

**KYRGYZ REPUBLIC**

**SECOND REGIONAL ECONOMIC  
DEVELOPMENT PROJECT**

**RESETTLEMENT POLICY  
FRAMEWORK**

**August 2022**

## Table of Contents

Glossary of Terms .....	5
<b>1. INTRODUCTION .....</b>	<b>8</b>
1.1. Project Background and Project Objective .....	8
1.2. Project components.....	8
<b>2. RATIONALE FOR ESS 5 AND RPF SCOPE .....</b>	<b>10</b>
<b>3. OBJECTIVES AND PRINCIPLES OF RESETTLEMENT POLICY FRAMEWORK .....</b>	<b>13</b>
<b>4. LEGAL FRAMEWORKS AND POLICIES RELATED TO LAND ACQUISITION AND RESETTLEMENT.....</b>	<b>14</b>
4.1. Legislation of the Kyrgyz Republic in the sphere of land acquisition .....	14
4.2. The World Bank Environmental and Social Standard on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (ESS5).....	17
<b>5. RAP PREPARATION, APPROVAL AND DISCLOSURE PROCESS.....</b>	<b>19</b>
5.1. Census, Social and Economic Surveys, Inventory of Losses and Valuation .....	20
5.2. Preparation of Resettlement Action Plans.....	21
5.3. Disclosure and approval .....	21
<b>6. ELIGIBILITY CRITERIA AND PROCEDURES FOR VARIOUS CATEGORIES OF PROJECT AFFECTED PEOPLE .....</b>	<b>22</b>
6.1. Principles.....	22
6.2. Eligibility Criteria and Entitlements.....	22
6.3. Entitlement matrix: eligible PAPs, assets and compensation .....	23
6.4. Voluntary Land Donation .....	29
6.5. Methods to Determine Cut-Off Dates .....	29
<b>7. METHODS OF VALUATING AFFECTED ASSETS .....</b>	<b>30</b>
7.1. Type of Compensation Payments.....	30
7.2. Preparation of Asset Inventory .....	30
7.3. Valuation Method .....	30
7.3.1. Compensation for Land .....	30
7.3.2 Calculation of Crops and Fruit Trees Compensation Rate.....	31
7.3.3. Compensation for Structures.....	31
7.3.4. Compensation for Community Assets.....	32
7.3.5. Compensation for Sacred Sites .....	32
7.3.6. Compensation for Loss of Businesses.....	32
<b>8. RPF AND RAP IMPLEMENTATION ARRANGEMENTS AND PROCEDURES .....</b>	<b>32</b>
8.1. Overview of the process flow .....	32
8.2. Screening of Project Activities .....	33
8.3. Socio-Economic Profiling and Inventory of Losses .....	35

8.4. Due Diligence Review of Linked Activities .....	35
8.5. Estimates of affected population and assets in the project affected areas.....	35
8.6. Valuation of assets/losses .....	36
8.7. Roles and Responsibilities .....	36
8.8. Monitoring and Evaluation Arrangements .....	39
8.8.1 Monitoring plans.....	39
8.8.2 Monitoring and Reporting Responsibilities .....	40
8.9. Implementation Schedule, Linking Resettlement Implementation to Civil Works .....	40
8.10. RAP implementation budget .....	41
<b>9. PUBLIC CONSULTATION AND PUBLICATION OF INFORMATION .....</b>	<b>42</b>
9.1 Publication of RPF .....	42
9.2 Public consultation .....	42
<b>10. Grievance Redress Mechanism.....</b>	<b>42</b>
10.1 World Bank Complaints System .....	42
10.2 Grievance Redress Mechanism - Beneficiaries' Feedback Mechanism (BFM) .....	43
<b>ANNEXES .....</b>	<b>48</b>
Annex 1. Form of screening report on the expected social impacts .....	48
Annex 2. PAP Census Form.....	50
Annex 3. Inventory of land Assets of PAPs .....	51
Annex 4. PAPs' rights to obtain compensation .....	52
Annex 5. Summary of the Resettlement Action Plan and the Abbreviated Resettlement Action Plan .....	53
Annex 6. Summary and form of voluntary donation of land .....	57
Annex 7. Minutes of public consultations with stakeholders .....	59
Annex 8. List of participants in public hearings .....	62

## Abbreviations and Acronyms

ARAP	Abbreviated Resettlement Action Plan
CC	Civil Code
DDR	Due Diligence Report
DMS	Detailed Measurement Survey
ESA	Environmental and Social Assessment
ESIA	Environmental and Social Impact Assessment
ESMP	Environmental and Social Management Plan
FS	Feasibility Study
GRM	Grievance Redress Mechanism
HH	Household
IFIs	International Financial Institutions
MNREES	Ministry of Natural Resources, Ecology and Engineering Supervision
IR	Involuntary Resettlement
IL	Inventory of Losses
LAR	Land Acquisition and Resettlement
LC	Land Code
MoA	Ministry of Agriculture
MoCIT	Ministry of Culture, Information and Tourism
MoH	Ministry of Health
NGO	Non-governmental organization
PAP	Project Affected Persons
PIU	Project Implementation Unit
POM	Project Operational Manual
RAP	Resettlement Action Plan
RED-1	Regional Economic Development Project
RED-2	Second Regional Economic Development Project
RoW	Right of Way
RPF	Resettlement Policy Framework
SIA	Social Impact Assessment

## Glossary of Terms

In this Resettlement Policy Framework, unless the context dictates otherwise, the following terms will have the following meanings:

<b>Environmental and Social Standards</b>	ESSs set out the requirements for Borrowers/Clients relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. 10 ESSs establish the standards that the Borrower/Client and the project should meet through the project life cycle.
<b>Project affected persons (PAPs)</b>	<b>PAPs</b> mean persons who are impacted by involuntary resettlement as defined below.
<b>Involuntary resettlement</b>	Means the involuntary taking of land resulting in direct economic and social impacts caused by: a) The involuntary taking of land resulting in: i. relocation or loss of shelter; ii. loss of assets or access to assets; or iii. loss of income sources or means of livelihood, whether or not the PAP has moved to another location. b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.
<b>Land acquisition</b>	<b>Land acquisition</b> refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.
<b>Restrictions on land use</b>	<b>Restrictions on land use</b> refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.
<b>Livelihood</b>	<b>Livelihood</b> refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.

