

Draft Land Acquisition and Resettlement Plan

August 2018

KGZ: Climate Change and Disaster-Resilient Water Resources Sector Project

Pravaya Vetka Irrigation System Subproject

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CONTENTS

| | |
|---|----|
| ABBREVIATIONS..... | iv |
| DEFINITION OF TERMS | v |
| 1. INTRODUCTION | 8 |
| 1.1. Project Overview | 10 |
| 1.2. Pravaya Vetka core subproject | 11 |
| 1.3. This LARP | 12 |
| 2. LAR IMPACT | 13 |
| 2.1. Detailed Measurement Survey | 13 |
| 2.2. LAR Impact..... | 13 |
| 2.3. Affected Trees and Crops | 14 |
| 2.4. Affected Households and Persons | 15 |
| 2.4.1. Affected Households and Persons | 15 |
| 2.4.2. Temporary Impacts | 15 |
| 3. SOCIOECONOMIC STATUS..... | 15 |
| 3.1. Kyrgyz Republic..... | 15 |
| 3.2. Djalal-Abad Oblast..... | 15 |
| 3.3. Affected Village..... | 15 |
| 3.4. Affected Households | 16 |
| 4. CONSULTATION & PARTICIPATION | 17 |
| 4.1. Information Disclosure..... | 17 |
| 4.2. C&P Activities Carried Out | 17 |
| 4.3. C&P Plan | 17 |
| 5. LEGAL FRAMEWORK AND ENTITLEMENT | 18 |
| 5.1. Country Legislation..... | 18 |
| 5.1.1. Constitution | 18 |
| 5.1.2. Civil Code..... | 19 |
| 5.1.3. Land Code..... | 19 |
| 5.1.4. Provisions on Registration of Rights..... | 20 |
| 5.1.5. Law on Grievances..... | 20 |
| 5.1.6. Provisions on Asset Valuation | 20 |
| 5.2. Safeguard Policy Statement of ADB | 20 |
| 5.3. Comparasion Kyrgyz Republic legislation and ABD Resettlement Policy..... | 22 |
| 5.4. Eligibility, Entitlements and Assistances | 24 |
| 5.4.1. Eligibility | 24 |
| 5.4.2. Compensation Entitlements..... | 24 |
| 5.4.3. Unforeseen Impacts | 24 |
| 5.5. Entitlement Matrix | 25 |
| 6. IMPLEMENTATION ARRANGEMENTS | 27 |
| 6.1. ADB | 27 |
| 6.2. MOA/PIU | 27 |
| 6.3. Consultant | 27 |
| 6.4. Ministry of Finance | 28 |
| 6.5. LAR Commission..... | 28 |
| 6.6. GRGs..... | 28 |
| 7. GRIEVANCE REDRESS MECHANISM..... | 28 |
| 7.1. Grievance Redress Mechanism | 28 |

| | |
|--|-----------|
| 7.1.1. Objectives..... | 28 |
| 7.1.2. Grievance Redress Groups..... | 29 |
| 7.1.3. Grievance Resolution Process..... | 29 |
| 7.1.4. Additional Mechanisms..... | 30 |
| 7.1.5. Complaint Documentation..... | 30 |
| 8. LARP IMPLEMENTATION SCHEDULE..... | 31 |
| 9. INCOME RESTORATION AND REAHABILITATION..... | 31 |
| 10. BUDGET..... | 32 |
| 10.1. Valuation of Land and Non-Land Assets..... | 32 |
| 10.1.1. Structures..... | 32 |
| 10.1.2. Trees and Crops..... | 32 |
| 10.2. Budget and Financing..... | 32 |
| 11. MONITORING AND REPORTING..... | 33 |
| APPENDIXES..... | 34 |
| Appendix 1. Public Consultations Minutes (fotomaterials and attendance sheet)..... | 34 |
| Appendix 2. GENERAL PROVISIONS OF THE VALUATION METHODOLOGY..... | 37 |
| Appendix 3. LETTER FROM NOOKEN RAYON WATER DEPARTMENT UNIT..... | 39 |
| Appendix 4. LETTER FROM KENESH AYIL OKMOTU..... | 41 |

LIST OF TABLES

| | |
|---|----|
| Table 1: Area of affected land plots of the AHs..... | 14 |
| Table 2: Affected Standing Crops and Trees..... | 14 |
| Table 3: General Socioeconomic Data of Rayon and Affected Village (2017)..... | 16 |
| Table 4: Socioeconomic profile of AH's..... | 16 |
| Table 5: Summary of Consultation Activities Undertaken..... | 17 |
| Table 6: Information Disclosure, C&P Plan..... | 17 |
| Table 7: Gaps and Reconciliation Provisions..... | 22 |
| Table 8: Entitlement Matrix..... | 25 |
| Table 9: Grievance Redress Procedure..... | 29 |
| Table 10: LARP Implementation steps and timeframe..... | 31 |
| Table 11: Budget Estimate..... | 32 |

LIST OF FIGURES

| | |
|---|-----|
| Figure 1: Location of the main project components..... | vii |
| Figure 2: Irrigation system of the Pravaya-Vetka canal..... | 12 |
| Figure 3: Affected assets and land plots..... | 14 |

ABBREVIATIONS

| | |
|------|--|
| ADB | Asian Development Bank |
| AH | Affected Household |
| APs | Affected Persons |
| C&P | Consultation and Participation |
| COI | Corridor of Impact |
| CSC | Construction Supervision Consultant |
| DP | Displaced Person |
| DWRM | Department of Water Resources Management under the Ministry of Agriculture, Food Industry and Land Reclamation |
| EA | Executing Agency |
| GRG | Grievance Redress Group |
| GRM | Grievance Redress Mechanism |
| IA | Implementing Agency |
| KR | Kyrgyz Republic |
| KGS | Kyrgyz Som (currency unit) |
| LAR | Land Acquisition and Resettlement |
| LARC | Land Acquisition and Resettlement Commission |
| LARP | Land Acquisition and Resettlement Plan |
| LARF | Land Acquisition and Resettlement Framework |
| LFP | Local Focal Point |
| MOA | Ministry of Agriculture, Food Industry and Land Reclamation |
| NGO | Non-Governmental Organization |
| PD | Preliminary Engineering Design |
| PIU | Project Implementing Unit |
| TRTA | Transactional technical assistance |
| RIB | Resettlement Information Brochure |
| RPIR | Resettlement Planning Information Brochure |
| SES | Socioeconomic Survey |
| SPS | Safeguard Policy Statement |

DEFINITION OF TERMS

| | |
|---|--|
| Compensation | – This is payment given in cash or in kind to affected persons (APs) at replacement cost or at current market value for assets and income sources acquired or adversely affected by the project. |
| Cut-off date | – Is the date when the DMS was completed (19 June 2018). Anyone who occupies or encroaches into the defined boundaries of the Project area after this date is not entitled to compensation and other assistance for affected assets and incomes. |
| Detailed Measurement Survey (DMS) | – With the use of approved engineering drawings, this activity involves list of assets affected, severity of impacts, and list of APs done during the preparation of this draft Land acquisition and resettlement plan (LARP). |
| Affected person (AP) | – Refers to any person or persons, household, firm, private or public institution that, on account of changes resulting from the Project, will have its (i) standard of living adversely affected; (ii) right, title or interest in any house, land (e.g., residential, commercial, agricultural, and/or grazing land), water resources or any other fixed assets acquired, possessed, restricted or otherwise adversely affected, in full or in part, permanently or temporarily; and/or (iii) business, occupation, place of work or residence or habitat adversely affected, with or without physical displacement. |
| Eligibility | – Eligible APs may fall under any of the following groups: (i) Those who have formal legal rights to land lost including customary and traditional rights; (ii) Those who do not have formal legal rights to land lost as of the cut-off date but have claims to such land or assets that are recognizable under national laws; and, (iii) Informal settlers who satisfy the condition for eligibility to compensation as provided in the definition of “cut-off date for eligibility”. Non-eligible APs include those making claims based on subsequent occupation after the cut-off date for eligibility. |
| Entitlements | – Refers to a range of measures, such as compensation in cash or in kind, income restoration support, transfer assistance, relocation support, etc., which are provided to the APs depending on the type and severity of their losses to restore their economic and social base. |
| Ethnic Minority | – People with a group status having a social or cultural identity distinct from that of the dominant or mainstream society. |
| Land acquisition | – Refers to the process whereby an individual, household, firm or private institution is compelled by a public agency to alienate all or part of the land it owns or possesses to the ownership and possession of that agency for public purposes in return for compensation at replacement costs. |
| Land Acquisition and Resettlement Plan (LARP) | – This is a time-bound action plan with budget, setting out the resettlement objectives and strategies, entitlements, activities and responsibilities, resettlement monitoring, and resettlement evaluation. |
| Relocation | – This is the physical displacement of an AP from his/her pre- project place of residence and/or business. |
| Replacement cost | – Means the amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs or depreciation and salvageable materials, at prevailing current market value at the time of compensation payment. |
| Severely affected Households | – This refers to AHs who that “are (i) physically displaced from their residences and have to relocate or (ii) losing from 10% or more of their income generating/productive assets. |
| Vulnerable groups | – These are distinct groups of people who might suffer disproportionately or face the risk of being further marginalized due to the project and |

specifically include: (i) female-headed households with dependents, (ii) household heads with disabilities, (iii) households falling under the generally accepted indicator for poverty, (iv) elderly households who are landless and with no other means of support, (v) landless households, (vi) ethnic minorities.

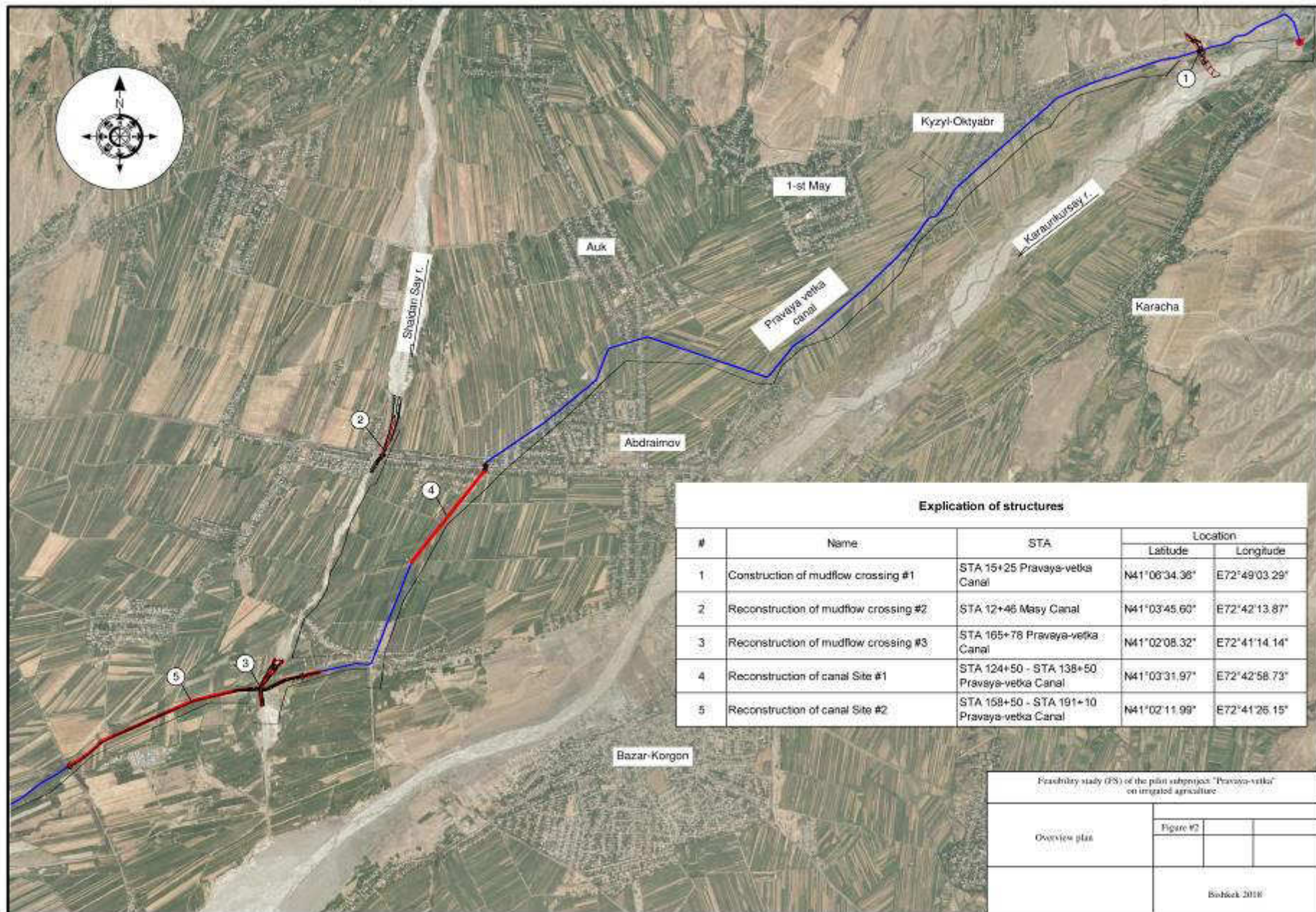


Figure 1: LOCATION OF THE MAIN PROJECT COMPONENTS

EXECUTIVE SUMMARY

This Land Acquisition and Resettlement Plan (LARP) is prepared for the Pravaya Vetka Irrigation System representative subproject of the Climate Change and Disaster-Resilient Water Resources Sector Project. It has been prepared in accordance with ADB's Safeguard Policy Statement (SPS 2009) and the regulations of the Kyrgyz Republic (KR).

