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LAND REFORM PROJECT

**ANNUAL REPORT
FEBRUARY 2010 – JANUARY 2011**

5 February 2011

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Cover Photo: Tashabbuskor Vahobov Abdulhamid (far right) discusses land use issues with farmers in Pakhaobod Jamoat in Vose district following a focus group session to identify topics for future trainings.

HIGHLIGHTS OF THE FIRST PROJECT YEAR

- Led the Working Group on Structural and Land Reform’s preparation of a comprehensive set of proposed amendments to the Land Code that will create the framework for a market in land use rights;
- Advocated for amendments to the Law on Mortgage to introduce “truth in lending” provisions in line with international best practices;
- Prepared a legislative agenda for the Government of Tajikistan’s (GoT) Agricultural Reform Program that included a specific legislative road map for legislative development in 2011;
- Carried out four public-private dialogues to introduce public participation in land policy development and legislative drafting;
- USAID legal aid centers (LACs) successfully defended their clients in 17 out of 17 court cases with an additional seven cases pending;
- Provided more than 4,000 legal consultations in LAC offices and over 2,600 consultations directly in farmers’ fields on land-related legal issues;
- Conducted 300 local trainings in farmers’ fields on demand-driven topics with more than 5,000 participants;
- Developed and published the following informational brochures: Commentary on the Law on Dehkan Farms, Land Use Contracts for Dehkan Farms, the Reorganization and Creation of Dehkan Farms, and Legislation on Land Relations; and
- Informed farmers and the general public about land rights issues through nine editions of the project newspaper, 21 television programs, and 22 radio programs.

LEGISLATIVE DRAFTING AND LAND POLICY ACTIVITIES FEBRUARY 2010 – JANUARY 2011

Activity 1.1.1. Legal Drafting

Central to land reform in Tajikistan is the establishment of a legislative and regulatory framework, which will encourage the growth of a private market in land use rights. The fundamental law, upon which all other land reform legislation and regulations are based, is the Land Code. Amendments are critical to eliminate the vagueness and ambiguities of the present Land Code.

The Working Group on Structural and Land Reform (WG) prepared draft amendments to the Land Code prior to the commencement of the project, but the donor community sought to conduct a risk assessment before submitting the proposed amendments to the Government of Tajikistan (GoT). As the project got underway, the Food and Agriculture Organization of the United Nations (UNFAO) drafted a scope of work for an international consultant to conduct a formal risk assessment. The project was the principle facilitator for the consultant, helped the specialist to frame the issues and dispel legal misconceptions, and also assisted with logistics to allow the consultant to complete the risk assessment by the end of June 2010.

Thereafter, the project worked with the donors and the GoT to arrive at a consensus concerning the issues that the amendments should address, and then assisted the WG in

completing a new draft of proposed amendments. In accomplishing this, project specialists met with Deputy Prime Minister Alimardon on several occasions to report on the outstanding issues. The project presented a complete draft of the amendments to Deputy Prime Minister Alimardon in November 2010, and he directed the Chair of the WG to present the proposed amendments to the GoT early in 2011. The draft of the proposed amendments currently resides with the President's Administration, which will soon submit the draft to the relevant committees, agencies and institutions of the GoT for review and comment in preparation for formal submission to the Parliament.

Activity 1.1.2. Working Group Secretariat

Throughout the year the project served as the driving force behind the activities of the WG and has kept the WG focused on the essential legal principles required to create the framework for a market in land use rights. The COP and Senior Lawyer identified key issues for the WG to address and prepared numerous technical memoranda to support the proposals of both GoT and donor members of the WG. The project's leadership of the WG ensured that proposed amendments to the Land Code embodied key market principles and were completed by the end of the year.

In addition, the WG with support from the project assisted the World Bank team in developing a draft regulation regarding the withdrawal of farmers from dehkan (private) farms. Both the COP and the Senior Lawyer for the project made substantive comments on drafts, which the World Bank incorporated into the final draft during the summer of 2010.

The project engaged in discussions with the Working Group on New Financial Mechanisms concerning the need for amendments to the Law on Mortgage. The COP delivered a presentation to that working group in October 2010 that demonstrated the need for amendments to provide greater protections for debtors, including "truth in lending" provisions, in order for the fair and equitable mortgaging of land use rights.

Finally, the project engaged two Ukrainian specialists to conduct a WG retreat on market valuation of land use rights, which was attended by the Chair of the WG, a member from the World Bank Cadastre Project, a member of the National Bank, and the project Senior Lawyer, among others. The specialists also held individual meetings with local counterparts from the Land Committee, the World Bank, and a private real estate company. They reviewed the Tajik legislation and concluded that as presently constituted the legislative framework can support market land use rights appraisal.

