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## **RESSETTLEMENT POLICY FRAMEWORK**

### **AGRICULTURAL PRODUCTIVITY AND NUTRITION IMPROVEMENT PROJECT**

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## ABBREVIATIONS AND DEFINITIONS

AO	Aiylnyi Okrug (Village)
WUA	Water Users Association
WB	World Bank
DWRLI	Department of Water Resources and Land Improvement
JK	Jogorku Kenesh (Parliament)
I&D	Irrigation & Drainage
KR	Kyrgyz Republic
PAP	Project Affected People
RPF	Resettlement Policy Framework
PIU	Project Implementation Unit
OM	Operational Manual
LSGBs	Local self-government bodies
IL	Inventory of Losses
FWUA	Federation of Water Users Association
RAP	Resettlement Action Plan
APNIP	Agricultural Productivity and Nutrition Improvement Project
DED	Design Estimate Documentation

### Definitions

Project affected person	A person or household affected by direct economic and social impacts caused by: a. the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; b. involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
Compensation	Payment in cash or in-kind at replacement cost for an asset to be acquired by the Project.

Cut-off date		The date that a population record or census serves as an eligibility cut-off date in order to prevent a subsequent influx of encroachers or others who wish to take advantage of such benefits. The cut-off date will be the date when the census for the Resettlement Action Plan (RAP) is completed.
Involuntary Resettlement		Involuntary acquisition of land as a result of the direct or indirect economic or social impact through: <ul style="list-style-type: none"> <li>a) loss of benefits from the use of such land;</li> <li>b) resettlement due to loss of housing;</li> <li>c) loss of assets or access to assets;</li> <li>d) loss of income sources or means of livelihood, regardless of the decision whether PAP resettled to another location.</li> </ul>
Census		Calculation of the population affected by the Project, specifying the demographic indicators and property. Identification of number of PAP, the nature and level of exposure.
Resettlement Plan (RAP)	Action	Resettlement document, which is prepared after the location determination of subprojects and contains specific and legally binding requirements essential for compliance during the resettlement, including the compensation of PAP before the Project implementation.
Assistance resettlement	in	Measures to assist PAP, which may be physically, moved, for example, the benefits for resettlement, house construction or rent, transportation assistance, depending on the opportunities and the need to facilitate the resettlement process.
Economic assistance for rehabilitation		Assistance in addition to the compensation as land preparation, training or employment of PAP, to increase the capacity to obtain income and production levels, or at least bring their standard of living to pre-project levels.
Replacement Cost		The amount in cash or in-kind needed to replace an asset and is the value determined as compensation for: (a) Agricultural land based on market prices that reflect recent land sales prior to the commencement of the Project or displacement, and in the absence of such recent sales, based on productive value; (b) Residential land based on market prices that reflect recent land sales prior to the commencement of the Project or displacement, and in the absence of such recent land sales, based on similar location attributes; (c) Houses and other related structures based on current market prices of materials and labor without depreciation nor deductions for salvaged building materials; (d) Crops based on current market value; (e) Trees and other perennials based on current market value.

## TABLE OF CONTENTS

ABBREVIATIONS AND DEFINITIONS.....	3
CHAPTER 1. INTRODUCTION.....	7
1.1. Project objective and background.....	7
1.2. Justification for and scope of the Resettlement Policy Framework (RPF).....	8
CHAPTER 2. LEGAL FRAMEWORK.....	10
2.1. Land Acquisition and Resettlement in Kyrgyz Republic.....	10
2.2. World Bank Policy on Involuntary Resettlement.....	13
2.3. Comparison of Kyrgyz Republic and World Bank Resettlement Policy Requirements.....	15
CHAPTER 3. ELIGIBILITY CRITERIA AND PROCEDURES FOR VARIOUS CATEGORIES OF PAP.....	19
3.1. Eligibility principles.....	19
3.2. Eligibility criteria and entitlements.....	19
3.3. Methods to Determine Cut-Off Dates.....	24
CHAPTER 4. RPF AND RAP IMPLEMENTATION ARRANGEMENTS AND PROCEDURES.....	25
4.1. Overview.....	25
4.2. Screening of project activities.....	25
4.3. Socio-economic profiling and inventory of losses. Consultations and participation.....	26
4.4. Development of the RAP.....	26
4.5. Disclosure and approval of RAP.....	27
4.6. Estimates of Affected population and analysis of Project affected assets.....	27
CHAPTER 5. METHODS OF VALUING PROJECT AFFECTED ASSETS.....	28
5.1. Types of compensation payments.....	28
5.2. Assets inventory.....	28
5.3. Valuation methods.....	28
5.3.1. Replacement cost method.....	28
5.3.2. Schedule of rates.....	29
5.4. Compensation for various assets.....	29
5.4.1. Compensation for land.....	29
5.4.2. Calculation of Crops and Fruit Trees Compensation Rate.....	30
5.4.3. Compensation for structures.....	30
5.4.4. Compensation for community assets.....	31
5.4.5. Compensation for loss of business.....	31
CHAPTER 6. IMPLEMENTATION SCHEDULE OF ACTIVITIES.....	31
CHAPTER 7. GRIEVANCES REDRESS MECHANISMS.....	32
7.1. The overall grievance redress process.....	32
7.2. Management of reported grievances.....	32
CHAPTER 8. RPF IMPLEMENTATION BUDGET.....	33
CHAPTER 9. MECHANISM FOR PAP CONSULTATIONS.....	34
CHAPTER 10. ARRANGEMENTS FOR MONITORING AND EVALUATION.....	36
10.1. Overview.....	36
10.2. Monitoring of RAP Implementation.....	36
CHAPTER 11. INSTITUTIONAL ARRANGEMENTS.....	38
CHAPTER 12. ANNEXES.....	39
ANNEX 1 Screening report form on alleged social impacts.....	39
ANNEX 2 Forms to fill out during PAPs census and inventory of land fund.....	41

1. Interview of households .....	41
2. PAPs land fund inventory .....	42
3. PAPs rights for compensations .....	43
ANNEX 3 Public consultations documents .....	44
ANNEX 4 Sample for RAP preparation .....	58
ANNEX 5 Complaint submission form .....	60
ANNEX 6 Grievances management matrix .....	61

## CHAPTER 1. INTRODUCTION

### 1.1. Project objective and background

Project implementation objective is to increase agricultural productivity, food security and provision of adequate nutrition to the rural population in 60 Aiyl Okrug (AO)<sup>1</sup>. On-farm irrigation and drainage systems which are serving 60,000 hectares of irrigated lands managed by 30 Water Users Associations (WUA)<sup>2</sup> and Federation of Water Users Associations (FWUA)<sup>3</sup> are subject to recovery followed by a more efficient management. About 36 000 small farmers and farm families (a total of about 162 000 people) will be the beneficiaries of irrigation and drainage (I&D) systems recovery.

Considering the poverty level, use of health services and poor quality of food, the project will additionally provide consulting services in 30 AO to improve crop yields and improve their marketing, which will benefit to 324,000 people living in all 60 AO. The direct beneficiaries of these activities will be vulnerable families, women and children.

It is expected that the project objectives are to be achieved through the following four components: (i) Rehabilitation and Modernization of I&D Infrastructure; (ii) Agricultural Advisory Services; (iii) Nutrition Improvements; and (iv) Project Management.

Under **Component 1** "Rehabilitation and Modernization of I&D Infrastructure" is provided to:

- (i) Rehabilitate and modernize the I&D systems with command area on about 60,000 ha managed by 30 WUAs and FWUAs;
- (ii) Provide essential maintenance equipment to WUAs and FWUAs;
- (iii) Rehabilitate off-farm irrigation infrastructure and water measurement structures at the intakes of around 30 WUAs for improvement of water delivered;
- (iv) Limited rehabilitation works on critical off-farm I&D structures managed by the Department of Water Resources and Land Improvement (DWRLI). Works to be carried out include the rehabilitation and construction of on-farm irrigation and drainage canals, outlets, water measurement and other hydraulic structures.

Under **Component 2** "Agricultural Advisory Services" is envisaged provision of agricultural advisory services to AOs selected to increase irrigated agricultural production and improve access to markets. The project will finance: (i) training of WUAs selected for rehabilitation of I&D systems to contract and manage advisory services; (ii) technical advisory services for 30 WUAs selected for rehabilitation works through provision of grants; (iii) technical advisory services to all WUA members in the 30 adjacent AO selected; (iv) advisory services for information dissemination and exchange; and (v) on-farm water management demonstrations.

**Component 3** "Nutrition Improvements" will improve productivity, food security and nutrition levels of beneficiaries, especially women, female adolescents and children, in the selected 60 AO. It will improve the coordination of food and nutrition security at the

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<sup>1</sup>Aiyl Okrug is an administrative area under Aiyl Okmotu. On average, there is one WUA for one Aiyl Okrug.

<sup>2</sup> WUA - Water users association

<sup>3</sup> FWUA - Federation of water users association

national level. Three sub-components will be implemented in parallel under this component.

**Sub-component 3.1.** Improved household nutrition through nutrition education will envisage the following:

- (i) nutrition education on breastfeeding and adequate complementary feeding;
- (ii) food preparation and preservation to increase the nutritional value of food consumed and ensure food safety in households;
- (iii) enhanced learning opportunities for children.

**Sub-component 3.2.** Under this component it will be provided folic acid and iron for pregnant women, women in reproductive age and adolescent girls and sprinkles for children 6-24 months as supplemental feeding to improve vitamin and micronutrient uptake.

**Sub-component 3.3.** Improved national coordination for food and nutrition security.

**Component 4** "Project Management" will finance project management staff, training, equipment and operational costs for the daily management, administration, coordination, procurement, financial management and monitoring and evaluation, in line with World Bank requirements and procedures.

### **1.2. Justification for and scope of the Resettlement Policy Framework (RPF)**

This Resettlement Policy Framework (RPF) provides guidelines for the development of appropriate mitigation and compensation measures for mitigation and compensation of damage from the impact of land acquisition and resettlement that is caused by planned project activities, exact locations of which are not yet known. RFP also describes in detail the legal basis for land acquisition and determine the mechanisms of compensation or assistance, as well as procedures for resettlement.

The RPF will be applied to all APNIP subprojects, which may have an impact in the form of:

- Resettlement or loss of shelter;
- Loss of assets or access to assets; or
- Loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

Subprojects, which are restricting access to legally designated parks and protected areas will not be financed under APNIP.