<b>Cut-off date</b>	<b>Cut-off date</b> is the date by which PAPs and their affected assets, as relevant, have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. Persons whose ownership, use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.
<b>Compensation</b>	<b>Compensation</b> 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.
<b>Census</b>	<b>Census</b> 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.
<b>Resettlement Action Plan (RAP)</b>	<b>Resettlement Action Plan (RAP)</b> is a resettlement instrument (document) to be prepared when subproject locations are identified. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
<b>Resettlement Assistance</b>	<b>Resettlement Assistance</b> means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.
<b>Replacement cost for houses and other structures</b>	<b>Replacement cost for houses and other structures</b> means the prevailing open market 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 or transfer costs.
<b>The Resettlement Policy Framework (RPF)</b>	<b>The Resettlement Policy Framework (RPF)</b> is an instrument to be used throughout project implementation. The RPF sets out the resettlement objectives and principles, organizational 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.
<b>Replacement cost</b>	Means the amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs

or depreciation and salvageable materials, at prevailing current market value at the time of compensation payment.

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**Voluntary Land Donation**

Means communities or individuals may agree to voluntarily provide land for sub-projects for desired community benefits. The operative principles in voluntary land donation are “informed consent and power of choice”. Informed consent means the people involved are fully knowledgeable about the project and its implications and consequences and freely agree to participate in the project. Power of choice refers to the people involved have option to agree or disagree, without adverse consequences imposed formally or informally by others.

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## 1. INTRODUCTION

### 1.1. Project Background and Project Objective

On December 7, 2020, the Financing Agreement between the Kyrgyz Republic and the International Development Association (World Bank) on the Regional Economic Development Project in Osh oblast and Osh city entered into force.

The Regional Economic Development Project in Osh oblast and Osh city (RED-1) focuses on providing regional economic development with an emphasis on stimulating the private sector development process and building the capacity of urban centers to serve as centers of regional development.

Project objective is the World Bank's support of the Government of Kyrgyz Republic to enhance economic and regional development through targeted tourism and agriculture interventions and enhance institutional capacity in the participating region and cities. Through these, the project will support economic and regional development in an integrated manner in Osh oblast, by contributing to job creation, poverty reduction, the creation and development of agricultural value chains, and the development of tourism.

**The Second Regional Economic Development project** (further – RED-2) will be aimed to enhance regional economic development through targeted activities in Batken oblast in response to the request of the Government of the Kyrgyz Republic dated May 28, 2021, RED-2 will be based on RED-1 and will extend horizontally westward from Osh oblast to Batken oblast.

**Project development objective** is to promote regional economic development by increasing agricultural production, improving basic municipal services and expanding the activities of small and medium-sized enterprises (SMEs) in Batken oblast.

**Project area.** The project will be implemented in 3 key urban centers of the city of Batken region (Batken, Isfana, Kadamjay) and covers other rayons (districts) and aims to address these key problems through intervention in regional economic planning, public infrastructure and improved services, promoting and targeting SME development and by purposefully strengthening the institutional basis in the relevant sectors.

**Project beneficiaries.** The primary beneficiaries for this Project are the residents of the Batken Region and its municipalities (both urban and rural) benefiting from infrastructure and services to be delivered under the Project, SMEs from the agricultural and service sectors, agricultural producers and agri-businesses who will benefit directly from improved accessibility, connectivity and infrastructure and services.

### 1.2. Project components

**Component 1: Supporting municipal infrastructure and basic public services.** This component will follow the GRID principles to identify critical constraints in an evidence-based manner as proposed by the Resilience, Inclusion, Sustainability, and Efficiency (RISE) approach. It will help prioritize packages to improve (i) infrastructure and services to meet the minimum living standards in the selected towns. This component will also include activities to help reconstruct public facilities and spaces in undisputed areas affected by the armed conflict with Tajikistan in April 2021 with a total anticipated cost of up to USD 5-10 million; (ii) sewerage and water supply, stormwater and drainage systems, (iii) municipal and regional roads, sidewalks, and street lighting to improve access to key municipal services and markets; (iii) schools and kindergartens; (iv) other municipal assets such as parks and public spaces of high interest to the community.



This component will also support public-private partnerships (PPPs) to help attract private investment in targeted sectors and regions. This initiative was first presented in the first RED project and aims to create a favorable environment for business development for medium and large businesses. This initiative could finance public infrastructure to attract private investment across the region, where private sector enterprises are willing to invest but need additional public infrastructure to make their investment viable (e.g. public infrastructure close to investment, road/sidewalk, water supply/sewerage, etc.).

**Component 2. Strengthening Agriculture Competitiveness.** This component will comprise two sub-components. Sub-component 2.1. Improving basic agricultural services and regulatory functions will improve the infrastructure and services that underpin agri-food marketing and trade in Batken. Sub component 2.2. Strengthening Agri-Food Clusters will facilitate the development of select agri-food clusters within the selected clusters, strengthening partnerships between market actors and putting in place the needed infrastructure for trade and logistics within clusters. Sub-projects would have an objective to develop “productive partnerships” across multiple producer groups in and across a value chain – including farmers, collectors, processors, traders, and exporters. Each partnership will be governed by a framework agreement signed by relevant participant. Financing for activities within a partnership will target two types of investment as public services and infrastructure and on farm investments for producers. Public investments will be 100 percent project financed, on farm investments will be governed by additional agreements signed with beneficiaries. The detailed criteria for selection of the value chain and the productive partnership will be defined in the Productive Partnerships Manual.

