



ARIS

(Community Development and Investment Agency)

Bishkek and Osh Urban Infrastructure Project AF

RESETTLEMENT POLICY FRAMEWORK

October 2011

GLOSSARY OF TERMS

DEFINITIONS

Unless the context dictates otherwise, the following terms will have the following meanings:

“Project affected persons” (PAPs) means persons who experience involuntary taking of their land or other assets as a result of the project

“Involuntary resettlement” means the involuntary taking of land and land affixed assets resulting in direct or indirect economic and social impacts caused by:

- a) Loss of benefits from use of such land;
- b) relocation or loss of shelter;
- c) loss of assets or access to assets; or
- d) loss of income sources or means of livelihood, whether or not the PAP has moved to another location.

“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. Persons whose ownership, use, or occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.

“Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other types of assets (including fixed assets) or loss of livelihoods resulting from project activities.

“Census” is a complete count of the population affected by a project activity including collation of demographic and property information. This will identify and determine the number of Project Affected Persons (PAP) and the nature and levels of impact.

“Resettlement Action Plan (RAP)” is a resettlement instrument (document) to be prepared by the implementing agency once subproject locations and land acquisition requirements are identified. .. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

“Resettlement Assistance” are measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals which ever is feasible and as required, for ease of resettlement during relocation,

“Replacement cost for structures” means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) the cost of the materials, (b) transporting building materials to the construction site; (c) any labor and contractors’ fees; and (d) any registration costs.

“Land acquisition” means the compulsory taking of or alienation of land, buildings or other assets thereon for purposes of the Project under. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

“Economic Rehabilitation Assistance” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable PAPs to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

“The Resettlement Policy Framework (RPF)” is an instrument to be used throughout the project implementation. The RPF sets out the resettlement objectives and principles, organisational arrangements and funding mechanisms for any resettlement, that may be necessary during project implementation. The RPF guides the preparation of Resettlement Action Plans of individual sub projects in order to meet the needs of the people who may be affected by the project. The **Resettlement Action Plans (“RAPs”)** for the Project will therefore be prepared in conformity with the provisions of this RPF.

“Replacement cost” means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on **Market rate (commercial rate)** according to Kyrgyz Republic law for sale of land or property. In terms of land, this may be categorised as follows; (a) “Replacement cost for agricultural land” means the pre- project program or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.

1. Project Context

The Bishkek Osh Urban Infrastructure Project has been the first World Bank-financed operation in the Kyrgyz Republic to address issues of urban poverty. The project has endeavoured to improve the living conditions in selected semi-informal settlements (novostroiki) in Bishkek and Osh, the two largest cities of the Kyrgyz Republic, by increasing the availability of basic infrastructure to the residents of these areas.

The proposed Additional Financing to the ongoing Bishkek Osh Urban Infrastructure Project will help finance the costs associated with the scaling-up of project activities to enhance the impact of this well-performing project on the living conditions in semi-informal settlements (novostroiki) and other communities in Bishkek and Osh, the two largest cities of the Kyrgyz Republic. It will also help continuing the successful municipal and social infrastructure investment support which was provided by the World Bank to the country's twenty-three small towns under the Small Towns Investment Capacity Building Project (STICBP) (IDA Credit 4016-KG/IDA Grant H-139-KG) and which closed on September 30, 2011.

The overall implementation arrangements for the Project will remain unchanged and the Community Development and Investment Agency (Agentstvo Razvitiya i Investirovaniya Soobshchv Kyrgyzskoi Respubliki - ARIS) will continue to be the lead implementing agency of the Project.

The proposed AF will also trigger a new safeguard (OP 4.12: Involuntary Resettlement) on the basis of the following components:

Component A: Basic Infrastructure:

Component A will finance upgrading and/or extension of water supply, road and other basic infrastructure as well as the rehabilitation and/or upgrading of service equipment required for improving the availability of basic services in Bishkek novostroiki and small towns.

Sub-component A.1: Bishkek Basic Infrastructure:

will finance the completion of the rehabilitation works of the Bashkarasuu well field including the procurement and installation of pumping and other technical equipment required for the operation of plant, the construction a power transmission line and transformer stations, and the construction of an aqueduct connecting the plant with the BVK network To this effect, the resources allocated to Sub-Component A.1 will be increased by US\$ 5.9 million from previously US\$ 5.6 million to now US\$ 11.5 million. Upon completion of the rehabilitation works, the first phase of which is financed under BOUIP, Once completed and operating, the Bashkarasuu well field will help making twenty-four hour water service available to up to 90,000 residents in ten novostroiki.

Sub-component A.2: Osh Basic Infrastructure:

Upgrading of an existing well-field water intake; construction of two separate water mains); and construction of distribution networks (including installation of standpipes) within two novostroiki.

Sub-component A.4: Small Town Infrastructure Development:

A new subcomponent which will finance basic infrastructure investments including road works and construction and repair of water supply and sewerage networks and installations as well as provision of municipal service equipment to selected small towns.

Component B: Community Investment Programs

Component B will finance small-scale investments in repair or construction of neighborhood infrastructure, and social, educational, health and cultural facilities, and acquisition of service equipment that will be identified and implemented with the active involvement of residents of novostroiki and other community organizations in Bishkek, Osh and small towns.

Beneficiaries of these programs will be novostroiki communities in Bishkek and Osh, as well as other community and neighborhood organizations in Osh and small towns.

