

Department of Water Resources
Project Implementation Unit (PIU)
“Agriculture Productivity and Nutrition Improvements” (APNI) (P132754)
4-a Toktonalieva Street, Bishkek city

“Agriculture Productivity and Nutrition Improvements”

“Rehabilitation and Modernization of Irrigation and Drainage Infrastructure”

“Main Settling Basin at Shakaftar Main Canal”



RESETTLEMENT ACTION PLAN

July 2013

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I. Abbreviations and Glossary of Key Terms

RAP	“Resettlement Action Plan” is a resettlement instrument (document) which contains specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
PAPs	“Project affected persons” means persons who were affected in the past, not related to the project
WB	World Bank
WUA	Water Users Associations
WI	Water Intake
WM	Water Mains
PL	Power Line
RPF	“The Resettlement Policy Framework” sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement, that may be necessary during project implementation. RAP for the Project is to be prepared in conformity with the provisions of the RPF.
HH	Household
ADC	Architectural Design Conditions
DDE	Detailed Design Estimates
CIW	Construction and Installation Works
ES	Environmental screening
BoQ	Bill of Quantities
CMP	Construction Management Plan
SS	Service Station
LSGs	Local Self-Government Bodies
OP	Operational Policy
PIU	Project implementation unit
WMIP	Water Management Improvement Project
Cut-off date	“Cut-off date” is the date by which all PAPs and their affected assets have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance.
PCCD (OGUKS)	Public Capital Construction Department
Compensation Entitlements	Range of activities that include compensation, replacement of losses, assistance, compensation of lost income to resettled persons, affected by the Project, regardless of the nature of losses to restore their social and economic status.
Resettlement	Physical resettlement of PAPs from their point of residence or business activity prior to beginning the project.
Rehabilitation	Rehabilitation Assistance means the provision of development assistance to PAPs who lost their assets, livelihood means that need to be compensated to improve their living standards or at least maintain them at pre-project levels. Rehabilitation assistance can be provided in cash or in –kind equivalent, or combination of both to improve or restore the pre-project standard of life.

II. Executive summary

Background

The proposed project development objective is to increase agricultural productivity and food security of rural households in selected areas nationwide. This is to be achieved through an improvement in irrigation service delivery through rehabilitation of irrigation and drainage (I&D) infrastructure at on-farm level; improved water management by Water Users Associations (WUAs) and farmers; provision of agricultural advisory services and training; and scaling-up of key nutrition interventions.

It is expected that around 30,000 ha of on-farm I&D systems will be rehabilitated and managed in an efficient manner by 18 WUAs representing around 40,000 smallholder farms and farming families, comprising about 170,000 people, with more than half irrigating less than one ha of land, and including 20 percent female-headed households.

At present, the Project Implementation Unit (PIU) established within Department of Water Resources (DWR) in Bishkek city, will implement three Components including rehabilitation of irrigation and drainage (I&D) infrastructure, provision of agricultural advisory services and activities on improvement of nutrition and project management.

This component will focus on the rehabilitation and modernization of the existing command area of on-farm I&D systems and the provision of essential maintenance equipment to WUAs. This Component includes some limited rehabilitation works on critical off-farm infrastructure which is not related to on-farm systems. Construction of main settling basin at Shakaftar canal of Sumsar-Sai river system. Rehabilitation of this canal executed under Water Management Improvement project (WMIP).

The question of construction of main settling basin arose in process of carrying out rehabilitation works because its absence as a part of a complex of hydraulic engineering constructions will promote a constant silting of the main channel by sediments, reducing its capacity. It will demand big expenses of work and funds for channel cleaning.

Initiation of construction of settling basin was carried out by the Ala-Buka raion department of water resources (RDWR). The staff of the given department in June 2012 undertook field inspection to locate settling basin on the main channel Shakaftar of Sumsar-Sai river system.



Photo 1-2. Location for settling basin construction at Main Canal Shakaftar

As a result of inspection the fact of illegal use of the water preserving zone established in 15 m on both sides from a brow of the channel, according to the Resolution of the government of the Kyrgyz Republic of July 7, 1995 No. 271 "About the water preserving zones and stripes of water objects was elicited".

In the water preserving zone Main Canal Shakaftar the part of the territory of the fruit garden of the farmer of the Chatkal region of Jalal-Abad area was placed. All garden occupied the territory of 0,401 hectares of which 0,021 hectares "left" out of limits of borders of a garden and got to the water conservation zone of the channel where according to design regulations the technological road is placed. In this area the farmer grew up 5apple-trees.