**Component 3: Promoting local economic development through the Small Grants Program.** The project will support SME development through a training and small grants program. The small grants program will aim at supporting the launching of new enterprise activities and diversification and expansion of services offered by SMEs. This component will build on the success of this initiative introduced under the ongoing RED-1 and will be built on its experience, including the application of a Small Grants Handbook developed and used for the corresponding component under RED-1.

**Component 4: Contingent Emergency Response Component (CERC).** This zero-dollar component is to improve the Kyrgyz Republic’s capacity to respond to disasters. Following an eligible crisis or emergency, including climate related disasters, the recipient may request the Bank to reallocate project funds to support emergency response and reconstruction. This component would draw from the uncommitted credit/grant resources under the project from other project components to cover emergency response. An emergency eligible for financing is an event that has caused or is likely imminently to cause, a major adverse economic and/or social impact to the Borrower, associated with disaster.

**Component 5: Operational Support.** This component will support project implementation, including the project’s monitoring and evaluation system, communication strategy, application of environmental and social instruments, training, and financing of incremental operating costs of the project implementing agency.



**Picture 1:** Project coverage area

## **2. RATIONALE FOR ESS 5 AND RPF SCOPE**

The WB Environmental and Social Standards (hereinafter - ESS) set out the requirements for Borrowers relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing.

The standards will: (a) support Borrowers in achieving good international practice relating to environmental and social sustainability; (b) assist Borrowers in fulfilling their national and international environmental and social obligations; (c) enhance nondiscrimination, transparency, participation, accountability and governance; and (d) enhance the sustainable development outcomes of projects through ongoing stakeholder engagement. Ten Environmental and Social Standards establish the standards that the Borrower and the project will meet through the project life cycle. ESS5 on Land Acquisition, Restrictions on Land Use and Involuntary Resettlement recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. The proposed activities are not expected to generate serious adverse effects to human health and the social environment. However, the project-related land acquisition or restrictions on land use may cause physical and economic displacement. To prevent, avoid, mitigate and reduce those risks and to meet ESS5 requirements the present Resettlement Policy Framework (RPF) was developed since at this stage a final list of activities and their exact location are not yet defined.

RPF lays bare the next steps on preparing and implementing resettlement action plans (RAP). This framework clarifies resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation. Once the subproject or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific resettlement action plan. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized, implemented and approved by the Bank.

**Potential Impacts on Assets, People and Livelihood.** Given the planned activities under the Project components, the Components 1 and 2 of the Project can have a potential land acquisition and resettlement (LAR) impact while the Components 3, 4 and 5 do not cause any LAR impact.

The scope of potential LAR impact expected by the Project components/subcomponents is the following:

Table 1. Scope of expected LAR impact of the Project components/subcomponents

#	Component	Activities planned	Possible type of LAR impact
1	Component 1: Supporting municipal infrastructure, basic public services and capacity building	The following activities will be financed: (i) on improvement of infrastructure and services: sewerage and water supply, stormwater and drainage systems, municipal and regional roads, sidewalks and street lighting, schools and kindergartens; other municipal assets, such as parks and public places (ii) assist in the reconstruction of public facilities and spaces in uncontested areas affected by the April 2021 armed conflict with Tajikistan	Acquisition of land and restriction of land use if the activity will require new buildings or additional land for infrastructure improvements
2	Component 2: Strengthening Agriculture Competitiveness	This component will facilitate the development of selected agri-food clusters to improve production and productivity of small agricultural producers within selected clusters, strengthen partnerships between market actors within the cluster (agribusiness and small agricultural producers) and implementation, place necessary infrastructure for trade and logistics within the clusters.	Acquisition of land and restrictions on land use if the activity will require new structures or additional land for trade and logistics infrastructure

Given the planned work under Components 1 and 2, the impact on involuntary resettlement will be limited by small scale land acquisition, temporary impact on land use, restriction of access and economic impact. Physical relocation of households is not expected. It is expected that the construction works will be carried out within the footprint of existing infrastructure or on available lands that are publicly owned. However, land may be required for small scale infrastructure subprojects in Batken, Leylek, Kadamjai cities, as well as for expansion of water supply and sewerage systems, waste management, public transportation improvements, etc. The presence of informal users or structures and associated economic impacts covered under ESS5 also cannot be ruled out. While public land is expected to be made available in case of expansion of new infrastructure, the project allows voluntary land donations by the community or individuals and this process will be closely managed during implementation in line with the protocols included in this RPF. Individual land donation will be subject to strict scrutiny and approved by the World

Bank, prior to accepting donation. Land donation cannot result in a person or household being worse off than pre-project levels and must receive benefits from the project.

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 describes how compensation rates will be determined and 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 will serve as a screening device to ascertain if there will be any impacts resulting from project activities. The RPF is intended as a practical tool to guide the preparation of instruments such as RAPs and necessary due diligence for activities during implementation of the comprehensive project. If any impacts are identified, the Government of the Kyrgyz Republic will develop ESS instruments for each sub-project based on the guidelines and procedures highlighted in the RPF document.

This RPF will be reviewed/cleared by the Borrower. Once the document has been approved, it will be uploaded to WB's external website and be available locally through the development center, in compliance with the WB's policy. The RPF will be translated into Russian and/or Kyrgyz and further will be distributed in such a way as to be available to central and local government agencies and potential PAPs. Implementation of the planned project investments will only take place following these approvals and information sharing/consultation.

### **3. OBJECTIVES AND PRINCIPLES OF RESETTLEMENT POLICY FRAMEWORK**

The Resettlement Policy Framework (RPF) aims at describing policies and procedures to ensure that people adversely affected under the Project are adequately consulted with on project activities and receive compensation or assistance that will at least restore pre-project level of livelihoods.