Sub-Component B.1: Bishkek Community Investments:

Will finance the implementation of small-scale social infrastructure investments in participating novostroiki in Bishkek.

Sub-component B.2: Osh Community Investments

Will finance small-scale social infrastructure investments in participating novostroiki and other urban communities in Osh and Jalalabad that have been affected by inter-ethnic violence or are considered being potential risk areas for such incidents.

Sub-component B.3: Small Town Community Investments

Will finance small-scale social infrastructure investments in small towns except for Jalalabad which already included in Sub-Component B.2.

2. Justification for and Scope of the Resettlement Policy Framework (RPF):

The Resettlement Policy Framework (RPF) provides guidelines for development of appropriate mitigation and compensation measures, for the land acquisition and resettlement impacts caused by future project activities whose exact locations are not known.

This Resettlement Policy Framework (RPF) will inform all activities involving land acquisition, restriction of access to land, or loss of assets. The completed pre-feasibility studies indicate that the project will largely be limited to rehabilitation of existing structures such as pumping stations, water transmission lines, and transformer stations. The planned new well field in Bashkarasuu and water transmission mains, as well as the infrastructures in small towns, will be built on public property, where there should be no commercial activities or residences. However, sub-project designs will be completed during implementation, meaning there is a possibility that some construction may exceed available land and may have to take place on sites not yet identified. In particular, cases of temporary or permanent encroachments on private land cannot be precluded during implementation, especially in areas adjacent to public road right-of-ways, where water transmission mains will be laid. Furthermore, the RPF is necessary to deal with cases of private encroachment on public land or rights of way that may be identified during implementation.

Since these detailed impacts will only be known once project implementation commences, and the possibility of land acquisition and restrictions in access cannot be ruled out at this stage, the borrower has agreed to develop this RPF. The RPF identifies the possible impacts from project activities, describe the range of potential impacts (temporary and permanent) to land use/access and structures and specify the compensation and resettlement assistance/procedures for the same. Where there is a gap between national and World Bank procedures, the latter will prevail for all activities financed under this project. The RPF is intended as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for activities during implementation of the comprehensive program. If any impacts are identified, the Borrower will develop individual Resettlement Action Plans for each sub project based on the guidelines and procedures highlighted in the RPF document.

Once the RPF has been approved, it will be disclosed through the World Bank's Infoshop, in compliance with the WB's policy. The RPF will be translated into Russian and further will be disclosed in a manner accessible to potential PAPs and the public. Implementation of the planned project investments will only take place following these approvals and information sharing.

3. Objectives and Principles of Resettlement Planning

This Resettlement Policy Framework (RPF) outlines the principles and procedures to ensure that if resettlement needs are identified, then ARIS follows the procedures for involuntary resettlement in compliance with the legislation of the Kyrgyz Republic along with the World Bank's policy OP 4.12 on Involuntary Resettlement. The RPF sets out the legal framework, eligibility criteria of displaced population, valuation methodology, compensation provision, entitlement matrix, implementation process, consultation procedures, grievance remedy mechanisms, entitlement payment procedures, and monitoring-evaluation procedures for land acquisition and resettlement under this project.

The basic objectives of the RPF are to: (i) guide ARIS in properly identifying, compensating, and restoring the livelihoods of Project Affected Persons (PAPs), (ii) serve as a binding document to ensure payment of compensation and assistance to PAPs, and (iii) provide direction in preparing, updating, implementing and monitoring subproject RAPs. The RPF includes measures to ensure that PAPs are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost <http://wbln0011/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/8BC51CC87982E5BD85256B18006D964D?OpenDocument> for losses of assets <http://wbln0011/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A30061BEB6/8BC51CC87982E5BD85256B18006D964D?OpenDocument> attributable directly to the Project.

The RPF is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized;
- PAPs are to be suitably assisted in their efforts to improve, or at least restore, incomes and living standards;
- PAPs are fully informed and consulted on compensation options;
- Lack of formal legal land title is not a barrier to compensation or alternative forms of rehabilitation assistance;
- Particular attention is paid to socially vulnerable groups, such as ethnic minorities, female headed households, elderly households, etc...and appropriate assistance is provided to help them adapt to project-related changes;
- Land acquisition and resettlement is conceived and executed as a part of the project, and the full costs of compensation are included in project costs and benefits; and
- Compensation/rehabilitation assistance will be paid prior to ground levelling, demolition, and in any case, before an impact occurs.
- Compensation is to be paid at full replacement cost to PAPs, without deductions for depreciation or any other purpose.

It should be noted that according to World Bank's Policy OP 4.12, the term resettlement encompasses more than the 'physical relocation or resettlement' of affected people. It is defined as the social and economic impacts of a project that are permanent or temporary and are caused by the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (iv) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

It should be further noted that 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. Any RAPs prepared on the basis of the RPF will also be subject to prior approval of the World Bank.