Activity 1.1.3. National Strategies

The COP has served as a prominent expert at several important retreats, workshops, and conferences aimed at producing a long-term agricultural reform policy. The COP presented land tenure issues on behalf of the donor community to Ministry of Agriculture officials at its National Conference in June 2010. Deputy Prime Minister Alimardon chaired and top members of the GoT and members of the Donor Coordination Council (DCC) participated in this conference. Based on the conference proceedings, the Minister of Agriculture developed and presented an Agricultural Reform Program, which identified strategic directions and methods for increasing living standards of the rural population and improving food security in the country to 2015. Following the release of the Minister's strategy, the project prepared a general legislative agenda for the GoT's strategy and a specific legislative agenda for the Ministry of Agriculture to pursue commencing in 2011.

The COP and the Senior Lawyer made several presentations on fundamental legislation for the formation of land markets to Deputy Prime Minister Alimardon during his regular meetings with the members of the DCC. In addition, the project engaged in frequent

consultations with specialists from the donor community representing the European Bank for Reconstruction and Development's (EBRD) Tajikistan Agricultural Financing Facility (TAFF) Project, UNFAO, the Organization for Security and Cooperation in Europe (OSCE), the European Commission (EC) and others to systematize the legislative program for land reform consistent with GoT Resolution No. 406. To implement the reforms, UNFAO, which serves as the agricultural policy coordinator for Deputy Prime Minister Alimardon, requested that the project prepare a "road map" for legislative development in 2011. The project COP, Senior Lawyer, and the Policy Coordinator created a draft road map and submitted it to UNFAO for review in mid-January 2011. The nucleus of the document suggests amendments to the Land Code, the Law on Mortgage, and a draft Law on Service Cooperatives. These project specialists share the opinion that the existing Law on the State Registration of Immovable Property and Rights to It is sufficient for title registration purposes, but requires a detailed plan and schedule for implementation. The road map also provides the context and background for the legislative program, describes the benefits and deficiencies of each piece of legislation, proposes issues to address, and sets a timeline for further work.

The project also participated in a Department for International Development (DfID) program along with the Ministry of Agriculture and TAFF to develop a system for monitoring the social consequences of agricultural reform. The COP gave a presentation outlining the social benefits and risks of land reform, and presented a draft document to the participants for review and comment, at a retreat in January 2011.

Activity 1.2.1. Public-Private Dialogue

To broaden the participation in policy development to the stakeholders who are directly affected by land reform, the project engaged lawyers, farmers, governmental officials, NGOs, agribusiness and local representatives of donor organizations in public-private dialogues. The project used these dialogues to solicit input regarding the drafting, amending, and review of laws, legal acts and regulations under development at the national level. The project conducted four such events, including two jointly with the International Finance Corporation's (IFC) Tajikistan Agribusiness Finance and Business Enabling Environment (BEE) Project. The location, topics, and number of participants for these dialogues were as follows:

- draft rule prepared by the World Bank regarding withdrawal from an existing dehkan farm in Shahritus, attended by 26 participants;
- joint effort with the IFC BEE regarding interference by local government in farming operations, burdensome tax and statistical reporting, and other issues in Isfara, attended by 31 participants;
- another joint public-private dialogue with IFC BEE regarding agribusiness in Qurghonteppa attended by approximately 150 participants. The project distributed more than 100 brochures on land-related issues; and
- presentation on "Market Evaluation of Land Use Rights" in Shahritus attended by 17 people.

These dialogues, along with written solicitations from the project's legal aid centers (LACs), resulted in the submission of 13 specific comments or suggestions to the project recommending improvements to the Land Code and the Tax Code.

LAND RIGHTS AWARENESS AND PROTECTION ACTIVITIES FEBRUARY 2010 – JANUARY 2011

Activity 2.1.1. Legal Aid

In August 2010 the project executed grant agreements with ten local NGOs to establish LACs that provide training, legal consultations, and court representation services to farmers and rural citizens in 13 rayons in Khatlon and 11 rayons in Sughd. Each LAC supports at least five tashabbuskors (community activists) throughout the jamoats in their target regions, utilizing a hub-and-spoke system to assist farmers in protecting their land-related rights.

Through January 15, 2011, the project-supported LACs provided more than 4,000 legal consultations in LAC offices and over 2,600 consultations directly in farmers' fields. LACs also successfully mediated 34 disputes with an additional 19 in progress. Tashabbuskors assisted farmers in their local communities by facilitating nearly 450 roundtables that brought together relevant stakeholders to resolve specific problems. Additionally, the project helped farmers execute 106 land transactions. Two of the transactions were exchange agreements and all others were leases. There were no sale/purchase transactions during Year 1.