The Pravaya Vetka subproject will be implemented in the Bazar-Korgon and Nooken Rayons in Jalal-Abad Oblast. The project will modernize main (primary and secondary) canals, lower-level (intra-farm and on-farm) canals and associated infrastructure such as protective mudflow crossing structures, and cross-regulators and offtakes. Civil works to be undertaken during the core subproject the Pravaya-Vetka canal reconstruction on two sections with a total length of 5.5 km. Two mudflow-crossing structures will be replaced and another one constructed.

This LARP addresses adverse social impacts due to changes resulting from the Project, and lays down the principles and objectives, eligibility criteria of the affected persons (APs), entitlements, legal and institutional framework, modes of compensation and rehabilitation, stakeholder's participation, grievance procedures, budget and monitoring.

The LARP is made on the basis of outcomes of the Detailed Measurement Survey (DMS), socio-economic surveys, results of the public consultation and participation in subproject areas and results of valuation of assets conducted during the preparation stage.

During project preparation, several measures were taken to minimize land acquisition and adverse social impacts (i.e. works to take place on public land or within boundaries of existing canals etc.).

No land acquisition will be necessary for the Pravaya Vetka Irrigation System subproject as all civil works will take place on the land owned by local self-government body.

The DMS was carried out in June 2018. The project will affect a total of 1,590 m² of land and 2 HH. All of the affected land is agriculture land. Also two trees – apple and walnut seedlings, which do not bring the harvest and 10 meters of the fence will be affected. Affected HH are not considered as severely affected and vulnerable HH as per ADB SPS (2009) requirements.

A Land Acquisition and Resettlement Policy Framework (LARF) was prepared based on legal and policy framework for compensation, resettlement and rehabilitation under the project is defined by the relevant laws of the Kyrgyz Republic and the ADB Safeguards Policy Statement (2009). In case of discrepancies between the Borrower's laws, regulations, and procedures and ADB's policies and requirements, ADB's policies and requirements will prevail. The resettlement principles and policies for this LARP are described in the LARF.

The main objective of this LARP is to replace and compensate for lost properties based on the principles of full replacement cost. The APs will be provided with various types of cash assistance for life stabilization as per government laws and regulations in addition to payment for land and non-land assets. The LARP will be updated following detailed design.

In the process of preparing this LARP, one public consultation meeting and large number of individual consultations were carried out with the affected households.

A public information brochure (RIB) was disclosed prior to the public consultation. The LARP will be disclosed in accordance with ADB SPS (2009) requirements.

The grievance redress mechanism (GRM) will consist of grievance resolution of two levels, the local and central levels. At each level, a grievance redress group (GRG) will be established. The role and responsibility of the GRGs is to accept claim and complaints, assess its validity, determine the scope of eventual impacts, and timely resolve the issue, including the claims regarding the compensation and maintain GRM as flexible and efficient to address and resolve the claims as raised during LARP and project implementation.

The Department of Water Resources and Melioration (DWRM) under the Ministry of Agriculture, Food Industry and Melioration and the Ministry of Emergency Situations (MOES) are the project Executing Agencies while the daily administration of the project will fall to the newly established project implementation unit (PIU). PIU will be established and will be supported by a project implementation consultant. The PIU within DWRM will be responsible for the LARP implementation, safeguards compliance and reporting.

The implementation of the LARP will be subjected to internal monitoring. Internal monitoring will focus on LARP implementation progress and will be conducted by PIU with assistance from Consultant.

The project will not include any category 'A' subprojects or civil works in accordance with ADB SPS (2009). For that reason, external monitoring of LARP implementation will not be necessary.

Costs for resettlement, including compensation for affected assets, allowances, operation and administration costs; surveys; monitoring; and reporting will be financed by the Project funds.

1. INTRODUCTION

1.1. Project Overview

1. Consultations with Government of the Kyrgyz Republic and civil society stakeholders have identified improvements to climate change and disaster resilience in the water resources sector as a priority area for climate change adaptation. In this context, ADB launched a transactional technical assistance (TRTA) to develop and prepare a proposed investment project to strengthen the resilience of the water resources sector to floods, landslides, and droughts in Kyrgyz Republic. The project was called “Climate Resilience and Disaster Risk Reduction in Water Resources Management”. The present Pravaya-Vetka core subproject is part of this project.

2. The sector modality is used for the project in light of the large needs for the adaptation to climate change and disaster risk reduction in water resources management of the country. The project develops a comprehensive approach that may be scaled up for additional locations. The key aspect of the Project will be to identify and prepare ‘model’ subprojects that will support the objectives and outcomes expected from a Sector Modality Project by progressively implementing replicable subprojects over an extended period.

3. The focus of the Project is on building climate resilience and enabling disaster risk reduction in the water resources sector to ease the burden on poor and vulnerable rural communities who are exposed to potentially significant impacts on water resource availability and damage to critical infrastructure (homes, roads, canals, land) from climate and natural hazards (particularly drought, flood, mudflows). It was outlined that a primary objective is to develop ways to address these key hazards, through the planning and design of ‘model’ subprojects. The project has three core outputs. These are:

- I. **Output 1: Irrigation infrastructure protected and modernized.** The project will modernize main (primary and secondary) canals, lower-level (intra-farm and on-farm) canals and associated infrastructure such as protective mudflow crossing structures, and cross-regulators and offtakes. A participatory planning, design, and management approach involving the DWRM, WUAs, and other key stakeholders will be mobilized to ensure equitable and sustainable outcomes. WUA and sub-WUA groups will be strengthened or established. Community-based contracting will be piloted for lower-level canal modernization in the core subproject, to be expanded to further subprojects if shown to be successful.
- II. **Output 2: Irrigation system and agricultural land management enhanced.** The project will strengthen management, and operation and maintenance (O&M) of target irrigation systems. In conjunction with output 1, the participatory planning approach will develop and implement joint DWRM-WUA irrigation system management plans including practical drought and climate risk management, water delivery scheduling, cropping patterns, and O&M financing and planning. WUA on-farm water management (OFWM) and agricultural management plans including irrigation scheduling, cropping patterns, and cultural methods will be developed, supported with capacity building including comparative field trials and farmer field days.
- III. **Output 3: National disaster risk management capacity improved.** The project will support capacity building and modernize equipment for national disaster risk management in the water resources sector. Heavy machinery and associated equipment for preventative and rehabilitation works will be purchased and installed in the Northern and Southern Emergency Response Centers of the MOES. This will be accompanied by development of an asset management plan and capacity building on disaster risk management including project planning. Hydrological posts for Hydromet will be installed in 20 sites within the project area, and the information systems for data collection, processing, and flood warning will be enhanced for improved efficiency and accuracy.

4. **Screening Criteria.** The following types of subproject should not be eligible and not be included in the project framework: i) subprojects that are not *necessary* to improve irrigation ¹ sub-systems. ²; ii) subprojects to be financed by other donors; iii) subprojects in transboundary systems; iv) subprojects in pumped irrigation systems and v) require land acquisition for construction new canals: new irrigation

¹ Herein, irrigation includes associated drainage and flood protection as well as agriculture and irrigation.

² Herein, irrigated sub-systems are inter-dependent, as they share common water source(s) or intake(s).

systems or expansion of existing irrigation systems into new irrigable service areas and vi) subprojects with category A for land acquisition and involuntary resettlement safeguards in accordance with ADB SPS requirements.

5. **Subprojects Selection Criteria.** The following proposed ranking criteria will be used during the selection of subprojects:

- *Potential Economic Viability.* Proposed unit subproject cost (\$ ha⁻¹) is an indicator of potential economic viability.
- *Potential Economic Benefits.* The ratio of incremental (total – present) area to total area (%), is an indicator of potential economic benefits as well as viability.
- *Adequate Water Supply.* The unit design discharge (liters second⁻¹ hectare⁻¹ or lps/ha), at the headworks, is an indicator of the adequacy of the water supply.
- *Poverty Alleviation.* Poverty incidence (%) will be used instead of the number of poor households served.

6. The Department of Water Recourse Management under the Ministry of Agriculture, Food Industry and Land Reclamation (MOA) is the “Executing Agency” while the daily administration of the project will fall to the newly established PIU of the DWRM under the MOA.

7. The ADB has provided transaction technical assistance that includes feasibility study, preliminary engineering design (PED). TRTA also provides for LARF which was prepared to guide an executing agency (EA) to prepare Land Acquisition and Resettlement Plan (LARP) during project implementation stage and draft LARP for core subproject on Pravaya Vetka.

1.2. Pravaya Vetka core subproject

8. The Pravaya-Vetka core subproject was selected from a candidate shortlist of 6 subprojects identified and prioritized by the MOA. Other subprojects will be identified later on during the project implementation process.

9. The Pravaya-Vetka core subproject is located in the Bazar-Korgon and Nooken Rayons in Jalal-Abad Oblast. The inter-farm Pravaya-Vetka canal was put into operation in 1954. It is fed by the Kara-Unkur River. The total length of the canal is 20.1 km. Its design capacity is 18.0 m³/sec. The surface area of irrigated lands is 10,222 hectares.

10. The core subproject consists in the Pravaya-Vetka canal reconstruction on two sections with a total length of 5.5 km. Two mudflow-crossing structures will be replaced and another one constructed. The mudflow structures are designed for the flood with a 5% probability of exceedance (Q 5%) and checked for the 1% flood (Q 1%). The core subproject layout is shown on the map next page. The numbers on the map refer to the project components.

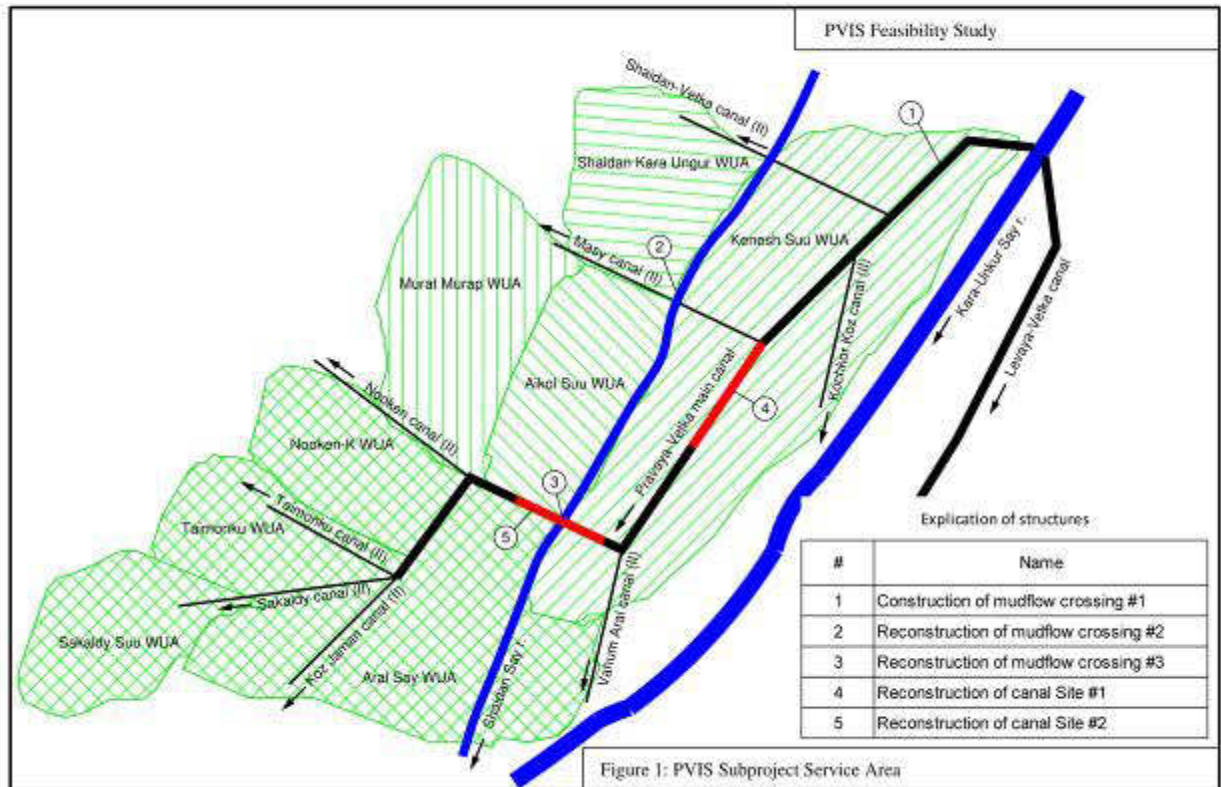


FIGURE 2: IRRIGATION SYSTEM OF THE PRAVAYA-VETKA CANAL

1.3. This LARP

11. The objective of this LARP is to ensure that people who inevitably lose their land and/or non-land assets will remain the same or even better living standard as that of the without project situation.

