising the share of the renewable energy sources in total electricity generation to more than 25% by 2030.

With the projected growing electricity demand, increasing the share of low-carbon energy generation, like solar, in the national energy mix is vital for carbon emissions reduction and mitigation of global climate change. Owing to its geographical location and climate Uzbekistan has significant solar potential. In case of a no development option, the opportunity to contribute to the achievement of the Strategy goals will be missed.

3.1.1.5 Site selection

In identifying a suitable site for solar energy developments, various elements need to be considered. These include factors such as:

- Solar resource
- Environmental designations
- Residential properties
- Site access
- Grid connection

With these criteria in mind, the GoU identified several potential sites for the utility scale solar PV facilities throughout the country, including Jizzakh region. Following site screening visits by the engineering company TYPSA and decisions by the GoU, the Solar PV Site subject to this report was carried forward and selected for further studies.

It should be noted that the site was presented to potential bidders by the GoU and as a result there was no opportunity for Masdar (the Developer) to influence site selection.

3.1.8 Environmental and Social Risk Assessment

An Environmental and Social Impact Assessment (ESIA) has been prepared in accordance with internationally accepted standards and its submission is upcoming in 2022. Its objectives were to:

- document legislative requirements of Uzbekistan for solar PV projects.
- describe the methodology and approach to be used in assessing impacts.
- identify the likely key environmental and social issues associated with the construction and commissioning, operation and maintenance, and decommissioning phases of the Project.
- frame the scope for the baseline studies that support the ESIA.
- identify potential Project impacts that will be assessed further in the ESIA.

To satisfy the statutory requirements of the GoU, a separate national Environmental Impact Assessment (OVOS) report was developed concurrently with the international ESIA report. The OVOS has been submitted as of the date of this ESIA Report but has not yet been approved.

3.1.9 Land Acquisition

All historic leaseholders were notified by the Khokimiyat of the project need for the land in December 2019. According to an interview, a leaseholder was given an opportunity to “object” to the project however it is unlikely that this objection would prohibit the land transfer from proceeding and so should not be seen as part of a voluntary transfer.

There are no official documents which detail the correspondence between the Khokimiyat and the historical leaseholder.

The leaseholder was then required to leave the site in January and February 2020. The leaseholder was not given any support or transport when leaving the site.

Since the historic leasehold was terminated, the land has remained in the government reserve which is administrated by the local Khokimiyat. The land has been kept vacant in anticipation of the project at the request of the Ministry of Energy. Masdar is currently in the process working with the Ministry of Energy on the final land order which will then transfer the land into the jurisdiction of the Ministry of Energy. The land will then be leased by Masdar from the Ministry of Energy.

The site is still being used informally by herders and community members gathering feed. The impact on these informal users is not assessed as part of the SCA due to its ongoing nature it is however addressed in the Livelihood Restoration Plan.

4. Legal Review

The purpose of this section is to present the regulatory framework associated with land access restrictions and involuntary resettlement. A detailed gap analysis that presents the key differences between national legislation and ADB requirements is presented in Table 4.2 along with details of the actions the Project will take to address the identified differences.

4.1 Relevant Uzbekistan legislation

4.1.1 Overview of land legislation

Key legal instruments managing land governance in Uzbekistan, including land acquisition and resettlement are the Constitution of the Republic of Uzbekistan, the Land Code (1998), the Civil Code (1996) and various Resolutions as listed in the table below.

Table 4.1 Uzbekistan legal instrument applicable to land acquisition and resettlement

Legal Instrument	Objective
The Land Code (LC), 30 April 1998 (amended 15 November 2019)	Describes a condition for permanent land expropriation and temporary land acquisition.
Civil Code (CC), 29 August 1996 (amended 11 December 2019)	Regulates general rules of property seizure, determination of property cost and rights for compensation, terms of rights termination.
The Resolution of the Cabinet of Ministers (CoM) of the Republic of Uzbekistan <i>About Additional Measures to Guarantee Property Rights of Individual Persons and legal Entities and to Improve Procedures of Land Acquisition and Compensations</i> , 16 November 2019, n. 911 (replacing the older Resolution n. 97).	The resolution sets out procedures for compensation to individuals and legal entities in case of acquisition of residential lands for public needs and investment projects. The resolution defines that land expropriation can be implemented only after meaningful consultation with project affected people.
The resolution of CoM <i>On Measures to Improve the Procedure for Granting Land Plots for Urban development Activities and Other Non-agricultural Purposes</i> , on 25 May 2011, #146	Regulates resettlement compensations for the income loss, the value of agricultural loss belonging to landowners, users, tenants in case of land acquisition. Also, it regulates the provision of land to land compensation in case of agricultural and forest relates losses.
The Law of the Republic of Uzbekistan <i>About Privatization of Non-Agricultural Land Plots</i> , 13 August 2019, n. ZRU-552	Regulates general rules of privatization of non-agricultural lands, acquisition of privatized lands and procedure of compensation for acquisition of privatized lands for public needs.
The Law of the Republic of Uzbekistan <i>About procedures of seizure of land for social needs with compensation</i> , June 29, 2022, n. ZRU-781	Establishes procedures of seizure of land or their parts (further - the parcel of land) belonging to physical persons and legal entities on right of lifetime inheritable possession, permanent ownership, permanent use, urgent (temporary) use or lease for social needs with compensation.
Presidential resolution <i>"On Measures to Improve the Effectiveness of Training and Realizing Projects with Participation of International Financial Institutions and Foreign Government Financial Organisations</i> , on 16 July 2018, n. 3857	Confirms that the resettlement costs are paid based on assessment documents prepared by IFI by their methodology.
The Law of Uzbekistan on Protection of Private property and Guarantees of Ownership rights, 22 September 2012 n. 336	The purpose of this Law is to regulate relations in the field of protection of private property and guarantees of property rights. It regulated the entitlement of property owners to full market value compensation in case of acquisition for the State needs.
Decree of the President of the Republic of Uzbekistan <i>On Measures on Cardinal Improvement of the Investment Climate in the Republic of Uzbekistan</i> ", 1 August 2018 n. 5495.	The purpose of this decree is to ensure that land acquisition is effected only after carrying out meaningful consultations with the project affected people.
Resolution of the Cabinet of Ministers <i>On the Procedure for the Formation and Use of Centralised funds for the Compensation to Affected Individuals and Legal Entities Due to Land Acquisition for the State or Public Needs</i> , 26 December 2018 n. 1047.	The resolution fixes procedure for establishment of national and local centralized compensation funds and use financial resources for compensation of losses of project affected people due to acquisition of land for public needs under development programs initiated by central government and local Khokimiyats.