Project LACs successfully defended farmers' land-related rights in 17 out of 17 court cases during Year 1, with an additional seven cases on appeal or in process. The court cases initiated during Year 1 deal with a range of issues, such as the following:

LAC Bonuvoni Fardo. *Tunsunova v. Utaev, Tulangov, and the Local Government of Qabodiyon rayon.* The local government improperly allocated a land plot pursuant to documents that did not comply with the laws of Tajikistan.

LAC Makazi Dastgirii Huquqi Shahrvand. *Rahmonberdiev v. Local Government of Ghonchi rayon.* Successful action to recover land that had been taken from the plaintiff by improper action of the local government and misapplication of the Land Code by the court.

Chairman of Dehkan Farm "A. Fozilbobo" v. Tax Inspection of Zafarabad rayon. The court eliminated tax debt and fines which had been imposed upon the farm during its reorganization.

Chairman of Partnership Dehkan Farm "Khoji Tojiboy" v. Executive Department of Local Government Authority of Istaravshan City. Currently on appeal, the plaintiff is seeking cancellation of a local government decision regarding the allocation of a parcel of land.

Majidov, Nabiev, Berdikulov, and Dehkan farm "Selkan-3" v. Dehkan farm "Selkan." The court upheld the decision of the reorganization Commission that Selkan-3, which was one of three DFs created in the reorganization of Selkan, was entitled to certain property, which the Chairman of Selkan refused transfer to plaintiff.

Abdulloev v. Production Cooperative "A. Rudaki." The court held that A. Rudaki owed the plaintiff US\$1,813.25 plus interest in the amount of US\$2,175.90 for cotton that the A. Rudaki Cooperative had not paid for.

LAC Association Women & Society. *Family Dehkan Farm "Khoji Sharif" v. Local Government of B. Gafurov rayon and Land Committee of B. Gafurov rayon.* The Economic Court of Sughd oblast overturned the cancellation and awarded the land to the plaintiff despite the prosecutor's argument the land plot had been allocated to another party in 1989.

Dehkan Farm “A. Kamolov” v. Court Executors of Economic Court of Sughd Oblast. Dehkan Farm “A. Kamolov,” currently on appeal, is seeking action to cancel TJS 112,070 in debt that it claims had been improperly allocated.

LAC Center Zashiti I Sotrudnichestva. *Chairman of Family Dehkan Farm “Kattaeva Shoirra” v. shareholders Kattaev S., Kattaev A., Olimov Z., Olimova S., Hasanov A., Umarov A., and Umarova S.* Successful case that reversed the trial court’s decision and upheld the withdrawal from the dehkan farm of the defendant members of the farm.

Director of LLC Parpiev Aminjon, Isfara city, jamoat Shahrak v. Private Entrepreneur Muhiddinov, Isfara city, jamoat Navgilem and the Legalization Committee of Isfara city. The court reversed a decision of the legalization committee of Isfara city authorizing residential construction, since the land was designated for industrial purposes.

LAC Zanoni Dehot. *Haidarov v. Berdyev Ch., Berdyev G., Berdyev I. and Local Government of Qabodiyon rayon, jamoat S. Khudoiqulov.* The court negated a government decision on land allocation to the plaintiff upon proof that the allocation was based upon falsified documentation.

LAC Ilhom. *Chairman of Dehkan Farm “Navbahor” of Kulyab rayon Abdulhalkov. v. OJSC “Pakhtai Kulob” Director Mirzoev.* The plaintiff successfully sued for the non-payment of the amount of TJS 36,000 for 8.1 tons of cotton that had been sold by the defendant to a third party without proper notice to the plaintiff.

Kudratov, Representative of Production Cooperative “R. Kosimov” v. Nasimov. The court entered judgment in favor of the LAC client reducing the amount of rent due by TJS 2,500 based upon the amount as stated in the lease agreement.

LAC Saodat. *Members of Dehkan Farm “Narshakhi” v. Hukumat and Land Committee of Mastchinski Rayon.* This is a pending court case void a transfer of a land plot where a lease in favor of plaintiff had not yet terminated.

Land Committee of Mastcho rayon v. Dehkan Farm “Mullorakhim”, Rozikov, and Berdiev (defended by LAC). The plaintiff seeks termination of land use rights on the basis of written statements by the Chairman of the defendant DF. The Sughd Oblast Economic Court terminated the land use rights to part of the plot. The case is now under consideration again in a retrial.

LAC Bonuvoni Khunarmand. *Dehkan Farm “Karabchi” and Raimkulov v. Dehkan Farm “Lochinbek” Director Abdulloev.* This was a successful suit for arrears in rent in the amount of TJS 19,152 based upon the lease agreement.

Activity 2.1.2. Farmer Training

The project engages the LAC-tashabbuskor network to provide training on land-related rights and obligations to farmers and rural land users. Upon award of the LAC grants, the project conducted training of trainers (ToT) sessions for LAC personnel and developed modular training materials to assist LACs in educating farmers in the field on issues regarding basic land and property rights, farm reorganization, freedom to farm, farm management, debt, and taxation procedures.