APNIP will mainly be oriented at rehabilitation and modernization of I&D systems, rehabilitation of off-farm irrigation infrastructure and water intake structures. Subprojects designs have not yet been completed, therefore, sites for rehabilitation/construction works have not yet been identified. Since, possible impact will only be known at the stage of design estimation documentation (DED) development and at the beginning of construction/rehabilitation works. The possibility of land acquisition, restriction of access to it or loss of assets of project-affected population or business cannot be ruled out at this stage. Hence, it is required to develop the RPF.

Except identification of the possible impacts from project activities, range of potential impacts (temporary and permanent) to land use, access to it, constructions/structures and



source of income the RPF describes legal frameworks of land acquisition in detail and determines procedure for providing compensation or assistance, resettlement procedures, eligibility criteria for provision of compensation to displaced population, valuation methods, entitlements, includes entitlement matrix, describes implementation processes, disclosure, dissemination of information and consultation procedures, as well as grievance redress mechanisms, monitoring and evaluation procedures for land acquisition and resettlement.

The RPF will be used as a tool to ascertain if there is any impact resulting from project activities, and the RPF will be prepared as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for subprojects during APNIP implementation.

The basic objectives of the RPF are:

- (i) Guidance and instruction of the PIU in properly identifying, compensating, and restoring the livelihood of PAPs;
- (ii) Be a basis in the process of preparing, updating, implementing and monitoring subprojects RAP.

The RPF includes measures to ensure that PAPs are:

- (i) informed about their options and rights pertaining to resettlement;
- (ii) consulted on possible compensation options, offered right of choice and provided with technically and economically feasible resettlement alternatives;
- (iii) provided with prompt and effective compensation at full replacement cost<sup>4</sup> for losses of assets related directly to the APNIP implementation.

The RPF is developed based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized.
- PAPs should be at minimum provided with appropriate assistance for improvement or at least reinstatement of livelihoods to pre-project living standards;
- PAPs should be fully informed and consulted on compensation options.
- Lack of formal legal land title should not be a barrier to compensation or alternative forms of assistance.
- Particular attention during resettlement process should be paid to socially vulnerable groups, such as ethnic minorities, female headed households, elderly households, etc. and appropriate assistance should be provided to help them improve their livelihoods.

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<sup>4</sup> **Replacement cost for land plots** is equal to the market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus all cost of any registration of the rights of land ownership/use and transfer.

**Replacement cost for buildings and structures** is equal to the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any documentation and registration of property rights registration and transfer taxes. Depreciation of the asset and the value of salvage materials are not taken into account nor the value of benefits to be derived from the project.

- Land acquisition and resettlement should be conceived of and executed as a part of the project, and the full costs of compensation are to be included to category of costs and benefits from the project.
- Compensation/rehabilitation assistance should be provided for resettlement due to other project activities that may cause harm to the PAPs.
- Compensation is to be paid at full replacement cost to PAPs, without deductions for depreciation or any other purpose.

## **CHAPTER 2. LEGAL FRAMEWORK**

### **2.1. Land Acquisition and Resettlement in Kyrgyz Republic**

The main legal document regulating the KR residents' rights for land is the Constitution of the Kyrgyz Republic enacted by the KR Law dated 27 June 2010. According to the Constitution of the Kyrgyz Republic, land is in state, municipal, private and other forms of ownership.

As such, **Article 12** of the Constitution of the Kyrgyz Republic specifies as follows:

1. In the Kyrgyz Republic the diversity of forms of property shall be recognized and their equal legal protection shall be guaranteed.
2. Property shall be inviolable. No one can be arbitrarily deprived of his/her property. Confiscation of property against the will of the owner shall be allowed only upon decision of a court.
5. The land, its resources, airspace, waters and forests shall be the exclusive property of the Kyrgyz Republic; these shall be used for the purpose of preserving a unified environmental system as the basis of life and activity of the people of Kyrgyzstan and shall enjoy special protection from the State.
6. The limits of and procedure for the exercise of rights by owners and implementation of guarantees of their protection shall be determined by law.

Extracts from some articles of the Land Code of the Kyrgyz Republic are given below, that mostly related to the matters of land use and land acquisition:

#### **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 state land users, lands of forest, water funds, lands of especially protected territories, lands of reserve stock, lands of frontier area, lands of the agricultural ugodia re-allocation fund, pastures of rural settlements, pastures in the zone of intensive use, as well as distant pastures, and other land not transferred in private or communal ownership.

State ownership shall include lands of state pedigree cattle breeding, seed-growing, experimental farms, testing stations and areas, bases of education and scientific research institutions of agricultural profile formed on lands of the agricultural ugodia re-allocation fund, except lands allocated to citizens residing or working in the said farms as land shares.

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

3. Lands within the borders of Aiyl Okrugs, as well as within the borders of cities shall be communal ownership, except lands in private and state ownership.

Management and disposal of lands in communal ownership shall be exercised:

- within the borders of AOs - by the executive body of aiyl or village government;
- within the borders of cities - by local self government.

Management of lands within the borders of AOs and cities being in state ownership shall be exercised by the bodies of local government in cases provided by this Code.

4. Pasture cannot be transferred in private ownership or leased out.

#### **Article 7. Term of Utilization of a Land Plot by Land Users**

1. The use of a land plot may be termless (without indication of term) or fixed-term (temporary).
2. The fixed-term (temporary) use of the land plot including the use right on 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. Agricultural land of reallocation fund shall be leased out as a rule for the period of not less than 5 years.

#### **Article 35. Transfer of a Land Plot. Payment for Transfer of a Land Plot (excerpt).**

1. An owner of a land plot or a land user may transfer the rights he holds 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, 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. Creation of an Easement**

1. An easement may be created by the agreement of the parties (voluntary easement) or in case of necessity, by the decision of the authorized agency (coercive easement).
2. Encumbrance of land with an easement shall not deprive the land owner/user of the right to use and dispose of its right to land plot.

## **Article 56. Purposes of Creation of a Coercive Easement**

1. In cases provided by this Code and other legislation, an authorized agency may establish coercive easement upon demand of an interested party.
2. A coercive easement shall be established to secure:
  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 secured without establishment of a coercive easement.

## **Article 57. Indemnification of Damages Related to Establishment of a Coercive Easement. Fee for a Coercive Easement (excerpt)**

1. Damages inflicted upon a land owner/user by establishment of a coercive easement shall be subject to indemnification by the person in whose advantage easement is established.

## **Article 62. Termination of the Right to Land Plot.**

The rights to land shall terminate in the event of:

1. alienation of the right to land plot to another person;
2. foreclosure of the land plot being in ownership or in use at claims of creditors in accordance with legislation;
3. death of a land owner/user, provided that the owner/user have no heirs;
4. voluntary waiver of the rights to land plot by the land owner/user;
5. expiration of the term of the land use;
6. termination of labor relations or of the relations equated to them which have conditioned the allocation of the official land plot 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. liquidation of a state or a communal land user, of a public association, of a social fund, or of a religious organization;
10. withdrawal of citizenship of the Kyrgyz Republic by the owner of the agricultural land plot or land plot, except in case of mortgage housing construction.
11. termination of a concession agreement, a mining concession agreement, a production sharing agreement, and during termination of a right to mine;
12. termination of an agreement concluded under public-private partnership.

## **Article 66. Grounds for Withdrawal of the Land Plot (excerpt)**

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 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 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 tax legislation;

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

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/user by termination of the right to land plot, including the damages connected with early termination of obligations to third parties.

**2.2. World Bank Policy on Involuntary Resettlement**

The World Bank Operational Policy 4.12 “Involuntary Resettlement” (December 2001) revised on April 2013 - aimed to mitigate risks related to involuntary resettlement through addressing the risk minimizing issues.

The overall objectives of the OP 4.12 “Involuntary resettlement” are:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring and analyzing of all technically viable alternatives of the project implementation.
- (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 persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (c) Displaced persons 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.

The policy requires the preparation of a Resettlement Action Plan to mitigate impacts of involuntary resettlement. The RAP will comprise measures to raise awareness of the proposed options and rights regarding resettlement; informing on proposed and ensuring technically and economically appropriate resettlement options and ensuring prompt and effective compensation of expenses at full replacement cost for the loss of property directly associated with project implementation.

Where impacts on the entire displaced population are minor (fewer than 200 people)<sup>5</sup>, an abbreviated resettlement plan can be prepared. For projects causing significant resettlement (more than 200 people), a full resettlement plan is required. The policy requires that in the resettlement planning process:

1. Displaced persons and residents of the host communities receiving them, are provided timely relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement activities.

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<sup>5</sup> Impacts will be minor, if PAPs will not be resettled and will loss less than 10% of their productive assets.

Necessary and available grievance redress mechanisms should be established for the benefits of the displaced persons.

2. In new resettlement sites designed for relocation, or in host communities, infrastructure and public services are provided as necessary to improve, restore, or maintain accessibility and levels of service for the displaced persons and host communities. Alternative or similar resources are provided to compensate for the loss of access to community resources;

To achieve the objectives of the policy, the World Bank requires that particular attention be paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, or other displaced persons who may not be protected through national land compensation legislation.

### 2.3. Comparison of Kyrgyz Republic and World Bank Resettlement Policy Requirements

Main gaps between Kyrgyz Republic Land Law and World Bank's policy and how these gaps will be reconciled are provided in the following table.

Table 2.3.1.

