



KYRGYZ REPUBLIC
COMMUNITY DEVELOPMENT AND INVESTMENT AGENCY

URBAN DEVELOPMENT PROJECT

RESETTLEMENT POLICY FRAMEWORK

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ABBREVIATIONS AND DEFINITIONS

AA	Aiyl Aimak
ARIS	Kyrgyz Republic's Community Development and Investment Agency
DDE	Detailed design and estimates
JK	Jogorku Kenesh
IOL	Inventory of Losses
KR	Kyrgyz Republic
LSG	Local Self-Government Bodies
OM	Operational Manual
PAP	Project Affected Person
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
UDP	Urban Development Project
WB	World Bank
Aiyl Aimak	Executive body at local level
Census	a complete count of the population affected by a project activity including collation of demographic and property information. This will identify and determine the number of Project Affected Persons (PAPs) and the nature and levels of impact.
Compensation	the payment in kind or cash given in exchange for the assets to be acquired under the project
Cut-off date	Date of registry or census that serves as the eligible cut –off date to prevent any further invaders or other persons willing to take advantage of benefits. The cut-off date will be the date of commencement of census
Economic rehabilitation assistance	the provision of assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable PAPs to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
Involuntary resettlement	the involuntary taking of land resulting in direct or indirect economic and social impacts caused by: a) Loss of benefits from use of such land; b) relocation or loss of shelter; c) loss of assets or access to assets; or d) loss of income sources or means of livelihood, whether or not the PAP has moved to another location.

Keneshes (local)	Executive body of city governance
Project affected Party (PAP)	Person or household exposed to direct economic or social impact caused by : A) involuntary taking of their land that led to (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of sources of income or means of livelihood regardless of whether or not the said PAP physically relocate. B) involuntary restriction of access to legally marked parks and protected areas that adversely impact the life activities of displaced people.
Resettlement Action Plan (RAP)	a resettlement instrument (document) to be prepared when subproject locations are identified. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities.
Resettlement Assistance	the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation
Replacement Cost	<p>It is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. Replacement cost for land plots is equal to market value of land with equivalent potential land capacity or use capacity located near the affected land; plus the costs for registration of land ownership, use and transfer.</p> <p>Replacement value for buildings and structures is equal to market value of materials to be required for construction of replacing structure equal in location and quality or better of the affected structure; or repair of the partially affected structure plus costs for delivery of construction materials to construction site, plus the cost of contractors' work plus the fees for registration and re-legalization of land ownership. However depreciation of facilities or the cost of usable materials are not accounted together with the value of the benefit from project implementation.</p> <p>Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures necessary to meet the replacement cost standard. Such additional assistance is distinct from resettlement assistance to be provided under other clauses of para 6.</p>

1. INTRODUCTION

1.1 PROJECT CONCEPT, OBJECTIVES AND GEOGRAPHIC COVERAGE

The Project objectives are to improve (i) water supply in Sulukta and Kerben towns; (ii) improvement of seismic safety and energy efficiency of priority schools and kindergartens in Balykchi and Toktogul towns by decreasing energy consumption that would lead to lower municipal budget expenses on electricity and improve the level of comfort of the premises; (iii) the operation of the street lighting system in Balykchi and Toktogul towns, which would allow decreasing the operation and maintenance costs, decrease the greenhouse effect and “light pollution” by focusing lighting, improving the street lighting and safety; (iv) solid waste collection by rendering technical assistance to selected municipalities and service organizations to improve their performance (billing, collection of payment, increasing their sources of income).

UDP implementation areas marked on the map of the Kyrgyz Republic are Balykchi, Toktogul, Kerben and Sulukta.



UDP consists of the following components:

Component A: Urban Development.

Sub-component A1: Municipal Services.

This sub-component is expected to finance rehabilitation of water supply system in towns of Sulukta and Kerben, including headworks, water mains and distribution systems, as well as installation of production/supply water meters at water intake/mains to measure the volumes of water supplied to the distribution network.

The Project will support municipal services in improving the access to and the quality of solid waste management services in selected towns.

Sub-component A2: Safe and Energy Efficient Social Infrastructure Pilot.

This sub-component will focus on upgrading/thermo-modernization of priority schools and kindergartens in Balykchi and Toktogul towns. This covers insulation of walls and the roof, replacement of windows, the entrance door and internal doors, repair of internal heating, lighting systems through replacement of incandescent lamps by energy saving lamps and replacement of heating boilers. Use renewable sources of energy (that of wind or sun) in one of the schools as a pilot project. Capital repair of schools and kindergartens will be completed considering the analysis of structural and seismic integrity of buildings. . Seismic safety of schools will be improved.

The street lighting system is projected to be modernized in the selected towns through replacement of mercury lamps by LED lamps and arranging control posts with adjustable timers.

Component B: Institutional Development

This component is supposed to support: (i) improving billing and payment collection practices to increase the municipalities' and the utilities' own sources of income; (ii) conducting operational trainings on optimization of work, improving the maintenance practices, development of the strategy for controlling the volumes of unaccounted for water and strengthening the capacity for leak detection; (iii) conducting trainings for contractors, design companies, ARIS, utilities and government employees on advanced methods of contract management and construction supervision, including the best practices on upgrading the energy efficiency of buildings.

Component C: Project implementation support

The Component C will support the existing system of subversion under the UDP. Updating the institutional system through development of a new scheme of the project organizational structure is planned to be carried out.

1.2 JUSTIFICATION FOR AND SCOPE OF THE RESETTLEMENT POLICY FRAMEWORK (RPF)

The Resettlement Policy Framework (RPF) provides guidelines for development of appropriate mitigation measures, including compensations for mitigation and reparation of the damages due to impacts of land acquisition and resettlement, caused by future project activities whose exact locations are not known yet. RPFs are applicable to all UDP sub-projects, which may have impacts in the form of:

- Resettlement or loss of shelter;
- Loss of assets or access to them;
- Loss of income sources or means of subsistence, regardless of the fact, whether people affected by the project impact (PAPs) are forced to resettle.

Designs of subprojects have not been prepared yet and the exact sites for rehabilitation / construction works have not been identified. Potential impacts will be known in detail at the stage of development of design estimate documentation (DED) and at the beginning of construction / rehabilitation works. At this stage, we cannot exclude the possibility of land acquisition, restriction of access to the land or loss of assets for the population or commercial structures affected by the project.

This requires the development of RPF, defining: (i) the scale of potential impacts (temporary or permanent) on the possible use of land by the project, access to the land, buildings / structures and sources of income; (ii) describe in detail the legal foundation for land acquisition; (iii) determine the mechanisms of compensation or assistance, resettlement procedures, eligibility criteria for compensation to the resettled population, methods of assessment; (iv) contain a matrix of the right for compensation, describe the processes of implementation, publication, dissemination of information and consultation procedures; and (v) grievance mechanisms and monitoring.

The RPF will be used as a tool to determine if there will be any impact resulting from project activities, and will be developed as a practical tool for preparation of the Resettlement Action Plans (RAPs) for sub-projects during implementation of the UDP.

Key objectives of RPF:

- (i) Determination/ identification, compensation and restoration of means of subsistence of the PAPs;
- (ii) Serve as the basis in the process of preparation, updating, implementation and monitoring of RAP sub-projects.

RPF contains measures to ensure that the PAPs:

- (i) Are informed of their options of choice and rights related to the resettlement;
- (ii) Participate in consultations on possible options for compensation, have the right of choice and are provided with technically and economically feasible alternatives of resettlement;
- (iii) Are provided with the prompt and effective compensation at full cost of replacement¹ for the loss of assets related to implementation of UDP.

RPFs are developed on the following principles:

- To avoid or at least minimize the need for involuntary resettlement;
- PAPs, at a minimum, should be provided with adequate assistance to improve or at least to restore previous pre-project living conditions;
- PAPs should be fully informed and consulted on compensation options;
- Lack of the formal legal land title is not an obstacle to get compensation or alternative forms of assistance; PAPs without legal land titles or claims receive compensation equivalent to replacement cost for structures and other nonland assets.
- Special attention during the resettlement process should be given to socially vulnerable groups of population, such as ethnic minorities, female-headed households, the elderly, and so on, providing them with proper assistance to improve the standard of living;
- Compensations must be paid to PAPs at full cost of replacement, without any deductions for other purposes.