4. Relevant legislation of the Kyrgyz Republic and procedures of the World Bank (including gap analysis)

The Kyrgyz Republic's Land Code (1999) regulates all matters of land ownership. It provides for ten cases where a private owner relinquishes rights to land (Article 62), which in turn can be split into four categories. First, there are voluntary transfers by owners such as sales and gifts. Second, there are transfers dictated by change in status of the owner such as, death, revocation of Kyrgyz citizenship for individual owners or reaching below a 80% threshold of Kyrgyz owners of legal entities owning the land parcel (foreign ownership of land is not allowed in Kyrgyzstan), invalidation of a prior transfer of land rights which led to the current ownership of the land, or the declaration through court decision of land to be 'without owner' and hence reverting to the State (i.e. abandonment by the owner). Non-Kyrgyz owners are given a one year grace period to sell land to Kyrgyz nationals or Kyrgyz-owned legal entities. Third, land may be taken in order to cover the owner's financial liabilities, though this requires a court decision. The fourth and final method is expropriation by the state which may occur on the basis of one of seven possible grounds noted in Article 66 in the Land Code:

1. Use of land not according to its targeted purpose
2. Land needed for state or public purposes (similar to the principle of eminent domain)
3. Non-use of land provided for agricultural use for three years
4. Non-use of land provided for non-agricultural productive purposes for a period of time stipulated in the original provision
5. Non-payment of land taxes
6. Non-payment of social taxes
7. Annulment of license for mining on the basis of Kyrgyzstan's mining law.

Decisions of court are required to effect expropriation for grounds 1 through 4 listed above.

When there is need to utilize land that is privately owned for a sub-project benefiting the community, ARIS will at all times seek to have a voluntary transfer, as per the initial stage of an expropriation process, of land that is documented and registered with the State Agency for Registration of Rights to Land and Property (Gosregister) since rights are considered to be secured after the state registration in the local registry (Law on State Registration of Rights to

Real Estate and Transactions, December 1998). However, rights and easements related to access to existing electrical lines, phone poles and various pipes and other rights linked to public needs are secured without registration (article 6), it makes sense to verify this in each specific case with the relevant local registry. In all cases, compensation (or other assistance, for informal users), would be paid.

Expropriation as per Kyrgyz legislation is very difficult and not practiced. Seeking involuntary resettlement through expropriation for state or public purposes under Kyrgyz law is not practical. Article 68 of the Land Code outlines the procedure for expropriation of land. The procedures call for a voluntary agreement between the public entity and the private owner of land whereby the former pays the later financial compensation for the land, which may include the provision of another land parcel. In the event that there is no agreement, the state must go to court to force the owner to provide the desired land parcel. The private owner must be fully compensated for the market value of all of the financial interests in the given land parcel. This procedure has never been carried out, and practitioners note that implementing legislation is needed to clarify procedural issues such as appraisal of land values, compensation, demonstration of public/state needs, and other matters. There has been a lack of public investment into infrastructure in settled areas that would have require the exercise of eminent domain in post-independence Kyrgyzstan. It would seem to be likely that there have been small cases where de facto land was taken, but these did not occur in accordance with the Land Code’s provision. There are not many recorded cases of private citizens challenging in court a taking of land from them (except for enterprise land sales, discussed below). It should further be noted that only an ‘authorized entity’ can initiate expropriation, which means either a state or municipal entity or an entity specially designated by the state. A Local Investment Committee (LIC), for example, would not be such an entity.

The major distinctions between the existing legislation in Kyrgyzstan and OP 4.12 is the fact that Kyrgyz law does not make any provisions to assist or compensate illegal users of publicly owned land who may be required to move in order for a sub-project to be realized. Furthermore, it does not take into consideration the possibility that leaseholders working on publicly owned land may have made investments in that land which will also require compensation. Therefore, the focus of this document will be on these categories.

5. Kyrgyz Republic Land Code and the World Bank Policy OP 4.12.

Differences between Kyrgyz Republic Law (Land Code) and WB policy are outlined in the table below.

Table - Comparison of Kyrgyz Republic and WB Policy

Provisions of Kyrgyz Republic’s Land Code	WB’s Policy on Involuntary Resettlement
Compensation for acquired land only for titled landowners, those with formal land use shares, or holders of customary rights.	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, provided they cultivated/occupied the land before the eligibility cut-off date.
Consultation with PAPs or communities in respect of land or asset confiscation not required.	PAPs are to be fully informed and consulted on compensation, entitlements and resettlement options incl. relocation sites. Includes consultation,

	<p>participation, information dissemination campaigns, and opportunities to participate in monitoring based on the nature and scale of impacts.</p> <p>Resettlement plans to be developed and prepared in consultation with PAPs and other stakeholders.</p> <p>Grievance redress mechanisms are to be established.</p> <p>Requirement for gender specific consultation and information disclosure.</p>
<p>Land compensation is at replacement rates through provision of land for land or in cash.</p> <p>Normative land prices are established through coefficients.</p> <p>No reference as to whether there are deductions.</p>	<p>Land for land as a priority, with replacement land to be acceptable to PAPs and to be of same size and productive capacity. If suitable land can not be found, compensation in cash, or a combination of land and cash, at current market value without deduction of the costs of any transaction (administrative charges, taxes, registration or titling costs), or depreciation.</p>
<p>Compensation for other assets (structures, crops and trees and business income) is at replacement cost. No provision for severe impacts or vulnerable PAPs. Does not provide for transportation and transition expenses/costs.</p>	<p>The amount of cash or kind needed to replace an asset in its existing condition, at current market price without deduction of the costs of any transaction (administrative charges, taxes, registration or titling costs), depreciation or for any material salvaged. Includes provision of transfer or relocation allowances.</p>
<p>At infrastructure planning stage, proposals for acquisition of agricultural or high-yielding land discouraged when other land is available.</p>	<p>Any land acquisition and resettlement is to be avoided, or if it cannot be avoided, it should be minimized by exploring all viable options.</p>
<p>No specific provision for temporary or permanent income/livelihood disruption.</p>	<p>Requires compensation for disruption of livelihoods and loss of income as a result of temporary or permanent land acquisition for project purposes.</p>

In principle, the Land Code of the Kyrgyz Republic and the World Bank Policy both adhere to the objective of compensation at replacement cost, but Kyrgyz legislation does not provide for rehabilitation and in practice this has been left to ad hoc arrangements taken by project proponents in order to meet international donor requirements.