Provisions of Kyrgyz Republic's Land Code	World Bank OP 4.12 on Involuntary Resettlement	Implementation actions <sup>6</sup>
<p>Compensation for acquired land only for titled landowners, i.e. the PAPs with formal documents permitting the use of land, or holders of customary rights.</p>	<p>Lack of formal title to land will not bar PAPs from entitlements, those people without legal title to land and/or structures occupied or used by them are entitled to various options of resettlement assistance as per the entitlement matrix, provided they cultivated/occupied the land before the eligibility cut-off date.</p>	<p>PAPs regardless of availability or lack of legal title to land are eligible for compensation of their structures, crops and trees and rehabilitation measures under APNIP.</p>
<p>Consultations with PAPs or communities in respect of land or asset confiscation are not required.</p>	<p>PAPs are to be fully informed and consulted on compensation, entitlements and resettlement options including relocation sites. Includes consultation, participation, information dissemination campaigns and opportunities to participate in monitoring based on the nature and scale of impacts. RAPs are to be developed and prepared in consultation with PAPs and other stakeholders.</p> <p>Gender specific consultation and information disclosure will be required to ensure women receive information and appropriate opportunities to provide</p>	<p>Consultations concerning PAPs resettlement options will be required during APNIP implementation.</p>

<sup>6</sup> Implementation of international legal provisions by the Project

	feedback.	
No separate grievances redress mechanism for resettlement.	Grievance redress mechanisms are to be established.	Procedures for handling complaints will be developed in the RAP.
Lack of information disclosure procedures	Mandatory requirement is disclosure of RPFs, RAPs both in World Bank's website (Infoshop), and relevant Ministry website, as well as providing copies of these documents to local governments and to directly affected households.	Information disclosure order will be provided in the RAP.
Land compensation shall be made based on redemption cost, which includes 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/user by termination of the right to land plot, including the damages connected with early termination of his/her obligations to third parties.	Provision of land for land is a priority, with replacement land to be acceptable to PAPs and to be of same size and productive capacity. If suitable land cannot be found, compensation in cash, or another land with additional payment at replacement cost shall be provided. <b>Replacement cost for land plots</b> is equal to the market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of registration and re-registration of the rights of land ownership/use and transfer taxes and/or fees.	If it is not possible to compensate the plot disposed by other plot compensation will be paid in cash at full replacement cost.
Compensation for other assets (structures, crops, trees, and business income) is provided by formal user at market value.	<b>Replacement cost for buildings and structures</b> is equal to the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected	Compensation for any other project affected assets (structures, crops and trees, as well as business/loss of income) will be paid in cash or in kind at full replacement cost both to formal and informal users.



	structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the registration and re-registration of property rights taxes. Depreciation of the asset and the value of salvage materials are not taken into account nor the value of benefits to be derived from the project.	
No provision for rendering support to vulnerable PAPs.	Support will be provided to vulnerable groups.	To prevent further negative impact from RAP implementation, vulnerable and poor PAPs will be entitled to additional measures in terms of allocation of land plots and other assets, payment of cash allowances and compensations, employment etc., depending on situation. Gender issues shall be also taken into consideration.
Payments for transportation and transition are not provided.	Replacement cost includes expenses for delivery of construction materials and transition.	If expenses for transport are available then expenses will be included into RAP budgets.
At DED design 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 viable options.	Considering the options, location and technical capacity of subprojects so as to avoid or minimize, to the extent possible, the necessity in land acquisition or resettlement.
No specific provision for temporary or permanent income/livelihood disruption.	Requires compensation for disruption of livelihoods and loss of income as a result of temporary or permanent land acquisition.	Compensation for temporary loss of land or assets, or for temporary disruption of income will be provided.

In case of disparity of the laws of the Kyrgyz Republic with the requirements of the policy of the WB on involuntary resettlement (OP 4.12), the principles and procedures of OP 4.12 should be applied. This priority of WB norms over the national legislation is required for World Bank financed projects.

## CHAPTER 3. ELIGIBILITY CRITERIA AND PROCEDURES FOR VARIOUS CATEGORIES OF PAP

### 3.1. Eligibility principles

The involuntary taking 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 3 criteria for eligibility:

- (a) Those who have formal rights to land including communal land, traditional and religious rights recognized under the legislation of the Kyrgyz Republic.
- (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 Kyrgyz Republic 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.

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.

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.

Therefore all project affected persons irrespective of their status or whether they have formal titles, legal rights or not are eligible for some kind of assistance if they occupied the land or had use of it, before the entitlement cut-off date.

### 3.2. Eligibility criteria and entitlements

#### Entitlement Matrix

#### Eligible PAPs for compensation

#### Assets and Compensation Guideline

Table 3.2.1.

<b>Project impact</b>	<b>PAP category</b>	<b>Asset affected</b>	<b>Compensation guide</b>
Temporary acquisition of land	Land owner	Land	Rental value of land based on market

for works, or construction			<p>rates including rates for current period and restoration of land and all assets thereon to former status, including:</p> <p>compensation for relocation and transfer a) movable assets, domestic materials;</p> <p>b) state and municipal assets;</p> <p>c) recovery of source of income for period used.</p>
	Informal user	Land	<p>Restoration, replacement or compensation of all assets damaged or removed at replacement value. In the case of loss of income disturbance allowance set on the basis of average earnings for each week (7 days) for disturbance of income calculated on proportional basis.</p>
Permanent acquisition of land for works, construction, or as part of first sanitary protection area.	Land owner	Land	<p>Replacement land of equivalent market value as priority option, to be acceptable to PAP and should be of the same size and productive capacity as affected one. Failing availability of land, cash compensation at replacement cost as well as cost and fees</p>

			for documentation and re-registration of rights and expenses for reinstatement of land up to the condition similar to the condition of the land impacted by the project will be paid (and 10% if over 20% of land acquisition) as a severe impact subsidy. If the remainder of the plot is not viable the entire plot will be acquired.
	Informal user	Land	There will be no provision of compensation for land.
		Assets	Cash compensation for affixed assets at replacement cost. In the case of loss of income, disturbance allowance set on the basis of minimum wage for six months will be paid as well as a right to salvage materials.
Permanent acquisition of legal structure.	Owner of structure/building	Any structure including fence, sanitation structure etc.	Replacement structure or cash compensation at replacement cost as well as a right to salvage materials.
Permanent acquisition of illegal structure	Owner of structure	Any structure including house, fence, sanitation structure etc.	Replacement of structure or cash compensation at replacement cost as well as a right to salvage materials.
Restriction of access to homes.	Tenant or house owner	Section of residential	Restoration of land to original condition

		compound temporarily affected or access to house affected by works	after works. In kind compensation for temporarily 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 of minimum wage (a specific calculation of the allowance would be established in each RAP).
Vendors or business entrepreneur	Owner of business	Temporary 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). Disturbance allowance equivalent to 7 days of business profit.
		Permanent loss of business due to works	Compensation for transition period.
Farmer with land title	Owner	Crops	In addition to land compensation, it will be allowed to take standing crop and cash compensation for agricultural season at highest market value or according to rates of the Ministry of Agriculture and

			<p>Land Improvement of the Kyrgyz Republic, whichever is higher.</p> <p>For temporary use of land where a growing season will be lost, compensation will be provided for the lost growing season based on the market value of the last crop grown.</p>
Tenant farmer	Tenant	Crops	<p>It will be allowed to take standing crop and cash compensation for agricultural season at highest market value or according to rates of the Ministry of Agriculture and Land Improvement of the Kyrgyz Republic, whichever is higher.</p> <p>For temporary use of land where a growing season will be lost, compensation will be provide for the lost growing season based on the market value of the last crop grown.</p>
Fruit tree owner	Owner	Fruit tree	<p>Price of a sapling and cash compensation for the value of the harvest multiplied by number of years it will take for the</p>

			sapling to reach maturity.
		Unfruitful tree	Timber or cash equal to the value of timber
Vulnerable people	Identified both on the basis of social payments (disability payments, pensioners, widows/women headed households and impoverished households) and consultations.	Residential and commercial assets	<ol style="list-style-type: none"> <li>1. In addition to compensation for assets lost, a social allowance for the period of one year will be paid.</li> <li>2. Assistance during moving and in transportation of materials will be provided as required.</li> <li>3. Special attention will be paid to reinstatement of income.</li> </ol>
		Livelihood restoration	Allowance set to be one year of supplemental social assistance payments.
Permanent land acquisition	Public assets	Structures/buildings	Compensation will be provided in kind. Construction of new structures/buildings or repair of partially impacted assets will be carried out.

### 3.3. Methods to Determine Cut-Off Dates

Once the design of a sub-project is finalized, all affected persons will be identified. Consultations with affected peoples will be undertaken to inform them of project design, footprint of the project, impacts, etc. Care will be taken to ensure that affected persons are aware of this information and that feedback is solicited which may result in changes of the footprint to minimize resettlement impacts.

As a rule, the cut-off date is a date of commencement of census or the date of identification of project areas, providing that these areas had been identified prior to the census and that the information about the upcoming identification of project areas had



been properly furnished to local population and that after the identification, the information was disseminated about non-admission of new residents to this area.

The consultation will be done by APNIP PIU and the individuals responsible for resettlement matters assigned by LSG bodies in line with consultation procedures outlined in this document. The potential PAPs will be informed through both formal notification in writing and in a language and format understandable to them and by verbal notification delivered in the presence of the community leaders or their representatives.

## **CHAPTER 4. RPF AND RAP IMPLEMENTATION ARRANGEMENTS AND PROCEDURES**

### **4.1. Overview**

APNIP PIU will provide the overall control over resettlement planning and coordinate all issues relating to the compensation. PIU will collaborate closely with participating local governments.

The implementation arrangements of the RPF build on:

- APNIP;
- The implementation arrangements for resettlement and compensation activities in line with the requirements outlined in this document.

Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for subprojects. This section describes the arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each project activity. These are based on the institutional structure at the time of writing the RPF. In the case of changing of these institutional structures, variations required will be incorporated into RPF and subsequent RAPs will be updated,

### **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 held together with WUA and LSG specialists and is used 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 subproject activities.

Screening will be undertaken in accordance with established screening criteria under the supervision of PIU. No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts. Should the evaluation indicates that resettlement is required, the next step will be the socio-economic censuses and land fund inventory to determine the extent of the necessity for resettlement. Then development of RAP on this subproject will be held.

### **4.3. Socio-economic profiling and inventory of losses. Consultations and participation.**

Should the screening process show that land acquisition will be required, the next step will be the socio-economic identification and profiling of all Project Affected Persons with indicating of their age, asset dependence, income, family status etc. This is the equivalent of a census. This step should be conducted by Social Development Consultant at the same time with the inventory and valuation of all assets affected for each individual PAP.

During census a cut-off date shall be established in accordance with para 3.3. Once this census is completed a Resettlement Action Plan (RAP) will be developed on the basis of the data collected.

The screening process will involve direct consultation with the PAP(s) who will work with the APNIP Social Development Consultant and local officials (such as land surveyor, deputies of local authorities, NGO representatives and other stakeholders) in a language and format understandable to them on-site to identify the affected assets and discuss their socio-economic situation. During consultations the PAP(s) will be informed verbally on their rights pertaining to the resettlement process. This will include sharing a copy of the grievance redress procedure and the entitlement matrix. Illiterate people will be informed verbally. PAP(s) will be given an opportunity to provide feedback and express concerns.