The network of tashabbuskors serve as frontline advocates for farmer training by organizing focus groups in their local communities to identify specific topics for LAC trainings. During

Year 1, Tashabbuskors held focus groups with over 3,700 participants, which led to 300 local trainings in farmers' fields for more than 5,000 farmers on demand-driven topics.

Activity 2.1.3. Freedom to Farm Monitoring

The project has teamed with the World Bank and DfID on a joint effort to carry out a comprehensive Knowledge, Attitudes, and Practices (KAP) study to capture data regarding freedom to farm. The project assisted the World Bank in developing the concept note entitled "Assessing Development Impacts on Rural Vulnerability and Resilience: Evidence from Land Reform and Sustainable Agriculture Efforts" during the summer of 2010 and later assisted the lead World Bank consultant in drafting the survey instrument.

The project helped the World Bank consultant to refine the survey instrument and select a local survey firm, which culminated in the Inception Workshop held in January 2011. As agreed with the World Bank and DfID, the project will fund the consultant's visit to Tajikistan at the end of May 2011 to review gathered data, and will contract the same firm as the World Bank to conduct the survey in five of the anticipated 17 rayons covered under the study. Furthermore, the project's LAC-tashabbuskor network will conduct focus groups, pilot the survey instrument, and disseminate information.

Activity 2.1.4. LAC Sustainability

The project coordinated with the Swiss Agency for Development and Cooperation (SDC) - funded NetLAC project, implemented by Helvetas, on LAC training issues, and continues to work together to develop training programs and leverage resources to improve the sustainability of LACs.

Project staff provided critical feedback on LACs' training, legal consultation, and internal control procedures, and developed their findings into written reports highlighting areas for LACs to improve activities and strengthen M&E systems. Additionally, the project provided LACs with formal trainings on implementing and utilizing M&E systems to improve their internal systems and on grant writing to increase their capacity to diversify funding sources.

Activity 2.1.5. LAC Monthly Meetings

The project regularly conducted coordination meetings for LACs in Sughd and Khatlon that included "break out" sessions for lawyers, trainers, and coordinators to discuss outcomes, lessons learned, problems experienced, and best practices. Additionally, the project used coordination meetings to train LACs to better implement project activities. LACs alternated hosting the coordination meetings in Sughd and Khatlon respectively. All LACs observed while the host ran a full training event with participants. After the training, all LAC participants critiqued the event and highlighted best practices to incorporate into their own training activities.

Activity 2.1.6. LAC Coordination Group

The project coordinated with the Asian Development Bank (ADB), OSCE, DfID, Agency for Technical Cooperation and Development (ACTED), UNFAO, United Nations Development Fund for Women (UNIFEM), USAID Productive Agriculture Project, USAID Family Farming Project, USAID Water Users Association, and others to provide information to farmers.

After the project executed a formal memorandum of understanding with the NetLAC project, the DCOP met biweekly with the Helvetas' NetLAC Senior Technical Advisor to coordinate efforts and leverage resources. Furthermore, the DCOP was appointed to the NetLAC Development Fund Committee, which provides grants to local NGOs that offer land-related legal training or services, and the COP was appointed to the NetLAC Steering Committee,

which meets semi-annually to assess the overall progress of the project and strategically plan future activities.

Activity 2.1.8. LAC Training

The project conducted trainings for all LACs and tashabbuskors, covering a range of topics, including: interactive training methodologies; strategies for conducting comprehensive legal consultations; basics of court proceedings; facilitating public-private dialogs, roundtables, and focus groups; advocacy basics; developing success stories for use in media; and performance monitoring and management. The project also printed and distributed a comprehensive reference manual for LAC lawyers and implemented a variety of trainings on technical land issues, including dehkan farm bankruptcy, dehkan farm labor relations, debt transfer during farm reorganization, procedures for obtaining land shares, and land-related competencies of local governmental authorities.

Activity 2.2.4. Public Education Materials

The project developed and published the following informational brochures: Commentary on the Law on Dehkan Farms, Land Use Contracts for Dehkan Farms, the Reorganization and Creation of Dehkan Farms, and Legislation on Land Relations. More than 4,500 copies of printed materials were distributed through the project network of LACs and tashabbuskors.

Two articles highlighting the project's success in defending farmers' rights in court to the newsletter were published by the European Union Support to the Establishment of a National Agricultural Advisory Service Project (EU SENAS).

Activity 2.2.5. Media Outreach

Newspaper. The project published nine editions (total of 25,000 copies) of the project newspaper, which covered issues such as mortgages, improper debt transfers, transportation-related taxes, pensions for dehkan farmers, benefits of farm reorganization, tashabbuskor activities, and various success stories.