Photo 3-4. Part of fruit garden that was in water preserving area of Shakaftar Main Canal

In this regard, there was a need of performance of the procedures provided by requirements of policy of WB 4.12 "The involuntary resettlement". Namely, development and strict performance of RAP.

This RAP considers elements of the plan of carrying out resettlement and ensuring participation of PAP of the Chatkal region of Jalal-Abad area, whose assets were placed on a site of construction of the technological road for service of a hydrotechnical complex.

For RAP preparation between 3 and 20 April 2013 were carried out screenings project scaling about definition of potential influence were carried out, a tool choice on the resettlement and research organization, including:

- a) Results of PAP Questionnaire with description of property and owner legal documents;
- b) Social and economic characteristics of PAP.

In the course of carrying out information consultations, **the project influenced farmer voluntarily refused from monetary compensation for a crop of the fruit trees which have been grown up by it in the territory not belonging to him. As the help at resettlement for farmer the territory already reclaimed for him adjoining his garden from East side of river Sumsar-Sai with carrying out planning works as reinstatement of irrigation channel, instead of the main channel destroyed at rehabilitation Shakaftar. This help has to be provided instead of cash compensation for a crop of apples and cost of saplings, the order of First May village administration of the Ala-Bukia region of Jalal-Abad area, to it allocated the additional help in a sort of the land plot with the right of land possession, of 0,10 hectares at the municipal territory.**

The choice of the farmer conforms to OP WB 4.12 requirements "Involuntary resettlement", as regarding the option of resettlement¹ offered them, and assistance in the form of granting the land plot with the right of land possession².

Due to the loss of productive assets and possibility of further recovery of the income, the statement of the farmer formed the basis for consideration of a question of assistance at the expense of LSG in allocation of the land plot of 0,10 hectares on municipal lands the First May village administration. And at the expense of the project – development of the land plot, 0,04 hectares, adjoining his garden, with back fill and carrying out a vertical layout, and also restoration of the destroyed irrigation network from the channel Shakaftar up to existing garden plantings.



Photo 5-6. Reclaimed land plot adjacent to farmer's fruit garden

Due to inavailability of access road to headworks at Main Canal Shakaftar it was not possible to start its rehabilitation under WMIP. The farmer who grow 5 apple trees in the water preserving zone of Shakaftar canal, insisted on reclamation and providing him with

¹Item 6 a (i) OPWB 4.12 – "Measures directed to person subject to resettlement to participate in consultations and to have possibility of choice of different types of resettlement that can be accomplished from technical and economic point of view".

²Item 16, and also footnote 20 OPWB 4.12 – "Person belonging to CategoryC, insteadofcompensationforwithdrawnlandplotassistanceintermsofproperty is given, including land plot or money compensation or job placement etc. depending on specific conditions".

land plot on the east side of the garden instead of 0.021 ha of land on which technological road has to pass. As a result of reached compromise with PAP, the Contractor ZAO "Jalalabadscoe SMU tt" which implements "Rehabilitation of Main Canal Shakaftar" sub-project under WMIP the requirement of the farmer was satisfied (Annex 5).

Project impact

For definition of a circle of PAP inventory of assets in the territory adjoining the designed settling basin was carried out. The area of coverage by census of property mentioned in the project, width of the water conservation zone of Main Canal is 15m and the length of the settling basin is 140 m which means 0,21 hectares.

The following results have been revealed:

- a) Settling basin will be located before hydrometrical post of Main Canal Shakaftar at HM0+70 on territory of water fund of Ala-Buka RDWR. (Annex 1).



Photo 7. Hydrometrical post before which the settling basin will be located

On the right side of the channel the fruit garden on the area of 0,38 hectares is located, belonging to the farmer with the right of land possession. The territory occupied by the farmer without a right of use of the land plot 0,021 hectares that is less than 10% from the total territory of the garden, is occupied by fruit trees. This territory gets under construction of the technological road serving a settling basin and all hydrotechnical communications. At the time of settling basin allocation at the chosen site, 5 apple-trees of PAP were stroke in 2005.



Photo 8. Location of fruit trees that were stroke

During construction of Main Canal and technological road, the irrigation ditch was destroyed, which was used by the farmer for irrigating fruit garden.

- b) after study and analysis of all technically feasible alternative options of placement of a settling basin, with the purpose to avoid resettlement of inhabitants, it should be noted the change the location of the hydrotechnical structure is not possible.