The RPF provides policies and procedures to determine requirements of the World Bank's ESS on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (ESS5), to assess potential expected risks and impacts, to identify detailed steps to develop appropriate mitigation measures, including mitigation and compensation for the impact caused under the project including:

- involuntary land acquisition (temporary or permanent);
- protocols on voluntary land and asset donations
- loss of, or impact on, assets or access thereto;
- loss of standing crops, trees income source or livelihoods, regardless of whether the project affected persons (PAPs) will be resettled, or not;
- restricted access to natural resources, public places and services;
- legal framework, eligibility criteria of displaced population, valuation methodology, compensation provision, entitlement matrix, implementation process, consultation procedures;
- due diligence procedures in case of project interventions linked to other development activities supported by the Government and other funding agencies;
- grievance redress mechanisms, entitlement payment procedures, and;
- monitoring and evaluation procedures for land acquisition and resettlement under this project.

The basic objectives of the RPF are to:

- (i) guide ARIS, the national and local self-government (rayon, municipal) 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 Abbreviated RAPs and full 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 for losses of assets attributable directly to the Project.

The RPF is based on the following principles:

- i. Involuntary resettlement is to be avoided or at least minimized.
- ii. PAPs are to be suitably assisted in their efforts to improve, or at least restore, incomes and living standards.
- iii. PAPs are fully informed and consulted on compensation options.

- iv. Lack of formal legal land title is not a barrier to compensation or alternative forms of rehabilitation assistance.
- v. 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.
- vi. 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.
- vii. Compensation/rehabilitation assistance will be paid prior to displacement and prior to ground leveling, demolition, and in any case, before an impact occurs.
- viii. Compensation is to be paid at full replacement cost to PAPs, without deductions for depreciation or any other purpose.
- ix. “Voluntary land donations” will only be allowed when protocols provided in this RPF are followed.

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. LEGAL FRAMEWORKS AND POLICIES RELATED TO LAND ACQUISITION AND RESETTLEMENT**

This section of the RPF presents an overview of the policy/legislative framework and LAR assessment procedures of Kyrgyz Republic, as well as relevant World Bank (WB) Environmental Social Standards (ESS) applicable to the project activities. Each activity selected under the project will be screened, classified, and assessed based on WB Environmental Social Framework 2018 (ESF 2018), and legislation of the Kyrgyz Republic, and, if necessary, will be reviewed and approved by WB.

The legal and policy framework of the project is based on national laws and legislations related to land acquisition and compensation policy in the Kyrgyz Republic and WB ESS 5 – Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement

##### **4.1. Legislation of the Kyrgyz Republic in the sphere of land acquisition**

The following laws and normative acts regulate land/real property ownership rights and rules and procedures for obtaining state ownership right to privately owned land parcels based on the necessary public needs caused due to the Project activities.

##### **The Constitution of the Kyrgyz Republic** (May 5, 2021)<sup>1</sup>

Article 15 of the Constitution of the Kyrgyz Republic provides the following:

The Kyrgyz Republic recognizes diversity of ownership forms and guarantees the equal legal protection to private, state, municipal and other types of ownership.

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<sup>1</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/112215>

Ownership is inviolable, and no one can be dispossessed of property arbitrarily. Property can be acquired by the state against the person's (party's) will only on the basis of a court ruling. The right of succession is guaranteed.

Property can be acquired by the state against the person's (party's) will only on the basis of a court ruling and through legally established procedure.

Acquisition of property for the public purposes, as defined in the national laws, can be carried out only through court ruling and with fair and prior payment of compensation for the affected property, as well as for other costs incurred as a result of acquisition.

Appropriation of citizens' and legal entities' property to public ownership (nationalization) shall be exercised on the basis of law with compensation for the cost of such property and other losses.

## **Civil Code**

(May 8, 1996, No.15; last amended on September 15, 2021 No. 120)<sup>2</sup>

The Civil Code (CC) provides that a party whose rights are violated can claim full compensation for losses, unless the national legislation or the agreements (contracts) prepared in line with the national legislation indicate the contrary (article 14, clause 1). The CC also specifies that the compensable losses include:

- Lost profit that the party was supposed to receive under normal conditions, if the party's rights were not violated;
- Lost profit that the party was supposed to receive under normal conditions, if the party's rights were not violated.

If a party that violated the right received profits, a party whose rights were violated shall be entitled to demand compensation for lost profit in the amount not less than such profits as well as for other losses (article 14, clause 2)

In regard the compensation for losses caused by the state agencies and local self-government, article 15 states that the losses incurred on a citizen or legal entity as a consequence of illegal actions (or inactivity) of state agencies, bodies of local self-government or officials of these bodies, including issuance by a state body of an act that does not comply with legislation, are subject to compensation by the state, as well as local self-government authorities in the cases foreseen under the law.

## **Land Code** (June 2, 1999 No. 45; last amended on March 17,,2021 No.33)<sup>3</sup>

Article 68 of the Land Code (LC) defines withdrawal of land plot for state and public needs and provides that:

- Land can be acquired (purchased) for state and public purposes based on agreement between the authorized body and landowner or land user. In case the land owner or land user disagrees with the acquisition (purchase), the authorized body can, within two (2) months, turn to the court with the request to carry out the acquisition with the payment to the owner or land user of the compensation for the land from the date of official denial of landowner/land-user (article 68, clause 1);
- When determining compensation for the land being acquired, it should reflect the market value of the right to the land and associated structures, losses that the land owner or land user incurs, and liabilities to third parties (article 68, clause 3); and

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<sup>2</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/4?cl=ru-ru>

<sup>3</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/112189?cl=ru-ru>

- When acquiring land for the state or public purposes with the consent of the land owner or land user, the owner/user can be allocated replacement land with the value of this land to be counted towards compensation for the land acquired

The Land Code specifies that the right to the land and associated structures can be terminated, among others, when land is needed for state or public purposes (article 66, clause 1).

The acquisition of the land for state and public needs can be affected only after payment of the value of the right to the land plot and compensation for losses (article 66, clause 4).

The land owner or user has the right to claim the compensation, as specified by the legislation of the Kyrgyz Republic (article 49, clause 1, sub-clause 5).