2. LEGAL FRAMEWORK

2.1 LAND ACQUISITION AND RESETTLEMENT IN THE KYRGYZ REPUBLIC

The main legal document regulating the citizen' rights for land is the **Constitution of the Kyrgyz Republic** as of 2010, according to which land is under the state, municipal, private and other forms of ownership.

Article 12 specifies as follows:

1. In the Kyrgyz Republic it is recognized the variety of forms of ownership and their equal protection is guaranteed.
2. Ownership is inviolable. None can be arbitrarily deprived of his property. Expropriation of property against the will of the owner is possible only through a court decision.
3. Land, sub-soil resources, air space, waters, and forests are an exclusive property of the Kyrgyz Republic; those are used for protection of the unified environmental system being a basis of life and livelihood of KR people and are under the special protection of the Government.
4. The extent and procedures used by owners to exercise their rights and ensure protection of those are regulated by the Law.

Below are the articles of the **Land Code** of the Kyrgyz Republic² containing the most suitable issues on land use and land acquisition:

¹ OP 4.12 footnote 11; OP 4.12 Annex A footnote 1.

² As of 2 June 1999 No45. The Laws of KR as in force on 28 December 2000 No 93, 4 January 2001 No 2, 4 January 2001 No 3, 12 March 2001 No 30, 11 May 2002 No 78, 17 February 2003 No 36, 9 July 2003 No 123, 5 December 2003 No 227, 23 June 2004 No 77, 7 February 2005 No 15, 28 February 2005 No 40, 4 June 2005 No 67, 20 January 2006 No 7, 25 July 2006 No 126, 28 December 2006 No 217, 26 February 2007 No 22, 26 February 2007 No 23, 17 October 2008 No 231, 26 January 2009 No 29, 11 March 2009 No 79, 26 May 2009 No 171, 22 July 2011 No 117, 16 November 2011 No 213.

Article 4. Ownership of Land

1. In accordance with the Constitution of the Kyrgyz Republic, land may be the state, communal, private or other forms of ownership.
2. State - owned land shall include lands allocated to the state land users, lands of forest, water funds, lands of especially protected natural territories, lands of reserve stock, lands of frontier area, lands of the State fund of agricultural land, pastures of rural settlements, pastures in the zone of intensive use, as well as distant pastures, and other lands have not been transferred in private or municipal ownership.

State ownership shall also include lands of state livestock breeding, seed-growing, experimental farms, testing stations and areas, bases of education and scientific research institutions of agricultural profile formed on the lands of the State agricultural fund, except for the lands allocated as a land shares to the citizens residing and working in the given farms.

The right of the State ownership to land shall be exercised by the Government of the Kyrgyz Republic on the entire territory of the Republic and by the local state administrations within jurisdiction established by this Code.

3. Lands within the borders of Aiyl Aimaks (AA) (Local executive bodies cities shall be the municipal ownership, except for the lands in private and state ownership).

Management and disposal of lands in municipal ownership shall be exercised by:

- within the borders of Aiyl Aimaks - by the executive body local self-government;
- within the borders of cities - by local self-government body;

Management of lands in the state ownership within the borders of AAs and cities shall be exercised by the bodies of local self-government in cases stipulated by this Code.

4. Pastures cannot be transferred to private ownership or lease.

Article 7. Terms of utilization of land plots by land users

1. The use of a land plot may be unlimited (without indication of term) or fixed-term (temporary).
2. The fixed-term (temporary) use of the land plot including the conditions of the lease agreement shall be recognized the use of land limited in term up to 50 years. After expiration of this period, the period of use of the land plot may be prolonged subject to the agreement of parties.
3. Land plots shall be provided to foreign individuals for fixed-term (temporary) use only.
4. As a rule, agricultural land of the State agricultural fund shall be granted for lease for the period of not less than 5 years.

Article 35. Transfer of a land plot. Payment for transfer of a land plot (abstract from the Article)

1. An owner of a land plot or a land user may transfer his right to a land plot fully or partially to other individual or legal entity without any permission of state agencies unless otherwise provided by this Code, other legislative acts of the Kyrgyz Republic, and conditions of allocation of a land plot.
2. Upon transfer of a right to land plot by the owner or land user to other individual or legal entity the amount of payment for land plot shall be determined by the agreement of parties.

Article 53. Establishment of an easement

1. An easement may be established by the agreement of parties (voluntary easement) or, if necessary, by decision of the authorized agency (involuntary easement).
2. Encumbrance of land with an easement shall not deprive the land owner or land user to use and dispose his right to a land plot.

Article 56. Purposes of establishment of an involuntary easement

1. In cases provided by this Code and other legislation, an authorized agency may establish involuntary easement upon request of an interested party.
2. The involuntary easement shall be established to provide:
 - 1) access to a land plot if another access is impossible, extremely difficult, or requires incommensurate expenses;
 - 2) laying and operation of electric transmission lines, communications, water supply, heat supply, reclamation, and other needs that may not be provided without establishment of the involuntary easement.

Article 57. Indemnification of damages related to establishment of the involuntary easement. Fee for the involuntary easement (abstract from the Article)

1. Infliction of loss upon a land owner or land user by establishment of the involuntary easement shall be subject to indemnification by the person in whose interests the easement is established.

Article 62. Termination of the title to a land plot

The title to land plot shall terminate in the following cases:

- 1) alienation of the right to land plot to another person;
- 2) foreclosure of the land plot being in ownership or in use upon the claims of creditors in accordance with legislation;
- 3) death of a land owner or land user in the absence of heirs;
- 4) voluntary waiver of the rights to land plot by the land owner or land user;
- 5) expiration of the term of the land use;
- 6) termination of labor relations or equivalent relations, based on which the official land plot was allocated for use;
- 7) impossibility of further use of the land plot caused by a natural disaster;
- 8) withdrawal of the land plot on the grounds and in the procedure provided in [Chapter eleven](#) of this Code.
- 9) disestablishment of the state or municipal land user, public association, social fund, and of a religious organization;
- 10) withdrawal of citizenship of the Kyrgyz Republic of the owner of the agricultural land plot or land plot, except in case of mortgage housing construction.
- 11) upon termination of the concession agreement, contract on mining concessions, production sharing agreements, as well as the termination of mineral rights;
- 12) termination of the agreement concluded in the framework of public-private partnership.

Article 66. Grounds for withdrawal of the land plot (abstract from the Article)

1. Withdrawal of the land plot shall be allowed in the event of:
 - 1) utilization of a land plot in violation of its targeted use;
 - 2) withdrawal (redemption) of the land plot for the state and public needs in accordance with provisions of this Chapter;
 - 3) failure to use a land plot or part of the land plot allocated for agricultural production within three years;

- 4) failure to use within the specified period a land plot allocated for non-agricultural production in accordance with the legislation of the Kyrgyz Republic;
- 5) failure to pay land tax within the period established by the tax legislation;
- 6) failure to pay insurance fees within the period established by the Law of the Kyrgyz Republic «On Tariffs of Insurance Fees for the State Social Insurance».
- 7) termination (cancellation) the mineral rights by the State body on use of subsoil recourses in cases provided by the Law of the Kyrgyz Republic “On Subsoil”.

4. The land plot may be withdrawn for satisfaction of the state and public needs subject to payment of the value of the right to land plot and indemnification of losses.

Article 68. Withdrawal (redemption) of the land plot for the State and Public needs (abstract from the Article)

3 Upon calculation of the redemption price of the land plot, it shall include the market value of the right to land and of the buildings and structures located on the land, and the damages inflicted to the land owner or land user by termination of the right to land plot, including the losses connected with early termination of his obligations to third parties.

2.2 WORLD BANK POLICIES ON INVOLUNTARY RESETTLEMENT

The WB Operational Policy 4.12 is focused on avoiding and/or minimizing the risks related to involuntary resettlement.