12. This LARP fits the ADB's Safeguard Policy Statement (SPS 2009) and Kyrgyz Republic law and regulations and policies related to LAR. Details of the legal framework for LAR are presented in Chapter 5. In case there are any differences between requirements set by the legislation of the Kyrgyz Republic and ADB Policy, the latter should take precedence.³

13. The preparation of this LARP is based on:

- (i) Detailed measurement survey (DMS) of affected land and non-land assets, including ownership/title status.
- (ii) Valuation survey and valuation of DMS identified land and non-land assets for budgeting. The valuation itself also follows the principles and entitlements set in the legal framework.
- (iii) Public consultation and participation. Meaningful consultation and participation (C&P) is a basic policy requirement of ADB for involuntary resettlement planning.
- (iv) Socioeconomic survey of affected people.

14. The objective will be achieved and secured through:

- (i) proper compensation and resettlement arrangements that are summarized in the entitlement matrix;
- (ii) implementation of follow-up consultation and participation plan (C&P plan);
- (iii) established and functioning of an effective institutional setup;
- (iv) establishment and functioning of a grievance redress mechanism;
- (v) provision of sufficient budget and contingencies; and
- (vi) effective monitoring and reporting of LARP implementation.

³ If an international agreement ratified by the Jogorku Kenesh (National Parliament) of the Kyrgyz Republic establishes rules other than those envisaged by civil legislation, the rules of the international agreement shall be applied (Article 6, Civil Code 2017).

2. LAR IMPACT

15. This chapter refers LAR impact of Pravaya Vetka core subproject.

2.1. Detailed Measurement Survey

16. Following the completion of preliminary design, detailed measurement survey (DMS) was carried out for Pravaya Vetka core subproject in June 2018. Technical engineers and resettlement specialists from the TRTA team involved in the whole DMS process for precisely staking the corridor of impact (COI) and technical assistances.

17. The DMS involves three fundamental steps:

- (i) identification of affected households;
- (ii) inventory of actual land and non-land losses;
- (iii) documentation of affected land and non-land assets household by household.

18. The DMS identified two land plots and all the affected assets: crops, trees and fence and was followed by a valuation survey carried out by an independent certified valuator which was mobilized during LARP preparation stage. The valuation survey and its follow-up valuation determine LAR compensations per Kyrgyz and ADB's SPS 2009 requirements.

2.2. LAR Impact

19. Under the core subproject, it is planned to build a new mudflow crossing structure, which will require of 1,590 m² being used by two households the residents of the village of Kyzyl-Oktyabr. Land plots were transferred by the local authorities of the Kenesh ayil okmotu for use to the two local residents on a free basis for land development. These land plots are used for growing annual crops: corn and rice. Also on one land there are two trees – apple and walnut seedlings, which do not bring the harvest. In addition, it is expected that territory of 10 meters of the length of a fence that falls under Mr. Sadyrov Zharkynbek's land plot will be affected. It was also confirmed that AH will have enough time to harvest the entire crop before the construction works start. The construction of the other mudflow structure in Nookan district will not require any land acquisition and resettlement and no public facilities will be impacted in Pravaya Vetka core subproject.

20. Kenesh ayil okmotu municipality handed over these lands to the use of two local residents in 2015 for a period of 5 years. These land users do not pay rent and land tax to local authorities for the used land. These land plots refer to the ayil okmotu and some of the land is a water protection zone and the owner is the municipality (Appendix 3 and 4). The above-mentioned local residents are users of these lands.

21. Only construction a new mud flow crossing structure will cause LAR impact and other core subproject components such as canal reconstruction on two sections with a total length of 5.5 km. and replacement of two ud flow structures will not have any LAR impacts.



FIGURE 3: AFFECTED ASSETS AND LAND PLOTS

Table 1: Area of affected land plots of the AHs

| Affected households | Total area of land used by the AHs | Area of affected land by the project |
|----------------------------|---|---|
| Mr. Sadirov Zharkynbek | 5,200 m ² | 450 m ² |
| Ms. Ismailova Satybush | 30,000 m ² | 1,140 m ² |

Source: DMS.

2.3. Affected Trees and Crops

22. Table below presents the affected trees and crops, as indicated:

- (i) one household will lose 2 productive trees of various sizes;
- (ii) two households will lose 1590.0m² annual crop.

Table 2: Affected Standing Crops and Trees

| Affected households | Cultivated annual crops | Area of affected land | Average annual yield (losses agricultural products) | Trees |
|----------------------------|--------------------------------|------------------------------|--|--|
| Mr.Sadirov Zharkynbek | Corn | 450 m ² | Corn grain – 261 kg. Silage – 585 kg. | One seedling of apple tree and one walnut tree |
| Ms.Ismailova | Corn | 440 m ² | Corn grain – 255 kg. | |

| | | | | |
|----------|------|--------------------|--|--|
| Satybush | | | Silage – 572 kg. | |
| | Rice | 700 m ² | Rice for grain – 269 kg. Rice straw – 140 kg. | |

Source: DMS

2.4. Affected Households and Persons

2.4.1. Affected Households and Persons

23. Core subproject will affect 12 persons from 2 households. Approximately 9% of total land area of Mr.Sadyrov Zharkynbek and 4% of total land area of Ismailova Satybush will be affected by project activities.No households will be severely affected and no households are considered as vulnerable households in accordance with Kyrgyz and ADB’s policy requirements.

2.4.2. Temporary Impacts

24. Temporary impacts during construction of the core subproject will be avoided or minimized. The civil works should include the relevant provisions for example to the extent possible, only idle land shall be used as construction work space to avoid disruption to households and business establishments. Also, the use of land should be restored to its pre-project condition or improved.

25. In addition, it is necessary to provide for the family members of Sadyrov Zharkynbek additional security measures/constructions. These measures are necessary in connection with the fact that the agricultural site/land plot will be divided into two parts as a result of the construction of a new mudflow crossing structure. It will not only require to prepare a proper engineering design but also to provide for additional security measures/construction such as fences and a bridge so people, especially small children, were in complete safety during the construction and operation of this structure.

3. SOCIOECONOMIC STATUS

3.1. Kyrgyz Republic

26. Kyrgyz Republic, one of the 10 CAREC countries, consists of seven oblasts. Kyrgyz Republic is still an underdeveloped county with wide spread of poverty:

- (i) the human development index ranks 120 out of 188 economies in 2014;
- (ii) the per capita gross national income is \$1,250 in 2014, one of the least 10 among the 45 developing member economies of ADB; and
- (iii) 32.1% of population lives below the national poverty line in 2015.

27. Kyrgyz Republic has over 80 ethnic groups. Of the total population of 5.9 million in 2015, Kyrgyz, Uzbeks, Russians and other 80 ethnic groups account for 72.6%, 14.4%, 6.4% and 6.6% respectively.

3.2. Djalal-Abad Oblast

28. The core subproject is located in Djalal-Abad Oblast.

29. Djalal-Abad Oblast covers 33,700 km² (16,9% of total country's area). Total population of this oblast is 1. 036, 700 (20% of total population). Approximately 70% of them are kyrgyzs, 25% are uzbeks, and other nationalities including russians, turks and tadjiks.

3.3. Affected Village

30. Table 3 presents some general data of the LAR affected rayon and village. The data were collected by social safeguards specialists from limited sources in the process of preparing this LARP.

31. Crop production and cattle herding is the major source of livelihood of the villagers, and agricultural lands are mostly used for producing agricultural yield such as rice, corn, cotton and different types of vegetables. Over 75% of local households keep cattle, ranging from 3 to 30.

Table 3: General Socioeconomic Data of Rayon and Affected Village (2017)

| | Unit | Bazar-Korgon Rayon | Kenesh ayil okmotu | Kyzyl-Oktyabr village |
|---------------------------------|------------|--------------------|--------------------|-----------------------|
| Population | Person | 142,951 | 30,811 | 3125 |
| Female | % | 49.9 | 49.8 | 49.0 |
| Ethnic minority | % | 45.4 | 17,7 | 9.0 |
| Annual HH income in 2016 - 2017 | KGS/capita | 120,000 – 220,000 | 120,000 – 220,000 | 100,000 – 200,000 |
| School | No. | 54 | 14 | 1 |
| Clinic | No | 9 | 1 | 1 |
| Bazaar | No | 5 | 0 | 0 |

Source: local self-governments

3.4. Affected Households

32. Affected households are engaged in agriculture and rely mainly on plant growing of various agricultural crops. Both households have additional sources of income such as providing temporary services for building and repairing buildings and private business management. Mr. Sadirov Zharkynbek went to Russia to work (labor migration).

33. One of the main sources of income of these families are agriculture and livelihood, also temporary seasonal work such as the provision of repair services for premises and buildings especially for Mr. Sadirov Zharkynbeks family. Ms. Ismailova Satybush has a small private business - shop in Jalal-Abad and this create income for her family in a regular base all year round. The income ranges of these two HHs is 150 000 - 300 000 KGS per year.

Table 4: Socioeconomic profile of AH's

| Affected HHs | Marital status | Occupation | Age, Sex and Occupation of children | Land plot | Livestock | Sources of family income |
|------------------------|--------------------------|-------------------|---|---|------------------|--|
| Mr. Sadirov Zharkynbek | Married, four children's | Farmer, builder | Three girls and one boy, the ages from 2 years to 8 years. | In the use of a land plot of 0,52 ha., and a house plot of 0,10 ha. | 14 sheep, 4 cows | Sale of agricultural products, temporary work, remittances from Russia |
| Ms. Ismailova Satybush | Married, four children's | Pensioner, farmer | Two girls and two boys, girls 25 and 33 years old, boys 27 and 36 years old. Boys are farmers. Girls living separately with own families. | In the use of a land plot of 3,0 ha., and house plot of 0,30 ha. | 25 sheep, 6 cows | Sale of agricultural products, pension, private business |

4. CONSULTATION & PARTICIPATION

34. According to ADB SPS (2009), the APs must be meaningfully consulted and provided with opportunities to participate in the planning and implementation of LAR. Under the same principles, the APs have to be informed in an appropriate and timely manner of the LAR planning process and outcomes, as well as the schedules and procedures for the preparation and implementation of the LAR activities, including entitlements, payment procedure, and relocation, if any.

35. The Constitution of the Kyrgyz Republic guarantees the right of the people to access information on activities of state and municipal authorities in the manner prescribed by the Constitution.⁴ In addition, it confers citizens the right to receive information on the disbursement of funds from the state budget, as prescribed. The Law of the Kyrgyz Republic on access to information held by state bodies and local self-government bodies requires maximum openness of information, publicity and transparency of the activities of the state and local authorities.

36. Following the above requirements, information disclosure, consultation and participation (C&P) activities were timely carried out during LAR planning at preliminary design (or TRTA) stage.

4.1. Information Disclosure

37. Upon the approval of this LARP the following information will further be disclosed among AHs and among the general public:

- (i) Resettlement information brochure (RIB): a copy of Kyrgyz language to each affected household.
- (ii) This LARP (in Kyrgyz and Russian languages): it will be uploaded on MOA website once it is approved by the Government of Kyrgyz Republic
- (iii) This LARP (in Kyrgyz and Russian languages): hard copies will be distributed among affected village.

38. Besides the disclosure of the above mentioned information, ADB will also upload the Draft LARP in English on its website.

4.2. C&P Activities Carried Out

39. In the process of preparing this LARP, one public consultation meeting and large number of individual consultations were carried out with the affected households. Table 5 summarizes the consultation activities; while Appendix 1 presents the minutes of the consultation meeting.

Table 5: Summary of Consultation Activities Undertaken

| Date | Location | Activities | Agencies/ villagers involved | No. of Participants |
|------------|---------------|------------------------------------|--|---------------------|
| 13/06/2018 | Massy village | Formal public consultation meeting | Local residents, Water Management Department, Nookan Rayon, village councils, TRTA consultants | 35 |

Source: TRTA consultant.

4.3. C&P Plan

40. Consultation and participation, as well as information disclosure will continue during updated LARP and project implementation, and Table 6 outlines the C&P plan during project implementation period.