Television and Radio. The project produced and aired 21 ten-minute television programs and 22 twenty-minute radio programs on topics such as: services provided by project-supported LACs and tashabbuskors, taxation of dehkan farms, dehkan farm registration procedures, the rights and responsibilities of local government authorities in private agricultural activities, and various success stories.

ACTIVITIES FOR NEXT BI-MONTHLY REPORTING PERIOD

- Continue to support the WG by developing overall work plans, assisting with policy development and providing technical legal drafting;
- Promote the adoption of the proposed amendments of the Land Code by the Parliament;
- Draft key amendments to the Law on Mortgage and present to the WG and the WG on New Financial Mechanisms;
- Assist in the field testing and conducting of the knowledge, attitudes, and practices study in cooperation with DfID and the World Bank;
- Conduct competitive grant award process to insure that the project is working with the most effective NGOs as LACs; and
- Carry out start up training for all LAC partners immediately following grant awards.

ANNUAL REPORTING ELEMENTS

Highlights of performance against planned accomplishments and indicators

Measured against the first year work plan the project has:

- Drafted a comprehensive set of amendments to the Land Code;
- Identified deficiencies in the Law on Mortgage and advocated for the WG on New Financial Mechanisms to introduce “truth in lending” provisions;
- Conducted four public-private dialogues on high-level policy and legislative issues, including the proposed Land Code amendments and on land use rights valuation;
- LACs resolved 94% of disputes to the satisfaction of project clients, including successfully representing farmers in 17 out of 17 court cases;
- The LACs conducted 6,667 consultations concerning land related issues;
- The LACs conducted training, roundtables, and focus group discussion events with a total of over 16,750 participants;
- Published nine editions and distributed 25,000 copies of the project newspaper; and
- Produced and aired nationally twenty-one 10-minute television programs and twenty-two 20-minute radio programs to inform farmers and the general public about land right issues and the progress of land reform efforts.

A detailed update on project performance against planned accomplishments and indicators is presented in the annex below.

Variance from the Performance Monitoring Plan (PMP)

The project did not work on implementing regulations for the conveyance of land use rights, amendments to the Law on Land Management, or amendments to the Civil Code, because these issues should be drafted in the context of the proposed amendments to the Land Code, which the WG is currently promoting for adoption by Parliament.

In lieu of a modest baseline study, the project has leveraged resources by teaming with the World Bank and DfID to implement a much broader survey to capture data on both freedom to farm (Indicator #2 – Percentage of farmers who indicate that they exercise freedom of choice in crop type and acreage allocations for their arable land) and farmers’ knowledge (Indicator #8 – Percentage of citizens whose knowledge of land reform and its impact on their rights has improved). The project will report on these indicators as soon as survey results are available, which is expected in the summer of 2011.

The number of fee paying clients as a percentage of total clients was listed in the PMP for Year 1 as a measure of the sustainability of the LACs. This indicator is a carryover from previous land reform projects. An analysis of this indicator after the first four months of LAC activity suggests that this is not an appropriate indicator of sustainability, since the accuracy of available data is questionable, LACs not properly licensed to charge fees for the provision of legal services may not be able to legally accept payments from clients, and the range of activities that LACs might charge for is vague and indeterminate. The project proposes that the sustainability indicator be refined for Year 2 to include a well-defined and more precise quantitative measure, as well as appropriate qualitative measures in close cooperation with USAID.

Overview of publicity events and media coverage

The project facilitated broad media coverage of the ceremony and reception marking the official launch of the project's activities. Radio Tajikistan, Radio Asia Plus, Radio Vatan, and Radio Sadio Dushanbe all broadcasted information on the project during news updates. Additionally, Radio Tajikistan aired a 15-minute program and Radio Asia Plus aired a seven minute program that provided more detailed information on the project. TV stations TV-1, Safina, and Jahonnamo all carried coverage of the event during their news programs. TVT included coverage in Tajik during the "Akhbor" program and in Russian during the "Novosti" program. The newspapers *Jumhuriyat*, *Charkhi Gardun*, and *Asia Plus* provided printed coverage following the event.



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SUCCESS STORY

Defending Farmers' Rights in Court

USAID - supported legal aid centers help farmers exercise their rights against improper practices



Photo: Chemonics / Fozil Abdurashidov

A farmer from Navbahor farm examines his crop with the knowledge that he has the right to market his cotton as he wishes.

“Thanks to USAID and Mr. Kulbiev at LAC Ilhom, the ginnery finally paid what it owed us.” – Mr. Abdulkhakov

USAID-supported legal aid Ilhom successfully defended Navbahor farmers' rights in the Khatlon Economic Court.