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Law of the Republic of Uzbekistan <i>On Valuation Activity</i> n. 811-I, 19 August 1999.	The law regulates relations related to the implementation of valuation activities and cover issues such as licensing of valuation activity, types of valuation values, valuation standards, cases for obligatory valuation, rights and obligations of valuation organizations, requirements for valuation report, responsibility for violation of valuation legislation, settlement of disputes etc.
Law of the Republic of Uzbekistan <i>On Appeals of Physical and Legal Persons</i> .	Main purpose of the law is to regulate issues related to appeals of individual persons and legal entities to government bodies.
The Resolution of the Cabinet of Ministers <i>On Approval of the Order of the Appointment and Payment of Social Allowances and Material (Financial) Assistance to Low-income Families</i> , 15 February 2013 n. 44.	The resolution regulates the mechanism of determination of vulnerable groups and their entitlements.
Presidential Decree <i>“About Measures to Implement the Law On the state budget of the Republic of Uzbekistan for the Year 2020</i> , 30 December 2019 n. PP-4555.	The presidential decree fixes exact amounts of all types of social allowances to be paid to low-income families in Uzbekistan.

4.1.2 Land Ownership

Management of land is governed by the rules stated within the Presidential Decree of June 8, 2021 No. UP-6243 “On measures for ensuring equality and transparency in land relations, reliable protection of land rights and their transformation into market asset”. According to the Decree, land is allocated on the basis of the right of permanent use to State bodies, institutions, enterprises and citizens' self-governing bodies. Key provisions of the Decree are as follows:

- In implementing public-private partnership projects, land is allocated to the relevant public body, which in turn provides a private partner with a lease for the duration of the agreement.
- Agricultural land is allocated only on the lease basis following online auction.
- Non-agricultural land can be allocated on the basis of ownership and leases following an online auction.
- Local authorities are prohibited from directly allocating land plots.
- Cabinet of Ministers can directly lease land plots to agricultural clusters and to large investment projects.

4.2 Relevant ADB Standards and Policies

4.2.1 ADB Safeguard Policy Statement, 2009

ADB Safeguard Policy Statement (SPS 2009) The ADB Safeguard Policy Statement 2009 sets out the policy objectives, scope, triggers, and principles for the following three key safeguard areas:

- Environmental Safeguards screen and assess projects according to type, location, scale, and sensitivity and the magnitude of their potential environmental impacts, including direct, indirect, induced, and cumulative impacts.
- Involuntary Resettlement Safeguards screen and assess projects impacts of land acquisition and involuntary resettlement and propose measures to address the impacts, and;
- Indigenous People Safeguards screen and assess projects on impacts on indigenous peoples according to magnitude of impact in terms of customary rights of use and access to land and natural resource, socioeconomic status, cultural and communal integrity, health, education, livelihood, social security status, the recognition of indigenous knowledge, and the level of vulnerability of the affected Indigenous Peoples community.

For each Safeguards, ADB uses a classification system to reflect the significance of a project's potential impacts. Projects are classified into four categories: A, B, C or FI considering the significance of their impacts on Environment, Involuntary Resettlement or Indigenous Peoples.

4.2.2 ADB's Social Protection Strategy, 2001

The ADB Social Protection Strategy is the set of policies and programmes designed to reduce poverty and vulnerability by promoting efficient labour markets, diminishing people's exposure to risks and enhancing their

capacity to protect themselves against hazards and interruption/loss of income. Social Protection consists of five major elements:

- (1) Labour markets policies and programmes designed to facilitate employment and promote and efficient operation of labour markets.
- (2) Social insurance programmes to cushion the risks associated with the unemployment, health, disability, work injury, and old age.
- (3) Social assistance and welfare service programmes for the most vulnerable groups with no other means of adequate support.
- (4) Micro and area-based schemes to address vulnerability at the community level.
- (5) Child protection to ensure the healthy and productive development of the future Asian workforce.

ADB's Social Protection Strategy requires the Borrower to comply with applicable national labour laws in relation to the Project, and take the following measures to comply with the core labour standards for the ADB financed portion of the Project:

- (i) Carry out its activities in a manner consistent with the intent of ensuring legally permissible equal opportunity, fair treatment and non-discrimination in relation to recruitment and hiring, compensation, working conditions and terms of employment for its workers (including prohibiting any form of discrimination against women during hiring and providing equal work for equal pay for men and women engaged by the Borrower).
- (ii) Not restrict its workers from developing a legally permissible means of expressing their grievances and protecting their rights regarding working conditions and terms of employment.
- (iii) Engage contractors and other providers of goods and services:
 - a. Who do not employ child labour or forced labour.
 - b. Who have appropriate management systems that will allow them to operate in a manner which is consistent with the intent of (A) ensuring legally permissible equal opportunity and fair treatment and non-discrimination for their workers, and (B) not restricting their workers from developing a legally permissible means of expressing their grievances and protecting their rights regarding working conditions and terms of employment.
 - c. Whose subcontracts contain provisions which are consistent with paragraphs (a) and (b) above.

4.2.3 ADB Access to Information Policy, 2019

The objective of the Access to Information Policy is to promote stakeholder trust in ADB and to increase the development impact of ADB activities. The policy reflects ADB's commitment to transparency, accountability, and participation by stakeholders in ADB-supported development activities in Asia and the Pacific. It also recognises the right of people to seek, receive, and impart information about ADB's operations.

The Access to Information Policy is based on the following principles:

- (i) *Clear, timely, and appropriate disclosure.* ADB discloses information about its operations in a clear, timely, and appropriate manner to enhance stakeholders' ability to meaningfully engage with ADB and to promote good governance.
- (ii) *Presumption in favor of disclosure.* Full disclosure of information is not always possible. For example, ADB needs to explore ideas, share information, hold candid discussions, and freely debate ideas internally and with its members or clients.
- (iii) *Limited exceptions.* Full disclosure of information is not always possible. For example, ADB needs to explore ideas, share information, hold candid discussions, and freely debate ideas internally and with its members or clients.
- (iv) *Proactive disclosure.* ADB proactively shares its knowledge products and information about its operations in a timely manner to facilitate participation in ADB decision-making.

(v) *Sharing of information and ideas*. The AIP includes processes by which people may equally seek, receive, and convey information and ideas about ADB operations.

(vi) *Providing information to project-affected people and other stakeholders*. ADB works closely with its borrowers and clients to ensure two-way communications about ADB projects with project-affected people and other stakeholders.

(vii) *Country and client ownership*. ADB borrowers and clients own the projects that ADB supports or in which the bank invests. Thus, in some cases, the views of borrowers and clients regarding the content and timing of disclosure are considered before documents are disclosed.

(viii) *Clear appeals process*. A clear process to appeal an ADB decision not to disclose requested information is an important part of a meaningful disclosure framework.

(ix) *Continuous monitoring*. ADB monitors the effectiveness of the policy, learns lessons from its successes and shortcomings, and stays abreast of new technologies and practices.