In compliance of Appendix A of OP WB 4.12 "Involuntary resettlement" short RAP (ARP) was developed subject to allocation of PAP of the municipal earth of 0,10 hectares as private property, restoration of irrigation network and reclaimed additional territory of 0,04 hectares by the Contractor of "Rehabilitation of Main Canal Shakaftar" ZAO "Jalalabadskoe SMU tt" adjoining the garden for growing of apple-trees, instead of compensation for a crop and cost of saplings, the farmer receives benefits from implementation of the project if he receives his own site that enables him to indemnify the income from fruit trees without risk of loss of land possession right.

Cost estimate for PAP is **252 054 Soms**, including project cost of 225 430 Soms for execution of reclamation of land plot with backfill and leveling of 0,04 hectares territory adjacent to farmer's fruit garden, and 26 624 Soms for reinstatement of irrigation network to fruit garden.

1. Introduction

After completion of rehabilitation works on on-farm irrigation and drainage systems and after completion of their modernization it is expected that order of distribution of irrigation water will be correspond exactly to norms of crop water consumption, increase of production of farmer activities on the third crop year after completion of rehabilitation and improvement of nutrition of households.

2. Settling basin construction necessity substantiation and its main technical parameters

The objective of settling basin construction under "Agriculture Productivity and Nutrition Improvements", is protection from conveying sedimentation on on-farm irrigation systems and also protection of irrigation channel from a silting, which reduces capacity and demands much effort and funds for cleaning.

Construction of settling basin will provide water clarification by sedimentation, interception and removal of the deposits postponed in the camera of a settling basin. Settling basin with the full mechanical cleaning, it is offered to place on the main canal within water intake of the structure.

Main technical features of settling basin:

Chamber length – 140 m

Accumulating capacity depth – 2.6 m

Settling basin bottom width – 4 m

Internal slopes – 2.0 m

Estimated volume of settling basin chamber silting during irrigation season to be cleared by excavator – 2217, 05 m³.

3. Legal Framework

Land relations in the Kyrgyz Republic are regulated by the following legislative and regulatory acts:

1. Land Code of the Kyrgyz Republic, edition of June 2, 1999 № 45-a comprehensive set of rules governing the relationships that arise in the process of ownership, use and disposal of land;

2. The Civil Code of the Kyrgyz Republic, which defines the legal status of actors of civil turnover, and the bases for emergence and order of exercising the rights, contractual obligations, property related and other relationships;

3. Civil Procedure Code of the Kyrgyz Republic, which determines the order, rules and terms of legal protection in the event of litigation on involuntary resettlement.

4. Law of the Kyrgyz Republic "On Roads", edition of June 2, 1998 N 72, which determines the economic, legal basis and principles of management of territories and objects, adjacent to the road, area and the order of using the right-of-way;

5. Resolution of the Government of the Kyrgyz Republic № 47, "Procedure for Determining the Value (Standard Cost) of Agricultural Land", issued on February 4, 2002, which establishes the legal framework of land valuation;

6. Government Resolution № 427 "On Approval of the Regulation on Sale of Agricultural Land" dated August 13, 2001, which establishes the legal basis for sale of land;

7. Government Resolution № 668 "On Liability for Losses Caused by Damage of Land", dated September 7, 2004, in the Edition of the Resolution of the Government of the Kyrgyz Republic № 696 as of September 27, 2006, which establishes the order for compensating losses to land users;

8. Regulation on the Procedure of Sale of Agricultural Land, in the edition of Resolutions of the Government of the Kyrgyz Republic № 422 dated September 9, 2005, and № 14 dated January 13, 2006, which sets the order of sale of land;

The above listed laws and regulations determine the order of land acquisition and provision, and define the authorities of the local state and self-government bodies to decide on acquisition of land.

The Land Code of the Kyrgyz Republic regulates valuation of land assets and indicates the list of agencies authorized to assess the losses incurred by the landowners following the acquisition of land (temporary or permanent). It also stipulates an option that if the landowner wishes, an equivalent land parcel can be provided in case of permanent acquisition.

Requirements of the legislation of the Kyrgyz Republic, taking into account the World Bank policy OP 4.12 Involuntary Resettlement stipulate the following:

1. Measures have to be taken to minimize involuntary resettlement;

2. Loss of property has to be compensated based on its replacement value;

3. PAPs³ are to be timely informed and the compensation options have to be clearly explained to them. Generally, if people earn livelihood by using the land, the best option is at the least to provide them with land of equal quality and area. Compensation should be paid for crops as well.