The overall objectives of the OP 4.12 are as follows:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all technically viable alternative project designs.

(b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the PAPs to share in project benefits. People to be resettled should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

(c) Resettled people should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them in real terms to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

To address the impacts of involuntary resettlement, and when the extent of direct impact is known, this policy calls for preparation of a RAP to guide the resettlement process. RAP includes (i) information of the findings of socioeconomic studies to describe the extent of resettlement, (ii) information about proposed alternatives and provision of technically and economically feasible alternatives of resettlement, (iii) measures to ensure awareness about proposed options, entitlements to the PAPs and their rights concerning the resettlement; and (iv) budget for the resettlement related expenses.

Where the impacts on total resettled population are small (less than 200 people)³, the reduced RAP can be prepared. For projects that have a significant impact on resettlement (more than 200 people), it is required to prepare the complete RAP. The policy requires that in the process of resettlement planning the following issues to be taken into account:

1. Displaced persons as well as the residents of the host settlements should be provided with timely and relevant information, participate in consultations on resettlement options, and have opportunities to participate in planning, implementing, and monitoring of the resettlement

³ Item 25 OP 4.12. Item 22. Annex A OP 4.12.

There will be minor impacts if PAP will not be resettled and lose less than 10% of their assets.

activities. Appropriate and accessible mechanisms for administration and redress of grievances should be established for these groups.

2. In new resettlement sites or in host communities, the necessary infrastructure and public services should be provided to improve, restore, or maintain accessibility and quality of service for the displaced persons and local residents. Alternative or similar resources to be provided to compensate the loss of access to common utility resources.

To achieve the policy objectives the WB requires, that particular attention is paid to the needs of vulnerable groups among the resettled population, especially those below the poverty line, the landless, the elderly, women and children, and ethnic minorities.

2.3 COMPARISON OF REQUIREMENTS OF OP 4.12 WITH KYRGYZ LEGISLATION ON RESETTLEMENT POLICY

The main differences between the Land-Laws of the Kyrgyz Republic and WB Operational Policy 4.12 are outlined in the table 2.3.1 below.

MAIN DIFFERENCES
BETWEEN LAND-LAWS OF THE KYRGYZ REPUBLIC AND OP 4.12 “INVOLUNTARY RESETTLEMENT”

Table 2.3.1

Provisions of the KR' Land Code	Requirements of the WB OP 4.12	Actions on implementation ⁴
Compensation for acquired land only for titled landowners, i.e. for those PAPs who have formal document for the right to land use, or who are holders of customary rights.	Lack of formal title to land will not prevent PAPs from entitlements, i.e. those people without legal title to land and/or facilities/structures occupied or used by them, are entitled to compensation for structures and various options of resettlement assistance according to the matrix for right to obtain compensation, subject to that they cultivated/occupied the land before the eligibility cut-off date.	Within the UDP, regardless of the presence or absence of legal rights to the land PAPs are entitled to compensation for structures, crops and trees, and rehabilitation measures in accordance with the WB OP 4.12.
Consultations with PAPs or communities in respect of land or asset confiscation are not required.	PAPs are to be fully informed and consulted on compensation, entitlements and resettlement options including location of new settlements. This includes consultations with participation of PAPs, information dissemination campaigns, and opportunities to participate in monitoring depending on the nature and scale of impacts. Resettlement plans to be developed and prepared in consultation with PAPs and other stakeholders. separate consultations may be needed on gender issue and disclosure of information in order to provide women with information and sufficient opportunities to express comments.	During UDP implementation, there will be obligatory consultations on resettlement options for PAPs in a timely and accessible manner.
There is no separate grievance mechanism on resettlement.	It is a good practice to include a Grievance Redress Mechanism to provide a venue for PAPs to submit their grievances and receive answers.	RAP provides for procedures for administration of grievances.
The lack of information disclosure	Information disclosure is a mandatory requirement. The obligatory	The procedure for the disclosure of

⁴ Implementation of international legal norms by the Project.

Provisions of the KR' Land Code	Requirements of the WB OP 4.12	Actions on implementation ⁴
procedures.	requirement is the disclosure of the RPF and RAP, both on the website in the World Bank infoshop regime and on the appropriate website of the project executor, and submission copies of these documents to local self-governments and households directly affected by the project impacts.	information is provided in RAP.
Compensation for land is carried out at the redemption price of the land plot, including market value of the rights to a land plot and of buildings and structures located on it, as well as losses caused by an early termination of obligations of the land owner to the third parties.	<p>It is preferably to allocate the land in exchange to acquired lost land plot, and the proposed plot should be acceptable for PAPs and it should match in size and fertility to the lost land.</p> <p>If it is impossible to find a suitable land, then compensation to be made in cash or allocation of another plot with a surcharge on the cost of replacement. The cost of replacement for the land is equal to the market value of the land, which has the same production potential or use, located near the land exposed to impact, plus the cost of preparation of land to a condition similar to that of the land affected by the project, plus the cost of fees for registration and re-registration of rights for land ownership and land use.</p>	Compensation of land for land is a preferred option. If replacement of land for land is not possible, compensation will be made in cash at the full cost of replacement.
Compensation for other assets (buildings, crops, trees, and the business income) is made to official users at market value.	The cost of replacement of buildings and facilities is equal to the market value of materials that will be needed for construction of the replacing structure, which location and quality are similar or better than that under impact, or repair of partially affected facilities, plus the cost of delivery of building materials to the construction site, plus the cost of work of contractors, and plus taxes for registration and re-registration of property rights. At this, depreciation of objects and costs of usable materials are not taken into account, as well as the cost of benefit of the project implementation.	Compensation for any other assets that fall under the impact of the project (structures, crops and trees, as well as commercial losses / loss of income) will be made in cash or in kind, at the full cost of replacement both to the official and non-official users.
Provisions on support to vulnerable PAP are not specified.	<p>Vulnerable groups will be provided assistance.</p> <ol style="list-style-type: none"> 1. Besides compensation for lost assets, social welfare should be provided within a year. 2. Support is rendered in resettlement and, if needed, in transportation of materials. 	Vulnerable and poor PAPs have the right to appropriate additional measures to help prevent further negative impacts during implementation of the RAP. Additional

Provisions of the KR' Land Code	Requirements of the WB OP 4.12	Actions on implementation ⁴
	3. Special attention should be paid to recovery of income.	assistance can be provided in the form of allocation of land and other property, the payment of cash benefits and compensations, employment and so on - depending on the specific conditions. Gender issues will be also taken into account.
Payment for transportation costs and involuntary displacement is not specified.	The replacement cost includes delivery costs of building materials	transportation costs will be included in the resettlement budgets.
At DED development stage, proposals for acquisition of agricultural, high-yielding land are not applied when other land is available.	Any land acquisition and resettlement is to be avoided, or if it cannot be avoided, it should be minimized by exploring all possible options.	Consideration of alternatives, both placements and technical capabilities of subprojects, to avoid or minimize, as far as possible, the need for land acquisition and resettlement.
No specific provision for temporary or permanent loss of income/livelihood is provided.	Requires compensation for loss of livelihoods and income as a result of temporary or permanent land acquisition.	Providing compensation for loss of land or assets, or for the temporary cessation of revenue.

In case of differences between the Laws of the Kyrgyz Republic and the requirements of OP 4.12 “Involuntary Resettlement”, the principles and procedures of OP 4.12 prevail and thus, should be applied.

This priority of WB standards over the State legislation is a requirement for projects funded by the World Bank.

3. ELIGIBILITY CRITERIA AND PROCEDURES FOR VARIOUS CATEGORIES OF AFFECTED PEOPLE

3.1 PRINCIPLES

The involuntary withdrawal of land results in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not. OP 4.12 suggests the following three criteria for eligibility⁵:

(a) Those who have formal rights to land including customary/communal land, traditional and religious rights recognized under Kyrgyz Law.

(b) Those who do not have formal legal rights to land at the time the project or census commences but have a claim to such land or assets provided that such claims are recognized under the laws of Kyrgyzstan or become recognized through a process identified in the RAP.