4.2.4 ADB's Gender and Development Policy, 1998

ADB's policy on gender and development ("GAD"), approved in 1998, adopts gender mainstreaming as a key strategy for promoting gender equity. This requires gender concerns to be treated as a cross-cutting theme influencing all social and economic processes.

The GAD policy provides a policy framework; introduces institutional mechanisms to address gender concerns in ADB's programme of activities; and supports a greater emphasis on gender issues in all ADB operations. Specifically relevant to the projects are the following elements.

- *Gender sensitivity*: on how operations affect women and men, and to take into account women's needs and perspectives in planning its operations.
- *Gender analysis*: to assess systematically the impact of a project on men and women, and on the economic and social relationship between them.
- *Gender planning*: to formulate specific strategies that aim to bring about equal opportunities for men and women.
- *Mainstreaming*: to consider gender issues in all aspects of project operations, accompanied by efforts to encourage women's participation in the decision-making process in development activities.

4.3 Other Relevant International Standards and Guidelines

4.3.1 World Bank Group General EHS Guidelines (2007)

The World Bank Group General EHS Guidelines contain the performance levels and measures that are generally considered to be achievable in new facilities by existing technology at reasonable costs. It covers topics such as environmental, occupational health and safety ("OHS"), community health and safety and construction and decommissioning.

4.3.2 World Bank Group EHS Guidelines for Electric Power Transmission and Distribution (2007)

The World Bank Group EHS Guidelines for Electric Power Transmission and Distribution are specific guidelines for EHS issues associated with electric power transmission and distribution that occur during the construction and operation phases of a facility. This covers risks, mitigation measures, and monitoring recommendations for:

- Environmental issues during the construction phase of power transmission and distribution projects, such as terrestrial habitat alteration through right-of-way construction and maintenance.
- OHS hazards specific to electric power transmission and distribution projects, such as working with live power lines and working at height.
- Community health and safety impacts during the construction, operation, and decommissioning of transmission and distribution power lines, such as electrocution and visual amenity.

4.3.3 International Covenant on Economic, Cultural and Social Rights (CESCR) (1996)

CESCR is an international human rights treaty adopted by the United Nations General Assembly on 16 December 1966. Uzbekistan ratified CESCR in 1995. It ensures the enjoyment of economic, social and cultural rights, including the rights to education, fair and just conditions of work, an adequate standard of living, the highest attainable standard of health and social security.

The UN last examined how well the Uzbekistan is implementing CESCR and published its recommendations in 2022. These included but not limited to (United Nations Human Rights, 2022):

- *Domestic application of the Covenant*: provisions of the Covenant are rarely invoked in courts.
- *Independence of the judiciary*: various shortcomings in relation to the independence of the judiciary, such as the interference by the executive and the legislative branches in the selection of the judges of the Constitutional Court and the Supreme Court and in the appointment of judges.
- *National human rights institution*: the lack of a transparent process for the selection and appointment of the Ombudsman, and the inadequate level of resources, which adversely affects its functioning.
- *Civil society*: inability to operate freely due to restrictions.
- *Corruption*: corruption remains prevalent and the lack of information on the availability of safe and accessible channels for reporting corruption.
- *Climate change*: insufficient adaptation measures taken to address the impact of climate change on the population, especially the projected reductions in water resources.
- *Maximum available resources*: the share of gross domestic product allocated to public spending remains low, notwithstanding its increase since 2011.
- *Non-discrimination*: the lack of comprehensive anti-discrimination legislation and policy frameworks.
- *Refugees and asylum seekers*: the lack of a comprehensive legal and policy framework for refugees and asylum seekers, which hinders their access to economic and social rights.

4.3.4 Fundamental International Labour Standards (ILO) Conventions

The ILO Governing Body had initially identified eight “fundamental” Conventions, covering subjects that were considered to be fundamental principles and rights at work:

- Freedom of association and the effective recognition of the right to collective bargaining.
- The elimination of all forms of forced or compulsory labour.
- The effective abolition of child labour.
- The elimination of discrimination in respect of employment and occupation.

In June 2022, the ILC adopted a Resolution on the inclusion of a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work.

The fundamental instruments are:

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol)
- Abolition of Forced Labour Convention, 1957 (No. 105)
- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

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- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Occupational Safety and Health Convention, 1981 (No. 155)
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

International labour standards are primarily tools for governments which, in consultation with employers and workers, are seeking to draft and implement labour law and social policy in conformity with internationally accepted standards. For many countries, this process begins with a decision to consider ratifying an ILO Convention.

4.4 Gap analysis between ADB requirements and Uzbekistan Legislation on land acquisition and resettlement

The table below provides an analysis of the gaps between land acquisition requirements under national legislation and ADB requirements to identify additional actions and level of compliance.

Table 4.2 Gap Analysis and expected additional actions

Subject	ADB's SPS (2009) requirements	Republic of Uzbekistan	Gaps and expected actions	Corrective Action
Livelihood rehabilitation	ADB Policy requires rehabilitation/ improvement of project affected people's livelihood standards.	Notion of livelihood rehabilitation not included by national legislation. However, the Presidential Resolution n. 3857 requires addressing the livelihood issue for IFI funded projects.	No obligation under national legislation but there is expectation on international funded project to rehabilitate/improve livelihood standards based on other projects in country. No formal livelihood restoration developed by the GoU as part of the land transfer	No action required.
Compensation entitlements	Project affected people with formal title have to be compensated for lost land/other assets.	Project affected people with formal title are compensated for lost land/other assets.	Same in principle/ application	No action required.
	Project affected people with some form of title have right to be compensated for lost land and assets after the local authority helps them in formalised their assets.	Project affected people with some form of or no legal title are not distinguished and considered non-legal as formalisation is the responsibility of the project affected people.	No obligation under national legislation but there is expectation on international funded project to compensate those with some form or no legal title based on other projects in country.	No action required.
	Project affected people with no legal title are compensated for lost non land assets.	Non-legal project affected people have no right to be compensated for land and non-land assets. However, the Presidential Resolution n. 3857 applies for addressing IFI funded projects.	The SPS requirement will be followed. PAPs with no legal rights to land will be compensated for their non land assets provided these were constructed prior to the cut-off date.	No action required.
Compensation – Permanent loss of land	Replacement land as preferred option or cash compensation at full market rate. For both legal/ legalizable project affected people.	Replacement land for project affected people with a legal title. However, the Presidential Resolution n. 3857 applies in relation to project affected people with some form of title and non-legal project affected for addressing IFI funded projects.	No reconciliation needed in principle .	No action required.
Compensation – Replacement of leased land	Based on replacement of lost income through cash compensation of gross income multiplied by the remaining lease years or through a replacement land lease.	Based on lease replacement and compensation in cash for all losses including lost profit.	Same in principle.	No action required.
Compensation – Loss of structures/ buildings	Cash compensation at replacement cost for lost item free of depreciation and transaction costs.	Cash compensation at replacement cost for lost item free of depreciation, transaction costs, and other deductions.	No reconciliation needed in principle.	No action required.
Compensation – Loss of indirectly affected items	Non-affected parts of an asset no longer usable after impact will have to be compensated as well.	The law requires that all losses including lost profits is to be compensated to all project affected people with a legal title.	Same in principle and application. No gap.	No action required