³The requirement to inform the affected population is established by the Constitutional Law of the Kyrgyz Republic

4. Under current law, titled owners are entitled to claim compensation. Illegal users of land or illegal residents are not entitled to compensation for expenses incurred during the illegal use of land.

Issues related to seizure of land in the Kyrgyz Republic are largely compliant with the WB OP 4.12. However, the regulations of the Kyrgyz Republic do not provide for assistance to affected persons without formal, legally established ownership rights to the lost land or other property.

According to requirements of OPWB 4.12 “Involuntary resettlement” measures to make sure that PAPs are informed about their rights regarding resettlement, they participate in consultations and have a choice of selection of different types of resettlement. They receive compensation without delay in the full amount of cost of compensation of loss related to loss of property due to implementation of project⁴ or assistance during resettlement.

In this sub-project PAP belongs to Category C according to criteria in order to receive compensation or assistance⁵, because he does not have legal right for part of land plot that is affected by the project. Therefore, assistance during resettlement is provided either lump-sum payment or providing land plot⁶ as in our situation.

In accordance with the legal documentation of the Project, ***"In case of discrepancy between the laws of the Kyrgyz Republic and the requirements of the World Bank Policy on Involuntary Resettlement OP 4.12, the principles and procedures of OP 4.12 should be applied. The prevalence of WB standards over state law is a requirement for projects funded by the World Bank".***

The guidance should be drawn from the following:

1. World Bank Procedures OP 4.12 Involuntary Resettlement;
2. Operational policy OP 4.12, on Eligibility to Compensation and Resettlement Assistance;
3. Annex A of the operational policy OP 4.12 on Involuntary Resettlement Instruments, specifying elements of the Resettlement Action Plan;
4. RFP for BOUIP AF and this RAP.

4. Impact assessment

4.1 Investigation

PAP census with drawing up the inventory of mentioned assets, definition of the property rights to the earth and identification of the social and economic status, was carried out to time of screening and covered the area of 0,21 hectares. In this area the technological road for service of a hydrotechnical complex now is placed. During settling basin construction it will move up to 15 m to the right, i.e. into place where 5 apple-trees of the farmer grew.

⁴page 3 OP 4.12, item 6 a – “... subject to resettlement have to be informed about their opportunities and rights with respect to resettlement”.

⁵Item 15 (c) OPWB 4.12 – “person that does not have legal rights and complaints that are subject to acceptance with respect to occupied land plot”.

⁶Footnote 20 OP WB 4.12. “Look at the footnote on page 8”.



Photo 9. Technological road relocation place

Census was carried out after information consultation which took place on April 11, at the site of head water intake construction of Shakaftar Main Canal with First May village administration of Ala-Buka area Jalal-Abad oblast in presence of LSG representatives, interested persons of Ala-Buka RDWR, contractor for rehabilitation of Shakaftar Main Canal and PAP.

The project influenced farmer was invited to consultation, notified on terms of carrying out census, date of the completion and entered in the PAP list as the territory of his fruit garden borders with the water conservation zone Shakaftar Main Canal. And the part of the garden territory 0,021 hectares not subject to recognition of legal rights and claims, was determined for settling basin construction.

The fruit trees planted by the farmer on this territory in 2005 and irrigation channel destroyed during rehabilitation were included into census of mentioned assets.

List of PAP and assets

Table 4.1

ItemNo.	Name of PAP	Status of PAP	Landplotarea, hectare	Number of stroke fruit trees	Length of destroyed irrigation channel, m
1	Farmer 1	Unofficial owner of part of land plot	0,021	5	50

Poll was carried out with participation of head of DH. The location of the mentioned asset, PAP status, actual state of an allotment, quantity of the fruit trees which were stroke were defined, and possible influences were listed.

The analysis of poll revealed that at the expense of WMIP "Rehabilitation of Main Canal Shakaftar of Sumsar-Sai River System" reclamation of the land plot, 0,04 hectares is already given as an assistance, adjoining to the garden. Restoration of irrigation network is necessary for the farmer for watering fruit plantings. Moreover, as the additional help at resettlement at the expense of First May village administration of Ala-Buka area, the land plot of 0,10 hectares with property right on the municipal territory (appendix 6) is provided to the farmer.

This type of the help is preferable to PAP and it is provided instead of lump-sum money compensation for crop and cost of the saplings multiplied by number of years necessary for young tree to reach maturity.