In cases of impossibility of direct consultation with the affected persons due to their absence in other cities and countries, the Social Development Consultant together with the representatives of local authorities, will make efforts to disseminate information on resettlement to PAPs who are absent through relatives or neighbors in the community.

### **4.4. Development of the RAP**

Socio-economic census and identification of PAP(s) will be followed by preparation of the RAP. The RAP will be prepared by the APNIP Social Development Consultant hired by PIU to carry out this work.

The RAP will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, 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. More detailed guidelines for preparing a RAP are available on the World Bank's website ([www.worldbank.org](http://www.worldbank.org)) or in the World Bank's Involuntary Resettlement Policy.

It is assumed 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 can be prepared. RAPs will be prepared for individual sub-projects that require land acquisition. Therefore some RAPs will be prepared only with regard to one or some PAPs. It is proposed that the RAP will

contain a number of standardized sections such as: subproject description, legal and institutional framework, eligibility and entitlement matrix etc., 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 data etc.). While affected households' data is essential to the RAP, for the purposes of privacy, information identifying individuals or households in the RAP will not be publicly disclosed.

RAP for each subproject will include the information about a baseline census and social and economic survey, entitlement matrix, compensation cost, the rights associated with additional impact identified in course of census or surveys, description of resettlement sites and the programs for improvement or recovery of livelihoods and living standards, resettlement schedule, detailed cost estimates and grievance redress mechanisms.

#### **4.5. Disclosure and approval of RAP**

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

1. Initial version of RAP is subject to discussion with LSGBs and PAP(s), who were preliminary provided with copy of RAP.
2. After discussion the comments and proposals to be reflected in the RAP.
3. The RAP shall include a chapter on consultation process with a table of comments and proposals and their implementation.
4. Social development specialist shall submit the RAP to Project Director for approval.
5. Following incorporation of comments from disclosure, and project director's approval, the RAP must be formally sent to the World Bank for review to ensure compliance with OP4.12 and other applicable policies/procedures.
6. Following clearance from the World Bank, the final RAP will be disclosed on the World Bank's info-shop website, disclosed on the PIU website and disseminated again to all interested parties.

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 analysis of Project affected assets.**

Cases of temporary or permanent use of private land cannot be precluded during work implementation, especially in areas adjacent to right-of-ways of technological roads of hydraulic structures, as well as on the area where irrigation and drainage systems, power transmission lines, bridges, gauging stations etc. will be constructed, should designs necessitate any use of private land. It is not yet known whether any temporary or permanent land acquisition will be necessary in these cases or whether the access and use of land will be constrained on a temporary or permanent basis.

PIU does not expect any demolition of capital structures during implementation of the Project, though the destruction of smaller-scale structures (fences, afforestation etc.) cannot be fully precluded at this stage. Given that affected populations and/or assets are not yet clear, estimates will be produced when the project commences.

## **CHAPTER 5. METHODS OF VALUING PROJECT AFFECTED ASSETS**

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

### **5.1. Types of compensation payments**

Compensation for land use and assets in kind or cash as guided by the entitlement matrix will be required for the following assets:

- i. Land;
- ii. Buildings, structures and fixtures;
- iii. Cultivated crops (both cash or food crops) and trees;
- iv. Loss of businesses or employment;

In addition, disturbance allowance will be provided for disturbances during:

- economic or business activity;
- storage of goods;
- replacement of lost services;
- and other assistance as outlined in the Entitlement Matrix above.

All these types of compensation are for guidance only, and it is essential that at the time of detailed RAP preparation current market values and replacement cost values will be used to establish actual compensation. In addition, any additional allowances as deemed appropriate may be given such as extra assistance for vulnerable families, disturbance allowances etc. All cash amounts will be adjusted to reflect any economic changes and buying power. APNIP PIU will evaluate the compensation amounts as per the RAP, and ensure that they reflect market reality and that it is consistent with Kyrgyz Republic law as long as it meets the requirements of WB OP 4.12. on Involuntary Resettlement.

### **5.2. Assets 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. A copy of the inventory list of assets is provided to PAPs. The total list of affected assets and their assigned values including any additional compensatory measures will be registered and agreed with the PAP. Moreover, it is specified that following approval by the WB and by the Project Coordinator, one copy of the final RAP will be given to PAP with description of the grievance redress mechanism.

### **5.3. Valuation methods**

#### **5.3.1. Replacement cost method**

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

**Replacement cost for land plots** is equal to the market value of land of equal productive potential or located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost for taxes of registration and re-registration of the rights of land ownership/use.

**Replacement cost for buildings and structures** is equal to the market cost of the materials that will require for construction or repair the affected building or structure, plus the cost of transporting building materials to the construction site, plus the cost of any labor and contractors' fees, plus the cost of any documentation and registration of property rights registration and transfer taxes. Depreciation of the asset and the value of salvage materials are not taken into account nor the value of benefits to be derived from the project.

### **5.3.2. Schedule of rates**

Ministry of Agriculture and Reclamation of the Kyrgyz Republic has a compensation matrix for damages during land acquisition, loss of land, clearing of trees. When applied, rates current for the period of actual replacement must be used.

The Construction Departments have a schedule of rates for preparing estimates for construction works to assess costs for construction materials and labor cost. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

## **5.4. Compensation for various assets**

### **5.4.1. Compensation for land**

In the event of permanent land acquisition, the first premise is a provision of replacement land to official user. In the case where no alternative land is available within a reasonable distance, cash compensation at full replacement cost (see footnote 1 for definition) shall be paid.

In addition, the PAP will be compensated for improvements made to the land (for instance irrigation structures). This will be calculated based on the current prevailing market rates for labor, equipment and materials.

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 the rate proposed by the Ministry of Agriculture and Land Improvement, whichever is higher. The compensation will be paid to the tiller rather than the owner, where the user is not the owner (e.g. tenant). Compensation will be paid for the lost yield of horticultural crop.

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.

#### **5.4.2. 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 Land Improvement and the highest market price, whichever is higher. The crops used will be the ones that are currently or have most recently been cultivated on that land. Where rented land will be withdrawn, compensation for whole agricultural season shall be paid.

If the land to be withdrawn is in individual land use, besides an alternative land plot or cash compensation, an owner gets compensation for agricultural season of crop.

A type of crop which is currently planted or was planted earlier shall be taken to calculate compensation rate,. 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 based on the price of a replacement sapling along with number of years it will take the sapling to reach full maturity, as well as using rate of fruit yield produced by this tree during the specified time.

#### **5.4.3. Compensation for structures**

The preferred option of this compensation type is to provide alternative structures (storage facilities and fences etc.) of improved quality where possible.

The second option is a provision of cash compensation at full replacement cost. Replacement cost will be based on the following indicators:

- i. Specifications of structures and detail of materials used;
- ii. Prices of these items collected in different local markets;
- iii. Costs for transportation and delivery of these items to acquired/ replacement land or building site;
- iv. Estimates for construction of new structure including labor required;
- v. Any associated taxes, registration fees.

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

#### **5.4.4. 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 the old facilities repaired if partially impacted by the project.

#### **5.4.5. Compensation for loss of business**

Compensation will be provided for the loss of income during the period of construction (time lag between losing the income and re-establishment). This will be estimated based on records of the daily or monthly income of the PAPs.

### **CHAPTER 6. IMPLEMENTATION SCHEDULE OF ACTIVITIES**

Before commencement of project implementation, all PAPs will need to be compensated in accordance with RAP. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation and preparation of locality to which PAPs will be displaced providing to them appropriate condition if required. Taking of land and related assets may take place only after compensation has been paid and, if applicable, resettlement sites and moving allowances have been provided to displaced persons.

The measures to ensure compliance with this RPF will be included in the RAP that will be prepared for each subproject involving land acquisition. RAP will include schedule for the implementation of activities related to resettlement including all stages: from preparation to completion of works with indication of precise dates of achieving expected benefits for both PAPs and local community and termination of various types of assistance. The RAP will be disclosed in a manner and location accessible to PAPs, both in draft and when finalized. The parties shall also agree on how these activities are related to the project implementation in general. The evaluation process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works.

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, as relevant, with adequate facilities are prepared and provided to the PAPs.

Compensation will be paid to PAPs after his/her written consent.

## **CHAPTER 7. GRIEVANCES REDRESS MECHANISMS**

### **7.1. The overall grievance redress process**

The overall grievance redress process is as follows:

- 1) During the process of asset evaluation, the affected persons will be given copies of grievance procedures.
- 2) The first step in the grievance process will be to verbally contact a Project Representative (PR) from LSGB either in person or by phone (a cell phone number will be provided on information notice board at Aiyl Okmotu office and, also will be posted in the advertisements in frequently visited places). If the problem cannot be resolved within 5 days, then grievance process is moved to the next level.
- 3) The affected person should file his/ her grievance, relating to an issue associated with the resettlement process or compensation, in writing to APNIP PIU Director. The grievance note should be signed and dated by the aggrieved person. The APNIP Social Development Specialist will contact the PAP. APNIP PIU will assess the substantiation of claim, notify the complainant and s/he will be assisted. A response will be given within 14 working days during which time any meetings and discussions to be held with the aggrieved person will be conducted. If the grievance relates to valuation of assets at the expenses of the project, a second or even a third valuation will be undertaken, until it is accepted by both parties. These can be undertaken by independent valuers at the expense of the part who does not agree. APNIP PIU will provide assistance at all stages to the aggrieved person to facilitate resolution of their complaint and ensure that the matter is addressed in the optimal way possible.
- 4) If, after receiving a response from APNIP PIU the complaint is not resolved, it should be addressed to Project working group under Aiyl Okmotu. The working group will be established by the Order of the Aiyl Okmotu head from number of local kenesh deputies, WUA representatives, respected people (aksakals) and PIU specialists.
- 5) Should there be objection regarding the decision of the working group and the decision of the above group is provided within 30 working days, then PAP can appeal to court.

In annexes 6 and 7 in table form is given a procedure for application, consideration and addressing claims.

### **7.2. Management of reported grievances**

The processing procedure will be as follows:

The Project local representative will ensure weekly transfer of complaints received from PAP to PIU, as well as results of grievance redress in the 1<sup>st</sup> instance.