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Compensation – Loss of trees	Irrespective of legal land occupancy status, compensation at market value.	Unproductive as well as productive trees affected by a public project are to be compensated. There are different approaches in use for valuation of unproductive and productive trees. Compensation for the lost trees is separated from compensation for lost profits	Same in principle. Application process varies for various categories of trees, viz., productive or non-productive. No gap.	No action required.
Compensation – Loss of crops	. Compensation of crop at market price.	Loss of crops to be compensated. There are two forms of compensation for loss of crops: i) compensation for uncompleted agriculture production and ii) compensation of lost profit as average income for the last three years, multiplied by 4	Same in principle.	No action required.
Compensation – Loss of jobs	Indemnity for lost income ensuring the rehabilitation of project affected people. As a good practice, application on stoppage period up to a maximum of 6 months of declared salary (formal employees) or minimum salary (informal employees.) Compensation directly disbursed to project affected people.	Loss of employment is to be compensated with 2 months average salary plus a severance pay of a maximum of 1 month's average salary depending on the length of the employment lost. All losses (including real damage, lost profits) are to be compensated.	No gap.	No action required.
Livelihood Restoration Planning (LRP), assessment and valuation of impacts	LRP preparation includes: a) impacts assessment/ census of project affected people; b) definition of entitlements, income/livelihood restoration strategy, grievance redress mechanism, institutional arrangements; c) consultation results; d) monitoring and reporting; e) budget and implementation schedule. .	There are no requirements to prepare an LRP. LRP planning entails similar but simpler assessment/survey efforts than ADB Policy.	LRP planning is a gap in the country system vis-à-vis ADB's requirements. No LRP was developed by the GoU as part of the land transfer. No affected person entitled for livelihood restoration under ADBs requirements	No action required
Information disclosure	Resettlement-related documents to be timely disclosed in the AP language.	No disclosure requirement exists.	A gap identified. Disclosure did occur but it was informal there are no informal records of this. Historic leaseholders however confirmed that the process was clear.	No action required.
Public consultation	Meaningful public consultations are to be held with the project affected people. Project affected people should be informed about their entitlements and options, as well as resettlement alternatives	Public consultation. Matters of local importance to be publicly discussed with local authorities. But no requirement to consult directly with the project affected people. Presidential Resolution n. 5495 requires carrying out meaningful consultations with the affected persons before resettlement activities start.	A partial gap identified. Engagement does occur it is typically informal there are no informal records of this. Historic leaseholders however confirmed that the process was clear.	No action required.
Grievance procedure.	A Grievance Redress Mechanism (GRM) is to be established for each project. Information	Grievance Procedures. Each state agency/ministry must follow to detail instructions (approved by government) on	Same in principle but it is not evidence that this formal process is adhered to.	No action required.

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	on GRM to be communicated to the project affected people.	registering and reviewing the concerns and claims from citizens	Only affected household will have access to new project grievance mechanism.	
Conditions of asset acquisition	Property can be acquired only after full compensation is paid to the project affected people.	Property can be acquired only after full compensation is paid to project affected people.	Same in principle	No action required.
Assistance to vulnerable and severely affected project affected people	These project affected people are to be identified and special assistance is provided to restore/ improve their pre-project level of livelihoods.	No corresponding requirement in the country system, but there are a number of legislative documents related to social support and livelihood improvement measures considered by the GoU to consider social allowances and needy families through two Cabinet of Ministers resolutions and to consider disabled people through the Law on social protection of disabled people. Thus, support of vulnerable segments of the population is provided on the regular basis by the GoU on central and local levels and does not require additional payments in connection with the project implementation.	Gap Identified, support provided by the government is not project specific and only applies to people who come forward requesting assistance. Support is also not guaranteed. Vulnerable households must be subject to safeguards outlined in the LRP and additional focused monitoring. No vulnerable people were historically resettled.	No action required.

5. Land Acquisition Review

The following section describes the socio-economic baseline of the location and historic leaseholders affected by the involuntary land acquisition and provides a description of the land acquisition arrangements.

5.1 Socio-economic

The land required for the proposed site is in the Gallaorol District, Jizzakh region, in the south-east of the Republic of Uzbekistan. Nearest communities (Mahallas) are Chayonly (also referred to as Chayli on some maps), Kiziltut, Karobchi (also referred to as Karakchi on some maps), and Sayfin Ota. Based on information obtained during the preparation of the ESIA and the site visit carried out for the present SDD, there is only one distinct area within and adjacent to the project site that was used for unsanctioned farming activity. The status of historic leaseholder in the affected area, is described below:

Area 1: a registered farm of 409.5 ha used to grow wheat for livestock grazing. The historic leaseholder is an affluent farmer who possesses a number of lands in the surrounding area. The historic leaseholder practised rain-fed agriculture – the yield was depending on the weather conditions. Therefore, the farmland at the project site was not economically viable to grow feed for their poultry farm and stopped being used in the past years. The farmer has been acquiring 409.5 ha of land from 2005 till 2018. The land was under the farmer’s company, growing wheat as feed for a poultry farm located outside the project area. The poultry business has not been affected and is still in operation.

Before 2005 the land was reserved under the local government ownership, and before that, it was a community soviet farming. The transfer of 409.5 hectares from the farmer to the government happened on 12 February 2019. The order has been issued on 18 February 2020, allocating land for the project.

The rest of the project land (154.42 hectares) was owned by the GoU with no lease agreements.

There are also around 7-8 herders, who keep using the land (covered under LRP), each family has 3 or 4 sheep per family. These households have herders who collect sheep and take them back to pens.

5.1.1 Identified vulnerabilities

The one or more of the following vulnerability criteria have been applied to the historic leaseholders identified.

Table 5.1 Vulnerability categories

Vulnerability	Explanation
Young families or orphans (where the parents are under 30) who have lost both parents	Affected people who are orphans and living with other relatives in a household are likely to be particularly susceptible to any changes in their socio-economic status in the absence of parents who would otherwise be economically active. They may also be looked after by elderly relatives.
Families with disabled parents or children	Families with a disabled adult or child are likely to be particularly susceptible to any changes in their socio-economic status, due to the need to provide care for the affected person.
A widower	A widower is likely to be particularly susceptible to any changes in their socio-economic status, due to the need to provide care for children without a partner who is economically active.
A single parent family	Single parent families are likely to be particularly susceptible to any changes in their socio-economic status, due to the need to provide care for children without a partner who is economically active.
A single retired person	Retired people are likely to be particularly susceptible to any changes in their socio-economic status due to limited sources of household income.
An elderly person (over 65 years old)	Older people may not be as economically active compared to younger people and may be more vulnerable to any change in their livelihood or living conditions. Older people may also experience greater mental stress when dealing with significant change.
Women in the family	Women are often marginalised within the family and may not be included in decision making around money or land. Women’s views on how to spend compensation or which livelihood support to choose from may not be recognised.