4.2 Category of persons entitled for compensation during resettlement

Persons requested for resettlement can be classified to three following categories:

- a) Persons having official legal rights for land plot in accordance with Kyrgyz Law;
- b) Persons not having official legal rights for land plots at the time of beginning carrying out census, but the declared rights to such sites or property, – provided that such claims admit the legislation of the country or gain recognition in an order determined by the resettlement plan;
- c) Persons having official legal rights for land plots or mentioned property, or using this site for business or other activity gaining income illegally or informally. It includes the persons occupying the land plot without the permission, and also the persons conducting subsidiary farm for sale purpose or for own needs etc.

Thus the persons referred to categories, defined in subparagraphs (a) and (b) receive compensation for the land plots withdrawn from them, and also other help. As for persons referred to category, defined in the subparagraph (c), instead of compensation for the land plots withdrawn from them the help is provided at resettlement to a new residence, such as payment of allowances and compensations, either employment, or granting the land plots and other property, etc. – depending on specific conditions.

4.3 Assessment of compensation measures

Project cost for help to PAP will be **252 054 Soms** and used for reclamation of land plot in the flood plain of Sumsar-Sai river adjacent to farmer's fruit garden in the amount of 225 430 Soms. 26 624 Soms are required for reinstatement of irrigation network to fruit garden.

Cost estimate
For development of land plot and
Reinstatement of irrigation network

Table 4.2

Item No.	Description of works	Unit	Quantity	Unit rate, Soms	Total amount, Soms
1	Soil for backfill of land plot and loading with excavator to trucks	m ³ and number of haulage	620 : 3(m ³) = 207 haulage	300	62 100
2	Transportation of soil by trucks to fill	Haulage	207	500	103 500
3	Leveling of fill with dozer	m ³	620	96,5	59 830
Total of earthworks for land plot development:225 430					
4	Excavation of type IV soil with excavator	m ³	50x0,9x0,6 = 27	112	3024
5	Cost of diesel fuel	Liter	50	40	2 000
6	Purchase of polyethylene pipes: d = 400 mm; d= 200 mm.	m	10	1800	18 000
		m	40	900	3 600
Total for reinstatement of irrigation network:					26 624

PAP according to criteria of compensation and help right determination belongs to category C⁷, and namely person without legal right for project affected land plot. This is why it is offered for farmer's preference (Annex 5) to replace compensation for harvest grown on illegally used land, the option of resettlement:

1. **At expense of LSG** – land plot of 0,10 hectare at municipal territory as a private ownership;
2. **At expense of project** – already reclaimed 0,04 hectare adjacent to his fruit garden. Reinstatement of irrigation network during construction of Main Canal Shakaftar is required.

Thus, the budget is estimated as 252 054 Soms.

5. Public consultation, dissemination of information and settlement of disputes

5.1 Public consultation

Before carrying out construction of main settling basin on Shakaftar canal required procedures executed connected with development of the present document, including measures for engagement of persons for resettlement to help themselves, carrying out consultations and ensuring their participation in preparation and implementation of actions for resettlement together with representatives of LSG and other interested parties. And the farmer when carrying out these procedures, becomes a key link of process.

For this purpose, during providing consultations, the farmer has access to legal issues about a help choice in connection with loss of its assets cleared up. Resettlement questions were explained taking into account that it had no legal right of possession of part of the allotment, affected by settling basin construction on the channel Shakaftar.

For carrying out public consultations and assessment of subproject influence, together with LSG, the form of communication of carrying out direct negotiations, as most confidential source of information was chosen. At poll, respondents gave superiority to this source accepted by LSG.

Consultations were carried out on April 11, 2013 at construction site of Shakaftar Main Canal in the presence of the invited PAP, officers in charge from First May village administration, representatives of Ala-Buka RDWR and contractor. The minutes consultations and the list of participants are given in Appendix 2.

During the meeting the consultant on social issues Kutmanova E.V. has popularly and in available language and manner explained the purposes and the OP WB procedures 4.12 "Involuntary resettlement" and the principles of preparation of RAP.

During the meeting the beginning of census of PAP was declared and the authorized person on resettlement (RR) Mr.Yu.U Kutmanov from local self-government body – the deputy head of First May village administration was appointed.