Finally, the Land Code (article 78, clause 2) also specifies the use regime with regards to the lands of common use. It particularly indicates that lands of common use in settlements, towns, and villages (e.g. roads, streets, squares, sidewalks, driveways, park bands, boulevards, mini parks, water bodies, etc.) cannot be in private ownership, and only in exceptional instances can be rented by the authorized state body to legal entities and individuals for a maximum of 5 years. The authorized state body may permit construction of light-weight structures on the lands of common use (clause 78, clause 3).

#### **Law on State Registration of Rights of Immovable Properties and Associated Transactions** (December 22, 1998 No.153, last amended on February 15, 2021, No. 21)<sup>4</sup>

This law states that State registration of rights of immovable properties and associated transactions is a legal act of recognition and confirmation of rights to immovable properties and their encumbrances (restrictions), as well as real estate transactions, providing protection for the rights and encumbrances (restrictions), except as provided in this Law (article 1).

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

The property rights, which are not subject to the registration, but are recognized and protected by the state include (article 6):

- Access rights to the communication lines, pipelines, geodesic localities, and other pieces of infrastructure meant for public use;
- Rights of spouses, children, and other individuals;

Temporary rights, lease or sub-lease for a period of under 3 years;

- Actual use rights for the primary or preferential use of the property;
- Rights arising from the taxation requirements;
- Encumbrances arising from the common rules on healthcare, public safety, environmental protection etc.

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<sup>4</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/160>



## **Regulation on Assets Valuation**

- The valuation of the assets is carried out based on the Temporary rules for the valuers and valuation companies (Government Resolution, as of 21 August 2003, No 537<sup>5</sup>);
- Valuation standards for the valuers (Government Resolution, 03 April 2006, No 217)<sup>6</sup> and other provisions of national legislation.

## **Law on Grievances** (March 4, 2007, No.67 last amended on July 27, 2016, No. 151)<sup>7</sup>

The Law on Grievances provides that the grievance from the Kyrgyz Republic citizens should be registered, given due consideration, and addressed in an equitable, timely and accountable manner (article 2 and 4). Every citizen has the right to apply personally or through his representative to state authorities, local authorities and their officials, who are obliged to provide a reasoned response within the time period established by law (article 4). The grievance registered with the state agency or the local government should be processed within 14 working days, it can be prolonged exceptionally for no longer than 30 days (article 8).

### **4.2. The World Bank Environmental and Social Standard on Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement (ESS5)**

The WB's ESS5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons. Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, leading to loss of income sources or other means of livelihood), or both. The term "involuntary resettlement" refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.

### **ESS5 Requirements**

#### *Project design*

The Borrower will demonstrate that involuntary land acquisition or restrictions on land use are limited to direct project requirements for clearly specified project purposes within a clearly specified period of time.

The Borrower will consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social, and financial costs and benefits, and paying particular attention to gender impacts and impacts on the poor and vulnerable.

#### *Compensation and benefits for affected persons*

When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the Borrower will offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods. Compensation standards for categories of land and fixed assets will be disclosed and applied consistently. Compensation rates may be subject to upward adjustment where negotiation strategies are employed. In all cases, a clear basis for calculation of compensation will be documented, and compensation distributed in accordance with transparent procedures.

#### *Community engagement*

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<sup>5</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/6710>

<sup>6</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/99527>

<sup>7</sup> <http://cbd.minjust.gov.kg/act/view/ru-ru/202100>

The Borrower will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10 on Stakeholder Engagement and Information Disclosure. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.

#### *Grievance mechanism*

The Borrower will ensure that a grievance mechanism for the project is in place, in accordance with ESS10 as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.

#### *Planning and implementation*

Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The social assessment will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In conjunction with the census, the Borrower will establish a cutoff date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cutoff date may be subject to removal.

To address the resettlement impact, this ESS requires preparation of a RAP for the land acquisition process, once the extent of the direct impact is known. Where an impact is minor (less than 200 people, no person is physically displaced, and less than 10 percent of their productive assets are lost), an Abbreviated RAP can be prepared. For projects with significant impacts, a full RAP is required. The ESS5 requires that special attention is to be paid to the needs of vulnerable groups of the impacted population, especially to the residents living below the poverty line, the residents without land rights, the elderly, women, children, and ethnic minorities. Where no private lands or non-land assets are expected to be lost but voluntary land donations are expected, a Voluntary Land Donation Form will be prepared as part of the subproject proposal in line with the criteria and form provided in Annex 6.

In principle, the Land Code of the Kyrgyz Republic and World Bank ESS5 both adhere to the objective of compensation at replacement cost. Under the projects RAP(s), if any, all PAPs will be entitled to a combination of compensation and necessary assistances reflecting type of property lost or asset loss, magnitude of loss, impact on livelihood, and degree of PAPs socio-economic vulnerability. PAPs that do not own land or other properties but have economic interests and suffer loss of income or livelihoods will be assisted.

To clarify these issues and reconcile eventual gaps between Kyrgyz Republic 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 who may be relocated, suffer business losses, or

may be severely affected. The main provisions affording reconciliation of the differences between legislation of the Kyrgyz Republic and World Bank's 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.
- A social screening will be conducted to identify the level of potential impacts and appropriate mitigation measures.
- If land for land compensation is not technically feasible or socially viable, 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.
- 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 ESS5, 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 WB ESS5 provisions on involuntary resettlement, the principles and procedures of ESS5 should be applied. This priority of WB norms over the national legislation is required for World Bank financed projects.

## **5. RAP PREPARATION, APPROVAL AND DISCLOSURE PROCESS**

The first step in the process of preparing a RAP is the assessment to identify land plots and assets that may be affected by the Project. This assessment of land plots affected will be carried out by the ARIS Social Specialists in conjunction with the representatives of local self-government bodies, and will be used to identify the types and nature of potential impacts associated with the activities proposed for implementation under the Project, to adopt respective impact mitigation measures. This assessment also shows that the prevention or minimization of resettlement is a key criterion in preparation of the RAP prior to implementation of the Project.

The assessment will be carried out according to the established RAP process detailed in Annex 1 and will be documented in the form of a report on screening (see Annex 1) of the expected social impacts, following the adoption of main technical solutions or detailed sub-projects.