To clarify these issues and reconcile eventual gaps between Kyrgyz legislation and World Bank Policy, this RPF has been drafted for the Project, ensuring compensation at replacement cost of all items, the rehabilitation of non-titled people and informal settlers, and the provision of subsidies or allowances for PAPs that may be relocated, suffer business losses, or may be severely affected.

The main provisions affording reconciliation of the differences between Land Code and World Bank Policy include:

- Any PAPs, regardless of title or not, will be entitled to compensation (for structures, crops and trees) and rehabilitation measures under the project. This includes land-less people using land and squatters;
- PAPs and affected communities will be consulted on options and any impacts of land acquisition and resettlement;
- If land for land compensation is not technically or sociably feasible, compensation will be in cash at full replacement cost at current market value;
- Compensation for any other assets affected (structures, crops and trees, as well as business/income loss) will be in cash or kind at full replacement cost at current market value. Vulnerable and poor PAPs will be entitled to additional measures as relevant, and gender issues will be addressed;
- Maintenance works will avoid or minimize, as far as possible, the need for land acquisition and resettlement; and
- Compensation for temporary loss of land or assets, or for temporary disruption of income will be provided.

It must be especially noted that under the WB OP 4.12, status of those without legal title is clearly defined. In accordance with this policy, **those people who do not possess official legal title or judicial rights for the land use, but still use the state land are entitled to receive compensation, taking into account the investments they made into the state land, their labor and lost assets, but not for land ownership as in the case of a titled owner. Instead, alternative sites are allocated for their use, or other forms of assistance in lieu of land compensation, are provided to those informally using or occupying land to the project cut-off date.**

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.

6. Eligibility Criteria and Procedures For Various Categories Of Affected People

This section sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people.

6.1 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. Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. OP 4.12 suggests the following three criteria for eligibility:-

- (a) Those who have formal rights to land including customary/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 RPF / RAP.

(c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from before the cut-off date, but are recognized under World Bank OP 4.12.

Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF.

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

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land. It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land or had use of it, before the entitlement cut-off date.

Eligibility for assistance under World Bank OP 4.12 also applies for project affected persons even if it is deemed that Kyrgyz legal provisions provide for temporary or permanent acquisition of private land immediately adjacent to existing public roads without compensation.

6.2 Eligibility Criteria and Entitlements

The RPF stipulates eligibility and provisions for compensating all types of losses (land, crops/trees, structures, business/employment, and workdays/wages). All PAPs including non-titled or informal dwellers, will be compensated for lost assets (crops, structures, trees and/or business losses) will receive (i) compensation (as required, to match replacement value), and / or (ii) replacement land, structures, seedlings, other resettlement assistance such as shifting allowance, assistance with rebuilding structures, compensation for loss of workdays/income.

The criteria for eligibility is based on PAPs belonging to one of three groups: (a) those who have title or formal legal rights to land; (b) those who do not have formal legal rights to land at the time of the Inventory of Losses (IOL)/Detailed Measurement Survey (DMS) or census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the RAP;¹ and, <http://wbln0011/Institutional/Manuals/OpManual.nsf/58AA50B14B6BC071852565A300>

¹ This includes people who have not yet completed registration and who are considered as "legalizable" users (this will be identified as a form of land tenure in the IOL), they will be entitled to compensation as if they are legal/titled owners of land. The RAPs prepared will establish that continued facilitation of the registration process will be undertaken as part of livelihoods/wellbeing restoration under the Project's resettlement process.

[61BEB6/8BC51CC87982E5BD85256B18006D964D?OpenDocument](#)(c) those who have no recognizable legal right or claim to the land they are occupying (i.e. non-titled users or informal settlers).

The PAPs who are entitled to compensation under the Project include:

- Persons whose structures are in part, or in total, affected temporarily or permanently by the Project;
- Persons whose residential or commercial premises and/or agricultural land (or other productive land) is in part, or in total, affected (permanently or temporarily) by the Project;
- Persons whose businesses are affected in part, or in total, (temporarily or permanently) by the Project;
- Persons whose employment or hired labor is affected, temporarily or permanently, by the Project;
- Persons whose crops (annual and perennial) and/or trees are affected in part, or in total, by the Project;
- Persons whose access to community resources or property is affected in part, or in total, by the Project.

Where land is to be acquired outside of owners (titled or legalizable PAPs) will receive compensation for land acquired by the Project at replacement cost, this will be in cash at replacement value or land-for-land (of equal size and/or productive value and be satisfactory to the PAP). Non-titled PAPs are not eligible for compensation for land but will receive compensation for assets attached to land and other assistance as required, in lieu of land compensation.

Households headed by single women with dependents and other vulnerable households will be eligible for further assistance to fully mitigate project impacts. Table 5.1 below presents the Project’s entitlement matrix, based on potential losses.