(c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from before the cut-off date, but are recognized under World Bank OP 4.12. Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF

Persons covered under (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the project area prior to a cut-off date established by the project authorities in close consultation with the potential PAPs, local community leaders and the respective local authorities and acceptable to the World Bank.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land.

It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land or had use of it, before the entitlement cut-off date.

⁵ Para 15 OP 4.12

3.2 ELIGIBILITY CRITERIA AND RIGHT TO COMPENSATION

Entitlement Matrix

Right to compensation for eligible PAPs

Assets and compensation guides

Table 3.2.1

Project Impact	PAP Category	Asset Affected	Compensation Guide
Temporary acquisition of land for works and construction	Land owner	Land	Rental for land based on market tariffs taking into account the rates as of the current period and land restoration and all assets located on the land in the previous condition, including: Compensation for removal and transportation of a) movable assets, usable material; b) state and municipal assets; c) recovery of income sources for a period used. d) any potential restriction on the use of land and civil works in the future as a result of works and construction under the project
	Informal user	Land	Restoration, replacement or compensation of all assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis
Permanent acquisition of land for works, construction or as part of first sanitary protection area.	Land owner	Land	Replacement land of equivalent market value as priority option within the acreage and fertility. In case of non-availability of land, cash compensation at market rate and replacement value will be paid, including fees for registration and re-registration of rights and the costs for recovery of land to ensure the condition of affected land. If the remainder of the plot is not economically viable the entire plot will be purchased.
	Informal user	Land	Land compensation is not envisaged. Compensation for the loss of structures and assistance with relocation is required: PAPs without legal title or claims receive compensation equivalent to replacement cost for structures and other nonland assets. Instead of compensation for land plots withdrawn

Project Impact	PAP Category	Asset Affected	Compensation Guide
			from them, assistance rendered in resettlement to new residential area depending on certain conditions based on individual cases
		Assets	Compensation in cash for linked assets at replacement value. In case of income loss, compensation will be paid based on minimal wage for six months and the right for usable materials.
Permanent acquisition of legal structure.	Owner of structure	Any structure including fence, sanitation structure etc.	Replacement structure or Cash compensation at replacement value and the right for usable materials.
Permanent acquisition of illegal structure	Owner of structure	Any structure including house, fence, sanitation structure etc.	Replacement structure or Cash compensation at replacement value and the right for usable materials.
Restriction of access to houses	Tenant or House owner	Section of residential compound temporarily affected or access to house affected by works	Recovery of lands up to its initial condition. In kind compensation for affected need such as alternative car parking facility. Disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis (a specific formulation of the allowance would be established in the relevant RAP).
Vendors or business entrepreneur	Owner of business	Loss of business due to works.	Cash compensation of estimated business loss assessed from records of preceding 3 months or equivalent business (if no records) during the time of works when business is interrupted. Disturbance allowance equivalent to 7 days of business profit
		Permanent compensation for loss of business due to works.	Compensation for income loss during transition period, resettlement assistance to move business and economic rehabilitation assistance to ensure income is restored, as needed.

Project Impact	PAP Category	Asset Affected	Compensation Guide
Farmer with land title	Owner	Crops	In addition to land compensation, will be allowed to take standing crop and cash compensation at highest market value for agricultural season or according to the rates of the Ministry of Agriculture and Land Reclamation of KR, whichever higher at highest market rate. For temporary use of land, when swing time is lost, compensation will be paid for lost vegetation based on market value of previous crop.
Tenant farmer	Tenant	Crops	Allowed to take standing crop and cash compensation for agricultural season or according to the rates of the Ministry of Agriculture and Land Reclamation of KR, whichever higher at highest market rate. For temporary use of land, when swing time is lost, compensation will be paid for lost vegetation based on market value of previous crop.
Fruit tree owner	Owner	Fruit tree	Price of a sapling and cash compensation for the value of the harvest multiplied by number of years it will take for the sapling to reach maturity.
		Non-fruit trees	Timber of cash equal to timber value.
Vulnerable people	Identified on the basis of social assistance payments (disability payments, pensioners, widows, female-headed households, and households below the poverty level) as determined by the legislature of KR and consultations	Residential and commercial assets/ Recovery of income sources	<ol style="list-style-type: none"> 1. In addition to compensation for assets lost, a disturbance allowance set to be one year of supplemental social assistance payments. 2. Support rendered in removal and transportation of materials. 3. Special attention will be paid to income recovery and measures such as a) assistance in applying for unemployment status and b) other type of assistance required on case by case situation 4. Benefits in terms of social welfare within one year have been envisaged.

Project Impact	PAP Category	Asset Affected	Compensation Guide
Permanent acquisition	Public assets	Buildings/ structures	Compensation will be provided in kind in terms of construction of new structures or repair of structures partially affected by the project.
Livelihood loss	All PAPs identified as having lost livelihood	All types of loss of livelihood	In case of loss of livelihood, PAPs will receive additional trainings, assistance in job search and in applying for unemployment status, and other type of assistance required on case by case situation.

3.3 METHODS TO DETERMINE CUT-OFF DATES

Once subproject DDE and setting-out are finalized, all PAPs will be defined. Consultations will be carried out with project affected persons to inform those about the subproject, its acreage, impact etc. Measures will be taken to inform PAPs and get their feedbacks, which might result in change of project scale to minimize the need in resettlement.

As a rule, a cut-off date is the day of beginning of census or the date of demarcation of project boundaries if the boundaries had been defined prior to the census, providing that the information about forthcoming demarcation has been properly furnished to local population and that after demarcation, information was spread to ensure non-admission of new residents to this area.

This communication will be done through ARIS with its staff assigned to resettlement and communication in line with the consultation procedures outlined in this document. The potential PAPs will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

UDP Safeguards Consultant will be responsible for resettlement and prepare RAP at a later stage, if needed.

4. RPF AND RAP IMPLEMENTATION ARRANGEMENTS AND PROCEDURES

4.1 OVERVIEW

The overall coordination of the project will be provided by ARIS which will oversee all resettlement planning and coordinate all issues relating to the compensation. ARIS will collaborate closely with the participating Municipalities of Sulykta, Kerben, Toktogul and Balykchy.

Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for sub-projects. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each project activity. Should these institutional structures change, this will need to be reflected in RPF and further RAPs.

4.2 SCREENING OF PROJECT ACTIVITIES

The first step in the process of preparing individual RAPs is the screening process to identify the land/ areas that may result in resettlement impacts. This screening will be carried out in conjunction with ARIS staff, municipality representatives (architecture, Vodokanals, schools, and kindergartens) to identify the types and nature of potential impacts related to the activities proposed under this project, and to provide adequate measures to address them.

It also ensures that the avoidance or minimization of resettlement is a key criterion when designing RAP for project activities under the UDP.

Screening will be undertaken in accordance with established screening criteria and documented as a report on screening of potential social impacts described in Annex 1.

No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts. If the screening will show the need in resettlement, the following step should be

social and economic profiling and inventory of land reserves and assets to define the extent of required resettlement. Then, a RAP development under this subproject should be carried out.

4.3 SOCIO-ECONOMIC PROFILING AND INVENTORY OF LOSSES

Should the screening process show that land acquisition will be required, the next step will be the socio-economic identification and profiling, or census, of Project Affected Persons (e.g. their age, asset dependence, income, family status etc) in the area identified for acquisition. This step should be carried out by ARIS consultant at the same time as the inventory and evaluation of all assets affected for each individual PAPs.

Once census is completed, date of completion should be specified according to item 3.3. The census will show that if there are some resettlement issues, RAP will be developed based on the data collected.

The screening process will involve direct consultation with the PAP(s) who will work with a social consultant and local officials (architect, deputies of local keneshes, NGOs representatives and other stakeholders) in simple language and communication to verify the affected assets and discuss their socio-economic situation. Before the process begins the PAP(s) will be advised both in writing and verbally in terms of information booklets, presentations and announcements published on information boards at municipalities and public places of their rights throughout the consultation process. This will include description of grievance redress procedures and compensation matrix. Verbal information will be provided to illiterate people. PAPs will be provided with the opportunity to express their feedback and concerns.