The meeting decided to satisfy the request of PAP for allocation of the land plot 0,10 hectares from LSG on municipal territory instead of compensations for a crop and cost of

⁷Item 15(c) OP WB 4.12

saplings. And from the project backfill and allotment leveling of 0,04 hectares adjacent to farmer's fruit garden is already executed. Restoration of destroyed irrigation channel is required.



5.2 Dissemination of information

After preparation, this RAP will be presented to project coordinators and then to PIU Managers WMIP and APNI for approval.

After any corrections are made, RAP will be submitted to WB for review and approval to conform with requirements of OPWB 4.12 "Involuntary resettlement".

Then, using public information principles and declaration of information in due order, RAP will be published at DWR and WB web-site in info-shop, and disseminated in First May village administration and delivered to PAP.

The following table provides the sequence of dissemination of information:

Table 5.1

ItemNo	Sequence of information	Submission of RAP	Information results
1	After RAP preparation	To Agricultural Productivity and Nutrition Improvements PIU	Approval of RAP
2	Correction of RAP incorporating comments and proposals	Repeatedly to Agricultural Productivity and Nutrition Improvements PIU	Repeated approval of RAP
3	RAP approved by Agricultural Productivity and Nutrition Improvements PIU	To WB for review and approval	1. Publication at DWR and WB web-site in info-shop. 2. Dissemination in First May village administration and delivered to PAP

At DWR web-site the RAP will be available in English and Russian. If necessary, the RAP will be translated to Kyrgyz and disseminated among interested persons.

5.3 Settlement of disputes

Should the risks or negative impact to PAP arise, a mechanism of impartial consideration and satisfaction of complaints has been developed using the following principles::

- Complaint consideration mechanism shall be subject to project impact scale;
- Operative solution of issues, using clear and open process acceptable and available to all segments of parties, free of charge and gratuitous;
- Access to legal and administrative measures, i. e. Including legal appeal right;
- Information of public about such mechanism in due order.

Procedure of application, consideration and satisfaction of complaints

Table 5.2

Claim order	Addressed to	Form of application	Complaint management order	Time for complaint consideration
I instance	In charge of project (ICP) Mr. Yu. U. Kutmanov, Deputy Head of First May village administration, tel: + 996 777 38 38 79	Verbal	1) ICP registers the complaint in log ⁸ and assigns a number to each; 2) Follows up complaint consideration and satisfaction process; 3) Reports monthly in writing to LSG authority and to PIU about status of complaints.	5 days
II instance	APNI PIU Manager, 720000, Kyrgyz Republic, Bishkek city, 4a Toktonalieva Street Tel: + 996 312 54 11 74 onfarmir@elcat.kg	Written, signed and dated	Safety Measures Consultant – Ms. E. Kutmanova (Tel. + 996 700 573930): 1) Maintains direct communication with PAP; 2) Cooperates with coordinator and manager in relation to claim propriety; 3) In case of propriety, arranges and conducts consultations with claimant and develops correction measures.	14 days
III instance	First May village administration of Ala-Buka region Jalal-Abad oblast	Written; in case of non-satisfaction of claim in II instance it is to be submitted from APNI PIU to village administration	1) Negotiation with all parties involved; 2) Legal status decision from village administration	30 days

⁸Form of log is provided in Tables 7.2, 7.3

IV instance	Court of first instance	Complaint is to be submitted if not satisfied with village administration decision	Court procedures	According to court procedures
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6. Organizational functions

The Agricultural Productivity and Nutrition Improvements PIU has the following responsibilities:

- a) Preparation of RAP in cooperation with local self-government bodies and participation of project affected persons;
- b) Implementation of this plan;
- c) Accuracy of records of PAP and their assets.

RAP will be implemented after WB approval. Then it will be provided to all interested parties including PAP.

7. Mechanisms of control

The project consultant will follow up RAP implementation progress in the course of construction period. The monitoring mechanism will be included to monthly report on project implementation in general including indicators and records covering the following information:

Mechanism of RAP execution control

Table 7.1

Item No.	Monitoring indicator	Number and record of information
1	Receipt of farmer's complaint and proposal	
2	Unsolved complaints	
3	Execution by contractor of leveling works at land plot in accordance with construction schedule and reinstatement of irrigation channel	

A separate file will be established for RAP, which will contain the following documents:

- a) Minutes and lists of consultation participants;
- b) PAP records results;
- c) Social and economic characteristics of PAP;
- d) Complaint and proposal registration log provided in Tables 7.2, 7.3.