Work with complaints in LSGB is carried out in accordance with existing order and complaints are registered in logs where recorded complaints and suggestions.



Following data entry to PIU the social development specialist should ensure that each complaint has an individual reference number, and the progress of consideration of each complaint is reflected in matrix developed in RPF. It should contain a record of the persons 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 of response to the complaint.

General information about complaints received (number, the type of complaint), about the procedure of complaint addressing and the issues encountered shall be included in the regular reporting submitted to the WB.

## **CHAPTER 8. RPF IMPLEMENTATION BUDGET**

At this stage it is impossible to calculate the exact number of people who may be affected by the impact of the project as the technical designs and the details have not yet been developed, and it is not known for sure whether the design of the project will require temporary or permanent land acquisition. Therefore, it is impossible to make an estimated budget total cost of resettlement, which may be associated with the implementation of APNIP.

Detailed and accurate budget will be drawn up for each RAP, which will be financed according to the rules and guidelines for the administration and financial management, like any other event, licensed for payment.

The budget will include the following costs:

1. Compensation, according to the RAP.
2. Payment for services to the social development consultant.
3. Expenses for awareness raising campaign including expenses for communication, arrangement and holding of consultations (rent of premises, printing out of information materials and other expenses).
4. Expenses for disclosure of information.
5. Expenses for monitoring.
6. Expenses during implementation of grievance redress mechanism.

## **CHAPTER 9. MECHANISM FOR PAP CONSULTATIONS**

Public consultations on draft Resettlement Policy Framework were held on February 11, 2015 in Osh and in February 24, 2015 in Bishkek. Participants included representatives from aiyl okrugs, territorial aiyl okmots, local kenesh deputies, officials of Raion authorities such as Architecture Department, Environmental Office, Land Management Department, Sanitary and Epidemiological Surveillance as well as non-governmental organizations and community members. Documents on public hearings are provided in Annex 3.

During the project implementation, PAPs will be consulted in the following manner at all stages of the project:

1. Consultations will be held with stakeholders at the APNIP pre-project stage to discuss the RPF.
2. Following the identification of a construction site, PIU consultations with affected peoples will be undertaken to inform them of project design, footprint of the project, impacts and receiving their feedbacks. Result of it can be changes in project footprint to minimize resettlement impacts.
3. Once the inventory and valuation of assets is completed, the APNIP PIU social development consultant will discuss the details with the PAPs and whether or not the inventory is accurate and the valuation is acceptable to them.
4. Once the RAP is completed, the PAPs will be provided with a copy of the RAP in a form and language that is accessible to them.
5. Prior to subproject implementation the amount of cash or in kind offered for compensation will be discussed with each eligible PAP for consideration and endorsement before PAPs are affected.
6. PAPs are entitled to have a third party, in the present case, the local kenesh deputies until this final transfer of assets. At any point PAPs can instigate a complaint using the grievance redress process described above.

During consultations will be take into account socio-cultural factors such as: levels of literacy, cultural barriers to participation of sub-groups within the communities and necessary mitigation factors such as timing—to ensure maximum participation given household responsibilities, geographic spread, etc., and formats that are culturally appropriate. Relevant materials will be provided to affected groups in a timely manner prior to consultation and in a form and language that is understandable and accessible to the groups being consulted. Sufficient time will be provided to communities to review and discuss information shared with them prior to the completion of resettlement instruments. Feedback from communities will be integrated into the design and implementation of the Resettlement Action Plan and as necessary wider project implementation.

Consultations will be documented providing details on the consultation process such as participants of consultations, issues discussed during the consultation, nature of information disseminated at consultations, concerns raised and responses to concerns.

The consultation report will also include demographic information on the participants (gender, age, representation of special interest groups, etc.).

## **CHAPTER 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 PIU. All RAPs will set goals by which to evaluate their success, which will include:

- i. project affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it;
- ii. the local communities will support the project;
- iii. number of grievances resolved

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 data collected will be gender disaggregated. PIU 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 the RAP;
- Alert project management 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:

- ✓ Compensations are paid out timely and at all replacement cost;
- ✓ Living standards of PAPs and maintaining their pre-subproject standards;
- ✓ Specific impacts on vulnerable households.

Indicators will be set within each RAP. The information for these indicators should be collated by project engineer on regular basis (for example, quarterly or semiannually, depending on circumstances) and compared variations.

### **10.2. Monitoring of RAP Implementation**

PIU staff responsible for resettlement and compensation issues will manage the compilation of basic information on all physical or economic displacement arising from the project, on a quarterly basis.

They will collect the following statistics:

- a. Number of subprojects requiring preparation of a RAP;
- b. Number of households and individuals physically or socio-economically displaced by each activity;
- c. Length of time from RAP finalization to payment of compensation to PAPs;
- d. Length of time from the completed compensation and commencement of construction activities;

- 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.

The PIU will review these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. Financial records will be maintained by PIU, to permit calculation of the final cost of resettlement and compensation per PAP or household.

The PIU will maintain a complete database on resettlements conducted. The database will be a part of official APNIP documents.

## CHAPTER 11. INSTITUTIONAL ARRANGEMENTS

Below is a table with description of responsibilities for RPF implementation.

Table 11.1

Item No.	Party that participates in preparation, implementation and overseeing of land acquisition and resettlement	Responsibility
1	Local Self-Government Bodies (LSGBs)	1) Participation in consultations. 2) Acquisition of land parcels for PAPs in case of compensatory replacement of land and compensation for assets of PAPs in accordance with the RAP..
2	PIU Social Development Consultant	1) Consultations with PAPs 2) Preparation of RPF and RAP taking into account that (i) Land acquisition/resettlement expenses will be financed from local budget funds; and (ii) Sub-projects that have resettlement costs exceeding 1 % of the overall requested amount will be cancelled. PIU will do the screening and will inform AOs before the proposals are submitted. 1) Disclosure of information about RPF and RAP. 2) Agreement on compensations with PAPs. 3) Implementation of RPF and RAP. 4) Identification of PAPs, inspection of entitling documents and list of assets affected by the project 5) Assessment of the list of assets of the affected households. 6) Holding of socio-economic survey of PAPs. 7) Holding of monitoring 8) Provision of the information about implementation of RPF and RAP to the World Bank. 9) Managing grievances related to the project.
3	Working Group established under LSGB	Grievance redress during implementation of RPF.

## CHAPTER 12. ANNEXES

### ANNEX 1 Screening report form on alleged social impacts

(The report should be brief)

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**1. Name of subproject:**

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**2. Place of subproject implementation** \_\_\_\_\_

(Specify the place of implementation with indication on the map/scheme with photos)

**3. Type of activity:** \_\_\_\_\_

(New construction, reconstruction, rehabilitation, current repair)

**4. Cost estimate:** \_\_\_\_\_

**5. Expected inception date:** \_\_\_\_\_

**Technical drawings/specifications reviewed:** \_\_\_\_\_

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**6. Selection of location:**

When considering location of subproject a sensitivity of proposed location is estimated according to the given table below in compliance with set criteria. High scores do not necessarily mean that the selected location is not suitable. They indicate a real risk of objectionable negative environmental and social impacts, and that it may be necessary to provide more environmental and/or social planning in order to adequately avoid, mitigate or manage potential impacts.

Problem	The sensitivity of object location			Rating
	Low	Average	High	
Involuntary resettlement	Low population density. Defined legal ownership of land and assets	Average population density. Mixed forms of ownership and land tenure.	High population density in big cities and villages. Families with low income and/or illegal ownership of land or communal property.	

**7. Checklist:**

The checklist is to be filled out by PIU and LSG specialists at sites.

Item No.	Possible impact factor	Availability (yes / no)
1	Whether the subproject falls on private lands?	
2	Whether physical or economic resettlement of residents or commercial structures is required?	
3	Whether social impacts are potentially significant?	
4	Is there a need to determine the level of assessment of institutional resources required for protective actions?	
5	Are there any assets of third parties at the place of subproject implementation?	
6	Are there any controversial territories?	
7	Will there any access and pedestrian roads to homes and business structures be available during construction?	
8	Will the construction bring to changes in social environment or will income of business structures and public reduce?	
9	Will the implementation of planned construction affect to the health of population and cause damage to anyone?	
10	Will the subproject cause protests and concerns of the residents?	
11	Will there be any adverse effects on living conditions of the population, their values and way of life?	
12	Will the subproject cause inequality between population groups?	
13	Is the degree of public interest to the subproject high?	
14	Is there any expectation of hidden potential impacts and risks?	
15	Is there any evidence of past exposure of involuntary resettlement in the area that require corrective action for past unmitigated resettlement?	

**8. Recommendations:**

*Taking into account the answers to the test questions, please specify: Whether are required or not further actions on application of WB procedures on OP 4.12 "Involuntary Resettlement"?*

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**Consultant full name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**ANNEX 2 Forms to fill out during PAPs census and inventory of land fund**

**1. Interview of households**

Full name	Sex		Age	Marital status	Breadwinner		Employment status	
	M	F			Yes	No	Yes	No
1.								
2.								
3.								
4.								
5.								
6.								
7.								