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Anyone farming or investing in the land without a legal title	Farmers who have invested in land which they hold no formal legal title are vulnerable because they are at risk of losing significant investment in the land if removed (by the project, government or title holder) without compensation or support. Even when the project intends to compensate informal land users, there is a risk that formal title holders may opt to evict informal farmers in anticipation of the project.
People in poor health	People living with physical and/or mental disabilities, or poor health status, may be vulnerable as they may experience difficulties in accessing Project-related (and non-Project-related) employment opportunities and/or undertaking livelihood activities, thereby constraining their ability to provide for themselves, leading to a reliance on relatives, community members, NGOs, and the government for support. People living with physical and/or mental disabilities, or poor health status, may be subject to discrimination and marginalisation in the workplace and/or the local community. Differential treatment and/or exclusion in these settings may lead to social isolation and reinforce the vulnerability of this group. People living with physical and/or mental disabilities, or poor health status, may need specific types of assistance to be kept adequately informed about the Project, resettlement choices, and may not understand written documents used during a resettlement implementation process. They also be discriminated against which could lead to reduced access to health care, thereby exacerbating the health problems experienced by this category of vulnerable group.
People who are discriminated against	People who experience discrimination are typically unable to be influential within the community, assist in decision making processes, and 'be heard'. People who experience discrimination can find it difficult to access employment opportunities which reduces their potential to generate income.
Households in financial difficulty or under the poverty line	Households in substantial debt may use any cash provided to clear (some or all) of their debts instead of using the money to restore their livelihood and standard of living. Additional support may be needed to these households. Households who have a very low-income are also considered to be vulnerable as any minor change in their livelihood could have significant effects.
Households with a member who is addicted to drugs or alcohol	Households with members who suffer from addiction to drugs or alcohol may be vulnerable as the household member may be inclined not to spend compensation in a way that will benefit the household as a whole. Members who suffer from addiction may also not attend any livelihood restoration initiatives.
Children and young people	Children and young people are vulnerable with respect to their health, relative inability to advocate for their own interests and to protect themselves from harm. Children are highly dependent on others to satisfy their basic needs, and this makes them particularly vulnerable.

Households or individuals who fit into one of the above criteria were identified using several information sources:

- **Socio Economic Census:** The socio-economic census of leaseholders and informal land users included a number of questions to identify vulnerable individuals, including household demographics, health of family members, sources of and income level.
- **Women and Youth Notepad:** The local Khokimiyat keep a record of vulnerable women and youth which have requested support. These are known as the Women and Youth "note pad". The Khokimiyat provided a list of known vulnerable Women and Youth that are known within the affected households.
- **Key informant interviews:** Interviews with Khokimiyat, local Mahalas and affected people were also used to identify any vulnerable households or individuals.
- **Background research:** Some groups cannot be easily identified individually in a survey due to affected person to reveal personal information but are known to exist through background research. Marginalised women in the household are one example of this.

Table 5.2 Summary of Project Affected Household (PAH)

Household reference	Total number of people	Number of females	Number of children	Identified compensation and vulnerabilities	Considerations for the Corrective Action Plan
Historic Leaseholder	1	0	0	Vulnerability <ul style="list-style-type: none"> • No applicable vulnerabilities Compensation issues <ul style="list-style-type: none"> • No outstanding compensation issues (on assets and crops) 	<ul style="list-style-type: none"> • No compensation needed.

5.1.2 Presence of Indigenous Peoples and vulnerable ethnic groups

As of 2020, the estimated total population in Uzbekistan was 34,232,050, just under 50% of whom live in rural areas (WBD, 2021). Uzbeks account for 83.8% of the population, while other ethnic groups such as the Tajiks, Kazakhs, Russians, Karakalpak, Tartars comprise the remaining 16.2% (CIA, 2021). Uzbek is the only official and most widely spoken language in the country, spoken natively by approximately 85% of the population. Russian has widespread use as an inter-ethnic communication language and as a language of governance. Other ethnic languages spoken in the country are Tajik, Kazakh, Tatar, Kyrgyz. and others.

During consultations the Deputy Khokim on Women and Families for the Gallaorol Khokimiyat shared that there is a registry of vulnerable families and individuals in the Project AoI and thus can communicate information regarding the project directly to them where necessary.

Based on the information obtained during the site visit and stakeholder engagement, none of the historic leaseholders affected by the project is a member of an ethnic group that meet ADB criteria:

- i. self-identification as members of a distinct indigenous cultural group and recognition of this identity by others.
- ii. collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories.
- iii. customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and
- iv. a distinct language, often different from the official language of the country or region.

5.2 Land Acquisition and Involuntary Resettlement

5.2.1 Land Acquisition Process

The project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of project-related land acquisition and/or restrictions on land use.

Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

The acquisition of land for the Jizzakh Solar PV Project did not require the relocation of houses/dwellings within the Project Site. Therefore, physical resettlement was not required for this Project. The ESIA and SDD identified that only one leaseholder was affected by historical resettlement when the land was acquired by the State and allocated for its solar development. This historic leaseholder used his land to primarily grow grains to feed livestock.

The sections below provide an outline of the land acquisition process based on information provided by stakeholders during the SDD site visit.

5.2.2 Land Acquisition Arrangements

Based on documentation reviewed and engagement activities conducted during the SDD site visit, the land acquisition process applied by the government for the acquisition of land consisted of formal and informal activities carried with limited documentation.

A summary of engagement activities taken place as part of the IFC "Scaling Solar Uzbekistan Round 2" projects, states that some contradictory information on land uses within and surrounding the project site came to light during the consultations that took place in September 2020:

- According to District authorities, there was no legal use of land, although some informal use for cattle grazing occurred in springtime.
- Some participants indicated that no structures had ever been present on the project site (as grazing would mostly take place 1.5-2km away).