Log for registration of complaints by APR, I Instance of grievance redress order

Table 7.2

№	Full name of PAP and his/her contract information (address and telephone number)	Content of complaint	Date when the complaint was received by the APR of _____ village administration	Date when the complaint was sent to the PIU	Date when the reply for the complaint was received	Is the PAP satisfied with the results of review by this instance (yes/no) and why
1	2	3	4	5	6	7

Log for registration of complaints by the III instance of the grievance redress order⁹ and court decisions

Table 7.3

№	Content of repeated complaint	Date when the complaint was received by the commission	Decision of the commission adopted on the complaint	Date when the PAP received the reply	Is the PAP satisfied with the results of review by this instance (yes/no) and why	Date of appeal to the court and the court ruling
1	2	3	4	5	6	7

The Logs will be filled out as the complaints and proposals will be submitted by PAPs, and complaints/ proposals will be managed following the order of submission, review and redress of complaints (Table 5.3).

The documents listed above will be stored in a cumulative folder until completion of construction. Upon completion of the Project, control verification will be carried out to ascertain compliance with the RPF requirements.

⁹This Log will be filled out if the PAP is not satisfied by the decision adopted on the complaint by the land instances.

8. Annexes

1. Layout of settling basin
2. Minutes and list of participants at information consultancy meeting dated 11 April 2013
3. Letter from Ala-Buka district water resource management No. 104 dated 28 July 2012
4. Letter from Ala-Buka land and registration department No. 435 dated 5 September 2012
5. Application from PAP to PIU WMIP dated 2 and 6 November 2012
6. Decision of First May village administration No. 13 dated 11 April 2013 about "Land allocation for PAP".

ANNEX1

Layout of settling basin

ANNEX2

**Minutes and list of participants at information
consultancy meeting dated 11 April 2013**

Minutes of meeting of Pervomaisky aiyl aimagy local self-government bodies of Ala-Buka raion Jalal-Abad oblast, interested parties and PAPs

April 11, 2013

Pervomaisky aiyl aimagy

Participants:

From local self-government bodies:	Kutmanov Y. U. – deputy head
From Ala-Buka RDWR:	Kalykov A. T. – head
	Kudaikulov Z. I. – chief engineer
	Mallaev U. N. – head of hydrosection
From ZAO Jalalabadskoe SMU tt:	Djuraev K. – director
From the PIU WMIP:	Lipatov N. I. – project coordinator
	Masalbekov R. – construction supervision engineer
	Kutmanova E. V. – consultant
Resident of Pervomaiskyaiylaimagy	Marasulov A. K. – PAP

Agenda:

“Issues of involuntary resettlement during construction of main settling basin of Shakaftar Main Canal”

After reviewing situation at the site of main settling basin of Shakaftar Main Canal and access road which will serve hydrotechnical area, participants of the meeting defined:

1. Part of fruit garden belonging to farmer of Pervomaisky aiyl aimagy was located in water conservation zone of Shakaftar Main Canal. For this part of land the farmer does not possess legal documents for right of use. 5 apple trees were growing at this land which were planted in 2005 by acquisition of 0.021 ha territory of water resources inventory of Ala-Buka RDWR . During construction of Main Canal irrigation ditch was destroyed from which the farmer irrigated his garden;
2. The farmer affected by the project wishes to receive assistance during resettlement not by money compensation, but in terms of land plot in municipal territory from local self-government bodies. And from the project – reclamation of 0.04 ha of territory linked to his fruit garden from Sumsar-Sai river on which he will regain his lost assets. Apart from that it is necessary to rehabilitate irrigation ditch which was destroyed during construction of Main Canal.

After discussing degree of impact, technical and economic possibilities, after listening to complaints of the farmer, the participants of the meeting decided that issues raised by the farmer can be solved by the local self-government bodies and also by the project.

1. Lipatov N. I. – WMIP project coordinator 0555 68 98 34
2. Kutmanov Y. U. – deputy head of Pervomaisky aiyl aimagy 0777 38 38 79
3. Kalykov A. T. – head of Ala-Buka RDWR 0772 06 06 05 fax: 03741 5 01 57
4. Kudaikulov Z. I. – chief engineer of Ala-Buka RDWR 0770 06 06 04
5. Mallaev U. N. – head of Sumsar hydrosection 0773 00 95 32
6. Djuraev K. – director of ZAO Jalalabadskoe SMU tt 0771 34 59 03
7. Masalbekov R. – construction supervision engineer 0772 62 14 98
8. Kutmanova E. V. – consultant 0 772 57 39 30
9. Marasulov A. K. – PAP 0 779 57 83 29

ANNEX3

**Letter from Ala-Buka district water resource
management No. 104 dated 28 July 2012**

Ala-Buka Raion Department of Water Resources

Our ref. # 104 dated 28.07.2012

To the attention of the WMIP PIU Director

Koshmatov B. T.