Compensation eligibility will be limited by a cut-off date to be set for each subproject on the basis of the steps detailed in section 6.3 of this document . PAPs who settle in the affected areas after the cut-off date will not be eligible for compensation. They, however will be given sufficient advance notice, requested to vacate premises and dismantle affected structures prior to project implementation. Their dismantled structures will not be confiscated and they will not pay any fine or sanction. Forced eviction will only be considered after all other efforts are exhausted

Table Showing Entitlement Matrix: Eligible PAPs, Assets and Compensation Guidelines

Project Impact	PAP Category	Asset Affected	Compensation Guide
Temporary acquisition of land for works, or construction.	Land owner	Land	Rental value of land based on market rates and restoration of land and all assets thereon to former status.
	Informal User	Land	Restoration, replacement or compensation of all

			assets damaged or removed. In the case of loss of income, disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis
Permanent acquisition of land for works, construction or as part of first sanitary protection area.	Land owner	Land	Replacement land of equivalent market value as priority option within 3 km radius. Failing availability of land, cash compensation at market rate. If over 10% of land is acquired, an additional 5% of replacement value will be paid (increasing to 10% if over 20%) as a severe impact subsidy. If the remainder of the plot is not economically viable the entire plot will be purchased
	Informal User	Land	Replacement or relocation of affixed assets removed at an equivalent site. Failing availability of land, cash compensation for affixed assets at market rate. In the case of loss of income, disturbance allowance set on the basis of minimum wage for six months.
Permanent acquisition of legal structure.	Owner of structure	Any structure including fence, sanitation structure etc.	Replacement structure or Cash compensation at replacement value of a new structure plus full compensation for all fees needed to make replacement new structure legal.
Permanent acquisition of illegal structure	Owner of structure	Any structure including house, fence, sanitation structure etc.	Replacement structure or Cash compensation at replacement cost
Restriction of access to	Tenant or House	Section of residential	Restoration of land to

homes.	owner	compound temporarily affected or access to house affected by works	original condition after works. In kind compensation for affected need such as alternative car parking facility. Disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis (a specific formulation of the allowance would be established in the relevant RAP).
Vendors or business entrepreneur	Owner of business	Loss of business due to works	Cash compensation of estimated business loss assessed from records of preceding 3 months or equivalent business (if no records). Disturbance allowance equivalent to 7 days of business profit
Farmer with land title	Owner	Crops	In addition to land compensation, will be allowed to take standing crop and cash compensation for 2 seasons or annual crop yield whichever higher at highest market rate.
Tenant farmer	Tenant	Crops	Allowed to take standing crop and cash compensation for 2 seasons or annual crop yield whichever higher at highest market rate.
Fruit tree owner	Owner	Fruit tree	Price of a sapling and cash compensation for the value of the harvest multiplied by number of years it will take for the sapling to reach maturity.
Vulnerable people	Identified on the basis of social payments	Residential and commercial assets	In addition to compensation for assets lost, a disturbance

	(disability payments, pensioners, widows, female-headed households, and impoverished households)		allowance set to be one year of supplemental social assistance payments.
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6.3 Methods to Determine Cut-Off Dates

Once the design of a sub-project is finalized, all affected peoples will be identified, notified of the assets that will be affected, and data will be collected on their socioeconomic status. A notice will be posted on the site indicating that works will commence and that construction will take place. The date, when all the above mentioned steps are completed, will be the cut-off date. Also, persons whose ownership, use, or occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.

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

7. RPF and RAP Implementation Arrangements and Procedures

7.1 Overview

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

The implementation arrangements of the RPF build on:

- The implementation arrangements for the Bishkek Osh Urban Infrastructure Project; and
- The implementation arrangements for resettlement and compensation activities in line with the Kyrgyz Republic legislation 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 sub-projects. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each project activity. These are based on the institutional structure at the time of writing the RPF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

7.2 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 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 project activities.

Screening will be undertaken, in accordance with established screening criteria and procedures, by consultants contracted to design the activity under the supervision of ARIS. No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts.

7.3 Socio-Economic Profiling and Inventory of Losses

Should the screening process show that land acquisition will be required, the next step will be the socio-economic identification and profiling of Project Affected Persons (e.g. their age, asset dependence, income, family status etc). This is the equivalent of a census conducted for large-scale resettlement. Similar to a census, 100% of PAPs will be profiled. This step should take place at the same time as the inventory and valuation of all assets affected for each individual PAP.

Once these steps are completed and there is evidence of resettlement issues, a Resettlement Action Plan (RAP) will be developed on the basis of the data collected. This RPF provides a framework for the preparation of RAPs to address resettlement associated with the activities of this project.

The screening process will involve direct consultation with the PAP(s) who will work with an ARIS representative and local officials on-site to verify the affected assets and discuss their socio-economic situation. Before the process begins the PAP(s) will be advised in writing and verbally of their rights throughout the resettlement process. This will include sharing a copy of the grievance redress procedure and the entitlement matrix.

7.4 Development of the RAP

Following the socio-economic census and identification of affected parties, a RAP will be developed.. This will be coordinated by ARIS with input from the Municipalities (Mayor's offices and/ or Ayl Okomotus).

It 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. Each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available on the World Bank's website (www.worldbank.org) or in the World Bank's Resettlement and Rehabilitation Guidebook.