Table 6: Information Disclosure, C&P Plan

| No. | Activity | Purpose | Participants | Note |
|-----|------------------------|---------|--------------|------|
| 1 | Information disclosure | | | |

⁴ Article 33, Chapter II of the Constitution of the Kyrgyz Republic.

| | | | | |
|----------|--|--|-------------------------------------|------------------|
| 1.1 | Distribution of RIBs among Ahs | Information disclosure | | |
| 1.2 | Disclosure of final LARP to affected village and rayon government agencies | Information disclosure | | Same as above |
| 2 | Consultation and participation | | | |
| 2.1 | LARP updating public consultation | Consultation | AHs, PIU, local GRG, consultant | |
| 2.2 | Pre-LARP implementation public consultations | Consultation, mobilization of LARP implementation | AHs, PIU, local GRG, consultant | |
| 2.3 | Public consultations | Notice of project construction and relevant social and environmental impacts | AHs, contractors, GRGs, consultants | Per actual needs |

5. LEGAL FRAMEWORK AND ENTITLEMENT

41. The legal framework for land acquisition and resettlement (LAR) of the project is based on ADB Safeguard Policy Statement (2009) and the legislation of the Kyrgyz Republic. In case there are any differences between requirements set by the legislation of the Kyrgyz Republic and ADB Policy, the latter should take precedence.⁵

5.1. Country Legislation

42. The following laws and Normative Acts regulate land/real property ownership rights and rules and procedures for obtaining state ownership right to privately owned land parcels based on the necessary public needs caused due to constructions activities:

- (i) Constitution of the Kyrgyz Republic (28 December 2016)
- (ii) Civil Code (08 May 1996, No. 16; last amended on 08 June 2017)
- (iii) Land Code (02 June 1999, No. 45; last amended on 01 June 2017)
- (iv) Law on State Registration of Rights and Associated Transactions (22 December 1998, No. 153, last amended on 10 February 2017)
- (v) Law on Grievances (dated 04 May 2007, last amended on 27 July 2016)
- (vi) Valuation Standards for the Valuators (Government Resolution No.217, 03 April 2006, last amended on 15 November 2016)

5.1.1. Constitution

43. Constitution of the Kyrgyz Republic is the principal and supreme law to which all other Kyrgyz laws must conform. According to the Constitution, international agreements to which the Kyrgyz Republic is a party that have entered into force under the established legal procedure shall be the constituent part of the legal system of the Kyrgyz Republic. Enforcement of an international agreement may be done through its signing, exchange of notes and letters, ratification, approval, accession to an international agreement, or other way agreed by the parties of such international agreement. If an international agreement ratified by the Jogorku Kenesh (National Parliament) of the Kyrgyz Republic establishes rules other than those envisaged by civil legislation, the rules of the international agreement shall be applied (Article 6, Civil Code 2017).

44. The Constitution of the Kyrgyz Republic (28 December 2016), Article 12 also provides that:

- The Kyrgyz Republic recognizes diversity of ownership forms and guarantees the equal legal protection to private, state, municipal and other types of ownership (Clause 1).
- Ownership is inviolable and no one can be dispossessed of its property arbitrarily. The property can be acquired by the state against the person's (party's) will only based on the court's ruling (Clause 2)
- Land can be in private, municipal and other types of ownership with an exception of pasturelands that cannot be held in private ownership (Clause 5).

⁵ If an international agreement ratified by the Jogorku Kenesh (National Parliament) of the Kyrgyz Republic establishes rules other than those envisaged by civil legislation, the rules of the international agreement shall be applied (Article 6, Civil Code 2015).

- Acquisition of property for the public purposes, as defined in the national laws, can be carried out only through the court's ruling and with the fair and prior payment of the compensation for the affected property as well as other costs (Clause 2).

5.1.2. Civil Code

45. The Civil Code (08 May 1996, No. 16; last amended on 08 June 2017, No. 100) provides that: a party whose rights are violated can claim full loss reimbursement (full compensation for losses incurred), unless the national legislation or the agreements (contracts) prepared in line with the national legislation indicate the contrary. The relevant provisions include articles 14 and 15.

46. *Article 14: Loss Reimbursement.* Clause 1 of Article 14 defines the losses that subject to reimbursement (compensation):

- (i) A person, whose right is violated, may claim full compensation for losses incurred, unless the law and/or terms and conditions of agreement entered by the parties in compliance with the law provides the contrary.
- (ii) The losses are defined as follows:
 - a) A person, whose right was violated and who incurred or will have to incur costs to restore violated rights, losses or damage to his property (actual loss), and also
 - b) Un-received income, which a person would have received under normal conditions of civil turnover, if his right had not been violated (income loss),
 - c) If a person earned income through violating a law, a person whose rights were thus violated can claim loss reimbursement along with other costs, actual loss in the amount no less than income earned by a violator.

47. *Article 15: Compensation for Losses Caused by the State Agencies and Local self-government.* Losses incurred on a citizen or legal entity as a consequence of illegal actions (or inactivity) of state agencies, bodies of local self-government or officials of these bodies, including issuance by a state body of an act that does not comply with legislation, are subject to compensation by the state, as well as local self-government authorities in the cases foreseen under the law.

5.1.3. Land Code

48. Article 68 of the Land Code (02 June 1999, No. 45, last amended on 01 June 2017, No. 95) defines withdrawal of land plot for state and public needs.

49. *Article 68: Withdrawal (Redemption) of the Land for State and Public Needs:*

- Acquisition (purchase) of a land plot for state and public needs may be exercised on the grounds of an agreement between the authorized agency and landowner or land-user. If no agreement is achieved with the land owner/land-user, the authorized agency has the right to apply to the court within two months from the date of official denial of landowner/land-user.
- During price calculation, the purchase (redemption) price of a given land plot, shall include market value of the land and buildings and structures attached to the given land plot, as well as losses incurred to landowner/land-user as a result of termination of rights to a land plot, including the damages /losses related to the earlier termination of liabilities with third parties.
- In the event of withdrawal of the land plot for the state or public needs another land plot may be allocated to a land owner/user, subject to his consent and the value of the right to it shall be credited to the redemption price.

50. The Land Code specifies that the right to the land and associated structures can be terminated, among others, when land is needed for state or public purposes. A court decision is required to officially terminate the rights to land and associated structures. The acquisition of the land can be effected only after compensating the costs of the rights termination and associated costs (Article 49).

51. According to Article 49, unless the legislation, land title or lease contract indicates the contrary, the land owners or user can have the right to:

- Use land based on owner's/user's own discretion and in accordance with the targeted purpose of the land;

- Build structures on the land, according to its targeted purpose, following established procedures and meeting architectural, construction, environmental, sanitary, fire safety and other requirements;
- Claim compensation for losses suffered, as specified by the Kyrgyz Republic legislation.

52. Finally, the Land Code (Article 78) specifies the use regime with regards to the lands of common use. It particularly indicates that lands of common use in settlements/towns/villages (e.g. roads, streets, squares, sidewalks, driveways, park bands, boulevards, mini parks, water bodies, etc.) cannot be in private ownership, and only in exceptional instances can be rented by the authorized state body to legal entities and individuals for maximum of 5 years. The authorized state body may permit construction of light (not capital) structures on lands of common use.

5.1.4. Provisions on Registration of Rights

53. The Law on State Registration of Rights of Immovable Properties and Associated Transactions (hereinafter - state registration of rights) is a legal act of recognition and confirmation of rights to immovable properties and their encumbrances (restrictions), as well as real estate transactions, providing protection for the rights and encumbrances (restrictions), except as provided in this Law (Article 1).

54. Any other document or entitlements and their limitations, are subject to mandatory registration in accordance with Article 4 of this Law, submitted to the registration authority not later than thirty days from the date of the (drafting) of the above document (Article 7).

55. The property rights, which are not subject to the registration, but are recognized and protected by the State include (Chapter 1, Article 6):

- Access rights to the communication lines, pipelines, geodesic localities, and other pieces of infrastructure meant for public use;
- Rights of spouses, children, and other individuals;
- Temporary rights, lease or sub-lease for a period of under 3 years;
- Actual use rights for the primary or preferential use of the property;
- Rights arising from the taxation requirements;
- Encumbrances arising from the common rules on healthcare, public safety, environmental protection etc.

5.1.5. Law on Grievances

56. The Law on Grievances (23 March 2007, last amended on 27 July 2016, No. 151) provides that the grievance from the Kyrgyz Republic citizens should be registered, given due consideration, and addressed in an equitable, timely and accountable manner (Article 2 and 4). The grievance registered with the state agency or the local government should be processed within no more than 30 days (Article 8). For the grievance to be given due consideration, it should be filed in written, showcasing the substance of the complaint and, if necessary, supported by the relevant documentation (Article 4 and 5). The grievance submitted should be processed and resolved strictly following the relevant national laws and regulations (Article 11).

5.1.6. Provisions on Asset Valuation

57. The valuation of assets is based on the Interim Rules of activities of appraisers and appraisal organizations in the Kyrgyz Republic (Government Resolution No. 537 of 21 August 2003, as amended on 03 December 2012, No. 807) as well as property valuation standards, mandatory for all the subjects of valuation activity in the Kyrgyz Republic (Government Resolution No. 217, dated 03 April 2006, last amended on 15 November 2016, No. 593) and other provisions of national legislation

5.2. Safeguard Policy Statement of ADB

58. For any ADB operation requiring involuntary resettlement, resettlement planning is an integral part of project design, to be dealt with from the earliest stages of the project cycle. The Safeguard Policy

Statement (SPS 2009)⁶ of ADB sets guidance and requirements for resettlement planning, as well as the follow-up implementation.

59. The objectives of ADB's safeguard policy on involuntary resettlement are: to avoid involuntary resettlement wherever possible; to minimize involuntary resettlement by exploring project and design alternatives; to enhance, or at least restore, the livelihoods of all displaced persons in real terms relative to pre-project levels; and to improve the standards of living of the displaced poor and other vulnerable groups.

60. The three important elements of ADB's involuntary resettlement policy are: (i) compensation to replace lost assets, livelihood, and income; (ii) assistance for relocation, including provision of relocation sites with appropriate facilities and services; and (iii) assistance for rehabilitation to achieve at least the same level of well-being with the project as without it.

61. The policy principles for involuntary resettlement are:

- (i) Screen the project early on to identify past, present, and future involuntary resettlement impacts and risks. Determine the scope of resettlement planning through a survey and/or census of displaced persons, including a gender analysis, specifically related to resettlement impacts and risks.
- (ii) Carry out meaningful consultations with displaced persons, host communities, and concerned nongovernment organizations. Inform all displaced persons of their entitlements and resettlement options. Ensure their participation in planning, implementation, and monitoring and evaluation of resettlement programs. Pay particular attention to the needs of vulnerable groups, especially those below the poverty line, the landless, the elderly, women and children, and Indigenous Peoples, and those without legal title to land, and ensure their participation in consultations. Establish a grievance redress mechanism to receive and facilitate resolution of the displaced persons' concerns. Support the social and cultural institutions of displaced persons and their host population. Where involuntary resettlement impacts and risks are highly complex and sensitive, compensation and resettlement decisions should be preceded by a social preparation phase.
- (iii) Improve, or at least restore, the livelihoods of all displaced persons through (a) land-based resettlement strategies when affected livelihoods are land based where possible or cash compensation at replacement value for land when the loss of land does not undermine livelihoods, (b) prompt replacement of assets with access to assets of equal or higher value, (c) prompt compensation at full replacement cost for assets that cannot be restored, and (d) additional revenues and services through benefit sharing schemes where possible.
- (iv) Provide physically and economically displaced persons with needed assistance, including the following: (a) if there is relocation, secured tenure to relocation land, better housing at resettlement sites with comparable access to employment and production opportunities, integration of resettled persons economically and socially into their host communities, and extension of project benefits to host communities; (b) transitional support and development assistance, such as land development, credit facilities, training, or employment opportunities; and (c) civic infrastructure and community services, as required.
- (v) Improve the standards of living of the displaced poor and other vulnerable groups, including women, to at least national minimum standards. In rural areas provide them with legal and affordable access to land and resources, and in urban areas provide them with appropriate income sources and legal and affordable access to adequate housing.
- (vi) Develop procedures in a transparent, consistent, and equitable manner if land acquisition is through negotiated settlement to ensure that those people who enter into negotiated settlements will maintain the same or better income and livelihood status.
- (vii) Ensure that displaced persons without titles to land or any recognizable legal rights to land are eligible for resettlement assistance and compensation for loss of non-land assets.
- (viii) Prepare a resettlement plan elaborating on displaced persons' entitlements, the income and livelihood restoration strategy, institutional arrangements, monitoring and reporting framework, budget, and time-bound implementation schedule.
- (ix) Disclose a draft resettlement plan, including documentation of the consultation process in a timely manner, before project appraisal, in an accessible place and a form and language(s) understandable to displaced persons and other stakeholders. Disclose the final resettlement plan and its updates to displaced persons and other stakeholders.