In Tajikistan, farmers are frequently unaware of their rights and how to defend them, which makes them vulnerable to improper practices. In 2007, the Navbahor dehkan (private) farm entered into a contract with the Pahtai Kulob ginnery to process 43 tons of its cotton. Pahtai Kulob only returned 35 tons to the farm, having improperly sold eight tons of the farm's cotton to another firm. Pahtai Kulob eventually agreed to return the eight tons the following year, but once again did not fulfill its obligations. This significantly reduced Navbahor's revenue and prevented it from paying full wages to farm members. The farm had to take on additional debt to continue operations, further hindering its viability.

Mr. Abdulkhakov, the Head of Navbahor farm, participated in a training on land use issues conducted by USAID Legal Aid Center (LAC) Ilhom, which provides legal services and training for rural land users in the Kulob district. LAC lawyer Mr. Kulbiev advised Mr. Abdulkhakov on his contractual rights vis-à-vis the agreement with Pohtai Kulob and how the ginnery breached those rights. Navabahor engaged the LAC to help it enforce its rights. The LAC first sought to resolve the problem with Pahtai Kulob through mediation, but to no avail. Following careful review of all relevant documents and legal issues, the LAC represented Navbahor in the Economic Court in Khatlon in August 2010. The court issued its decision in favor of Navbahor in October and ordered that Pahtai Kulob pay its debt in full to Navbahor.

Thanks to assistance from the USAID Land Reform Project, the farm provided full salaries for the first time in two years to its 60 members, 42 of whom are women, and paid off most of its debt. Word of LAC Ilhom's success quickly spread throughout the region. Now LAC Ilhom is representing the Firdausi farm, which alleges Pahtai Kulob owes the farm US\$4,000 from last year's harvest.

The USAID Land Reform Project is one of the many assistance projects the American people, through USAID, have provided in support of the people of Tajikistan. Since 1992, the American people have provided approximately \$900 million in programs that support Tajikistan's democratic institutions, health care, education and economic growth.

ANNEX 2 – CONSOLIDATED TABLE OF INDICATORS FOR THE PERIOD FEBRUARY 1, 2010 TO JANUARY 15, 2011

Project Goal: Support effective implementation of land reform in the agriculture sector					
Expected results:					
<ul style="list-style-type: none"> • Improved freedom to farm in terms of crop type and acreage allocation decisions. • Increased number of pledged, sold/bought, conveyed and leased land use rights. 					
Indicator	Definition	Disaggregation Available	Baseline	Targets	Results
1. Number of rural land transactions facilitated by project-supported legal aid centers (LACs).	This is a count of land transactions, whether involving a purchase/sale, lease, or exchange, facilitated by project LACs. Inheritance is not included as it occurs independent of the land market.	<ul style="list-style-type: none"> • By type of transaction: sale and purchase, land lease, exchange of land • By district • By gender 	73 occurred during USAID Land Reform and Market Development II	<p>Year 1: 50 transactions</p> <p>Year 2: 150 transactions (cumulative with Year 1)</p> <p>Year 3: 300 transactions (cumulative with Years 1 and 2)</p>	<p>Total: 106</p> <p>(105 rent and 1 exchange transactions)</p>
2. Percentage of farmers who indicate that they exercise freedom of choice in crop type and acreage allocations for their arable land.	This is the percentage of farmers who exercise their freedom to farm, in accordance with project land reform messages, as determined by periodic project and other donor-supported freedom to farm surveys.	<ul style="list-style-type: none"> • By gender • By oblast • By district • By type of farm: agricultural enterprises, company, collective dehqan farm, extended family dehqan farm, individual dehqan farm • By crop(s) planted 	52% based on winter 2009 WB survey, will revise if necessary following planned survey	<p>Year 1: 55 percent indicate they exercise freedom to farm</p> <p>Year 2: 60 percent indicate they exercise freedom to farm</p> <p>Year 3: 65 percent indicate they exercise freedom to farm</p>	Results will be available as following the joint USAID-World Bank-DfID Knowledge, Attitudes, and Practices survey in the summer of 2011.

Project Intermediate Result 1: Legislative drafting and land policy supported

Expected result

- Improved and proper implementation of new and/or amended land-related laws.
- Increased public participation in the land reform process.

Key Results Area 1.1 Laws policies and implementing procedures to strengthen property rights improved