Interviewer full name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

## 2. PAPs land fund inventory

Venue: \_\_\_\_\_

Date: \_\_\_\_\_

# of survey	Name of household head	Number of households	Total land area owned by family (m <sup>2</sup> /ha)	Land area to be seized, (m <sup>2</sup> /ha)	Total % of loss	Loss of assets (m <sup>2</sup> , m, pcs., and etc.) (type and quantity of assets: structures, fences, wells and etc should be indicated)		Area of housing loss f (m <sup>2</sup> )	Crops loss			Other losses, (specify the type of loss: rented housing, structure, etc.)
						Temporary	Permanent		Fruit trees, type and quantity (pcs.)	Loss of agricultural crops	Other (please specify)	

### 3. PAPs rights for compensations

# of survey	Name of household head	Compensation for land			Compensation for structure			Compensation for crops and trees			Compensation for other assets and losses (wells, business and etc.)		
		Amount (m <sup>2</sup> or ha)	Unit price for (m <sup>2</sup> or ha)	Right	Amount (m <sup>2</sup> or ha)	Unit price for (m <sup>2</sup> or ha)	Right	Amount (m <sup>2</sup> or ha)	Unit price for (m <sup>2</sup> or ha)	Right	Amount (m <sup>2</sup> or ha)	Unit price for (m <sup>2</sup> or ha)	Right

## ANNEX 3 Public consultations documents

### Questions Raised by Participants and Responses:

<b>Public Consultations held in Osh city (Basin Administration of Water Resources training room) on 11 February 2015.</b>	
<b>Question/Request</b>	<b>Response</b>
1. How and who will calculate compensation for resettlement?	1. Compensation for each project affected person (PAP) is calculated upon Resettlement Action Plan (RAP) preparation; if its preparation will be required. Calculation of compensation is made by RAP developer based on the methods which are provided in Chapter 5.3 “Valuation of affected assets method” of the APNIP RPF. After calculations prior to RAP approval by the Project manager the compensation amounts is to be agreed in a mandatory manner with PAP and in case of disagreement of the latter, negotiations are held where decision satisfying both parties are reached.
2. Who will finance compensation in case of Resettlement Policy Application?	2. Responsibility for compensation payments to PAP in resettlement is charged to LSGBs, in other words, compensations will be made at the expense of local budget funds.
3. Please tell us more about the need for coordination of trees and shrubs cutting when carrying out works on reserves of canals?	3. In accordance with para 3 of the Article 80 of the KR Water Code, trees and shrubs cutting on reserves of canals does not require coordination with territorial environmental bodies. But, it is required that such reserve of canal is to be identified by WUA in line with construction norms of land acquisition for land reclamation canals and fortified by LSGB DECISION.
4. If projects are implemented in controversial territories, what kind of activities need to be undertaken in such cases?	4. If priority site is located on controversial territories so, as a rule it is required to coordinate actions on dispute resolution prior to pre-project development stage. It will allow to avoid costs for development of engineering-technical conditions (ETC) and Design Estimate Documentation (DED), if agreement is not reached. And if that happens, the subproject will be rejected.
5. How the issue is addressed in case of site location on transboundary rivers?	5. The World Bank policy 7.50 “International water ways” will be brought into action in that case, if the project will have a negative impact to water quality and volume, receiving to the territory of neighbouring states situated below the stream. In this case it is necessary to inform neighbouring state about upcoming works in the basins of transboundary rivers and conduct coordination procedures.
<b>Suggestions:</b>	1. Fill up handouts of public hearings with the following documents: a. Subscription to the KR Water Code, particularly with article 80; b. Construction norms on land aquisition for meliorative canals.
	2. Review issue on provision of compensation for resettlement at the expense of the project, as when compensation payment at the expense of local budgets, there will be possible risks to exclude sites from the project, as not all aiyl okmots will be able to pay these costs.
<b>Decision:</b>	Draft RPF shall be considered as acceptable for use in the frame of APNIP.

## MINUTES

of the Public Consultations on discussion of Resettlement Policy Framework (RPF) and Environmental Management Plan (EMP) of the Agricultural Productivity and Nutrition Improvement Project (APNIP)

**Data and venue: February 11, 2015**, Basin Water Resources Administration (BWRA) training room, Osh city

**Participants:** Attended 39 people out of stakeholders.

**Handouts:** Program, list of participants, presentation.

## AGENDA

APNIP Resettlement Policy Framework and  
Environmental Management Plan discussion

**Spoke:** After greetings and introductory speech of Mr. K. N. Musaev, Engineering Coordinator of the Project Implementation Unit (PIU), Social Development Specialist Ms. E.V. Kutmanova made a presentation to and brought RPF and EMP regulation use, objectives, tasks and implementation arrangements to the attention of participants of the consultations.

Key aspects of the developed documents: the draft RPF and EMP were highlighted in detail, key aspects of content chapters were addressed.

Then draft document was discussed, wishes were expressed and asked the following questions were asked:

**1 question: Toksonov O.Sh.** – Chairman of Kosh-Kol water users association, Batken city.  
*How and who will calculate compensation for resettlement?*

**Answer: Kutmanova E.V.** – *compensation for each project affected person (PAP) is calculated upon Resettlement Action Plan (RAP) preparation; if its preparation will be required. Calculation of compensation is made by RAP developer based on the methods which are provided in Chapter 5.3 “Valuation of affected assets method” of the APNIP RPF. After calculations prior to RAP approval by the Project manager the compensation amount is to be agreed in a mandatory manner with PAP and in case of disagreement of the latter, negotiations are held where decision satisfying both parties is reached.*

**2 question: Kaarov B.D.** – Acting head of Kara-Tash aiyl okrug of the Nookat rayon.  
*Who will finance compensation in case of Resettlement Policy Application?*

**Answer: Kutmanova E.V.** – *Responsibility for compensation payments to PAP in resettlement is charged to LSGBs, in other words, compensations will be made at the expense of local budget funds.*

**3 question: Berdibaev S.M.** – WUA Kyrk-Bulak of Leilyak rayon. Please tell us more about the need for coordination of trees and shrubs cutting when carrying out works on reserves of canals?

**Answer: Musaev K.N.** – *In accordance with para 3 of the Article 80 of the KR Water Code, trees and shrubs cutting on reserves of canals does not require coordination with territorial environmental bodies. But, it is required that such reserve of canal is to be identified by WUA in line with construction norms of land acquisition for land reclamation canals and fortified by LSGB DECISION.*

**4 question: Isaev A.** – representative of Jylaldy WUA of Uzgen rayon. *If projects are implemented in controversial territories, what kind of activities need to be undertaken in such cases?*

**Answer: Kutmanova E.V.** – *If priority site is located on controversial territories so, as a rule it is required to coordinate actions on dispute resolution prior to pre-project development stage. It will allow to avoid costs for development of engineering-technical conditions (ETC) and Design Estimate Documentation (DED), if agreement is not reached. And if that happens, the subproject will be rejected.*

**5 question: Kozuev E.K.** – representative of Kashka-Suu WUA of Bazarkorgon rayon. *How the issue is addressed in case of site location on transboundary rivers?*

**Answer: Kutmanova E.V.** – *The World Bank policy 7.50 “International water ways” will be brought into action in that case, if the project will have a negative impact to water quality and volume, receiving to the territory of neighbouring states situated below the stream. In this case it is necessary to inform neighbouring state about upcoming works in the basins of transboundary rivers and conduct coordination procedures.*

Further, the following **suggestions** have been said:

- 1. Satvaldiev A.Kh.** – Fill up handouts of public hearings with the following documents:
  - a. Subscription to the KR Water Code, particularly with article 80;
  - b. Construction norms on land aquisition for meliorative canals.
- 2. Jumakulov M.J.** – Review issue on provision of compensation for resettlement at the expense of the project, as when compensation payment at the expense of local budgets, there will be possible risks to exclude sites from the project, as not all aiyl okmots will be able to pay these costs.

**Decided:** Draft RPF shall be considered as acceptable for use in the frame of APNIP.

<b>Chairman</b>	<b>signed</b>	<b>Abibillaev R.</b>
<b>Secretary</b>	<b>signed</b>	<b>Azhimatov A.</b>

## ПРОТОКОЛ

общественных слушаний по обсуждению

Основ Политики переселения (ОПП) и Плана управления окружающей средой (ПУОС)  
 Проекта «Повышения производительности в сельском хозяйстве и улучшения питания»  
 (ПППСХУП)

**Дата и место проведения:** 11 февраля 2015 г. Тренинговый зал заседаний  
 бассейнового управления водного хозяйства (БУВХ) г. Ош

**Участники:** Присутствовало 39 человек от заинтересованных сторон.

**Раздаточный материал:** Программа, список участников, презентация

## ПОВЕСТКА ДНЯ

обсуждение Основ Политики Переселения  
 и Плана управления окружающей средой ПППСХУП

**Выступили:** После приветственных и вступительных слов Координатора по инженерным вопросам отдела реализации проекта (ОРП) Мусаева К. Н., консультант по социальным вопросам Кутманова Е. В. представила презентацию и ознакомила участников слушаний с правилами применения, целями, задачами и механизмами реализации ОПП и ПУОС. Были подробно освещены основные моменты разработанных документов: проекта ОПП и ПУОС, затронуты ключевые аспекты содержания глав.

Затем состоялось обсуждение проекта, высказаны пожелания и заданы следующие вопросы:

**1 вопрос:** **Токсонов О. Ш.** – представитель Ассоциации водопользователей (АВП) Кош-Кол г. Баткен. *Каким образом и кто будет рассчитывать компенсацию при переселении?*

**Ответ:** **Кутманова Е.В.** - *Компенсация для каждого лица, подверженного воздействию проекта (ЛПВП) рассчитывается при подготовке Плана действий по переселению (ПДП), если будет необходимость в его разработке. Расчет компенсации проводится разработчиком ПДП по методикам, которые изложены в главе 5.3 «Методы оценки активов, подверженных проекту» ОПП ПППСХУП.*

*После проведения расчетов, до момента утверждения ПДП менеджером Проекта, суммы компенсаций в обязательном порядке согласовываются с ЛПВП и в случае несогласия последнего, проводятся переговоры, в которых принимается решение, удовлетворяющее обе стороны.*

**2 вопрос:** **Кааров Б. Д.** – И. о. главы Кара-Ташского айыльного округа Ноокатского района. *Кто будет осуществлять финансирование компенсаций в случае применения политики переселения?*

**Ответ:** **Кутманова Е.В.** – *Ответственность по компенсационным выплатам ЛПВП при переселении возлагается на органы местного самоуправления, т. е. компенсации будут осуществляться за счет средств местных бюджетов.*

**3 вопрос:** **Бердибаев С. М.** – АВП Кырк-Булак Лейлекского района. *Расскажите подробнее о необходимости проведения согласований на вырубку древесно-*

кустарниковой растительности при проведении работ на полосах отчуждения каналов?

**Ответ:** Мусаев К. Н. - В соответствии пункта 3 статьи 80 Водного кодекса КР, вырубку деревьев и кустарников в полосах отчуждения каналов согласовывать с территориальными природоохранными органами не требуется. Но необходимо, чтобы такая полоса отчуждения была определена АВП в соответствии строительных норм отвода земель для мелиоративных каналов и закреплена РЕШЕНИЕМ местных органов самоуправления.

**4 вопрос:** Исаев А. – представитель АВП Жылаалды Узгенского района. Если проекты будут осуществляться на спорных территориях, то какие мероприятия необходимо проводить в таких случаях?