⁶ SPS (English) available at: <https://www.adb.org/documents/safeguard-policy-statement>; and SPS (Russian): <https://www.adb.org/ru/documents/safeguard-policy-statement>

- (x) Conceive and execute involuntary resettlement as part of a development project or program. Include the full costs of resettlement in the presentation of project's costs and benefits. For a project with significant involuntary resettlement impacts, consider implementing the involuntary resettlement component of the project as a stand-alone operation.
- (xi) Pay compensation and provide other resettlement entitlements before physical or economic displacement. Implement the resettlement plan under close supervision throughout project implementation.
- (xii) Monitor and assess resettlement outcomes, their impacts on the standards of living of displaced persons, and whether the objectives of the resettlement plan have been achieved by taking into account the baseline conditions and the results of resettlement monitoring. Disclose monitoring reports.

62. The ADB SPS 2009 distinguishes three categories of affected persons (APs) or displaced persons, with variable compensation needs:

- (i) APs with formal rights: APs with formal legal rights to land lost in its entirety or in part;
- (ii) APs with semi-formal rights: APs without formal legal rights to land lost in its entirety or in part but who have claims to such lands that are recognized or are recognizable under national law, and;
- (iii) APs with non-formal rights: APs who have neither formal legal rights nor recognized/recognizable claims to land lost in its entirety or in part.

63. For categories (i) and (ii) above, borrowers are expected to provide compensation at full replacement cost for lost land, structures, land improvements and relocation assistance. For APs in category (iii) (informal settlers), the borrower/client is expected to compensate all assets other than land (i.e. buildings, trees, cops, businesses) at full replacement cost. The risk of opportunistic encroachment on land designated for acquisition by the project is managed through a cut-off date.

64. Compensation for lost land may be in the form of replacement land (preferable if feasible) or in cash. When "land for land" compensation is not feasible cash compensation can be valued based on market rates or, in absence of land markets, through other methods (i.e. land productivity or reproduction costs). Independently from the valuation method used, compensation is to be provided at "full replacement cost" including: (i) transaction costs; (ii) interest accrued; (iii) transitional and restoration costs; and (iv) other applicable payments, if any. Compensation for all other assets is to be provided in cash at replacement cost without deductions for amortization, salvaged materials and transaction costs.

5.3. Comparison Kyrgyz Republic legislation and ABD Resettlement Policy

65. Table 7 presents the gaps between the policy requirements of the SPS (2009) and of the Kyrgyz laws and regulations, as well as practices of ADB financed projects and the reconciliation provisions.

Table 7: Gaps and Reconciliation Provisions

| Area/Impact/Issue | ADB SPS (2009) | Kyrgyz Legislation and Practice with ADB Financed Projects | Comments on Gaps | Reconciliation Measures |
|--------------------------------|--|---|------------------|--|
| LAR planning and documentation | When an ADB financed project causes LAR impacts, a LARP is to be prepared. The LARP shall be based on DMS, SES, consultations and valuations, etc. | Appropriate documentation on impact and valuation is to be prepared but such a documentation does not have the format of a LARP | Gap exists. | The LARP will be prepared and it will be based on DMS, SES, C&P, and independent valuation |
| Title status and compensations | APs with formal titles: compensation for lost land and non-land assets at full replacement costs or market values | Land loss: compensation at replacement costs or replacement land or market values | No difference | |
| | | Structures: compensation but depreciation counted | Minor difference | Compensations at full replacement costs will be included in the LARP |

| Area/Impact/Issue | ADB SPS (2009) | Kyrgyz Legislation and Practice with ADB Financed Projects | Comments on Gaps | Reconciliation Measures |
|------------------------|--|--|------------------|--|
| | | Crops & trees: mandated but selectively applied | Minor difference | Compensations at valuated prices will be included in the LARP |
| | APs with formalizable title: compensation for lost land and non-land assets at full replacement costs or market values, yet EA shall help them in legalizing their assets. | APs with formalizable titles: legalization is not distinguished and considered. | Gap exists | Legalization of formalizable titles by the Gosregister during the LARP implementation, if any. |
| | APs with no legal title: to be compensated for lost non-land assets | Non-legal APs have no right to be compensated for land and non-land assets. | Gap exists | Lost assets, other than land will be compensated at valuated replacement costs or market values will be included in the LARP. |
| Loss of business | Reimbursement of actual losses plus business reestablishment costs. For application based on tax declared income for period of business interruption. In absence of tax declaration based on maximum non-taxable salary. | Cash compensation at market value for all damages/opportunity costs incurred. Burden of proving opportunity costs rest on the AP based on recognized/documentated evidence but no clear methodology. | Minor difference | Valuation of losses will be carried out by independent valuator; Compensation for business interruption and rehabilitation assistances will be included in the LARP. |
| Information disclosure | Resettlement-related documents to be timely disclosed in the APs' language. | No disclosure requirement exists. | Gap exists | The final LARP, in Kyrgyz and Russian languages, will be disclosed in affected villages and various government agencies The final LARP, in English, Russian and Kyrgyz languages will be disclosed on ADB and MOA websites. |
| Consultation | Meaningful public consultations are to be held with the APs. APs should be informed about their entitlements and options, as well as resettlement alternatives | Matters of local importance to be publicly discussed with local authorities. But no requirement to consult directly the APs | Gap exists | Formal public consultations will be carried out in the affected villages in the process of preparing the LARP. |
| Grievance | A GRM is to be established for each project. Information on GRM is to be communicated to the APs | Each state agency/ministry should define a process for registering and reviewing the concerns and claims from citizens | Minor difference | Structured GRM will be established and details will be included in the LARP. |
| Monitoring | Implementation of LARP is subject to monitoring, and monitoring reports shall be disclosed. | Not required | Gap exists | Monitoring will be planned in the LARP. |
| Asset acquisition | Property can be | Property can be acquired | No | Notice to |

| Area/Impact/Issue | ADB SPS (2009) | Kyrgyz Legislation and Practice with ADB Financed Projects | Comments on Gaps | Reconciliation Measures |
|---|--|--|------------------|---|
| conditions | acquired only after full compensation is paid to the APs | only after full compensation is paid to APs | difference | contractors to proceed construction works in LAR impacted segments cannot be given until ADB has approved the LARP implementation report. |
| Assistances to vulnerable and severely affected APs | These APs are to be identified and special assistances shall be provided to restore/improve their pre-project level of livelihoods | No special consideration is given to these APs. | Gap exists | Assistances will be included in the LARP |

5.4. Eligibility, Entitlements and Assistances

66. The implementation of LAR activities is linked to the implementation of the investment component of the project to ensure that displacement or restriction of access does not occur before necessary LAR measures specified in this LARP are in place.

67. As stipulated in SPS 2009 and described in this LARP all project related LAR impacts identified during DMS should be addressed accordingly, meaning that all project affected persons identified during DMS will be provided with relevant compensations and/or assistances prior to displacement. In particular, taking of land and attached assets may take place only after compensation has been paid.

5.4.1. Eligibility

68. Compensation eligibility is determined by a cut-off date. APs eligible for LAR compensations and assistances under the project are those identified during DMS, including APs losing agricultural land, together with attached non-land assets. Non-land assets include structures, trees and crops,.

5.4.2. Compensation Entitlements

69. Entitlement provisions for affected households losing land and non-land assets, relevant to the LAR impacts are as follows:

- (i) *Loss of structures (fixed assets)*: cash compensations to owners at full replacement costs without any deductions for depreciation, salvaged materials, or transaction costs irrespective of the registration status.
- (ii) *Loss of seedlings and decorative trees*: cash compensation to owners at local market prices.
- (iii) *Loss of crops*: cash compensations to crop owners (i.e., land users) equivalent to one year's local average harvest.

All compensations will be based on independent valuation results, while the valuation itself followed the LAR principles and the above mentioned entitlements.

5.4.3. Unforeseen Impacts

70. If during project implementation, additional adverse social impacts are identified and/or additional AHs are found, these persons and households are entitled to receive Project entitlements as the others on condition that it can be ascertained that they have actually been in the Project area before the cut-off date for eligibility. New AHs that will emerge due to changes in Project design or alignment prior to or even during construction works are likewise entitled to the same entitlements as those of the other AHs, consistent with the Project LARP.

5.5. Entitlement Matrix

Table 8 presents the entitlement matrix which has specified for this LARP.

Table 8: Entitlement Matrix

| | Type of Impact | Application | Type of DPs | Compensation Entitlements |
|---|--|--|--|--|
| 1. Agriculture Land Loss | | | | |
| 1.1 | Agricultural Land Loss permanently affected | AH losing permanently or temporary agricultural land regardless of impact severity | Legal Owners | – Compensation at replacement value. |
| | | | Legalizable Owner | – DPs with legalizable title have right to be compensated for lost land and assets after the EAs helps them to legalize their assets. |
| | | | Leaseholder (private/municipal/state) | – Legal Leaseholder will be compensated for loss of produce for the number of years remained in the lease or will be given a new lease. – Legalizable user of land (some confirming documents are missing but can be restored/obtained) will be legalized and compensated as a legal Leaseholder. |
| | | | Non-legalizable DPs | – Compensation will be paid only for the loss of structures, improvements on land and agricultural produce. No compensation for land. |
| 2. Residential/Commercial Land Loss | | | | |
| 2. | Residential/Commercial land | AH losing their commercial/ residential land | Owner | – Replacement cost at market value |
| | | | Legalizable Owner | – After legalization, compensation at replacement cost |
| | | | Leaseholder (private/municipal/state) | – Legal Leaseholder will be compensated for loss of produce for the number of years remained in the lease or will be given a new lease. |
| | | | Non-legalizable AHs | – Compensation will be paid only for the loss of structures and improvements on land (see items 3 and 4. |
| 3. Compensation for Affected Houses and Structures | | | | |
| 3.1 | House/structure partly affected (the remaining parts just require repairs) | All AHs regardless of their legal status | Owner/user | – Compensation at replacement cost for the affected portion, without deduction for depreciation or salvageable materials; – Allowance to rebuild or repair the remaining portion; level of allowance will be determined by the EA. |
| 3.2 | House/Structure totally affected | All AHs regardless of their legal status | Owner/user | – Compensation at replacement cost for the entire affected structures, without deduction for depreciation or salvageable materials. – Cash compensation for expenses for execution of documents; – Assistance for severe impacts and for relocation (see items 5.1 and 5.2) |
| 4. Affected Crops and Trees | | | | |
| 4. | Affected crops and trees | Productive trees loss | All AHs irrespective of legal status of land use | – Compensation for the loss of productive trees on the basis of the value of the annual harvest from the tree (s) over a number of years necessary to replace the tree (s) to achieve an equivalent productivity + cost of the seedling. |
| | | Unproductive trees loss | | – Compensation for loss of unproductive trees based on value of the wood |

| | Type of Impact | Application | Type of DPs | Compensation Entitlements |
|--|---|---|---|---|
| | | Decorative tree/bushes losses | | volume. – Compensation based on market value. |
| | | Agricultural crops | | – Compensation based on the harvest value for one year at market rate. |
| 5. Other Support and Assistance | | | | |
| 5.1 | Business and employment (temporary and permanent) | All Ahs (including workers of affected businesses) | Owners of shops/commercial establishments | – In case of permanent loss, compensation equal to (up to) 1 year's net income (lost profits) plus cost of lost certificates/ licenses/ patents. The income is based on the official tax declaration, or (if tax declaration is unavailable) it is accepted as the official monthly average wage multiplied by (up to) 12. – In case of the temporary loss if a business, compensation equal to the net income for the period of disruption (<1 year). The income is based on the tax declaration, or it is calculated based on the monthly average wage multiplied by the number of months since the operation was disrupted (less than 12 months). |
| | | | Workers of affected businesses | – Workers indemnity for lost wages equal of 3 months' income. For temporary loss of employment, indemnity for lost wages for the duration of impact if less than 3 months. |
| 5.2 | Allowances for Severe Impacts | All severely affected households | All AHs including informal settlers and relocated renters. | – A rehabilitation allowance of 6 months at minimum national salary for relocated AHs. |
| 5.3 | Relocation Allowances | Transport costs for relocation | All relocated AHs including relocated renters and movable businesses. | – Relocation under the Project arrangement or market-based cost of transport for self-relocation within the village/settlement. |
| 5.4 | Assistance for vulnerable households | All vulnerable households; | Vulnerable HH as per definition in the LARP/LARF. | – In addition to any other entitlement, a cash allowance equivalent to 6 months per HH of a minimum salary and employment priority in Project-related jobs. |
| 5. | Compensation for registration of documents | ALL HH who have to buy a new land and register new properties | All AHs with land acquired. | – Compensation for real costs of registration; |
| 6. Temporary and Unforeseen Impacts | | | | |
| 6.1 | Temporary Impacts during construction | Temporary impacts on land | Legal and legalizable HH | – Pay a rent to AHs. The rent will be negotiated with affected households. – The land will be restored to its pre-project condition |
| | | Temporary impacts on access | All HH | – The contractor will have to ensure access to shops and residences; – Construction period will be minimized; |
| 6.2 | Unforeseen LAR Impacts, if any | GRM Committee makes decisions on an individual basis | All AHs | – Rehabilitation will be based on the above provisions and in compliance with the Land Acquisition and Resettlement Framework (LARF) and applicable laws of the Republic of Kyrgyzstan. |

Note: not all entitlements may not be applied currently; however, they were included, in order to address any future unanticipated impact during detailed design.