The design will not be completed until it is clearly established that all attempts have been made to minimize the impacts of resettlement. If the assessment indicates the need for physical

displacement, land acquisition, impact on assets or negative impact on economic resources, whether or not there is physical displacement, the next step will be a social and economic census and inventory of the land resources and assets in order to determine the extent of the need for resettlement. This will be followed by the development of the RAP for the Project, following the steps outlined below.

### **5.1. Census, Social and Economic Surveys, Inventory of Losses and Valuation**

The census and socio economic survey shall be carried out using a structured questionnaire to record the details of the present occupants of land being acquired, their tenure status (primary land user or secondary land user), the extent of land required for the proposed improvements, in order to: (i) assess the magnitude of impact to private assets; and (ii) to assess the extent of physical and/or economic displacement, as well as standard of living, inventory of assets, sources of income, level of indebtedness, profile of household members, health and sanitation, perceived benefits and impacts of the sub-project and resettlement preferences of those who require to relocate. This information would facilitate the preparation of a resettlement action plan to mitigate adverse impact.

The purpose of the baseline socio-economic survey of affected persons is to capture the socio-economic characteristics of the affected persons and to establish monitoring and evaluation parameters. The key socio-economic indicators will be used as a benchmark for monitoring the socio-economic status of project affected persons. The survey shall cover all PAPs and the survey shall also collect gender disaggregated data to address gender issues in resettlement. PAP census, Inventory of PAP's land assets forms are given in the annexes 2 and 3.

As part of socio-economic survey, a wide range of consultations with different impacted groups as well as other stakeholders will be conducted to ascertain their views and preferences. Based on the outcome of these consultations the design changes, if required, and mitigation measures will be incorporated. Consultations will include women and their concerns and reactions, in particular to land tenure, livelihood impacts, delivery of compensation, and resettlement planning, will be addressed through appropriate mitigation.

Detailed Measurement Survey (DMS) with the aid of the approved detailed engineering design, this activity involves the finalization and/or validation of the results of the inventory of losses (IOL), severity of impacts, and list of PAPs. The final cost of resettlement can be determined following completion of the DMS.

The results of DMS will produce: (a) number, ownership and type of affected land plots; (b) type and area of crops affected (c) number, ownership type of the structures that will be affected, (d) type of construction materials used and (e) other assets such as utility connections etc.

A cut-off date will be established and will be the date by which PAPs and their affected assets, as relevant, have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. Persons whose ownership, use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.

A valuation process will involve a specialized valuation company together with ARIS to conduct socio-economic survey of the PAPs that will include among others: (a) household level data broken down by age, education, employment, gender; (b) family incomes and its sources; (c) assets inventory including land, crops, trees; (d) access to social services such as schools, hospitals, churches; (e) vulnerability status of the household. The census will identify the loss of income from businesses and potential displacement of workers employed by the affected business shops. Special attention will be paid to identifying the vulnerable households. The results of the impact

assessment will be the base for compensation and livelihoods rehabilitation measures for the PAPs. PAP rights for compensation are specified in Annex 4.

Following the census, a RAP will be developed based on the collected data of impacts and impacted persons.

## **5.2. Preparation of Resettlement Action Plans**

RAP will be prepared after the social and economic census and the identification of project affected parties. The RAP will be drafted in consultation with the project affected parties. In particular, consultations will be held on compensation entitlement, as well as on emerging obstacles to economic and livelihood activities, on assessment methods, compensation, possible assistance, PAPs' inspirations, grievance mechanisms, as well as on the timeline for implementation. The final version of the RAP will incorporate PAP's remarks/comments.

The key RAP elements indicated in ESS5 are listed below. The RAP contents are also outlined in the Annex 5. The level of Project impact on individual affected people is not expected to be significant (i.e., the PAPs are not likely to be physically displaced or lose their productive assets). It is expected that the number of affected people under any single subproject will be less than 200 people. In such cases, an abbreviated RAP can be prepared. If the number of affected people exceeds 200, a full RAP will be developed. However, it's expected that no interventions will lead to physical or economic displacement of 200 or more persons.

The abbreviated RAP will include several standard sections, such as: description of project impact and valuation of affected assets, description of affected people and of their basic socioeconomic and demographic characteristics, institutional arrangement and implementation procedures, compensation and assistance to be provided to affected people; results of consultations, monitoring and evaluation procedures, timeline and budget, at minimum. The data on the project-affected households are considered as an important component of the RAP; however, due to respect for privacy, the information relating to particular individuals and households shall not be subject to public disclosure. Data collected at the beginning of the RAP process can then be used as a baseline to ensure affected persons and households are able to maintain, or preferably improve, their standard of living to pre-project levels. Where a full RAP needs to be developed, it should include the following at minimum: (i) baseline census and socioeconomic survey information; (ii) specific compensation rates and standards; (iii) policy entitlements related to any additional impacts which are not identified in this RPF but which are identified through the census or survey during implementation; (iv) programs for improvement or restoration of livelihoods and standards of living; (v) implementation schedule for resettlement activities; (vi) and detailed cost estimate.

## **5.3. Disclosure and approval**

The following steps should be followed after full/ abbreviated RAP preparation:

- i. The draft RAP shall be subject to discussion with PAPs who will receive a copy of the RAP a week before the discussion. Public consultations shall be attended by PAPs, Local-Self-Government (LSG) officials and ARIS representatives.
- ii. After the discussion, comments and proposals shall be reflected in the RAP.
- iii. The RAP shall include a section of the consultation process with the matrix of comments and proposals for the inclusion and implementation thereof.
- iv. The Social Specialists shall submit the RAP to the Project Coordinator for approval.
- v. After inclusion of the comments received as a result of disclosure of the RAP and after approval thereof by the Project Coordinator (MoEC), the RAP shall be officially sent to the WB for review and confirmation on the compliance with ESS5 and other applicable policies/procedures.