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

- Description of the project
- Resettlement Objectives
- Legal and Institutional Framework.
- Eligibility and Entitlement Matrix
- Valuation of and compensation for losses
- Consultation and Participation
- Grievance procedures
- Monitoring and evaluation
- Organizational responsibilities
- Site Specific Resettlement Impacts and Compensation
 1. PAP(s) Socio-Economic Profile
 2. Inventory of Losses
 3. Cost and budget
 4. Implementation schedule

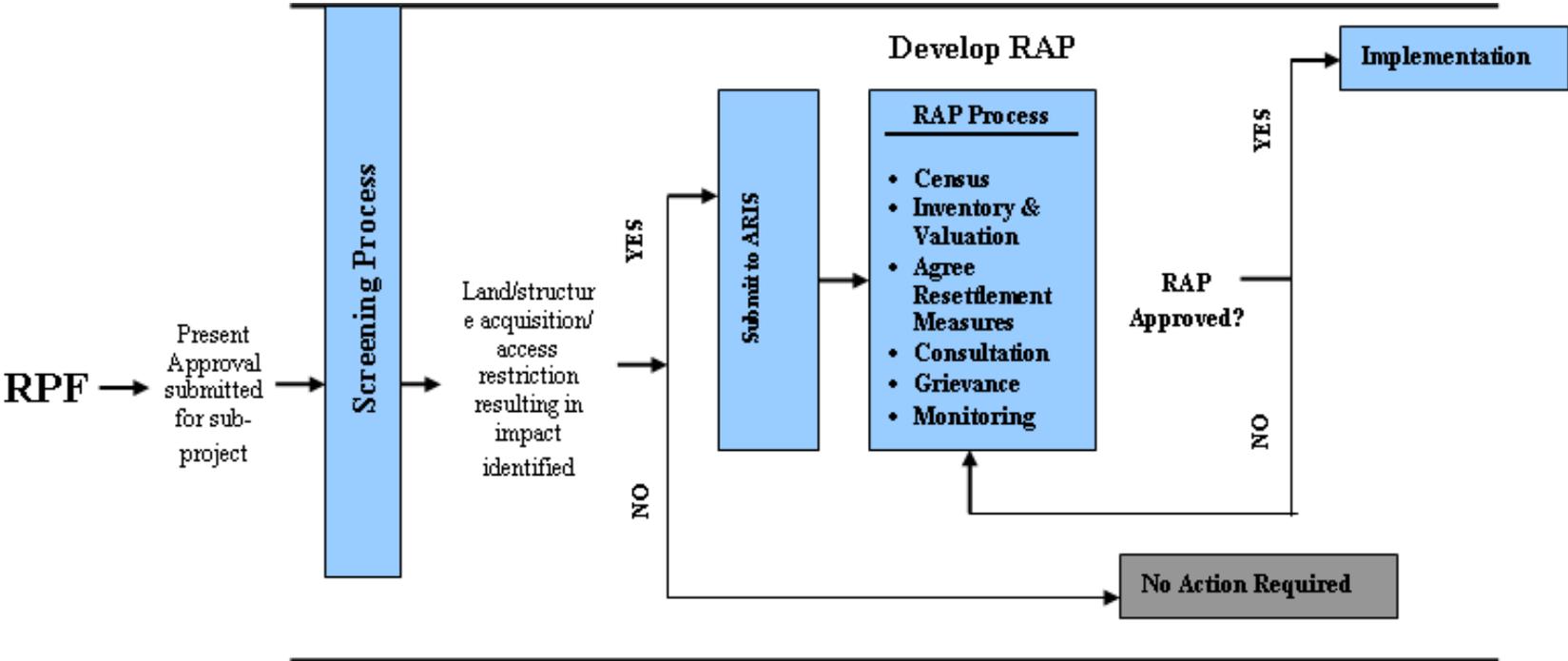
7.5 Disclosure and Approval of RAP

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

- 1) ARIS staff working on resettlement and compensation must submit the RAP to ARIS Executive Director for approval. ARIS is to ensure compliance with the RPF, and consistency in approach between different activities. Capacity for RAP review and approval will be built at ARIS. This will be through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.
- 2) ARIS discloses the RAP on its website, disseminates and shares with local authorities and interested NGOs, and the affected persons (especially the site specific sections) in a place and language accessible for them, and allows two weeks for comment,
- 3) Following incorporation of comments from disclosure, and ARIS management approval, the RAP must also be formally sent to the World Bank for review to ensure compliance with OP4.12 and any other relevant policies/ procedures.
- 4) Following confirmation that the RAP is of acceptable quality to the World Bank, it will be disclosed on the World Bank's info-shop website, re-disclosed on the ARIS 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. Any RAPs prepared on the basis of the RPF will also be subject to approval of the World Bank before initiation of civil works.

Figure 1. Outline of the RAP process.



7.8 Estimates Of Affected Population And Assets In The Project Affected Areas

Cases of temporary or permanent encroachments on private land cannot be precluded during work implementation, especially in areas adjacent to public road right-of-ways, where water transmission mains will be laid. Such an impact might be possible with water transmission mains laid for the Bashkarasuu works and for works in small towns. Right of way may also be necessary for the HV power lines should designs necessitate any encroachments on private land. The transmission line is expected to be 6 km and the power line is expected to be 1.5 km for Bashkarasuu. Power line for Batken is expected to be 1.5 km. 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. ARIS does not expect any demolition of capital structures during implementation of the Project, though the destruction of smaller-scale structures (fences 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.