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- Whereas representatives from the Cadastre Department of Gallaorol District indicated that while there were structures made of light construction materials on the site these had been demolished after the official allocation of land for the project, when the local population was instructed to remove all structures from the project area, in accordance with the Decree of the Cabinet of Ministers No.416.
- The process for land acquisition and compensation was explained by the Gallaorol District Cadastre Department:
 - i. The tenure of agricultural land is based on long-term contracts between Khokimiyat and individual farmers. A specific clause in the contract regulates land acquisition for state needs.
 - ii. Based on the contract, compensation is paid unless it is proved that the land has not been used for agricultural purposes. If structures are present and legally registered, compensation is also paid. If there are crops on the land, compensation is paid for yield.
 - iii. Compensation is agreed only after the last crop cycle has been harvested. Agronomists of the District's agricultural departments determine the amount of compensation based on crops productivity, market price, future yield, etc.
- Participants were shown an updated satellite image in which a well-developed farm and some structures were clearly present inside the project site. Gallaorol District representatives stated that where there was a formal contract between the farmer and Khokimiyat, then compensation will be paid based on the contract.
- Where there is no formal contract IFC PS5 entitles informal settlers to assistance and compensation of assets. However, representatives from Gallaorol District stated that usually, where structures are not residential and not official, compensation is not paid. There can be assistance, but through volunteers, aksakals (mahalla elderly leaders), and other unofficial assistance.

5.2.3 Methodology for Acquiring Land and Approach for Arriving at Compensation

In 2019 the Khokimiyat of Gallaorol contacted an affected farmer about the project and asked him to fill in an application for land refusal. The only leaseholder is an affluent farmer who possesses a number of lands in the surrounding area. The farmland at the project site was not economically viable. Therefore, the leaseholder was satisfied with returning the land and no negotiations were required. The reduction of the land area suited the circumstances of the affected farmer.

As part of the SDD, the project carried out the survey of the project affected persons to determine (i) who they are, (ii) what they do for a livelihood, and (iii) what they possess and are likely to lose due to land acquisition for the project. The information on the affected land plots contains: (a) names of affected persons, (b) lease owners and tenants, (c) designated use of plots, (d) size of land plot, (e) proportion of the land subject to acquisition against total area of the land plot. Other background information on the affected communities, such as demographics, employment, education, livelihoods profile etc. was also collected.

The results of the survey produced: (a) number, ownership and type of affected land plots; (b) type and area of crops affected (c) number and ownership type of the structures that will be affected, (d) type of construction materials used and (e) other assets such as utility connections, etc.

5.2.4 Status of Land Acquisition and Compensation Payments

The household survey outcomes indicate that there are no economically affected leaseholders. The leaseholder who was subject to the land acquisition process continued his poultry business. No farmer's current income has been compared to his previous revenue. The leaseholder is satisfied with the land acquisition process. He requested no compensation for crops or assets as there were none at the project land.

5.2.5 Analysis of any past and present economic displacement: impacts on assets, business, income and vulnerability status

The survey identified the physical and economic displacement of one farmer as a result of the voluntary acquisition of land. The historic leaseholder voluntarily returned the land as it was not economically viable. The historic leaseholder is also not vulnerable and did not request any further support since his company owns a number of lands and a poultry business.

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Additional social impacts during construction would include the blockage of local paths across the project site, social risks due to interaction with workers and the generation of employment opportunities for the local community. Construction activity in close proximity to a community causes a number of nuisance impacts that can cause significant grievances if not managed correctly. The ESMP by the Project Developer will need to contemplate specific measures to mitigate these impacts.

Land acquisition outcomes and their impacts on the standards of living of displaced persons, and whether the objectives of the livelihood restoration plan have been achieved must be monitored.

5.2.6 Identification of economic resettlement and compensation

After the official allocation of land for the project, the single leaseholder was informed to remove all structures from the project area, without any previous assessment or compensation of possible affected assets, in accordance with international best practices. This leaseholder was assessed during the site visit, including in the identification of economic resettlement and compensation. The farmer returned 409.5 ha where he used to grow wheat for his poultry farm. The farmer was comfortable returning the 409.5 ha as the land was not economically viable, and it was bringing more costs than profit to the leaseholder. He confirmed that no further support is needed.

5.3 Past stakeholder engagement management

5.3.1 Process documentation of any prior stakeholder engagement activities in relation to land and the proposed project

The historic leaseholder interviewed during the SDD site visit stated that he was involved in participatory engagement and had regular access to the Khokimiyat. Engagement activities during the land acquisition process have not been documented.

Engagement with the historical leaseholder and a site visit has identified the poor quality of pastureland. There are no dense areas of vegetation within the Project Area or wider region and in general, the land provides relatively low productivity.

5.3.2 Grievance Mechanism to resolve any concerns

There was no grievance mechanism established during the land acquisition in 2019-2020. In replacement of the grievance mechanism, farmers/landowners could complain to the Khokimiyat to resolve their concerns. However, the procedure was highly informal, and grievances may not have been documented.

At the time of writing, there are no unresolved legal cases in connection with the land acquisition process.

6. Compliance evaluation

6.1 Overview

This section provides the findings against the requirements of ADB's SPS 2009, including recommendations based on these findings. The action plan for Masdar to address the gaps against ADB's SPS 2009 is presented in the following section. Findings are defined as Aligned, Partially Aligned, Not Aligned, and Insufficient Information for the Assessment and Not Applicable as detailed in the table below.

Table 6.1 Categorisation of Findings

Rating

Green	Aligned/compliant
	The information available indicates that the land acquisition process fulfils the requirement and/or is aligned with intended outcome of the requirement.
Amber	Partially aligned
	The information available indicates that the land acquisition process partially fulfils the requirement and/or is partially aligned with intended outcome of the requirement.
Red	Not Aligned
	The information available indicates that the land acquisition process does not fulfil the requirement.
Blue	Insufficient Information/
	There is insufficient information to make an assessment of the level of alignment.
Gray	Not Applicable
	The requirements do not apply to the Project at the current time.

Table 6.2 ADB SPS compliance matrix

ADB SPS 2009	Findings and observations	Compliance	Justification	Corrective Actions
Project Alternatives to Minimise Resettlement				
<p>The client will consider feasible alternative project designs to avoid or minimize physical and/or economic displacement, while balancing environmental, social, and financial costs and benefits, paying particular attention to impacts on the poor and vulnerable.</p>	<ul style="list-style-type: none"> Project land to be provided to Masdar unincumbered and the avoidance process was carried out by the GoU. Masdar have since optimised the location of Project infrastructure to avoid, and where avoidance was not possible, minimise impacts on people using the Project Area. 		<ul style="list-style-type: none"> The project designed has avoided all physical displacement. 	None
Compensation, Assistance and Benefits for Displaced Persons				
<p>Para. 7 - Displaced persons in a project area 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. The involuntary resettlement requirements apply to all three types of displaced persons.</p>	<ul style="list-style-type: none"> Not applicable 		<ul style="list-style-type: none"> All Historic Leaseholders affected by the project have a legal right to use the land and have been identified by the project. Informal users with no formal right to the land were not historically displaced and still have access to the land. 	None
<p>Para. 8 - The borrower/client will provide adequate and appropriate replacement land and structures or cash compensation at full replacement cost for lost land and structures, adequate compensation for partially damaged structures, and relocation assistance, if applicable, to those persons described in para. 7(i) and 7(ii) prior to their relocation.</p>	<ul style="list-style-type: none"> Not applicable 		<ul style="list-style-type: none"> Only one leaseholder was relocated and the impacts on him and his household are negligible. 	None.
<p>Para. 9 - Preference will be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. These strategies may include resettlement on public land, or on private land acquired or purchased for resettlement. If land is not the preferred</p>	<ul style="list-style-type: none"> Not applicable 		<ul style="list-style-type: none"> Only one leaseholder was relocated and the impacts on him and his household are negligible. 	None