Ala-Buka RDWR informs you that during visual observation and lay-out of settling basin of Shakaftar canal according to design the following was determined on-site: according to the design at the present time geometrical dimensions of the settling basin fit in water conservation zone and line of Shakaftar canal.

According to Decree # 271 dated July 7, 1995 of the Government of Kyrgyz Republic 15 meters of water conservation zone to both sides from edge of canal with the discharge capacity 3.5 m³/sec belongs to Ala-Buka RDWR.

Director of Ala-Buka RDWR

A, Kalykov

ANNEX4

**Letter from Ala-Buka land and registration
department No. 435 dated 5 September 2012**

Ala-Buka Raion Department of Land Planning and Registration of Rights for Immovable Property

Our ref. # 435 dated 05.09.2012

To the attention of the WMIP PIU Director

Koshmatov B. T.

Ala-Buka Raion Department of Land Planning and Registration of Rights for Immovable Property informs you that designed settling basin at Shakaftar canal which is on the balance of Ala-Buka RDWR does not go beyond water conservation zone envisaged by the Decree # 271 dated July 7, 1995 of the Government of Kyrgyz Republic.

Director of Ala-Buka Raion Department of

A. Myrzaev

Land Planning and Registration of

Rights for Immovable Property

ANNEX5

**Application from PAP to PIU WMIP
dated 2 and 6 November 2012**

To the attention of the WMIP PIU Director

Koshmatov B. T.

The letter from Marasulov Almanbet Kudaiberdievich resident of Shekaftar village of Chatkal raion Jalalabad oblast. passport No AN1185249, date of issue 09.10.2011. MIA 50-69

Rehabilitation works are ongoing at Shakaftar canal (Contract No WMIP-16) and the land where settling basin is to be constructed is located on the land plot where I have planted trees. For this reason ZAO Jalalabadscoe SMU tt reclaimed free land along the river and executed together with Pervomaisky aiyl aimagy all conditions that I specified.

At the present time I delivered the land where the settling basin is to be constructed to the Contractor. I do not have any other requests from the Contractor and I have no objection to construct the settling basin at this land plot.

06.11.2012

Marasulov A. K.

To the attention of the WMIP PIU Director

Koshmatov B. T.

The letter from Marasulov Almanbet Kudaiberdievich resident of Shekaftar village of Chatkal raion Jalalabad oblast.

Rehabilitation works are ongoing at Shakaftar canal (Contract No WMIP-16) and the land where settling basin is to be constructed is located on the land plot where I have planted trees. ZAO Jalalabadscoe SMU tt. took responsibility of reclamation another land plot that was taken from me for construction of the settling basin and taking out from the soil roots of old trees. If these conditions are executed I have no objection to construct the settling basin at this land plot.

02.11.2012

Marasulov A. K.

passport No AN1185249, date of issue 09.10.2011. MIA 50-69

ANNEX6

**Decision of First May village administration No. 13
dated 11 April 2013 about “Land allocation for PAP”.**

Ala-Buka Raion

Jalalabad oblast

Pervomaisky aiyl aimagy

Order # 13

11.04.2013

About giving land plot in Pervomaisky aiyl aimagy for
residents requesting land plot for construction of house

on the basis of approved ... by the Decree # 177 dated May 6, 2005 of the Government of Kyrgyz Republic
“about rule of giving land plots for construction of private houses” (according to Decree # 276 dated June
30, 2005 of the Government of Kyrgyz Republic) the special commission of Pervomaisky aiyl aimagy on
giving land plots for construction of houses on the meeting dated March 15, 2013 according to Minutes #
1/

ORDERS:

1. To give 0.1 ha of land plot to Marasulov Almanbet resident of Ak-Bashat village of Pervomaisky aiyl aimagy.
2. To request from Ala-Buka Raion Department of Town Planning preparation tasks of land plot giving and architectural planning.
3. Aiylaimagy deputy head Kutmanov U. shall be charged with monitoring of execution of this Order.

Head of Pervomaisky aiyl aimagy

S. Tashbaev

Secretary of Pervomaisky aiyl aimagy

E. Jumanazarov