**Ответ:** Кутманова Е. В. – Если приоритетный объект будет размещен на спорных территориях, то как правило, требуется провести согласовательные действия по урегулированию спора до предпроектной стадии развития проекта. Это позволит избежать затрат на разработку инженерно-технических условий (ИТУ) и проектно-сметной документации (ПСД), если не удастся достигнуть согласия. И если такое произойдет, то подпроект будет отклонен.

**5 вопрос:** Козуев Э. К. - представитель АВП Кашка-Суу Базаркоргонского района. А как решается вопрос в случаях размещения объектов на трансграничных реках?

**Ответ:** Кутманова Е. В. – Будет приведена в действие политика Всемирного банка 7.50 «Международные водные пути» в том случае, если подпроект будет оказывать негативное воздействие на качество или объем воды, поступающей на территорию соседних государств, расположенных ниже по течению. В данном случае необходимо уведомить соседние государства о предстоящих работах в бассейнах трансграничных рек и провести процедуры по согласованию.

Далее, были высказаны следующие **предложения:**

1. Сатвалдиев А.Х. – Дополните раздаточный материал общественных слушаний следующими документами:
  - а. выпиской Водного кодекса КР, в частности 80-ой статьей;
  - б. строительными нормативами отвода земель для мелиоративных каналов.
2. Жумакулов М.Ж. - Рассмотрите вопрос о проведении компенсаций при переселении за счет средств проекта, поскольку при выплате за счет местных бюджетов, будут возможны риски исключения объектов из Проекта, т. к. не все айыл окмоту смогут оплачивать данные затраты.

**Решили:** Проект ОПП считать приемлемым для использования в рамках ПППСХУП.

Председатель



Р. Абибллаев

Секретарь

А. Ажиматов



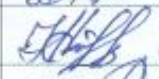



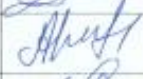






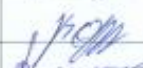
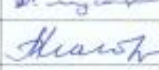




## List of Public Consultation Participants

**Регистрация (1-день)**  
**участников общественного слушания ОПП ПППСХУП, «Правовые основы**  
**деятельности АВП и составление договоров по кредиту» для специалистов ОРП, МСУ**  
**и АВП Баткенской, Джалаалабадской и Ошской областей.**  
 (11 февраля 2015 г. Тренинговый зал БУВХ г.Ош)

**Заезд участников 10-февраля 2015 г.; Отъезд участников 13 февраля 2015 г.**

	ФИО	Должность	Подпись
1	Карнова Л.В.	Инженер проектировщик южного региона	
2	Жээналиев К.	Инженер проектировщик южного региона	
3	Анипаев К.	Инженер проектировщик южного региона	
4	Ганженко Л.	Инженер проектировщик южного региона	
5	Ташбаев Р.	Инженер проектировщик южного региона	
6	Манасов Т.	Инженер проектировщик южного региона	
7	Кара-Суу департамент	Мамедов Кубанычбек Гапирович	
8	Лейлек департамент	Абдалимов Абдикарим Абдалимович	
9	Сузак департамент	Жумуков Маматжан Жумукович	
10	Жылалды айыл.окр.	Адуллаев Рысбай Токоевич (Узген)	
11	Кара-Таш айыл.окр.	И.о. Кааров Баатырбек Дыйканбаевич (Ноокат)	
12	Тепя-Коргон айыл. окр.	Жанысулов-Хамракул-Ханжулович (Араван) <i>Мусаев Манас</i>	
13	Акман айыл. округ	Атакулов Амирбек Токторбаевич (Базар-Коргон)	
14	Сакалды айыл.окр.	Султанов Махаматали Жоробаевич (Ноокен)	
15	Катран айыл. округ	Исаев Абдыкасыт Абдулакимович (Лейлек)	
16	Кара-Булак ай.округ	Насиров Мунарбек Жумабаевич (Баткен)	
17	Бирлик айылы. округ	Жороев Асанбай Ташович (Кадамжай)	
18	АВП Жылалды-Узген	Исаев Асан (Узген)	
19	АВП Долоно-Булак	Алиев Маматкарим Шутуевич (Ноокат)	
20	АВП Мовий-Дарья	Сатвалдиев Абдужалил Худайбердиевич (Араван)	
21	АВП Кашка-Суу	Козуев Эгемберди Куддусович (Базаркоргон)	
22	АВП Таймонку	Исаков Аким Кимсанович. (Ноокен)	
23	АВП Кырк-Булак	Бердибаев Сайпилла Момошович (Лейлек)	
24	АВП Кош-Көл	Токсонов Омурбек Шарапович (Баткен)	

25	АВП Гауян	Каримов Кошбай Даминнович (Кадамжай)	
26	АВП Гезарт	Артиков А.Б. (Ноокат)	
27	АВП Монгу-Суу	Мамиев А.К. (Кара-Суу)	
28	АВП Султан-Наз	Жээнбеков К.Ж. (Кара-Суу)	
29	АВП Бургонду-Суу	Азимов А.М. (Кадамжай)	
30	АВП Уч-Коргон-Исфайрам	Сайдуллаев Ф. (Кадамжай) <i>Saiduллаев Ф.</i>	
31	АВП Иса-Мариям	Торокулов А.А. (Кадамжай)	
32	АВП Сакалды-Суу	Эргешов У.А. (Ноокен)	
33	АВП Жаны-Арык СА	Осмонов Р.К. (Ноокен)	
34	АВП Шаймерден-Суу	Койчуманов Б.Т (Сузак)	
35	АВП Мырзы-Суу	Коконев А. (Базаркоргон)	
36	АВП Алтын-Суу	Акматов К.Т. (Сузак)	
<b>Консультанты ОРП и ОПиР</b>			
1	Кошматов Б.Т.	Директор ОРП ДФ ВО-2	
2	Кутманова Е.В.	Консультант ОПП	
3	Карпачев К.Б.	Консультант ПУОС	
4	Мусаев К.Н	Координатор по ИВ ОРП	
5	Имаров М.А.	Экономист ОРП	
6	Уметалиев А.С.	Специалист п Закупкам	
7	Жунусов А.А	Юрист ОРП	
8	Ажиматов А.Б.	Региональный инженер	

## PUBLIC CONSULTATIONS DOCUMENTS

### Questions Raised by Participants and Responses:

<b>Public consultations held in Bishkek city (Department of Water Resources and Land Improvement (DWRLI) training room) on 24 February 2015.</b>	
<b>Question/Request</b>	<b>Response</b>
1. Who will pay compensation for resettlement?	1. Compensation payment for project affected persons (PAPs) is provided at the expense of local budgets, in other words, responsibility for compensation payments is charged to local self-government bodies.
2. Who is responsible for the development of Resettlement Action Plan (RAP) and who calculates compensation?	2. The RAP development will be organized by PIU. Compensation calculation is made by the RAP developer on the methods which are provided in Chapter 5.3 “Valuation of affected assets method” of the APNIP RPF. After calculations prior to RAP approval by the Project Director the compensation amounts are to be agreed in a mandatory manner with PAP and in case of disagreement of the latter, negotiations are held where decision satisfying both parties is reached.
<b>Suggestion:</b>	There is a risk that local budgets cannot make compensation payments for resettlement considering that the majority of aiyl okmots are subsidized and will not find funds for these payments. Therefore, it is necessary to consider possibility on compensation payment at the expense of the project.
<b>Decisions:</b>	1. Draft RPF shall be considered acceptable for use in the frame of APNIP.
	2. The PIU shall request WB on provision of compensation payments at the expense of the PROJECT and make amendment to RPF wording on cancellation of responsibility for compensation payments at the expense of local budgets.

## MINUTES

of the Public Consultations on discussion of Resettlement Policy Framework (RPF) and Environmental Management Plan (EMP) of the Agricultural Productivity and Nutrition Improvement Project (APNIP)

**Data and venue:** February 24, 2015, Training room, Department of Water Resources and Land Improvement (DWRLI), Bishkek city

**Participants:** Attended 31 people out of stakeholders.

**Handouts:** Program, list of participants, presentation.

## AGENDA

APNIP Resettlement Policy Framework and  
Environmental Management Plan discussion

**Spoke:** Introductory speech and greetings were announced by Mr. B. T. Koshmatov, Project Implementation Unit (PIU) Director. Then the Social Development Specialist Ms. E.V. Kutmanova made a presentation to and brought RPF and EMP regulation use, objectives, tasks and implementation arrangements to the attention of participants of the hearings.

Key aspects of the developed documents: the draft RPF and EMP were highlighted in detail, key aspects of content chapters were addressed.

Further on, the participants of the hearing actively discussed the RPF content, openly expressed their opinions. Basic questions of the discussion were as follows:

**1 question: Astarov Daniyar** – representative of Petrovka aiyl okmotu (AO). *Who will pay compensation for resettlement?*

**Answer: Kutmanova E.V.** – *compensation payment for project affected persons (PAPs) is provided at the expense of local budgets, in other words, responsibility for compensation payments is charged to local self-government bodies.*

**2 question: Jusupov Akylbek** – WUA Umetaly. *Who is responsible for the development of Resettlement Action Plan (RAP) and who calculates compensation?*

**Answer: Kutmanova E.V.** – *the RAP development will be organized by PIU. Compensation calculation is made by the RAP developer on the methods which are provided in Chapter 5.3 “Valuation of affected assets method” of the APNIP RPF.*

*After calculations prior to RAP approval by the Project Director the compensation amounts are to be agreed in a mandatory manner with PAP and in case of disagreement of the latter, negotiations are held where decision satisfying both parties are reaches.*

Further, the following **suggestion** has been said:

**1. Astarov Daniyar** – There is a risk that local budgets cannot make compensation payments for resettlement considering that the majority of aiyl okmots are subsidized and will not find funds for these payments. Therefore, it is necessary to consider possibility on compensation payment at the expense of the project.



## ПРОТОКОЛ

общественных слушаний по обсуждению

Основ Политики переселения (ОПП) и Плана управления окружающей средой (ПУОС)  
 Проекта «Повышения производительности в сельском хозяйстве и улучшения питания»  
 (ПППСХУП)

**Дата и место проведения:** 24 февраля 2015 г. Тренинговый зал, Департамент водного хозяйства и мелиорации (ДВХиМ) г. Бишкек

**Участники:** Присутствовало 31 человек от заинтересованных сторон проекта.

**Раздаточный материал:** Программа, список участников, презентация

## ПОВЕСТКА ДНЯ

обсуждение Основ Политики Переселения  
 и Плана управления окружающей средой ПППСХУП

**Выступили:** Вступительное слово и приветствие огласил Директор Отдела реализации проекта (ОРП) Кошматов Б. Т. Затем, консультант по социальным вопросам Кутманова Е. В. представила презентацию и ознакомила участников слушаний с правилами применения, целями, задачами и механизмами реализации ОПП и ПУОС. Были подробно освещены основные моменты разработанных документов: проекта ОПП и ПУОС, затронуты ключевые аспекты содержания глав.