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<p>option of the displaced persons, or sufficient land is not available at a reasonable price, nonland- based options built around opportunities for employment or self-employment should be provided in addition to cash compensation for land and other assets lost. The lack of land will be demonstrated and documented to the satisfaction of ADB.</p>				
<p>Para. 10 - The rate of compensation for acquired housing, land and other assets will be calculated at full replacement costs. The calculation of full replacement cost will be based on the following elements: (i) fair market value; (ii) transaction costs; (iii) interest accrued, (iv) transitional and restoration costs; and (v) other applicable payments, if any. Where market conditions are absent or in a formative stage, the borrower/client will consult with the displaced persons and host populations 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. The borrower/client will also collect baseline data on housing, house types, and construction materials. 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</p>	<ul style="list-style-type: none"> • Not applicable 		<ul style="list-style-type: none"> • Only one leaseholder was relocated and the impacts on him and his household are negligible. 	<p>None</p>
<p>Para. 11 - In case of physical displaced persons [...]</p>	<ul style="list-style-type: none"> • Not applicable 		<ul style="list-style-type: none"> • No assets were affected by land acquisition process and no compensation is required. 	<p>None</p>
<p>Para. 12 - In the case of economically displaced persons, regardless of whether they are physically displaced, the borrower/client will promptly compensate for the loss of income or livelihood sources at full replacement cost. The</p>	<ul style="list-style-type: none"> • Not applicable 		<ul style="list-style-type: none"> • No assets were affected by land acquisition process and no compensation is required. 	<p>None</p>

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ADB SPS 2009	Findings and observations	Compliance	Justification	Corrective Actions
	<p>borrower/client will also provide assistance such as credit facilities, training, and employment opportunities so that they can improve, or at least restore, their income-earning capacity, production levels, and standards of living to pre-displacement levels. The borrower/client will also provide opportunities to displaced persons to derive appropriate development benefits from the project.</p>			
<p>Para. 13 - Involuntary resettlement should be conceived of and executed as part of a development project or program. In this regard, the best strategy is to provide displaced persons with opportunities to share project benefits in addition to providing compensation and resettlement assistance. Such opportunities would help prevent impoverishment among affected persons, and also help meet the ethical demand for development interventions to spread development benefits widely. Therefore borrowers/clients are encouraged to ascertain specific opportunities for engaging affected persons as project beneficiaries and to discuss how to spread such opportunities as widely as possible among affected persons in the resettlement plan.</p>	<ul style="list-style-type: none"> Construction of the project has yet to commence and so most opportunities have yet to come. Local opportunities will be made available in accordance with the ESIA and ESAP. 		<ul style="list-style-type: none"> Construction of the project has yet to commence and so most opportunities have yet to come. Local opportunities will be made available in accordance with the ESIA and ESAP. The only historic leaseholder is not vulnerable and has a very successful business and so is not considered a priority for the provision of opportunities. 	<p>None</p>
<p>Para. 14 – The borrower/client will ensure that no physical displacement or economic displacement will occur until (i) compensation at full replacement cost has been paid to each displaced person for project components or sections that are ready to be constructed; (ii) other entitlements listed in the resettlement plan have been provided to displaced persons; and (iii) a comprehensive income and livelihood rehabilitation program, supported by an adequate budget, is in place to help displaced</p>	<ul style="list-style-type: none"> Not applicable 		<ul style="list-style-type: none"> No assets were affected by land acquisition process and no compensation is required. 	<p>None</p>

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ADB SPS 2009	Findings and observations	Compliance	Justification	Corrective Actions
persons improve, or at least restore, their incomes and livelihoods.				
Social Impact Assessment				
<p>Para. 15 – The borrower/client will conduct socioeconomic survey(s) and a census, with appropriate socioeconomic baseline data to identify all persons who will be displaced by the project and to assess the project’s socioeconomic impacts on them. For this purpose, normally a cut-off date will be established by the host government procedures.... The social impact assessment (SIA) report will include (i) identified past, present and future potential social impacts, (ii) an inventory of displaced persons and their assets, (iii) an assessment of their income and livelihoods, and (iv) gender-disaggregated information pertaining to the economic and sociocultural conditions of displaced persons.</p>	<ul style="list-style-type: none"> The historical landowner has already been surveyed as part of the LRP because he leases land along the Overhead Transmission Line. 		<ul style="list-style-type: none"> No socio-economic survey or census were carried out historically but the current LRP developed includes the historical landowner. 	None
<p>Para. 16 – As part of the social impact assessment, the borrower/client will identify individuals and groups who may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status. Where such individuals and groups are identified, the borrower/client will propose and implement targeted measures so that adverse impacts do not fall disproportionately on them and they are not disadvantaged in relation to sharing the benefits and opportunities resulting from development.</p>	<ul style="list-style-type: none"> The project has now carried out a social impact assessment as part of the ESIA but this occurred after the land transfer with historic leaseholders. 		<ul style="list-style-type: none"> The SIA includes the identification of social receptors (including vulnerable groups), social impacts and corresponding mitigation measures The only historic leaseholder is not vulnerable and has a very successful business. 	None
Resettlement Planning				
<p>Para. 17 –The borrower/client will prepare a resettlement plan if the proposed project will have involuntary resettlement impacts. The objective of a resettlement plan is to ensure that livelihoods and standards of living of</p>	<ul style="list-style-type: none"> The project has not caused any physical displacement and a resettlement action plan is not required. 		<ul style="list-style-type: none"> A livelihood restoration plan is currently being developed for the project for leaseholders along the overhead transmission line which includes the historical landowner who leases land along the line. No 	None