- vi. Once the World Bank confirms the acceptability of the quality of each RAP, it shall be disclosed on the WB website, published as a final RAP on the ARIS website and re-shared with all stakeholders. Private information about PAPs shall not be made publicly available.

No changes shall be made to the compensation entitlement matrix, eligibility criteria, compensation rates, or provisions for assistance without the prior World Bank's consent.

## **6. ELIGIBILITY CRITERIA AND PROCEDURES FOR VARIOUS CATEGORIES OF PROJECT AFFECTED PEOPLE**

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

### **6.1. Principles**

The involuntary taking of land can result in relocation or loss of shelter; and/ or 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. 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.

#### *ESS5 Eligibility Classification*

Affected persons may be classified as persons:

- (a) Who have formal legal rights to land or assets;
- (b) Who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or
- (c) Who have no recognizable legal right or claim to the land or assets they occupy or use.

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 ESS5 also applies for project affected persons even if it is deemed that Kyrgyz Republic 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) and 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;<sup>8</sup> and, (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:

- i. Persons whose structures are in part, or in total, affected temporarily or permanently by the Project;
- ii. 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;
- iii. Persons whose businesses are affected in part, or in total, (temporarily or permanently) as a result of loss of land caused by the Project;
- iv. Persons whose employment or hired labor or share-cropping agreement is affected, temporarily or permanently, as a result of loss of land caused by the Project;
- v. Persons whose crops (annual and perennial) and/or trees are affected in part, or in total, as a result of loss of land caused by the Project;
- vi. Persons whose access to community resources or property is affected in part, or in total, as a result of loss of land caused by the Project.

Where land is to be acquired, 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 with a combination of productive potential, location advantages, and other factors of which is at least equivalent to the advantages of the land taken to the satisfaction of the PAP (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/persons receiving government welfare payments due to their special vulnerable status, low-income households receiving monthly welfare payments in accordance with national law will be eligible for further assistance to fully mitigate project impacts. Table 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 and 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.

### **6.3. Entitlement matrix: eligible PAPs, assets and compensation**

An Entitlement Matrix has been developed in Table below that summarizes the types of losses and the corresponding nature and scope of entitlements and is in compliance with National Laws and ESS5.

**Table 2. Entitlement matrix**

<b>Project Impact</b>	<b>Category</b>	<b>Asset Affected</b>	<b>Compensation</b>
Temporary acquisition of land for works and construction	Land owner	Land	Rental for land based on market values for the assessed duration of temporary impact taking into account the rates as of the current period, restoration of land and all assets located on the land in the previous condition.
	Leaseholder	Land	Restoration, replacement or compensation of all non-land assets damaged or removed. No compensation for land is envisaged.  In the case of loss of income, compensation in the amount of confirmed lost income shall be paid.
	Informal user	Land	Restoration, replacement or compensation of all non-land assets damaged or removed. No compensation for land is envisaged.  In the case of loss of income, compensation in the amount of confirmed lost income shall be paid.
Permanent acquisition of land for works and construction.	Land owner	Land	Replacement land of equivalent market value as priority option within the acreage and fertility if feasible. In case of unavailability of land, cash compensation at market rate and replacement value will be paid, including fees for registration and re-registration of rights.  If the remainder of the plot is not economically viable the entire plot will be purchased upon the owner's request.
	Leaseholder	Land	New lease or compensation for loss of right-to-use land
	Informal user	Land	Land compensation is not envisaged. However, if a land plot was used as a means of subsistence then such means will be restored.



	All PAPs	Assets	Compensation in cash for assets attached on the affected land at replacement value.
Crop impacts	Owner (Farmer with land title)	Crops	<p>In addition to land compensation, the PAP will be allowed to take standing crop and receive a cash compensation at highest market value for loss of 1 year of agricultural harvest or according to the rates of the Ministry of Agriculture and Land Reclamation of KR, whichever is higher.</p> <p>For temporary use of land, when sowing time is lost, compensation will be paid for lost harvest based on market value of previous crop.</p>
Crop impacts	Land user (Formal leaseholder and informal farmer)	Crops	<p>Allowed to take standing crop and cash compensation for loss of agricultural harvest for 1 year, or according to the rates of the Ministry of Agriculture and Land Reclamation of KR, whichever higher at highest market rate.</p> <p>For temporary use of land, when sowing time is lost, compensation will be paid for lost harvest based on market value of previous crop.</p>
Impact on trees	Owner (regardless on the legal status of land where tree is planted)	Fruit tree	Price of a sapling and cash compensation for the value of the harvest multiplied by number of years it will take for the sapling to reach maturity.
		Non-fruit trees	Timber or cash equal to timber value.
Permanent acquisition of structure	Owner of structure	Any structure including fence, sanitation structure etc.	Replacement with structure of equivalent value or compensation in cash at replacement value and the right for usable materials.
	Leaseholder	Any structure	New lease or compensation for loss of right-to-use structure

Restriction of access to houses	Tenant or house owner	Section of residential compound temporarily affected or access to house affected by works	<p>Recovery of lands to its initial condition.</p> <p>In-kind compensation for affected person's need such as alternative car parking facility.</p> <p>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).</p>
Business impacts	Owner of business (vendors or business entrepreneur)	Temporary loss of business due to works	Cash compensation of estimated business loss assessed for the period of impact based on records of preceding 3 months period or equivalent business (if no records).
		Restriction of access to business structures	Disturbance allowance equivalent to 7 days of business profit, or, if the disturbance is longer, disturbance allowance is paid for the assessed disturbance
Loss of income /employment	<p>Business owner</p> <p>Unregistered business</p> <p>Loss of employment</p>	All PAPs regardless of their legal status	<p><b>Owner:</b></p> <p>(i) (permanent impact) cash indemnity of 1-year net income or in the absence of income proof, or in cases where PAPs have paid tax based on a flat rate, they will receive compensation equal to 1 week to 12 months minimum national salary (depending on time needed to restore business operation.</p> <p>(ii) (Temporary impact) cash indemnity of net income for months of business stoppage. Assessment to be based on tax declaration or, in its absence, minimum national salary for months of business stoppage;</p> <p>Permanent worker/employees: indemnity for lost wages equal to actual wage for 3 month or in case of absence of tax declaration, one-time minimum national salary in cash for 3 months. For all the above, some acceptable official documents need to be presented, ie salary payment document, financial statement.</p>