Далее, участники слушаний активно обсуждали содержание ОПП, открыто высказывали свои мнения. Основными вопросами обсуждения были следующее:

**1 вопрос: Астаров Данияр** – представитель Петровка айыл окмоту (АО). *Кто будет оплачивать компенсации при переселении?*

**Ответ: Кутманова Е.В.** – *Оплата компенсаций лицам, попавшим под воздействия проекта (ЛПВП), предусматривается за счет средств местных бюджетов, т.е. ответственность за компенсационные выплаты возлагается на органы местного самоуправления.*

**2 вопрос: Жусупов Асылбек** – АВП Уметалы . *На кого возложена обязанность разработки Плана действий по переселению (ПДП) и кто рассчитывает компенсации?*

**Ответ: Кутманова Е.В.** *Разработка ПДП будет организовываться ОРП. Расчет компенсаций проводится разработчиком ПДП по методикам, которые изложены в главе 5.3 «Методы оценки активов, подверженных проекту» ОПП ПППСХУП. После проведения расчетов, до момента утверждения ПДП Директором ОРП, суммы компенсаций в обязательном порядке согласовываются с ЛПВП и в случае несогласия последнего, проводятся переговоры, в которых принимается решение, удовлетворяющее обе стороны.*

Далее, были высказаны следующее предложение:

**1. Астаров Данияр.** Существуют риски того, что местные бюджеты не смогут производить оплаты компенсаций при переселении, поскольку в основной массе айыл

окмоту являются дотационными и не найдут средств на данные выплаты. Поэтому, необходимо рассмотреть возможность выплат компенсаций за счет средств проекта.

**РЕШИЛИ:**

1. Проект ОПП считать приемлемым для использования в рамках ПППСХУП.
2. ОРП ходатайствовать перед ВБ о возможности продумотрения компенсационных выплат за счет средств ПРОЕКТА и внесения изменения формулировки в ОПП об отмене ответственности компенсационных выплат за счет местных бюджетов.

Председатель

Секретарь



*K. Musaev*  
*M. Imarov*

К. Мусаев

М. Имаров

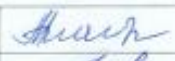




## List of Public Consultation Participants

Регистрация (1-день)  
участников общественного слушания ОПП ПППСХУП для специалистов ОРП,  
МСУ и АВП Иссык-Кульской, Нарынской, Чуйской и Таласской областей.  
(24 февраля 2015 г. Тренинговый зал ДВХиМ г Бишкек)

Заезд участников 23 февраля 2015 г.; Отъезд участников 26 февраля 2015 г.

	ФИО	Должность	Подпись
1	Колупаев В.	Инженер проектировщик Иссык-Куль	
2	Абдыгазиев М.	Инженер проектировщик Нарын	
3	Усенов Б.	Инженер проектировщик Талас	
4	Самсалиев К.	Инженер проектировщик Чуй	
5	Джеты-Огуз департамент	Начальник Амиров Кубат Кеңешович	
6	Джумгал департамент	Начальник Молдокуев Талант Асилбекович	
7	Манас департамент	Начальник Тороевдинов Рустом Осмонович	
8	Москва департамент	Начальник Сманкулов Кадырбек Алыпбекович <i>Армиза Юсуп</i>	
9	Кемин департамент	Начальник Мусадиров Калыбек Мажитович <i>Мумуралиев Эркин</i>	
10	Оргочор айылы.округ	Субатаев Канат Алиевич (Джеты-Огуз) <i>Акматов Адилет</i>	
11	Байзак айылы.округ	Сапаров Адыл (Жумгал)	
12	Уч-Коргон айылы.округ	Акматов Мелис Рашатович (Манас)	
13	Петровка айылы.округ	Астаров Данияр Бектурович (Москва)	
14	Бердике баатыр айыл.округ	Борбашев Музур (Талас)	
15	Алмалуу айылы.округ	Абдинасиров Данияр (Кемин)	
16	АВП Белсовхоз	Мамбетов Доолотбек Орузбаевич (Джеты-Огуз)	
17	АВП Токтомуш	Адышов Бекболот (Жумгал)	
18	АВП Береке С	Сыдыков Нусупбек Музуратбекович (Манас)	
19	АВП СХМ	Кокеев Мухамбет Тажиканович (Москва)	
20	АВП Боркулдок -Суу	Кокоев Айдарбек (Талас)	
21	АВП Уметалы	Жусупов Асылбек (Кемин)	
<b>Консультанты ОРП и ОПП</b>			
1	Кошматов Б.Т.	Директор ОРП ДФ ВО-2	
2	Кутманова Е.В.	Консультант ОПП	
3	Карпачев К.Б.	Консультант ПУОС	
4	Мусаев К.Н	Координатор по ИВ ОРП	
5	Жаанбаев К.А.	Координатор по ИР АВП ОРП	



6	Имаров М.А.	Экономист ОРП	
7	Кененбаева Г.К.	Специалист МиО	
8	Манченко Н.	И.о. координатора по закупкам	
9	Уметалиев А.С.	Специалист по закупкам	
10	Жунусов А.А	Юрист ОРП	

## **ANNEX 4 Sample for RAP preparation**

Sample resettlement documents (full and abbreviated RAP, resettlement strategy and framework document) can be found in Appendix A, "Instruments for organization of involuntary resettlement" WB OP 4.12, posted on the World Bank website [www.worldbank.org](http://www.worldbank.org).

Based on the analogy of applying resettlement policy of past projects and that APNIP does not imply significant social impacts, a brief RAP excerpted from the abovementioned Annex is given in this appendix.

Summary RAP must include at least the following items:

### ***1. Background***

Overall project description, identification of project area boundaries

### ***2. Expected impacts***

The following information must be provided:

- a) Project component or type of work due to which raised a need for resettlement;
- b) Impact zone of the project component or type of works;
- c) Considered alternative options aimed at avoiding resettlement or minimize its scope; and
- d) Mechanisms, designed to minimize the scope of resettlement during project implementation.

### ***3. Objectives***

Main RAP objectives and tasks

**4. Census of residents to be resettled, and valuation of assets**, including the following information:

- i) Information on persons currently living in the area, turned out to be in the project impact zone. These details are required as a basis for RAP development, as well as to prevent compensation and provision of other forms of resettlement assistance to persons who will move into this area after cut-off date;
- ii) Typical characteristics of households to be resettled (with a description of production system, human resources and organization of household). Background information about living conditions, sources of livelihood and income levels (including, if necessary, production volume, income from official and unofficial economic activities). Data about standard of living (including health status) of PAPs;
- iii) Scopes of proposed loss (total or partial) of assets and land;
- iv) Information about socially vulnerable groups and persons in respect of who may need to take special measures;
- v) Land ownership system and transfer of title to land, including number of natural resources inventory on common assets, which are the part of livelihood for local residents, system of rights to use other people's assets, not based on the rights of ownership;
- vi) Objects of communal infrastructure and systems of social services that will be affected by project adverse impact.

***5. Information about compensation and other types of assistance that will be provided during resettlement***

It is provided a methodology used to determine the scale of damage and replacement cost of lost land plots and assets with description of proposed types and sizes of compensation required by local law, as well as additional measures that need to be taken to ensure appropriate compensation at full replacement cost of lost property.

#### ***6. Consultations with PAPs***

Measures to attract displaced persons and local population to resettlement activities include:

- a) Description of basic principles of consultations with PAPs and ensure their participation in preparation and implementation of activities related to resettlement;
- b) Summary of expressed views and information on whether these points of view were taken into account in preparation of the RAP;
- c) Description of resettlement options and choices made by PAPs in relation to available options, including compensation forms and resettlement assistance types.

#### ***7. Responsibility of various agencies for resettlement and procedures related to grievance redress***

Organizational principles of resettlement, including identification of institutions responsible for the implementation of measures related to resettlement and provision of essential services, measures to ensure proper coordination of actions of various institutions and agencies involved in resettlement, measures (including technical assistance) aimed at strengthening the capacity of the implementing agencies on planning and implementation of activities related to resettlement.

Development of grievance redress mechanisms with the possibility of litigation and dispute resolution in the relevant administrative bodies.

#### ***8. Schedule of works and budget***

A schedule for implementation of all activities related to resettlement, from the preparation phase to the completion of work, with an indication of milestones to achieve the planned benefits to the resettled persons and local population and termination of provision of various forms of assistance. The schedule should reflect linking of resettlement activities with overall project implementation.

Tables with calculations of cost, funding sources and measures to ensure the timely receipt of necessary funds and funding the activities related to resettlement.



## ANNEX 6 Grievances management matrix

Grievance procedure	Grievance recipient	Submission form	Grievance management procedure	Term of consideration of the grievance
Instance I	Project representative (PR), appointed by LSGB by phone.	Verbal or by telephone	PR weekly reports to the management of LSGB and the PIU on the status of complaints in writing.	5 working days
Instance II	APNIP PIU Director Koshmatov B. T. Address: 720001, Kyrgyz Republic, Bishkek. Toktonaliev Street, 4-a. PIU. tel: +996 (312) 54 - 11-74 Email: <a href="mailto:onfarmir@elcat.kg">onfarmir@elcat.kg</a>	In writing, signed and dated	Social Development Consultant:  1) registers a complaint with the log by assigning a serial number to each complaint;  2) reviews complaint;  3) organizes the subsequent evaluation, if necessary;  4) monitors the process of grievance redress;  5) communicates directly with PAPs;  6) in case of validity, organizes, conducts consultation with complainant and develops correction measure.	14 working days
Instance III	Working group under aiyl okmotu (AO).	In writing, in case of dissatisfaction with the complaint in the II instance it is transferred from the PIU to working group	1) coordination with all involved parties;  2) adoption of legalized decision in the form of AO decision .	30 working days
Instance IV	Court of the first instance	The complaint is sent to the court.	According to court procedures	According to court procedures