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ADB SPS 2009	Findings and observations	Compliance	Justification	Corrective Actions
displaced persons are improved, or at least restored to pre-project (physical and/or economic) levels and that the standards of living of the displaced poor and other vulnerable groups are improved, not merely restored, by providing adequate housing, security of land tenure and steady income and livelihood sources.			compensation of livelihood restoration is required for the Solar PV Area however.	
Para. 18 – A resettlement plan will be based on the social impact assessment and through meaningful consultation with the affected persons.	<ul style="list-style-type: none"> The project carried a social impact assessment as part of the ESIA. 		<ul style="list-style-type: none"> A livelihood restoration plan is currently being developed for the project for leaseholders along the overhead transmission line which includes the historical landowner who leases land along the line. No compensation of livelihood restoration is required for the Solar PV Area however. 	None
Para. 19 – The borrower/client will analyse and summarize national laws and regulations pertaining to land acquisition, compensation payment, and relocation of affected persons in the resettlement plan. The borrower/client will compare and contrast such laws and regulations with ADB’s involuntary resettlement policy principles and requirements. If a gap between the two exists, the borrower/client will propose a suitable gapfilling strategy in the resettlement plan in consultation with ADB.	The livelihood restoration plan is currently being developed for the project		The LRP includes a comparison and gap analysis between GoU land regulations and ADB requirements	None
Para. 20 – All costs of compensation, relocation, and livelihood rehabilitation will be considered project costs.	Not applicable		No costs associated with historical resettlement	None
Para. 21 – The borrower/client will include detailed measures for income restoration and livelihood improvement of displaced persons in the resettlement plan. Income sources and livelihoods affected by project activities will be restored to pre-project levels. For	Not applicable		No livelihood impacts associated with historic resettlement	None

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ADB SPS 2009	Findings and observations	Compliance	Justification	Corrective Actions
	vulnerable persons and households affected, the resettlement plan will include measures to provide extra assistance so that they can improve their incomes in comparison with preproject levels. The resettlement plan will specify the income and livelihoods restoration strategy, the institutional arrangements, the monitoring and reporting framework, the budget, and the time-bound implementation schedule.			
Para. 22 – Information in the RP maybe tentative until a census of APs have been completed.	Not applicable		LRP has 100% asset valuation and detailed list of affected PAPs, including historic leaseholders	None
Para. 23 – Projects with significant involuntary resettlement impacts will need adequate contingency funds to address involuntary resettlement impacts that are identified during project implementation. The borrower/client will ensure that such funds are readily available.	Not applicable		No significant impacts associated with historic resettlement	None
Para. 24 – The borrower/client will use qualified and experienced experts to prepare the social impact assessment and the resettlement plan.	ESIA and LRP are currently being developed		Masdar retained AECOM Ltd and it subconsultant GBI (based in Uzbekistan) for the development of the social impact assessment and LRP	None
Negotiated Land Acquisition				
Para. 25 – Safeguard Requirements 2 does not apply to negotiated settlements, unless expropriation would result upon the failure of negotiations.	Not Applicable		Only applicable in case of private ownership	None
information Disclosure				
Para. 26 – The borrower/client will submit the resettlement plans and resettlement monitoring documents to ADB for disclosure on ADB’s website.	LRP is currently being developed		Masdar is committed to disclose submit the LRP to ADB for disclosure on ADB’s website.	None
Para. 27 – The borrower/client will provide relevant resettlement information in a timely manner, in an accessible place and in a form and language(s) understandable to affected persons and	As above		Project SEP includes appropriate disclosure mechanisms	None

ADB SPS 2009	Findings and observations	Compliance	Justification	Corrective Actions
other stakeholders. For illiterate people, suitable other communication methods will be used.				
Consultation and Participation				
Para. 28 – The borrower/client will conduct meaningful consultation with affected persons, their host communities, and civil society for every project identified as having involuntary resettlement impacts. Meaningful consultation is a process that (i) begins early in the project preparation stage and is carried out on an ongoing basis; (ii) provides timely disclosure of relevant and adequate information; (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.	Not applicable		The leaseholder handed back the leaseholder willingly and consultation was appropriate for the level of impact	None – ensure ongoing implementation of the SEP
SPS 2 principle: Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations.	Not applicable		There is only one individual (with a household of one) who is not vulnerable.	None
Grievance Redress Mechanism				
Para. 29 – The borrower/client will establish a mechanism to receive and facilitate the resolution of affected persons' concerns and grievances about displacement and other project impacts, paying particular attention to the impacts on vulnerable groups. The grievance redress mechanism should be scaled to the risks and adverse impacts of the	Historically the leaseholders had access to the Khokimiyat to make any complaints but he didn't make any. A Grievance Mechanism has been established as part of the ESIA and LRP consultation		Historically the leaseholders had access to the Khokimiyat to make any complaints but he didn't make any.	None

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ADB SPS 2009	Findings and observations	Compliance	Justification	Corrective Actions
project. It should address affected persons' concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and accessible.				
Monitoring and Reporting				
Para. 30 – The borrower/client will monitor and measure the progress of implementation of the resettlement plan. The extent of monitoring activities will be commensurate with the project's risks and impacts. In addition to recording the progress in compensation payment and other resettlement activities, the borrower/client will prepare monitoring reports to ensure that the implementation of the resettlement plan has produced the desired outcomes.	Not applicable		Not applicable due to only negligible impacts	None
Para. 31 – The borrower/client will prepare semi-annual monitoring reports that describe the progress of the implementation of resettlement activities and any compliance issues and corrective actions. These reports will closely follow the involuntary resettlement monitoring indicators agreed at the time of resettlement plan approval. The costs of internal and external resettlement monitoring requirements will be included in the project budget.	Not applicable		Not applicable due to only negligible impacts	None
Unanticipated impacts				
Para. 32 – If unanticipated involuntary resettlement impacts are found during project implementation, the borrower/client will conduct a social impact assessment and update the resettlement plan or formulate a new resettlement plan covering all applicable requirements specified in this document	Not applicable to historical resettlement but is applicable going forward		The project is committed to assessing and compensating for all involuntary resettlement impacts.	Where applicable the project will develop an addendum in line with the current LRP.
Special Considerations for Indigenous Peoples				

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ADB SPS 2009	Findings and observations	Compliance	Justification	Corrective Actions
<p>Para. 33 – The borrower/client will explore to the maximum extent possible alternative project designs to avoid physical relocation of Indigenous Peoples that will result in adverse impacts on their identity, culture, and customary livelihoods. If avoidance is impossible, in consultation with ADB, a combined Indigenous Peoples plan and resettlement plan could be formulated to address both involuntary resettlement and Indigenous Peoples issues. Such a combined plan will also meet all relevant requirements specified under Safeguard Requirements 3.</p>	<p>Not applicable</p>	<p></p>	<p>There are no indigenous peoples impacted by the project</p>	<p>None</p>

7. Corrective Action Plan

There are no specific actions that arise as a result of this SDD which focuses only historical resettlement within the Solar PV Area. The only affected household was a historical leaseholder who experienced negligible impacts for reasons outlined above. In addition to this, the household also has a leasehold that is impacted along the Overhead Transmission Line and thus is already included as an affected person in the Livelihood Restoration Plan giving the household access to all project information provided as part of this process as well as the project grievance mechanism.

Other informal users of the land still currently have access to the land at the time of writing this report and the impacts on them are assessed and addressed in the Livelihood Restoration Plan already being developed.