6. IMPLEMENTATION ARRANGEMENTS

71. The planning, preparation and implementation of the LARP involves distinct processes and different parties, including ADB, MOA, Ministry of Finance, LARC, etc.

6.1. ADB

72. ADB will be the funding agency of the project, including LAR activities except land acquisition costs. In addition to funding; ADB will periodically review project and LARP implementation status as well as provide clearance for contract awards and the signing/initiation of civil works on the project.

73. Main responsibilities of ADB at loan implementation stage are:

- (i) Selection and mobilization of a design consultant with approved national and international resettlement specialists and inclusion of costs and requirements for resettlement related activities in the tender/contract documents;
- (ii) Approval of the Action Plan of LARP processes;
- (iii) LARP submission, approval and endorsement;
- (iv) Disclosure of LARP;
- (v) ADB reviews and approves Compliance report; ADB issues No objection to construction.

6.2. MOA/PIU

74. The Department of Water Recourse Management under the Ministry of Agriculture, Food Industry and Land Reclamation (MOA) is the Executing Agency (EA). As the EA, MOA has the overall responsibility for project implementation, as well as the LARP implementation.

75. Main responsibilities of MOA/PIU at loan implementation stage are:

- (i) Selection and mobilization of a design consultant with approved national and international resettlement specialists and inclusion of costs and requirements for resettlement related activities in the tender/contract documents;
- (ii) Approval of the Action Plan of LARP processes;
- (iii) Agreeing on key implementing mechanisms for the final LARP;
- (iv) Engaging LARC;
- (v) Selection of the Consultant for DMS, Census, SES and Valuation; Training LARC on ADB SPS (2009) and LAR;
- (vi) Community Consultations;
- (vii) Re-activate GRM. Establish GRCs and appoint Focal Persons;
- (viii) Approval of the Valuation Report by the relevant authority;
- (ix) Assisting in legalization processes;
- (x) Disclosure of compensation amounts to APs;
- (xi) LARP submission, approval and endorsement;
- (xii) Disclosure of LARP;
- (xiii) Implementation of LARP;
- (xiv) Monitoring and reporting on LARP implementation;
- (xv) Preparation of LARP Compliance Report for ADB revision and approval;
- (xvi) Handing over LAR impacted subsection for construction.

6.3. Consultant

76. Tasks and responsibilities of the Consultant at detailed design stage include:

- (i) Selection and mobilization of a design consultants with approved national and international resettlement specialists and inclusion of costs and requirements for resettlement related activities in the tender/contract documents;
- (ii) Development of Action Plan for LARP preparation;

- (iii) Agreeing on key implementing mechanisms for the final LARP;
- (iv) Selection of the Consultant for DMS and Valuation;
- (v) Training LARC on ADB SPS (2009) and LAR;
- (vi) Community Consultations;
- (vii) Preparation of Implementation Ready LARP and its submission for approval to MOA/ADB.

77. At project implementation, consultant also will be engaged to assist MOA/PIU to implement the LARP and to carry out monitoring and reporting

6.4. Ministry of Finance

78. The Ministry of Finance has the overall financial responsibility for the Project.

6.5. LAR Commission

79. Main responsibility of the LARC is to assist MOA to implement the LARP and include following:
- (i) Participation in public consultations
 - (ii) Assisting PIU to carry out internal monitoring
 - (iii) Participation in GRM, facilitating resolution
 - (iv) Facilitating land surface clearance of ROW after LAR being implemented

6.6. GRGs

80. Any complaints during LARP implementation and construction period will be registered and addressed by the GRGs. Functioning of GRGs are detailed in the following subsection.

7. GRIEVANCE REDRESS MECHANISM

7.1. Grievance Redress Mechanism

81. The Grievance Redress Mechanism (GRM) is a process and forum through which the affected people need a trusted way to voice and resolve concerns about LAR and the project also finds an effective way to address affected people's concerns.

82. APs and local people have the right to file complaints and/or queries on any aspect of the project, including LAR, environmental and other safeguard issues. Under the GRM, people may appeal any decision, practice or activity related to the project. All possible avenues will be made available to the affected persons and others to voice their grievances. The PIU will ensure that grievances and complaints on any aspect of the project are addressed in a timely and effective manner.

7.1.1. Objectives

83. Objectives of the GRM are:
- To reach mutually agreed solutions satisfactory to both the project and the APs, and to resolve any grievances locally, in consultation with the aggrieved party;
 - To facilitate the smooth implementation of the LARP, particularly to cut down on lengthy litigation processes and prevent delays in project implementation; and
 - To facilitate the development process at the local level, while maintaining transparency as well as to establish accountability to the affected people.

84. The mechanism will consist of grievance resolution of two levels, the local and central levels. At each level, a grievance redress group (GRG) will be established. The role and responsibility of the GRGs is to accept claim and complaints, assess its validity, determine the scope of eventual impacts, and timely

resolve the issue, including the claims regarding the compensation and maintain GRM as flexible and efficient to address and resolve the claims as raised during LARP and project implementation.

85. The GRM covers issues related to social, environmental and other safeguard issues under the ADB safeguard covenants and Kyrgyz laws.

7.1.2. Grievance Redress Groups

86. The Grievance Redress Groups (GRGs) will be established at both local and central levels. The GRGs will function for the duration of both LARP and project implementation. The local GRGs include one in each affected Ayil-Okmotu (village) and the central GRG is set at MOA in Bishkek.

87. The contact information of GRGs will be included in the RIB that will be distributed among affected households prior to LARP implementation.

88. At each level of appeal, the GRG will be assisted as needed by the professional capacity to solve specific case. They include:

- (i) Representatives of State Rayon Administration
- (ii) Representatives of the Rayon Branch of the State Agency for Architecture and Construction
- (iii) State Registration Services of the Rayon
- (iv) State Agency for Environment and Forestry
- (v) Ministry of State Property
- (vi) Ministry of Emergency
- (vii) Technical expertise from professional engineers, and consultants with relevant experience in social safeguards and resettlement.

7.1.3. Grievance Resolution Process

89. The complaints and grievances from the AHs will be addressed through the procedure described in Table 9 and Figure 4 further illustrates it.

Table 9: Grievance Redress Procedure

| Step | Action Level | Process | Timeline |
|------|-----------------------------|---|----------|
| 1 | Resolution by LFP | At initial stage, the LFP will give hearing to the aggrieved person and try to give acceptable solutions. If an aggrieved person is not satisfied with the solutions, then she/he will lodge grievances in written to the local GRG within 3 days. | 3 days |
| 2 | Resolution at local level | After receiving written complaint, the LFP will review and prepare a Case File (see Appendix 8) for GRG hearing and resolution. A formal hearing will be held with the GRG on a date fixed by the LFP in consultation with the aggrieved person. On the date of hearing, the aggrieved person will appear before the GRG and present proofs in support of his/her claim. The LFP will note down the statements of the complainant and document all proofs. The decision from majority of the members will be considered final from the GRG and will be issued by the LFP and signed by other members of the GRG. The case record will be updated and the decision will be communicated to the aggrieved person by the LFP within 10 days. If aggrieved person is not satisfied with the solution, the LFP will lodge grievance in written to the central GRG at MOA with conclusion and supporting documents prepared at local level. | 10 days |
| 3 | Resolution at central level | After receiving written complaint, the central GRG Chairperson will review and prepare a Case File for GRG hearing and resolution. A formal hearing will be held on a date fixed by the GRG Chairperson and the aggrieved person. GRG members will contact the complainant and visit his/her village. The safeguard specialist/sociologist of PIU will note down the statements of the complainant and document all proofs. The decisions from majority of the members will be considered final from the central GRG and will be issued by the Chairperson and signed | 7 days |

| Step | Action Level | Process | Timeline |
|------|--------------|---|----------|
| | | by other members. The case record will be updated and the decision will be communicated to the aggrieved person by the safeguard specialist/sociologist of PIU within 7 days of submission. | |

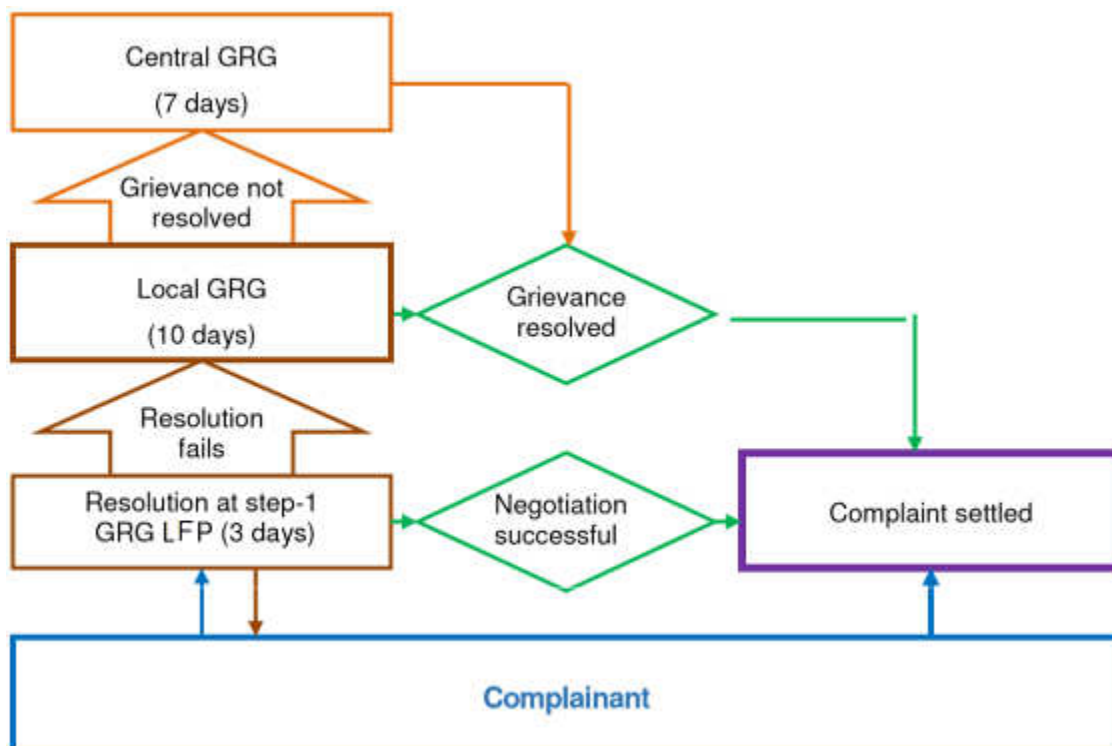


FIGURE 4: GRIEVANCE REDRESS PROCEDURE

7.1.4. Additional Mechanisms

90. Any physical and legal person, any appellant can communicate his/her concern to the court at any stage of grievance redress. The GRGs will not restrict or influence the AP from applying to court for legal remedies.

91. If the complaint is found invalid, the GRG will formulate a response and send a written letter to the complainant, explaining the reasons of rejection.

92. In addition, ADB has its Accountability Mechanism Policy (2012)⁷ that is to be accountable to people for ADB-assisted projects as a last resort mechanism. The accountability mechanism provides a forum where people adversely affected by ADB-assisted projects can voice and seek solutions to their problems and report alleged noncompliance of ADB's operational policies and procedures.

93. The complainant, if not satisfied with GRG's decision or even the court's decision, can appeal the case to Office of the Special Office Facilitator of ADB⁸. The GRGs will not in any way impede APs' access to the ADB Accountability Mechanism.

94. All expenses incurred by affected households in grievance/complaint filing and its resolution will be covered by the project.

7.1.5. Complaint Documentation

95. The PIU of the MOA will document all grievances in both written and electronic forms.

⁷ <https://www.adb.org/site/accountability-mechanism/main>.

⁸ www.adb.org/site/accountability-mechanism/contacts

8. LARP IMPLEMENTATION SCHEDULE

96. Any LARPs, if required, shall be implemented before the commencement of the civil works. The implementation schedule for LAR tasks will depend on the design of the sub-projects

97. Extensive preparatory activities and tasks are planned and will be taken to ensure a successful implementation of the LARP. MOA/PIU, with assistances of the Consultant, will implement the LARP. MOA/PIU will be responsible for the internal monitoring and reporting. The LARP implementation steps and timeframe is illustrated in Table 10.