In case of inability to conduct direct consultations, activities will be carried out to inform absent PAPs through relatives or neighbors.

4.4 DEVELOPMENT OF THE RAP

Following the socio-economic census and identification of affected parties, RAPs in Kerben and Sulukta during construction of water supply systems will be prepared by a firm engaged in developing detailed design estimates for facilities in close coordination with the UDP safeguards consultant. In Balykchy and Toktogul, RAPs will be prepared by an ARIS UDP safeguards consultant.

It will be prepared in consultation with affected parties, particularly in relation to, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes. The basic elements of a RAP, as outlined in OP 4.12 are provided below. Each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available on the World Bank's website (www.worldbank.org) or in the World Bank's Resettlement and Rehabilitation Guidebook.

It is expected that in this project, the impacts on the entire displaced population will be minor (i.e. affected people are **not** likely to be physically displaced and less than 10% of their productive assets will be lost). Overall it is expected that fewer than 200 people will be affected in any activity, so that abbreviated RAPs (as defined in OP 4.12) can be prepared. Also, for any given RAP it is likely that only a handful of people will be affected as RAPs will be prepared for individual sub-projects that require land acquisition. Thus it is proposed that the RAPs will contain a number of standardized sections as front matter (project description, legal and institutional framework, eligibility and entitlement matrix etc.) that are already found in the RPF, followed by a section specific to the affected site, and the PAP(s) along with their assets (inventory of losses, compensation and resettlement costs and budget, socio-economic profile etc.). While household-level data is essential to the RAP, for the

purposes of privacy, information identifying individuals or households in the RAP need not be publicly disclosed.

RAP for each subproject will include the information on baseline census and social and economic assessment, eligibility matrix and compensation rights, compensation amounts, rights related to additional impacts identified during census or assessments, description of resettlement areas, and the programs for improvement and recovery of income sources and livelihood, schedule for implementation of resettlement activities, detailed cost estimates and grievance redress mechanisms.

4.5 DISCLOSURE AND APPROVAL OF RAP(s)

Following RAP preparation, a number of steps must be followed:

1. Draft RAP is subject to discussion with municipality and PAPs who will receive a copy of RAP in week before discussion.
2. Following discussion, comments and proposals are reflected in RAP.
3. RAP will include the section of consultation process with a matrix, comments and proposals for implementation thereof.
4. UDP Safeguards Consultant will provide RAP for approval by the Project Coordinator.
5. Following incorporation of comments from public consultations, and Project Coordinator approval, the RAP must also be formally sent to the World Bank for review to ensure compliance with OP4.12 and any other relevant policies/ procedures.
6. Following confirmation that the RAP is of acceptable quality to the World Bank, it will be disclosed on the World Bank's info-shop website, re-disclosed on the PIU website and disseminated again to all interested parties Personal information about PAPs will not be public.

No changes to the RPF entitlement matrix, eligibility criteria, compensation rates or other entitlements to assistance can be made without prior approval of the World Bank.

4.6 ESTIMATES OF AFFECTED POPULATION AND ASSETS IN THE PROJECT AFFECTED AREAS

It is impossible to fully exclude the cases of temporary or permanent use of private land during works, particularly at the sites of rehabilitation of water distribution networks is street as well as at the sites where power transition lines may be constructed etc.

It is still uncertain, whether permanent land acquisition will be needed, or temporary use of it will be needed.

The Project doesn't envisage demolition of any capital structures during implementation, though, at this stage, it is impossible to exclude the probability of demolition of small structures (fencing, plantations etc.). Taking into account that affected people/assets are not defined, impact assessment will be carried out after the Project commencement.

5. METHODS OF VALUING AFFECTED ASSETS

This section sets out the guidelines for determining the value of affected assets.

5.1. PREPARATION OF ASSET INVENTORY

During the census each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the principles and guidance of the RPF. Copy of inventory list of assets will be sent to PAPs. The total list of affected assets and their assigned values including any additional compensatory measures will be recorded in a register and shown to the affected person for agreement. At this time, is indicated that after approval by WB and Project Coordinator, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

5.2 VALUATION METHODS

5.2.1 Replacement cost approach

The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

Land plot replacement cost is defined as a market cost of land of similar significance and size, and, if feasible, located in the vicinity of the expropriated land plus the cost of recovery of the land up to condition similar to the condition of affected land plot, plus the fees for registration and re-registration of land ownership.

Cost of replacement of buildings and structures⁶ is defined by the cost of materials to be required for construction or repair of affected building or structure, plus costs for transportation of construction materials to construction site, plus costs for contractors' services, and plus the fees for registration and re-registration of land ownership.

5.2.2 Schedule of rates from Appropriate Ministries

The Ministry of Agriculture and Water Resources has a compensation matrix for damages during land acquisition, crop loss, and cutting of fruit trees. When applied, rates current for the period of actual replacement must be used.

The State Agency for Construction and Architecture under GoK, the Construction Departments have a schedule of rates for preparing estimates for construction projects, which the consultant can use to assess costs for construction materials and labor. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

5.3 COMPENSATION FOR VARIOUS ASSETS

5.3.1 Compensation for Land

In the event of permanent land acquisition of titled land, the first premise is provision of replacement land. In the case where no alternative land is available within a reasonable distance such as to minimize disruption to other aspects of socio-economic life, cash compensation at full replacement value should be provided (see reference 1).

⁶ OP 4.12 footnote 11; OP 4.12 Annex A footnote 1.

In addition, the PAP will be compensated for any permanent improvements made to the land (for instance irrigation structures) based on current market labor, equipment and materials costs.

Where land lost is only a small proportion of total land owned by the PAP, but renders the remaining land as unusable, the compensation provided should be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land).

Where land is temporarily acquired, standing crop will be compensated at fully matured market rate or government rate according to the rate established by the Ministry of Agriculture⁷, whichever is higher. The compensation will be paid to the tiller rather than the owner, where the tiller is not the owner (e.g. tenant or share cropper). Compensation will be also paid for lost horticultural crops. Compensation will also include any potential restriction on the use of land or civil works in the future as a result of the carried works and construction carried under the project.

Aside from the payment for standing crop, the project will ensure that the land is returned to its original form so it is suitable to resume its former use.

5.3.2 Calculation of Crops and Fruit Trees Compensation Rate

The current prices for the crops will be determined, taking into account the rate recommended by the Ministry of Agriculture and the highest market price, whichever is higher. Where land is rented, if crop is or has been grown, the compensation calculation will be based on the previous year's revenue.

Where land is rented, the owner will also get compensation for the entire agricultural season.

Where land is owned, aside from the replacement land or cash compensation for land, the owner will also get compensation for the entire agricultural season.

In addition, PAPs will be encouraged to harvest their produce before loss of land. In order to ensure that this is possible, and that appropriate market prices are received for yields, there needs to be sufficient consultation beforehand so that harvesting can be properly planned.

The value of the labor invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation should be updated to reflect values at the time compensation is paid.

Fruit trees will be compensated to the owner by estimating the value of a seedling of a fruit tree considering the number of years needed to grow the tree to full maturity, and the cost of fruit crop produced by this tree within the indicated period.

5.3.3 Compensation for Buildings and Structures

The preferred option is to provide alternate structures (huts, storage facilities etc.) of improved quality where possible.

The second option is provision of cash compensation at full replacement value. Replacement values will be based on:

1. Measurements of structures and detail of materials used;
2. Prices of these items collected in different local markets;
3. Costs for transportation and delivery of these items to acquired/ replacement land or building site;
4. Estimates of construction of new buildings including labor required;
5. Any associated taxes, registration fees;
6. No deduction for depreciation and salvage materials can be made.

⁷ the Project will try to avoid impact on yield, distributing the time to allow PAPs to collect yield

Compensation will be made for structures that are (i) abandoned because of relocation or resettlement of an individual or household, or (ii) directly damaged by subproject activities.

5.3.4 Compensation for Community Assets

Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in kind and new facilities will be constructed or partially affected facilities will be repaired.

5.3.5 Compensation for Loss of Businesses

Compensation will be paid for the lost income and production during construction period (time lag between losing the business and re-establishment). This will be estimated based on the daily or monthly income of the affected parties.