Indicator	Definition	Disaggregation Available	Baseline	Targets	Results
3. Number of laws, decrees, and regulations on land policy drafted and presented with Land Reform Project assistance, as well as development of procedures and forms, as necessary.	This is a count of laws, amendments, decrees and regulations drafted, assisted with, and presented to the GoT or the Majlisi Oli and the count of formal procedures and forms developed by the Land Reform Project on issues related to land policy as requested by the Working Group.	<ul style="list-style-type: none"> • Laws • Decrees • Amendments • Regulations • Procedures • Forms • Other 	N/A	<p>To respond to comments by GoT and Donors:</p> <ol style="list-style-type: none"> 1. Draft amendments to the Land Code accordingly (Month 3) <p>To draft and present:</p> <ol style="list-style-type: none"> 1. Law on Market Valuation of Land (Months 6-7) 2. Amendments to the Law on Land Valuation, if necessary (Months 6-7) 3. Law on Rent/Lease (Months 5-6) 4. Amendments to the Law on Mortgage (in cooperation with the WG on New Financial Mechanisms) (Month 3) 5. Amendments to the Civil Code, (Months 2-6) 6. Amendments to the Law on Land Management (Months 4-8) 7. Amendments to the legal framework related to Dehqan Farms and farmers <p>To provide support and comment on:</p> <ol style="list-style-type: none"> 1. Law on the State Registration of Immovable Property and Rights to It, (Months 1-6) 	<p>Drafted comprehensive amendments to the Land Code</p> <p>Law "On appraisal activity" (RT Law Edition #428 dated 6.10.2008) needs no amendment;</p> <p>Methodology on Land Use Right Valuation drafted and presented to WG.</p> <p>Law on Appraisal Activity reviewed by WG and commented on that the law needs no amendments</p> <p>Made presentation with regard to deficiencies in the Law on Mortgage to the WG on New Financial Mechanisms and provided written commentary</p> <p>Reviewed the Law on State Registration of Immovable Property and Rights to It and concluded that the law is presently sufficient for its intended purpose</p> <p>Provided the Ag Reform coordinator with written commentary on the draft Law on Dehqan Farms drafted by the Ministry of Justice</p>

Key Results Area 1.2 Local demand for land reform strengthened

Indicator	Definition	Disaggregation Available	Baseline	Targets	Results
4. Number of public private dialogues on land policy.	This is a count of meetings, roundtables, fora, and other venues, where civil sector actors (i.e. legal advocacy representatives, farmers, and others) interact with government officials regarding specific, demand-driven provisions of land policy and legislation.	<ul style="list-style-type: none"> • By policy issue (e.g. Law on Mortgage, implementing regulations on conveyance of land use rights, etc.) • By participating government entity • By geographic origin of civil sector actors 	Four public-private dialogs occurred during Land Reform and Market Development II	<p>Year 1: 4 dialogues</p> <p>Year 2: 12 dialogues (cumulative with Year 1)</p> <p>Year 3: 18 dialogues (cumulative with Years 1 and 2)</p>	<p>Total: 4 dialogs</p> <p>(Two took place in Shahritus, one in Qurghonteppa 1 (jointly with IFC), and one in Isfara 1 (jointly with IFC).</p>
5. Number of comments from local groups and farmers regarding draft land legislation and regulations, or suggestions for needed changes to the legal framework.	This is a count of the number of comments or suggestions from local LACs, associations, both public and private, farmers, advocates and private individuals.	<ul style="list-style-type: none"> • By organization making comments/suggestions • By policy issue (e.g. Law on Mortgage, implementing regulations on conveyance of land use rights, etc.) • By geographic origin of civil sector actors 	N/A	<p>Year 1: 4 comments or suggestions</p> <p>Year 2: 10 comments or suggestions (cumulative with Year 1)</p> <p>Year 3: 18 comments or suggestions (cumulative with Years 1 and 2)</p>	<p>Total: 13</p> <p>(9 comments/suggestions to Land Code and 4 to Tax Code)</p>

Project Intermediate Result 2: Land rights awareness and protection increased

Expected results

- Increased awareness of land users of their land-related rights and obligations and their increased capacity to realize those rights both through in-court and out-of-court procedures.
- Improved capacity of LACs to contribute to the sustainable provision of legal services and training for farmers and rural citizens.