8 Methods Of Valuing Affected Assets

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

8.1 Type of Compensation Payments

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

- Land;
- Structures and fixtures;
- Cultivated crops (both cash and food crops) and trees; and
- Loss of businesses or employment.

In addition, disturbance allowance, storage of goods, replacement of lost services and other assistance will be given, as outlined in the Entitlement Matrix above. However this is for guidance only, and it is essential that at the time of detailed RAP preparation current market values and replacement cost values are 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 of currency since the preparation of this RPF. ARIS will evaluate the compensation amounts recommended in 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.

8.2 Preparation of Asset Inventory

During the survey, 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. The total list of affected assets and their assigned values including any additional compensatory measures will be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. The document will indicate when the affected person

will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

8.3 Valuation Methods

Replacement Cost Approach. The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

Gross Current Replacement Cost. Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new structure having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.

Other methods Rates from Contractors: When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

Schedule of rates from Appropriate Ministries:

Ministry of Agriculture and Water Resources has a compensation matrix for damages during land acquisition. 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 projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

8.4 Compensation for Various Assets

The following methods of calculation should be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case by case valuations in the case of projects that have significant impacts.

8.4.1 Compensation for Land

In the event of permanent land acquisition of titled land, the first premise is provision of replacement land. In the case where no alternative land is available within a reasonable distance such as to minimize disruption to other aspects of socio-economic life, cash compensation at full replacement value should be provided. This should be valued based on the prevailing market value in the locality to purchase an equally productive plot of land in the same locality. In

addition, any associated costs of purchasing the land i.e., taxes, registration fees will need to be included in the compensation.

In addition, the PAP will be compensated for any permanent improvements made to the land (for instance irrigation structures). This will be calculated based on the price of making the permanent improvement at 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 government rate, whichever is higher. There will also be compensation for the cost of lost growing seasons. The compensation will be paid to the tiller rather than the owner, where the tiller is not the owner (e.g. tenant or share cropper). There will hence be no adjustment in the terms of the rent of share cropping agreement. 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. There will be a stated limit on the period of temporary use of.

8.4.2 Calculation of Crops and Fruit Trees Compensation Rate

The current prices for the crops will be determined, taking into account the Government recommended rate and the highest market price, whichever is higher. Where land is rented, 2 seasons or annual crop estimate, whichever is higher will be compensated. Where land is owned, aside from the replacement land or cash compensation for land, the owner will also get compensation for 2 seasons or annual crop estimate, whichever is higher. The crops used will be the ones that are currently or have most recently been cultivated on that land. 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 labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation should be updated to reflect values at the time compensation is paid.

Fruit trees will be compensated to the owner based on the price of a replacement sapling along with the annual value of the fruit produced by that tree for the number of years it will take the sapling to reach full maturity, using Government or highest market price, whichever is higher.

8.4.3 Compensation for Structures

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

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

- Measurements of structures and detail of materials used;
- Average replacement costs of different types of structures and
- Structures based on collection of information on the numbers and types of
- materials used to construct different types of structures (e.g. poles, bricks, rafters,
- Bundles of straw, corrugated iron sheets, doors etc.).
- Prices of these items collected in different local markets;
- Costs for transportation and delivery of these items to acquired/ replacement
- land or building site;
- Estimates of construction of new structure including labor required;
- Any associated taxes, registration fees.

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

8.4.4 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 provided even if there are existing facilities at the new location.

8.4.5 Compensation for Sacred Sites

This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. Sacred and genocide war memorial sites include but not restricted only to; museums, altars, initiation centers, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any project activity, is not permitted under this project.

8.4.6 Compensation for Loss of Businesses

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

9. Implementation Schedule, Linking Resettlement Implementation To Civil Works

9.1 Overview

Before site-specific civil works for sub projects begin implementation, PAPs will need to be compensated in accordance with the provisions of a disclosed and approved Resettlement Action Plan that is in turn based on this resettlement policy framework. 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 prior to displacement. 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 RAPs that will be prepared for each activity involving land acquisition. The schedule for the implementation of activities must be agreed to by ARIS, Municipalities(Mayor's offices and/or Ayil Okomotus (as

applicable)). These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land/structures/services that PAPs are using. The RAP will be disclosed in a manner and location accessible to PAPs, both in draft and when finalized. The dates must be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the designated authority, the RAP should be sent to the World Bank for final review and approval.

Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

10. Grievances Redress Mechanisms

The overall process of grievance is as follows:

1. During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances.
2. The first step in the grievance process will be to verbally contact an ARIS Project Liaison Officer either by phone or SMS (a cellphone number will be provided). If the problem cannot be resolved to the PAPs satisfaction within 5 days, then the problem is moved to the next level.
3. For grievance cases that cannot be resolved by the PLO within 5 days:
 - (a) The affected person should file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to ARIS. The grievance note should be signed and dated by the aggrieved person. A selected member of ARIS will act as the Project Liaison Officer (PLO) and will be the direct liaison with PAPs. The PLO should be working in collaboration with ARIS Executive Director who would report all grievances to ARIS Supervisory Board during their regular meetings. Where the affected person is unable to write, the local Project Liaison Officer will write the note on the aggrieved person's behalf. Any informal grievances will also be documented by the Project Liaison officer. The note should be embossed with aggrieved person's thumbprint.
 - (b) The Project Liaison Officer and ARIS representative will consult to determine the validity of claims. If valid, ARIS will notify the complainant and s/he will be assisted. A response will be given within 14 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, a second or even a third valuation will be undertaken, until it is accepted by both parties. These can be undertaken by separate independent valuers than the person who carried out the initial valuation. The PLO 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 ARIS the complaint is not resolved, the project will use a Grievance Committee. The Grievance Committee will be comprised of at least 5 members of whom 2 are from ARIS. The other 3 should be independent of the project implementing authorities and Government of Kyrgyz Republic. They should be chosen from recognised NGOs/CBOs operating in Kyrgyzstan along with eminent persons of appropriate standing (e.g. respected lawyer or professor), and from designated authority as the Gosregister, or people representatives from the Kenesh (public assembly). These professionals will be paid sitting fees for these sessions and will not be regular employees of any of the project agencies. Establishment of the Grievance Committee shall be approved by order of the Municipalities (Mayor's offices or the Ayil Okmotus). The committee shall be initiated by ARIS or local self government on the request of the PAP. Decisions made by the committee and agreed by all parties shall be legalized in terms of a resolution of the Municipalities (Mayor's offices or the Ayil Okmotus).
5. Should there be objection regarding the decision of the Grievance Committee, then the case can be taken to court by the PAP.

The response time of the committee will depend on the issue to be addressed but it should be addressed with efficiency.

10.2.1 Management of Reported Grievances

The procedure for managing grievances should be as follows:

10.2.2 Grievance Log

The Project Liaison officer will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. Records are also to be made available to the World Bank for project supervision purposes. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:

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

10.2.3 Monitoring Complaints

The Project Liaison Officer will be responsible for:

- providing the ARIS Executive Director with a weekly report detailing the number and status of complaints;
- any outstanding issues to be addressed; and
- monthly reports, including analysis of the type of complaints, levels of complaints, and actions to reduce complaints.

11. RPF Implementation Budget

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed; it is also not certain that the project design will definitively require temporary or permanent land acquisition. It is therefore not possible

to provide an estimated budget for the total cost of resettlement that may be associated with implementation of this project. However, when these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for any potential RAP will be prepared. Each RAP will include a detailed budget, using the following template thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. The project will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the program. All responsibilities for payment of compensation and provision of all other types of assistance will reside with ARIS through a resettlement budget under the allocated counterpart Project funds.

12. Mechanism For PAP Consultations

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

1. Following the identification of their plot, an ARIS Project Liaison Officer will visit the PAP and advise them of their rights under the project. This will include sharing information on their entitlements to compensation and grievance redress. They will also confirm with the PAP and a local authority what assets will be required
2. Once the inventory and valuation of assets is complete, the PLO will present and discuss the details with the PAP(s) and whether or not the inventory is accurate and the valuation is acceptable to them.
3. Once the RAP is complete the PAPs will be provided the relevant sections as per the disclosure procedures described above.
4. Prior to implementation of the sub project the amount of cash or in kind (land) offered for compensation will be discussed with each eligible PAP for consideration and endorsement before transfer of the asset is effected. PAPs are entitled to have a third party present at this crucial time or at the other steps leading up to this final transfer. At any point PAPs can instigate a complaint using the grievance redress process described about.

13. Arrangements For Monitoring And Evaluation

13.1 Overview

The arrangements for monitoring will fit the overall monitoring plan of the entire project which will be implemented through ARIS. All RAPs will set goals by which to evaluate their success which will include (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts. 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. ARIS 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 through the involvement of the grievance committee or higher authority;
- Document the timely completion of project resettlement obligations for all permanent and temporary losses;

- Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- Alert project authorities to the necessity for land acquisition in the project's planned activities

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

- if affected people have been paid in full and before implementation of any project activity that is causing resettlement ,
- if the people who were affected by the project activities have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or are they actually poorer than before.
- Specific impacts on vulnerable households

Indicators will be set within each RAP. Data will be gathered from communities or information collated through surveys, as required. The information for these indicators should be collated at regular intervals (e.g., quarterly or half yearly depending on circumstances) and compared over time. The pre-project Census information should provide most, if not all of the required information to set a baseline against which performance can be tracked.

13.4 Monitoring RAP Implementation

ARIS staff responsible for the RPF and 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 compile the following statistics:-

- (a) Number of activities requiring preparation of a RAP;
- (b) Number of households and individuals physically or economically displaced by each activity;
- (c) Length of time from design finalization to payment of compensation to PAPs;
- (d) Timing of compensation in relation to commencement of physical works;
- (e) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- (f) Number of people raising grievances in relation to each sub-project;
- (g) Number of unresolved grievances.

ARIS will review these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the Project Coordinator, if there appears to be any discrepancies. Financial records will be maintained by ARIS, to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis.

ARIS will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages, and it will provide a copy to the Municipalities. Each time land is used by the project; the database will be updated to determine if the individual or household is being affected to the point of

economic non-viability and eligibility for compensation or its alternatives. Periodic reports on the database will be sent to the Municipalities and World Bank and become part of the official documents of the project.

The impact of resettlement implementation will be measured by repeating the exercise of socio-economic profiling (census) six months after the implementation of all sub-projects . This exercise will determine whether or not PAPs are at least as well off as they were before project, and if not whether their circumstance have declined as result of the project, and what remedial measures may be necessary.