6. IMPLEMENTATION SCHEDULE

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement action plan. The activities involving land acquisition or loss, denial or restriction to access will include compensations and other assistance required for relocation and preparation of land to be resided by PAPs, providing them, if needed, with proper conditions. Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. In case of physical resettlement, construction will be carried out, provisioning of new housing, or temporary housing

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each subproject involving land acquisition. A RAP will include implementation schedule to address resettlement, including all stages: from preparation to completion of works with indication of specific terms for achievement of intended benefits both for PAPs and local population and cease of various assistance forms. RAPs will be disclosed in public places both in draft and final versions. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties (ARIS, municipalities, contractors and PAPs).

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected.

Compensation will be paid to PAP after his or her written approval.

7. GRIEVANCES REDRESS MECHANISMS

7.1 GRIEVANCES REDRESS PROCESS is built as follows:

1. During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances;
2. The first step in the grievance process will be to contact a Project municipal representative in any form (a cell phone number, e-mail, address will be provided on information board beside the office of municipality and at public places). If the problem cannot be resolved within 5 days, it is transferred to the next level (described below in point 3); while complainants will be notified on the fact that their complaint is transferred to the following instance and that redress will take 14 days.
3. As the next step, the affected person should file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to UDP Coordinator. The grievance note should be signed and dated by the aggrieved person. A PAP can also submit a grievance without indication of name and signature, if s/he so wishes. UDP Safeguards Consultant will be the direct liaison with PAPs and define justification of grievance and notify the aggrieved person on forthcoming assistance. The answer will be provided within 14 working days, within which meetings and discussions with the aggrieved person will be conducted. If the grievance relates to asset valuation, the project will carry out repeated asset valuation unless and until a consensus is reached by the both parties. Subsequent valuations can be carried out by independent valuers at the expense of dissenting party. ARIS will assist to the aggrieved person throughout all stages of grievance redress to ensure that the grievance is being redressed properly;
4. If, after receiving a response from ARIS the grievance is not redressed, it will be processed in municipalities with participation of stakeholders (architecture, deputies of city councils, Vodokanal representatives, contractor, honorable residents (aldermen) and ARIS specialists;
5. Should there be objection regarding the decision of the group, and if a respond is not provided within 30 working days, the case can be taken to court by the PAP.

Annexes 6 and 7 provide the procedure of grievance redress.

7.2 MANAGEMENT OF REPORTED GRIEVANCES

The procedure for managing grievances should be as follows:

Project municipality representative is responsible for providing UDP with a weekly report detailing complaints of PAPs and status of grievance redress at first instance. Grievances redress procedures in municipalities are carried out in compliance with existing system and are registered in a Grievance Log.

After grievances are reported to UDP, UDP Safeguards Consultant will ensure that each complaint has an individual reference number and status of grievance redress is reflected in matrix developed in the RAP. Matrix also contains a record of the person responsible for an individual complaint, and records dates for the following events:

- ✓ date the complaint was reported;
- ✓ date the Grievance Log was uploaded onto the project database;
- ✓ date information on proposed corrective action sent to complainant (if appropriate);
- ✓ date response was sent to complainant.

General information on reported grievances (reference number, type of a grievance), their status and evolving problems will be included in regular UDP reports submitted to the World Bank.

8. RESETTLEMENT BUDGET

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed; it is also not certain that the project design will definitively require temporary or permanent land acquisition. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of UDP.

Detailed and accurate budget will be drawn up in each RAP and financed through the administrative and financial management rules and manuals like any other activity eligible for payment. The local municipalities will be responsible for all the resettlement costs.

The following items will be included in budget:

1. compensation expenses, in accordance with RAP;
2. social advisor's fee;
3. costs for information campaign, including costs for communication, organization and holding of consultations (rent of premises, printing of informational materials, etc.);
4. costs for information disclosure;
5. costs for monitoring;
6. costs for implementation of grievance redress procedures.
7. 10% of amount compensation for contingencies

9. MECHANISM FOR PAP CONSULTATIONS

Public consultations on a draft RPF were held in October 2015 in Kerben and Sulyukta. Participants included representatives of municipalities, deputies of city councils, representatives of architecture agencies, environmental services, Sanitary and Epidemiological Inspectorate, NGOs and local community members. Minutes of public hearings will be included in Annex 3.

PAPs will be consulted in the following manner at each stage of the project:

1. RPF will be discussed with the stakeholders prior to implementation of UDP;
2. Following the identification of their plot, UDP team will visit PAPs to inform them on the project, its scope and impacts and to receive their opinion. This may result in a change to the project scope in order to minimize the need for resettlement;
3. Once the inventory and valuation of assets is complete, UDP Safeguards Consultant will present and discuss the details with PAPs and whether or not the inventory is accurate and the valuation is acceptable to them;
4. Once the RAP is complete the PAPs will be provided with copies thereof in a language and format acceptable to them;
5. Prior to implementation of the sub project the amount of cash or in kind (land) offered for compensation will be discussed with each eligible PAP for consideration and endorsement before transfer of the asset is effected;
6. PAPs are entitled to have a third party (in this case, represented by deputies of city councils) at the steps leading up to this final transfer. At any point PAPs can instigate a complaint using the grievance redress process described above.

When holding the consultations some socio-cultural factors should be taken into account. These factors include low literacy rate, cultural obstacles to participation of population and ways of elimination of those (e.g. choosing appropriate time and venue for and format of consultations to ensure maximum participation).

Informational materials in that format and language acceptable to participants will be provided prior to consultations. Population will have enough time to consider and discuss provided information before resettlement activity takes place. Communities' opinion will be taken into account when elaborating and implementing RAP, and, if needed, when implementing the project at larger scale.

Information on participants (age, gender, interest group), discussed issues, type of provided information, raised questions and answers to them was included in minutes of consultations.

10. ARRANGEMENTS FOR MONITORING AND EVALUATION

10.1 OVERVIEW

The arrangements for monitoring will fit the overall monitoring plan of the entire project which will be implemented through ARIS. All RAPs will set goals by which to evaluate their success which will include:

- (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it;
- (ii) the local communities remaining supportive of the project;
- (iii) number of complaints and appeals, upon which the decision was taken.

In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. All collected data will be gender-oriented. UDP safeguards advisor will institute an administrative reporting system that will:

- ✓ Provide timely information about all resettlement arising as a result of project activities;
- ✓ Identify any grievances that have not been resolved and require resolution;
- ✓ Document the timely completion of project resettlement obligations;
- ✓ Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF;
- ✓ Alert project authorities to the necessity for land acquisition in the project's planned activities

The objective will be to make a final evaluation in order to determine:

- ✓ Amount of compensations to PAPs in full and in a timely manner;
- ✓ Standard of living of PAPs and maintaining their pre-project standard of living;
- ✓ Specific impacts on vulnerable households.

Indicators will be set within each RAP. Data will be gathered by a project engineer at regular intervals (e.g., quarterly or half yearly depending on circumstances) and compared over time.

10.2 MONITORING RAP IMPLEMENTATION

UDP safeguards Consultant should:

- I. be responsible for compilation of basic information on all physical or economic displacement arising from the project, including the data on:
 - a) Number of subprojects requiring the preparation of RAPs;
 - b) Number of households and individuals physically or economically displaced by each activity;
 - c) Length of time from design finalization to payment of compensation to PAPs;
 - d) Timing of compensation in relation to commencement of physical works;
 - e) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
 - f) Number of people raising grievances in relation to each sub-project;
 - g) Number of resolved and unresolved grievances.
- II. Ensure timely payment of compensations to PAPs or households.
- III. Maintain a complete database on resettlement activities, which will be included in official documents under UDP.

11. INSTITUTIONAL RESPONSIBILITY

Below is the table describing responsibility for implementation of RPF and RAP(s).