Key Results Area 2.1 Property rights secured and defended

Indicator	Definition	Disaggregation Available	Baseline	Targets	Results
6. Percentage of disputes resolved to the satisfaction of project clients.	The denominator is a count of LAC case files opened with LAC support. The numerator is a count of LAC case files closed with a favorable outcome for the client ¹ .	<ul style="list-style-type: none"> • By court case, mediation, or agreement of parties, formal complaint • If court case, by type of court • By farm and number of farmers • By LAC • By gender • By district • By type of dispute: lease, sale/purchase, mortgage, debt resolution, farm creation/reorganization, Resolution 111/312, inheritance, water use, access to finance, tax, other 	82 percent of cases resolved in favor of project clients during Land Reform and Market Development Project II	Life of Project: 85 percent of cases resolved in to the satisfaction of project clients.	<p>Total: 94% resolved in to the satisfaction of project clients</p> <p>In total, 51 of 54 out-of-court disputes and legal cases were resolved in favor of clients</p> <p>34 of 37 out-of-court disputes were resolved in favor of LAC clients</p> <p>17 of 17 court cases were completed all in favor of LAC clients</p>
7. Number of fee paying clients as a percentage of total LAC clients.	This is a count of which LAC clients pay for legal services, calculated as a percent with paying clients forming the numerator. Paying and <i>pro bono</i> clients form the denominator. These numbers will be tallied only for the project-supported legal aid centers.	<ul style="list-style-type: none"> • By type of client: family subsidiary farms, individual and family dehqan farms, partnership and cooperative dehqan farms, government body, join stock company, independent farmer, and other • By LAC • By type of dispute resolution: court case, mediation, agreement of parties • By gender • By amount of fee: > TJS 0, ≥ TJS 20, ≥ TJS 50, ≥ TJS 100, ≥ 500 TJS 	7.7% of clients assisted in resolution of disputes: court cases, mediation, and agreement of parties during LRMDP II	<p>Year 1: 8 percent of clients</p> <p>Year 2: 10 percent of clients</p> <p>Year 3: More than 10 percent of clients</p>	In total, LACs reported that 24 clients paid fees. As noted above, an analysis of this indicator after the first four months of LAC activity suggests that this is not an appropriate indicator of sustainability, since the accuracy of available data is questionable, LACs not properly licensed to charge fees for legal services may not be able to formally accept payments from clients, and the range of activities that LACs might charge for is vague and indeterminate. The project proposes that the sustainability indicator be refined for Year 2 to include a well-define quantitative measure, as well as appropriate qualitative measures, in close cooperation with USAID.

¹ Negotiated settlements will be considered successful because the client must agree to the settlement. As necessary, favorable outcomes will be based on clients' indication in an exit questionnaire that they are satisfied with the LAC's treatment of their claim.

Key Results Area 2.2 Knowledge of land use rights improved					
Indicator	Definition	Disaggregation Available	Baseline	Targets	Results
8. Percentage of citizens whose knowledge of land reform and its impact on their rights has improved.	This is the percentage of the population that has knowledge of land reform messages and the impact of land reform on their rights based on a survey conducted by the project supplemented by data from other donor survey instruments as possible.	<ul style="list-style-type: none"> By gender, as possible By oblast By district By primary and secondary sources of information: TV, Radio, Newspaper, Project Distribution Material, Seminar/Meeting, Other 	60% correct answers on basic knowledge test (based on 2008 KAP study), will revise if necessary based on anticipated study	<p>Year 1: 8 percent increase over baseline.</p> <p>Year 2: 12 percent increase over baseline.</p> <p>Year 3: 15 percent increase over baseline.</p>	Results will be available as following the joint USAID-World Bank-DfID Knowledge, Attitudes, and Practices survey in the summer of 2011.
9. Number of beneficiaries receiving direct and indirect assistance.	This is a count of all occurrences of individuals directly assisted by project-supported legal aid centers and Tashabbuskors, and all citizens indirectly assisted by receiving project-financed printed materials and all training program participants.	<ul style="list-style-type: none"> By gender By type of assistance: consultation, farm creation/reorganization, advocacy, mediation, arbitration, court case, training, materials distributed, newspapers distributed, other Oblast and district 	37,000 citizens received assistance during Land Reform and Market Development Project II	<p>Year 1: 35,000 beneficiaries</p> <p>Year 2: 75,000 beneficiaries (cumulative with Year 1)</p> <p>Year 3: 110,000 beneficiaries (cumulative with Year 1 and Year 2).</p>	<p>Total: 55,003</p> <p>Consultations: 6,667;</p> <p>Trainings, round tables, focus groups: 16,762;</p> <p>Farm creation/ reorganization: 181;</p> <p>Mediation/arbitration/court cases: 1, 893;</p> <p>Printed Materials: distributed copies to 29,500 farmers;</p>
10. Quantity and coverage of television and radio broadcasts and number of communications from viewers and listener, supplemented by data from project and other donor surveys	This is a count of all of the television and radio broadcasts and the corresponding coverage area of the respective broadcasts and a count of communications (calls, letters, emails, etc.) received from viewers and listeners. Additionally surveys and focus groups will be utilized to generate qualitative data to gauge recognition of project messages	<ul style="list-style-type: none"> By primary and secondary sources of information: TV, Radio, printed materials, Other 	20 TV programs and 29 radio programs aired and 427 communications received during LRMDP II which covered over 95% of the population.	<p>Year 1: 20 TV programs, 30 radio programs</p> <p>Year 2: 50 TV programs and 70 radio programs (cumulative with Year 1)</p> <p>Year 3: 70 TV programs and 100 radio programs (cumulative with Year 1 and 2)</p> <p>Results of project and other donor-supported studies will compliment the quantity and coverage data.</p>	<p>Total: 21 TV and 22 Radio programs</p> <p>Published 9 editions of project newspaper with total of 25,000 number of copies</p> <p>Project received 27 feedback telephone calls about TV and radio programs</p>