Table 10: LARP Implementation steps and timeframe

| | Tasks | Responsibility | Timeframe |
|----------|---|-----------------------|------------------|
| 1 | Preparations | | |
| 1.1 | MOAs approval of LARP | PIU | 2019 |
| 1.2 | ADB's approval of LARP | PIU | 2019 |
| 1.3 | Review and approval of LARP by Ministry of Finance, Ministry of Justice, and others | MOA | 2019 |
| 1.4 | Approval and endorsement of LARP by Government of Kyrgyz Republic | MOA | 2019 |
| 1.5 | MOA orders to approve GRM and establish GRGs | PIU | 2019 |
| 1.6 | Distribution of LARPs among affected villages | PIU | 2019 |
| 1.7 | Distribution of RIBs among AHs | PIU | 2019 |
| 2 | LARP Implementation | | |
| 2.1 | Negotiations between the Ministry of Finance and the Bank about the issue of commission | PIU | 2019 |
| 2.2 | Order of the Minister of MOA about compensations | PIU | 2019 |
| 2.3 | Update the order of GRM | PIU | 2019 |
| 2.4 | Update information about GRM for local contact persons | PIU | 2019 |
| 2.5 | Preparation and approval of agreements on the land acquisition for all Project APs | PIU | 2019 |
| 2.6 | Processing LAR agreements between MOA & AHs | PIU | 2019 |
| 2.7 | Payment of compensations to AHs | PIU, MOA | 2019 |
| 3 | Monitoring and Reporting | | |
| 3.1 | Submission of monthly, quarterly, semi-annual monitoring report | PIU | 2019 |
| 3.2 | Submission of LARP implementation report | PIU | 2019 |
| 3.3 | Approval of LARP implementation report and issuance of a NOL to start civil works | ADB | 2019 |

9. INCOME RESTORATION AND REAHABILITATION

98. The Project impact is insignificant for each land parcel and EA will ensure that advance notice be issued to the APs prior to the start of the civil work and all the compensation will be paid prior to the start of the construction. The APs will also be allowed to cultivate their land after the mudflow crossing structures are constructed and the land is restored to normal use (within the RoW). EA will ensure that contractor will restore the land to its previous use once the construction is completed. In case of any maintenance work in the future, EA will pay the compensation to the APs for any loss of assets due to the work.

10. BUDGET

99. All the costs associated with LAR administration, compensation of DPs and LARP implementation will be financed by the Project.

100. LAR budget includes:

- (i) Direct costs that are all direct compensations and assistances for AHs.
- (ii) Administration expense, which is set as 5% of direct costs.
- (iii) Contingency for unforeseen impacts, which is set as 20% of direct costs.

101. All compensations are based independent valuation. The valuation was regulated and guided by the entitlement matrix of this LARP and the following documents:

- (i) Property Valuation Standards, compulsory for all parties carrying out appraisal activity in the Kyrgyz Republic, ratified by the Kyrgyz Republic Government Decree No. 217 dated 03 April 2006, and last amended on 15 November 2016.
- (ii) The Interim Regulations for Valuers and Valuation Organizations Acting in the Kyrgyz Republic, ratified by the Kyrgyz Republic Government Decree No. 527 dated 21 August 2003, last amended on 03 Dec 2012, No. 807)
- (iii) International Valuation Standards (IVS), 2011

10.1. Valuation of Land and Non-Land Assets

10.1.1. Structures

102. Structures/assets will be compensated at full replacement costs. The replacement costs were determined by calculating the construction cost of a similar new structure/asset, for the same use and materials, based on market prices as of the assessment date.

10.1.2. Trees and Crops

103. Trees (seedlings) were valued based on market value. Standing crops were valued as the market values of one year's local average harvests.

10.2. Budget and Financing

104. The budget will be finalized following approval of the project and approved detailed engineering design. The tentative budget, based on preliminary valuation results, is given in the table below. As indicated, the total budget estimate is KGS 43.167,5 and US\$ 753,12 equivalent, including contingency.

Table 11: Budget Estimate

| Item | Impact | | Cost | |
|--|--------|-------|-----------------|---------------|
| | Unit | Qty | KGS | US\$ |
| I. Direct Costs | | | | |
| 1. Compensation for affected fences | m | 10 | 1.800 | 26.4 |
| 2. Compensation for trees | No. | 2 | 400 | 5.9 |
| 3. Compensation for crops | m2 | 1.590 | 32.334 | 505.6 |
| Sub-total | | | 34.534 | 602.5 |
| II. Administration expense (5% of direct costs) | | | 1.726,7 | 30.12 |
| III. Contingency (20% of direct costs) | | | 6.906,8 | 120.5 |
| Grand Total | | | 43.167,5 | 753.12 |

Source: preliminary valuation report.

11. MONITORING AND REPORTING

105. The implementation of the LARP will be subjected to internal monitoring. Internal monitoring will focus on LARP implementation progress and will be conducted by PIU with assistance from Consultant.

106. The objectives of the monitoring are to:

- (i) monitor LARP implementation progress and check whether or not the time lines are being met;
- (ii) assess if compensation, rehabilitation measures and social development support are sufficient;
- (iii) identify problems or potential problems;
- (iv) identify immediate/rapid response methods to mitigate problems or potential problems;
- (v) ensure that the GRM is functioning and grievances, if any, are being addressed timely and effectively; and
- (vi) ensure that the standard of living of AHs is restored or improved.

107. Upon completion of land acquisition and resettlement, PIU will prepare a LARP implementation report for ADB's review and approval. Besides, PIU will report the progress of LARP implementation through semiannual resettlement monitoring reports (SRMR). The SRMRs will be posted on the ADB website upon approval by ADB.

APPENDIXES

Appendix 1. Public Consultations Minutes (fotomaterials and attendance sheet)

Project title: Climate Resilience and Disaster Risk Reduction in Water Resources Management

Minutes

Village Massy 13 June 2018

Venue: village Massy. Water Management Department of Nooken raion (district).

Number of participants – 35

Opening remarks at public hearings were made by the head of the District (raion) Water Management Department - K. Kudaiberdiev. He presented the programme and introduced the representatives of the project. Then he gave the floor to the national expert Musaev K.

K. Musaev made a presentation in which he told about the purpose of the project, gave information about works being conducted, and about future works. After completing the presentation, they moved to questions and answers:

1. Arzybayev Zhanyshaly. Question: Before sand and pebbles did not flow in the canal Pravaya vetka, recently the canal is quickly filled up by sand and clay. Will the project address this issue?

Musaev K.'s answer: Of course, this issue will be considered by a project, there is a dirt collector (sediment trap) at headworks. Designers will examine a dirt collector (sediment trap), if necessary, additional construction will be included, and other possibilities will be considered.

Question: Village Sovetskoje is located at the head of the water (at the source of the water), but there is not enough water, since irrigating ditch/canal (which is laid from ranging point (or mark/station) - 72, passes through the village with a length of 3,5-4 km long. Therefore, in that connection, within the framework of your project will you move the bypass canal (or diverter)?

Answer: When the designers come, they will be accompanied by 2 engineers from district (raion) and many similar questions will arise and they will try to take into account everything.

2. Abdrakhmanov Choro. Question: Will the project consider the on-farm WUA network?

Answer: International experts are working on this issue and you will receive an answer in the near future.

3. Eshiev Mambet: The canal outlets (the diversions of water/bypass canal/modules) were built without taking into account the land areas that are located in front of the canal and in your project it is necessary to design new canal outlets/modules that will provide these lands with water, because all residents living along the entire canal should be equally provided with water. Secondly, when planning rehabilitation works, it is necessary to take into account the time when farmers use irrigation water and civil works should not create problems with water access.

4. Kudaiberdiev Kadyrbek: The water system has its own standards for the location of the canal outlets and it is necessary to follow these rules and regulations. Laying canal outlets to each house is prohibited. It is necessary to make canal outlets as in the past. If there is a need for additional canal outlets, then this will be considered.

5. Sultanov Makhamatali: There are 2 WUAs - Taimonku and Sakaldy-Suu - in Sakaldy rural council (ayil okmotu) and they are located at the end of the canal Pravaya Vetka. Before placing/laying out these canal outlets, it would be good to include their representatives in the commission to participate in the studies.

6. Eshiev Mambet: question to Koshmatov B.: When water reduces in the canal Pravaya Vetka, water is distributed in % and is it possible to reconsider the percentages of those WUAs that have been rehabilitated?

Answer: Cannot be reconsidered, because the goal of rehabilitation is to reduce losses, and improve the water supply and increase yields.

7. Myrzakhmedov Kazim: In times of collective farms and state farms (sovkhoz in Russian language), this water was enough for everyone, now the whole land is divided into proportions (as land allotments) and water delivery is very inconvenient, therefore we need to organize farmers' cooperative farms. Based on this, we would shift to a crop rotation and the distribution of water would be improved, the yield would increase.

After completing the questions and answers, the presentation of Zhanybek Orozaly uulu about environmental impact assessment was presented to the participants.

Then Azamat Omorbekov, National Resettlement Specialist made a presentation on the ADB safeguard policy requirements and GRM during the project preparation and implementation stages.

At the end of the presentation, the chief engineer of Water Management Department of the Nooken raion (district) assured that they will try to work closely with the population, conduct awareness-building activities (advocacy works) and prevent conflicts. We think that there will be no obstacles for the project implementation.

Koshmatov B.T. summed up the results of public hearings and once again explained the purpose of the project, expressed great gratitude for the active participation of all those present.

The Chairman of the Hearing:

K.Kudaiberdiev

Secretary:

Sh.Bakirov

The image shows two pages from a handwritten record book. The left page is titled 'СВЕТЛО ПАСАЖИРОВ' and contains a table with columns for '№ п/п', 'Фамилия', 'Имя', 'Отчество', 'Адрес', and 'Подпись'. The right page is a continuation of the table with columns for '№ п/п', 'Имя', 'Фамилия', 'Отчество', 'Адрес', and 'Подпись'. Both pages are filled with handwritten entries and signatures in blue ink.



Appendix 2. GENERAL PROVISIONS OF THE VALUATION METHODOLOGY

In accordance with the current legislation of the Kyrgyz Republic and the generally accepted theory, the evaluation of any facilities is carried out from the position of three methodological approaches: cost, income and comparative.

Cost approach - approach to property valuation, according to which the value of the property consists of the cost of acquisition and/or reconstruction of all components less the total depreciation.

Comparative approach - the approach to valuation, according to which the value of property is determined at the level of prices of such facilities, taking into account the appropriate adjustment of differences between them.

Income approach - an approach to valuation where the value of property is defined as the present value of the property equal to the present value of the expected future income from its use and/or sale, taking into account the structure, income, timing and risks.

The use of each approach is due to the characteristics of the property being valued and the use of various types of information obtained in the market, depending on the purpose and purpose of the assessment. The methodology for calculating the value of rights to land plots and reconstruction of their arrangement is applied in accordance with the "valuation standards, mandatory for use by entities of valuation activities in the Kyrgyz Republic", approved by the Government of the Kyrgyz Republic from 03.04.2006 № 217 as amended on November 15, 2016.

In accordance with the terms of reference and the purpose of the assessment, which is the determining factor in the choice of the type of value, and depending on the availability of market information, the approaches and methods of the property and loss assessment are determined. The real estate facilities subject to valuation include agricultural land plots (i.e. parts of land plots subject to redemption) on the right of temporary use, green spaces and separate parts of fences. The choice of the method of evaluation of agricultural land plots is largely determined, first of all, by the complex of rights included in the market turnover and characteristics of land plots. It is the composition of the transferred rights reflects market priorities in relation to the land as a commodity and allows us to classify it according to a certain type based on the relations between the participants of the market operations of nature. The determining factor in choosing the methodology used is the availability or absence of information necessary for the calculation. The cost approach for the evaluation of agricultural land plots is not self-applied and is not applicable in this case.

The comparative approach is based on the principles of substitution, supply and demand, and provides for the analysis of sales and supply prices of such property with appropriate adjustment of differences between the facilities of comparison and the object of evaluation. The comparative approach is the most preferable and the most common in determining the market value of land. After all, the comparison of recently implemented land sales allows us to assume that the market will set the price in the same way for the estimated land. That is, in the conditions of active market of purchase and sale of agricultural land, a comparative approach allows to obtain the most objective result, which takes into account both the current demand and supply in the market and other market factors. Nevertheless, for the application of a comparative approach, detailed information on the date and conditions of the transaction, the composition of the transferred rights of each object of comparison, the physical characteristics of the compared land and other information, including the form of mutual settlements (for example, barter, cash and non-cash payment). In this case, in the absence of reliable and sufficient information (documented) on transactions of purchase and sale of agricultural land, a comparative approach cannot be applied.

Agricultural land in the market is traditionally considered as a source of income. Therefore, the price of agricultural land is often determined by the expected income that can be derived from the land. In other words, the market value of land is the present value of future income. The income approach is based on the principle of expectation and provides for the establishment of the value of the object of assessment by capitalization of annual income with the most effective use of the land. However, the source of income from agricultural land may be different. Some expect to benefit from cultivating the land on their own, while others provide their land for rent. Therefore, the methods of determining the market value of land in the framework of the income approach may be different.