Table 11.1

№	Party involved in purchase of land and resettlement activities	Responsibilities
1	Municipalities of Kerben, Sulyukta, Balykchy and Toktogul	<p>Inform of stakeholders.</p> <p>Render of assistance during public consultations.</p> <p>Fulfill the provisions of agreement.</p> <p>Provide PAPs with land plots as part of compensatory replacement and pay compensation for assets of PAPs in accordance with RAP.</p> <p>Grievance redress in the course of RPF implementation.</p>
2	UDP Safeguards Consultant	<p>Consultations with PAPs.</p> <p>Identification of PAPs, examination of documents of entitlement and list of affected assets.</p> <p>Preparation of RAP for subprojects in Balykchy and Toktogul ⁸ allowing for the fact that all expenses for acquisition of land and resettlement will be included in municipal budgets.</p> <p>Disclosure of information about RPF and RAP.</p> <p>Compensation agreement with PAPs.</p> <p>Implementation of RPF and RAP.</p> <p>Assessment of list of affected assets.</p> <p>Conduction of socio-economic survey of PAPs.</p> <p>Monitoring.</p> <p>Submission of information about RPF and RAP to the World Bank.</p> <p>management of Grievance Redress Mechanism.</p>

⁸ RAPs for subprojects in Kerben and Sulukta will be prepared by designers of DDEs

12. ANNEXES

ANNEX 1**FORM OF REPORT ON SCREENING OF POTENTIAL SOCIAL IMPACT**

(Report should be concise)

1. Sub project name

2. Sub project site _____*(Specify sub project site, tag it on the map/scheme, attach pictures of it)***3. Type of activity:** _____*(New construction, re construction, rehabilitation, running repairs)***4. Estimated cost:** _____**5. Scheduled date of activities commencement:** _____**6. Reviewed engineering drawings/ specifications:** _____

7. List of questions:

No	Potential impact factors	Presence (yes/no)
1	Does the subproject cover the territory of private lands?	
2	Is there a need for physical resettlement of population or economic displacement?	
3	Is social impact potentially significant?	
4	Is there a need for identifying a valuation level of institutional resources necessary for protection measures?	
5	Are there any assets of third parties at subproject site?	
6	Are there any disputed territories?	
7	Will it be possible to drive or to walk to houses and business entities during subproject implementation?	
8	Will construction lead to change in social environment? Will income from business and household income reduce?	
9	Will planned construction affect the health of population or cause any damage?	
10	Will subproject cause protests from and concerns among local population?	
11	Will there be negative impact on living conditions, values and life style of population?	
12	Will subproject cause inequalities among various groups of population?	
13	Is there a high degree of interest to subproject?	
14	Are there any anticipated latent impact or risks?	
15	Are there any consequences of previous resettlement at this territory that require mitigation at the moment?	

8. Recommendations:*Answers to the abovementioned questions will identify if there is a need for involuntary resettlement?***Full name of consultant:** _____**Signature:** _____/**Date:** _____/

TEMPLATE FOR CENSUS OF PAPs AND INVENTORY OF LAND

1. INTERVIEWS WITH HOUSEHOLDS

Full name	Gender		Age	Marital status and level of education	Breadwinner		Level of household income	Rented or own housing
	Male	Female			yes	no	yes	no
1.								
2.								
3.								
4.								
5.								
6.								
7.								

Interviewer's name _____

Signature _____/

Date _____/

2. INVENTORY OF LAND RESOURCES OF PIPs

Venue _____

Date: _____

Survey #	Full name of the head of household	Number of family members	Total area of land owned by a family (m ² /ha) including the ownership, irrigated and rainfed land	Area of land to be lost (m ² /ha)	Percentage of loss	Loss of assets (m ² , m, pcs. etc) Type and number of assets (structures, fences, boreholes, etc) should be specified		Lost area of housing (m ²)	Loss of crop			Other losses, (rented housing, structure, etc)
						Constant loss	Temporary loss		Fruit trees, type and number (pcs)	Loss of agricultural plants	Other (specify)	

Full name of interviewer _____

Signature _____/

Date _____/

3. RIGHT OF PAPs TO COMPENSATION

Survey #	Full name of the head of household	Compensation for land			Compensation for housing			Compensation for crop and trees			Compensation for other assets (boreholes, business, etc.)		
		Area (m ² or ha)	Amount of compensation (for 1 m ² or 1 ha)	Right	Area (m ² or ha)	Amount of compensation (for 1 m ² or 1 ha)	Right	Area (m ² or ha)	Amount of compensation (for 1 m ² or 1 ha)	Right	Area (m ² or ha)	Amount of compensation (for 1 m ² or 1 ha)	Right

Full name of interviewer _____

Signature _____/

Date _____/

ANNEX 3

DOCUMENTS FOR PUBLIC CONSULTATIONS

Minutes

Public hearings to inform Kerben residents
on social and environmental safety of the intended construction of water supply system under the Urban
Development Project (UDP) implemented by ARIS

Objective: inform Kerben residents on social and environmental safety of the intended construction of water supply system

Venue: Conference hall at Kerben municipality

Date and time: 14 October 2015, 10 am

Mr. Myrzamamytov Kapar, the vice mayor of Kerben, opened the hearings. He introduced ARIS staf and greeted the participants.

Mr. Umetov Balbak (Project Coordinator), Mrs. Kutmanova Elena (Safeguards specialist) Mr. Chubak Chynaliev (Community investment specialist) delivered their presentations on “UDP concept”, UDP Environmental Management Plans and Resettlement Policy Framework”, “Role of communities in improvement of water supply services and tariff policy”.

The following **questions** were asked further:

1. What year will the construction be completed? (Barpiev A., Taza-Suu engineer)

Answer: Project duration is up to 2020

2. Does the project envisage review the salaries for SES staff carrying out analysis for residual chlorine? (Chiletova B., SES medical adviser)

Answer: the Project won't cover the salaries for SES staff.

3. Will local employees be hired in construction of the facility? (Abylkasymov B., Head of Jetigen Territorial Administration)

Answer: Local employees will be hired at the discretion of contractors that will be undertaking civil and commissioning works.

4. Due to the absence of construction equipment at Vodokanal, how the construction will be carried out? (Saparov O., Vodokanal engineer)

Answer: Contractors will provide the equipment

5. Does the project envisage construction of sewage or urban waste water treatment facilities? (Chiletova B., SES medical adviser)

Answer: the Project covers construction of water supply system only.

The sewage won't be covered due to limited funds.

6. Will household connections be arranged out of the expense of residents' of community funds? (Aitmyrzaev N. Deputy of City Kenesh)

Answer: household connections will be financed by residents.

Proposal: Residents would like the Project to cover the entire town and deliver uninterrupted potable water supply to the residents. (Kydyev B., Kerben resident).

Decision

The hearings participants support the Urban Development Project implemented by ARIS and confirms that Kerben residents will and are ready for implementation of the Project.

Chairperson of the hearings: Myrzamamytov K. (signature endorsed)

Secretary: Tursunbaeva G. (signature endorsed)



Minutes

Public hearings on discussion of Environmental Management Plan (EMP) and Resettlement Policy Framework (RPF) as part of the Urban Development Project

Venue and date: Sulukta municipality, 20 October, 2 p.m.

Participants: 48 (list is attached)

Mr. Ibragimov A., Sulukta Mayor, opened the meeting. He greeted the residents and introduced ARIS staff (B. Umetov, UDP Coordinator, Ch. Chynaliev, Community investment specialist, Kutmanova E., Safeguards specialist).

Reporters: *Umetov B.*: presented a concept, implementation timeline, and objective of the Project

Kutmanova E.: delivered a presentation on social and environmental safety measures envisaged in the project. She provided details on environmental safety and 4.12 WB “Involuntary Resettlement” Policy.

Chynaliev Ch.: informed on the role of community in improvement of water supply services and tariff policy.

Question: *Mamatov N.*, Leading specialist of City Council.

Will the water supply system be inspected for leakages and breakdowns before project commencement; will the leakages and breakdowns be repaired during project implementation?

Answer: *Umetov B.*: the project envisages all the activities and measure to repair leakages, breakdowns etc.; those will be reflected in DDEs.

Question: *Iskanov M.*, SES Senior physician.

Does the Project envisage disinfection of potable water?

Answer: *Umetov B.*: Water disinfection is envisaged as an obligation. Without disinfection, the project will not be able to undergo expertise or be implemented.

Question: *Karimov A.*: Manager of municipality office.

If water meters are installed, how will we be able to irrigate our household plots? There is no irrigation water in the town.

Answer: *Chynaliev Ch.*: If water is used properly, consumption will not be high, which would result in water savings and sound water use.

Question: *Osmonova I.*: Municipality Senior specialist.

In winter, water gets frozen in multi-storey residential houses. What will the project envisage to prevent such a situation?

Answer: *Umetov B.*: DDEs will concern relevant measures to prevent freezing.

Question: *Osmonova I.*:

If water supply network goes through a private area, how will compensation issues be addressed?

Answer: Umetov B.: In such cases, we will attempt to bypass these areas. If we fail to, a Resettlement Action Plan will be developed incorporating all compensation activities. All resettlement procedures will be obligatorily followed.

Chairperson of the meeting:

Ibragimov A.

Secretary:

Musaev A.



Minutes

Public hearings on discussion of Environmental Management Plan (EMP) and Resettlement Policy Framework (RPF) as part of the Urban Development Project

Venue and date: ARIS Head Office, 102, Bokonbaev st., Bishkek;
22 October 2015, 10:00 am

Participants: 21 (list is attached)

Umetov B., BOUIP Coordinator: opened the meeting; greeted the participants and introduced ARIS staff engaged in preparation of UDP. He also presented a concept, implementation timeline, and objective of the Project.

Kutmanova E.: delivered a presentation on social and environmental safety measures envisaged in the project. She provided details on environmental safety and 4.12 WB “Involuntary Resettlement” Policy.

Chynaliyev Ch.: informed on the role of community in improvement of water supply services and tariff policy.

Question: Toktogulov U., medical adviser in common hygiene for DPD and SES.

1. Will water disinfection be envisaged? If so, will there be advanced disinfection technologies?

2. Will DDEs be approved by SES bodies?

3. Does the Project envisage construction/rehabilitation of sewage systems in the towns?

Answer: Umetov B.: the Project obligatorily envisages advanced water disinfection technologies; all approval procedures will be followed according to approval law, involving environmental agencies, SES etc.

The project doesn't include sewage works; it is only about construction/rehabilitation of water supply systems.

Question: Ryspekov Arsen, head of the unit under the State Environmental Expertise (State Agency for Environmental Protection and Forestry of GoK)

1. If DDEs are developed by a foreign firm not licensed at the territory of the Kyrgyz Republic, is design adaptation envisaged?

2. What is the relationship between communities and UDP?

Answer: Umetov B.:

1. DDEs will be obligatorily adapted according to local legislation requirements.

Question: Dautalieva A. Aren't subprojects duplicated in the towns covered by UDP with ADB or EBRD subprojects?

Answer: Before selection of subprojects, WB and ARIS staff viewed the situation and consulted with ADB and EBRD; following this, construction facilities were selected; so there is no any duplication with other donors.

Proposals: 1. Ryspekov A. It would be good to envisage construction of sewage systems, waste water treatment facilities, and domestic waste landfills in future projects.

2. Toktogulov U. It would be good for future projects to provide Vodokanals with laboratory so their laboratory units can check water quality for residual chlorine and other constituents.

3 Dautalieva A. Improve communication with KR Gosstroj in project implementation to upgrade a policy in urban construction and urban planning.

Decision:

Consider EMPs and RPF, developed under UDP, acceptable for implementation.

Chairperson:

Umetov B.

Secretary:

Kerimbekova M.



ANNEX 4

TEMPLATE OF RAP

Samples of resettlement documents (full and reduced RAP, resettlement policy and framework document) are included in Annex A «Arrangements for involuntary resettlement» OP 4.12, published at www.worldbank.org.

Based on experience of previous subprojects in terms of RAP preparation and taking into account that UDP is not supposed to have a significant social impact Annex 4 contains abbreviated form of RAP that was taken from abovementioned Annex.

Abbreviated RAP should at least include the following items:

1. General information about the subproject

General description of the subproject, identification of geographical coverage of the subproject.

2. Anticipated impact

The following information should be provided:

- a) Subproject component or types of activities, which caused the need for resettlement;
- b) Areas affected by subproject component or some types of activities;
- c) Alternatives to avoid resettlement or minimize resettlement incidence; and
- d) Arrangements for minimizing resettlement incidence in the course of subproject implementation.

3. Objectives

Key goals and objectives of RAP.

4. Census of population to be resettled and valuation of property including the following information:

- i) Information about population affected by subproject activities. This information is a basis for RAP elaboration, and prohibiting any type of compensation to population that move to subproject affected area after census operation;
- ii) Typical characteristics of households to be resettled (including information about activities, labor force and structure of households). Baseline information about living conditions, income source and income level (including, if needed, output of products, income from authorized and unauthorized economic activities). Information about quality of life (including health condition) of PAPs;
- iii) loss extent (total or partial) of property or land;
- iv) Information about socially vulnerable groups of population, for which some special measures should probably be taken;
- v) System of land tenure and transfer of land, including inventory of natural resources jointly owned by and being income source for local population, system of rights to use property of another, that is not based on ownership right;
- vi) Communal infrastructure facilities and social services systems to be impacted by subproject activities.

5. Information about compensations and other types of resettlement assistance to be provided

There are methods applied for determination of size of damage and replacement value of lost land and property with description of proposed types and amount of compensation provided for by local legislation, as well as additional measures to be taken for ensuring compliance of compensation amount to total value of lost property.

6. Consultations with PAPs

Measures for involvement of local population in the activity, including:

- a) characteristics of the principles of consultations with PAPs and ensuring their participation in preparation and implementation of the activities related to resettlement;
- b) brief description of opinions and the data on whether the opinions were considered in RAP preparation;
- c) description of resettlement options and choice made by PAPs regarding the available options, specifically, compensation forms and assistant types in resettlement.

7. Responsibility of various institutions for resettlement and procedures related to grievance redress

Organizational principles of resettlement including indication of institutions responsible for implementation of resettlement activities and delivery of required services, measures to ensure coordination of activities by various institutions and entities involved in resettlement, measures (incl. technical assistance) aimed to extend the opportunities of executive institutions in planning and implementing resettlement activities.

Development of grievance redress mechanisms considering the possibility of judicial procedure and grievance redress in relevant administrative bodies.

8. Work schedule and budget

The schedule of all resettlement activities from work preparation to completion with indication of milestone dates of achievement of benefits by population and termination of any kind of assistance. The schedule should reflect relation between resettlement activities and implementation of works under the project in general.

Tables with cost estimations, financing sources and measures for timely transfer of required funds and financing of resettlement activities.

**GRIEVANCE MANAGEMENT
MATRIX⁹**

Grievance procedures	Grievance redress entity	Grievance form	Procedures for grievance management	Time for consideration of grievance
First instance	Project proponent (PP), appointed by municipality	Verbally or on the phone or in any other convenient form.	PP reports in a written form to municipality and ARIS on status of grievance management on a weekly basis	5 working days
Second instance	UDP Coordinator Umetov B.U., UDP Address: 720001, Kyrgyz Republic, Bishkek, Bokonbaev St., 102 Tel: +996 (312) 30 18 05 e-mail: office@aris.kg	Written, with signature and date	<ol style="list-style-type: none"> 1) Registers a grievance in a grievance log and assigns a sequence number to it; 2) Explores a grievance; 3) Monitors the process of grievance consideration and management; 4) Maintains direct contact with PAP; 5) If needed, holds meetings with complainant and designs measures for grievance management., provides responds to complaints 	14 working days
Third instance	Working group of municipality	Written, in case of grievance rejection by the second instance, it should be transferred from ARIS to working group of municipality	<ol style="list-style-type: none"> 1) Coordination with all involved parties; 2) Making a legal decision by municipality. 	30 working days
Fourth instance	Court of the first instance	Grievance should be transferred to the court.	In compliance with legal procedures.	In compliance with legal procedures.

⁹ When submitting a complaint, there is no need to follow the said hierarchy