The market information collected reflects the summary of the agricultural land market rental rates, the value of 1 ha of irrigated arable land and the actual operating costs for crop production. Based on the analysis of the collected market information, the most appropriate in this case is the income approach.

As a part of objects of an assessment there is one land plot with fence. The cost of reconstruction of the facilities was calculated using the resource method based on the current market prices for a single indicator (pcs, m, m2, m3). Simple (market) prices for services of contractors and suppliers of materials and services are used from available information in the media and the Internet. According to the terms of reference and the principles of the social protection policy of the Asian Development Bank, losses are determined in the amount of the cost of reconstruction.

Instructions for determining losses from loss of green space are detailed in the technical specification.

As part of the losses caused to land users are determined:

- amount of losses from crop loss;
- lost profit;
- transport cost;
- document copying.

When calculating the amount of losses from crop losses, the data of the national statistical Committee of the Kyrgyz Republic for 2015-2017, the data of state statistics, as well as the data of the statistical departments of ayil okmotu were taken as a basis.

In determining the amount of losses from crop losses was used below the calculation algorithm:

1. The weight of agricultural crop is determined in kilograms, which will be lost during electrical installation works.
2. The price of one kilogram of the relevant crop in the relevant district (ayil okmotu).
3. The calculated crop weight is multiplied by the price of one kilogram. For perennial grasses, the calculated mass is divided by the average mass of one bale (20 kg), then the resulting value is multiplied by the cost of one bale. Thus, the calculated value of losses for crop loss is determined.

The cost of seedlings and ornamental trees is determined on the basis of the market value of their sale in nurseries. The age and physical condition of fruit-bearing trees to be cut down is determined by the survey of owners.

Appendix 3. LETTER FROM NOOKEN RAYON WATER Management Department

КЫРГЫЗ РЕСПУБЛИКАСЫНЫН
АЙЫЛ ЧАРБА, ТАМАК-АШ ОНОР
ЖАЙЫ ЖАНА МЕЛИОРАЦИЯ
МИНИСТРЛИГИ



МИНИСТЕРСТВО СЕЛЬСКОГО ХОЗЯЙСТВА,
ПИЩЕВОЙ ПРОМЫШЛЕННОСТИ И
МЕЛИОРАЦИИ КЫРГЫЗСКОЙ РЕСПУБЛИКИ

НООКЕН РАЙОНДУК СУУ ЧАРБА
БАШКАРМАСЫ

НООКЕНСКОЕ РАЙОННОЕ УПРАВЛЕНИЕ
ВОДНОГО ХОЗЯЙСТВА

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ул. К.Султанова-69
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БИК 440001

№ 6 / 08 2018-ж г. № 115

Консультационная компания EGISEAU,
Институт Научно-устойчивого
развития «Керемет»

Районное управление водного хозяйства Ноокенского района настоящим письмом подтверждает, что строительство нового селедукана ПК 11+50 в рамках предполагаемого проекта, финансируемого АБР по реабилитации канала «Правая Ветка» будет проходить через земельные участки, находящиеся в пользовании у местных жителей села Кызыл-Октябрь – Садирова Жаркынбека и Исмаиловой Сатыбуш.

Данные земельные участки также находятся на территории водоохраной зоны в соответствии с законодательством Кыргызской Республики и не являются частной собственностью вышеуказанных лиц.

В случае воздействия строительства нового селедукана ПК 11+50 на земельные участки, используемые Садировым Жаркынбеком и Исмаиловой Сатыбуш выплата компенсации за земельные участки не потребуется, так как данные земли не являются частной собственностью и находятся во временном пользовании у них в соответствии с законодательством Кыргызской Республики.

Начальник Ноокенского РУВХ

К. Кудайбердиев

Consulting company EGISEAU
Institute of Scientific and Sustainable Development
"Keremet"

Nooken district water management department hereby confirms that the construction of a new mudflow crossing on the ST 11+50 within the framework of ADB financed project for rehabilitation of the "Pravaya Vetka" channel passes through the land plots in use by the local residents of the Kyzyl-Octyabr village - Sadirov Zharkynbek and Ismailova Satybush.

These land plots are also located on the territory of the water conservation zone in accordance with the legislation of the Kyrgyz Republic and are not the private property of the afore-mentioned persons.

In case of the impact of the new mudflow crossing construction on ST 11+50 on the land used by Sadirov Zharkynbek and Ismailova Satybush compensation for land is not required, since this land is not privately owned and is in temporary use in accordance with the legislation of the Kyrgyz Republic.

Head of Nooken DWMD

/signature/

K.Kudaiberdiev

Appendix 4. LETTER FROM KENESH AYIL OKMOTU

КЫРГЫЗ РЕСПУБЛИКАСЫ
ЖАЛАЛ-АБАД ОБЛАСТЫ
БАЗАР-КОРГОН РАЙОНУ
КЕНЕШ АЙЫЛ АЙМАГЫНЫШ
КЕНЕШ АЙЫЛ ӨКМӨТҮ

720812 Селет айылы Исмаил консул
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эл. пошта www.kenesht.14@mail.ru
р/с 4408031251003039
ИНН 02801199710209 БИК 440001



КЫРГЫЗСКАЯ РЕСПУБЛИКА
ЖАЛАЛ-АБАДСКАЯ ОБЛАСТЬ
БАЗАР-КОРГОНСКИЙ РАЙОН
КЕНЕШСКИЙ АЙЫЛ ОКМОТУ
КЕНЕШСКОГО АЙЫЛНОГО АЙМАКА

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05.08 2018 ж.г. № 01-6/842

Консультационная компания EGIS EAU,
Институт Научно-устойчивого развития
“Керемет”

Кенеш айыл Өкмөтү Базар-Коргонского района настоящим письмом подтверждает, что строительство нового селедука в рамках (ПК11+50) предполагаемого проекта, финансируемого АБР по реабилитации канала “Правая ветка” окажет воздействие на активы местных жителей-урожай, ограждения и деревья на двух земельных участках. Данные земельные участки, находятся в пользовании у местных жителей села Кызыл-Октябрь – Садинова Жаркынбека и Исмаиловой Сатыбуш и не являются частной собственностью выше указанных лиц.

Данные земельные участки были представлены решением Кенеш айыл Өкмөтү в пользовании и освоение Садырову Жаркынбеку и Исмаиловой Сатыбуш в 2015-году, сроком на 5-лет.

В случае воздействия проекта на активы местных жителей и земельные участки, используемые Садыровым Жаркынбеком и Исмаиловой Сатыбуш выплата компенсации за земельные участки, не потребуется, так как данные земли не являются частной собственностью и находятся во временном пользовании у них в соответствии с законодательством Кыргызской Республики.

С уважением

/ Глава Кенеш айыл Өкмөтү:

Р. Омурзаков

Date: August 9, 2018
Ref. No.: 01-6/842

The Egis Eau consulting company
Keremet Institute for Scientific and Sustainable Development

The rural council (referred to as *ayil okmotu*) Kenesh of Bazar-Korgon district (referred to as *rajon*) hereby confirms that the construction of a new mudflow crossing structure (station/ranging point 11+50) under proposed project financed by ADB on rehabilitation of the canal *Pravaja Vetka* will have an impact on assets (property) of local residents, crops, fences, and trees on two land plots. These land plots are in the use of local residents of the village Kyzyl-Oktjabr' –Sadirov Zharkynbek and Ismailova Satybush – and are not the private property of the above-mentioned persons.

These land plots were presented/given by the decision of the rural council Kenesh for use and development to Sadirov Zharkynbek and Ismailova Satybush in 2015 for a period of 5 years.

In the event of a project impact on the assets of local residents and land plots used by Sadirov Zharkynbek and Ismailova Satybush payment of compensation for land plots will not be required, since these land plots are not privately owned and used by them on temporary basis in accordance with the legislation of the Kyrgyz Republic.

Best regards,

Head of rural council Kenesh

R.Omurzakov

Appendix 5. Resettlement Information Brochure

RESETTLEMENT INFORMATION BROCHURE

A. The Project

Consultations with Government of the Kyrgyz Republic and civil society stakeholders have identified improvements to climate change and disaster resilience in the water resources sector as a priority area for climate change adaptation. In this context, ADB launched a transactional technical assistance (TRTA) to develop and prepare a proposed investment project to strengthen the resilience of the water resources sector to floods, landslides, and droughts in Kyrgyz Republic. The project was called “Climate Resilience and Disaster Risk Reduction in Water Resources Management”. The present Pravaya-Vetka Irrigation System core subproject is part of this project.

The focus of the Project is on building climate resilience and enabling disaster risk reduction in the water resources sector to ease the burden on poor and vulnerable rural communities who are exposed to potentially significant impacts on water resource availability and damage to critical infrastructure (homes, roads, canals, land) from climate and natural hazards (particularly drought, flood, mudflows). It was outlined that a primary objective is to develop ways to address these key hazards, through the planning and design of ‘model’ subprojects. The project has three core outputs. These are:

- I. **Output 1: Irrigation infrastructure protected and modernized.** The project will modernize main (primary and secondary) canals, lower-level (intra-farm and on-farm) canals and associated infrastructure such as protective mudflow crossing structures, and cross-regulators and offtakes.
- II. **Output 2: Irrigation system and agricultural land management enhanced.** The project will strengthen management, and operation and maintenance (O&M) of target irrigation systems. In conjunction with output 1, the participatory planning approach will develop and implement joint DWRM-WUA irrigation system management plans including practical drought and climate risk management, water delivery scheduling, cropping patterns, and O&M financing and planning.
- III. **Output 3: National disaster risk management capacity improved.** The project will support capacity building and modernize equipment for national disaster risk management in the water resources sector.

B. Resettlement Planning

Project implementation can cause land acquisition and resettlement (LAR) impacts. As per ADB’s Safeguard Policy Statement 2009 (SPS 2009), a Land Acquisition and Resettlement Plan (LARP) will therefore be prepared, approved and implemented before the commencement of civil works. The LARP must be consistent with both the SPS 2009 and Kyrgyz Republic laws, regulations and policies relating to land acquisition and resettlement. The main elements for undertaking a LARP are as follows:

Land Acquisition and Resettlement Plan (LARP): A time-bound action plan with a budget, setting out the resettlement strategy, objectives, entitlements, actions, responsibilities, and monitoring and evaluation.

Affected Persons/Household (AP/AH): People (households) affected by Project-related changes in use of land, water or other natural resources. It includes all people affected by the Project through land acquisition, land use restriction, relocation, or loss of income.

Detailed Measurement Survey (DMS): This activity involves the measurement of affected assets, severity of impacts, and list of APs. Valuation of land and non-land assets is ongoing.

Cut-off Date: Means the date of completing the DMS for which land and/or assets affected by the project are measured. Any people who settle in the Project area after the cut-off date will not be entitled to compensation and assistance under the Project.

The main task of the TRTA consultants is to prepare a draft LARP based on the results of (a) Detailed Measurement Survey (DMS) (b) census of affected households; (c) valuation survey based on DMS results; and (d) public consultations conducted. The draft LARP approved will then be disclosed to other relevant government agencies, affected peoples (APs), and affected villages. The final LARP will be updated after detailed engineering design during Project Implementation stage.

C. Legal Framework

Land acquisition and resettlement impacts caused by the Project will be compensated based on the laws, regulations and policies of the Kyrgyz Republic, and also be consistent with the requirements of ADB SPS 2009.

D. Compensation Eligibility

To be eligible for compensation, APs must be residing, doing business and livelihood activities in the affected areas prior to the cut-off date. Any person moving-in or utilizing the affected areas after the cut-off date will not be compensated.

E. Grievance Redress Mechanism

A grievance redress mechanism (GRM) will be established for the project so as to enable APs to voice and resolve their concerns in a trusted and effective way.

Key to the GRM is the establishment of local and central level grievance redress groups (GRG). The role and responsibility of the GRGs are to accept claims and complaints, assess their validity, determine the scope of eventual impacts, and timely resolve the claims and complaints during LARP planning and implementation.

APs' requests, complaints, claims and issues are at first considered by the GRG at the local level. Based on this mechanism, an aggrieved person may access the GRM through the Local Points of Contact (LPC). If decision on requests, complaints, claims and issues of APs is not made by the GRG at the local level or the GRG is not able to make a decision for reasons beyond its control, then the complaints, requests and questions from APs shall be given to the GRG at the central level.

F. Contact information

CONTACT INFORMATION OF LOCAL POINT PERSONS

| No | Name | Position | Contacts |
|----|----------------------|--|------------|
| 1 | Myrzahmedov Kazimjan | Chief engineer of Nooken Rayon Water Management Department | 0771615284 |
| 2 | Madmaraov Turdumamat | Chief engineer of Bazar-Korgon Rayon Water Management Department | 0770790404 |
| 3 | Omorbekov Azamat | National Resettlement Specialist, EGIS/Keremet | 0770115515 |