Severe Impacts	Physical relocation or loss of >10% of productive assets	All severely affected households including informal settlers	<b>Agricultural income:</b> 1 additional crop compensation for 1 year's yield of affected land or an allowance covering 3 months of minimum national salary, whichever is higher - or, for <b>other incomes:</b> an allowance covering 3 months of minimum national salary.
Livelihood restoration	PAPs losing more than 10% of their agricultural productive assets	All severely affected households AHs including informal settlers	<b>Agricultural livelihood restoration:</b> Two times annual harvest yields (at verified market rates) for all types of crops (inclusive of fodder) and trees from the area affected by the land take, for all severely affected households. If this amount is less than 3 months minimum national salary, 3 months minimum national salary will be paid instead.
	PAPs losing more than 10% of their non-agricultural productive assets	All severely affected households including informal settlers	<b>Non-agricultural livelihood restoration:</b> A livelihood restoration package of 3 months of minimum national salary.
Relocation/Shifting	Transport/transition costs	All AHs to be relocated	An allowance covering transport and livelihood expenses for the transitional period.
Vulnerability allowance	Identified on the basis of social assistance payments (disability payments, pensioners, widows, female-headed households, and registered poor households) as determined by the legislature of KR and WB ESS requirements.	Any land or assets affected.	<ol style="list-style-type: none"> <li>1. In addition to compensation for assets lost, a vulnerability allowance set to be one year of supplemental social assistance payments.</li> <li>2. Support rendered in removal and transportation of salvageable materials.</li> <li>3. Special attention will be paid to the livelihood restoration of vulnerable households.</li> </ol> <p>The packages will be determined and described in the RAP/s</p>
Loss of common property resources	Community/Public assets	Community/ Local authority /Government	Reconstruction of the loss of resource/asset in consultation with community and restoration of their functions.

Unforeseen impacts during construction, including temporary impacts and impacts on livelihoods not otherwise assessed.	Impacts during construction to properties or assets out of the corridor of impact or RoW	All PAPs	Due compensation to be assessed and paid when the impacts are identified based on the above provisions and on the requirements of WB ESS.
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If the PAPs are liable for any taxes and eventual transaction fees related to LAR, such taxes or fees will be paid by the project from the resettlement budget to be contributed by the Borrower. Besides, the amount to cover bank service fees will be added on top of the amount of cash compensation to be received by PAPs at the banks.

#### **6.4. Voluntary Land Donation**

If only small sections of private land need to be acquired with insignificant impact, the project is allowed to acquire such lands without compensation at replacement values, through voluntary donations. Community members have the right to make a contribution of their land or other assets without seeking or being given compensation at full replacement value. Voluntary contribution is an act of informed consent. Local Authorities must assure that voluntary contributions are made with the affected person's full and prior knowledge of the availability of other options (including compensation at replacement cost) and are obtained without coercion or duress. Also, voluntary donations are allowed only if the affected people are direct beneficiaries of the investments that cause such impact. Proposals including voluntary contributions will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users (the size of land contributed on a voluntary basis should not exceed 5% of that individual's total land holding). Specifically, the following protocol will govern voluntary contributions under the project:

- i. Voluntary contributions are an act of informed consent and affected people are not forced to donate land or other assets with coercion or under duress, or misled to believe that they are obliged to do so, without regard to the legal status of their land occupancy.
- ii. Land alienation should not result in physical or economic displacement.
- iii. The impacts must be minor. the households contributing land or other assets are direct beneficiaries of the sub-project; the impact is less than 5% of the total productive assets owned by said household.
- iv. The facilities requiring land should not be site specific.
- v. The land in question must be free of squatters, encroachers, or other claims or encumbrances.
- vi. The land must be identified by the Municipality, and not by ARIS or other line agencies or project authorities. However, the project technical authorities should ensure that the land is appropriate for sub-project purposes and that the sub-project will not have any adverse health or environmental safety hazards.
- vii. Voluntariness will be ascertained by ARIS with due signing by a higher level official. A process to this effect will be formulated by ARIS and shared with the Bank for approval.
- viii. Verification of the voluntary nature of land donations must be obtained from each of the persons/household donating land. This should be in the form of signed statements.
- ix. ARIS will also create awareness among the community to devise mechanisms to express a sense of gratitude to those households donating lands. These will find a place in the statements.
- x. Other things being equal, land donations will not be accepted by FHHs and elderly people.
- xi. The affected people are fully informed that they have the right to refuse to donate land or other private assets, and instead receive compensation at replacement cost, and that a grievance handling mechanism is available to them through which they can express their unwillingness to donate. Furthermore, people are encouraged to use the grievance handling mechanism if they have questions or inquiries, either in writing or verbally.

#### **6.5. Methods to Determine Cut-Off Dates**

Once the design of an activity has been finalized and legal procedures completed, a RAP will be prepared for the activity. As part of the RAP, a census will be undertaken to identify all the PAPs and the related levels of impact. The date when the census is finalized is the cut-off date for

eligibility for resettlement and compensation. Hence, it is important that this date is fully communicated to all potential PAPs, including through local and national mass-media in the project affected area with sufficient time for these people to ensure their availability for the census.

This communication will be done through ARIS, and in line with the consultation procedures outlined in this document. The potential PAPs will be informed through both formal notification including through local and national mass-media, in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

## **7. METHODS OF VALUATING AFFECTED ASSETS**

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

### **7.1. 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;
- Residential buildings, structures and fixtures;
- Cultivated crops (both cash and food crops) and trees; and
- Business houses like shops and restaurants.

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*. All cash amounts will be adjusted to reflect any economic changes and buying power of currency since the preparation of this RPF. The ARIS will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and that it is consistent with the Kyrgyz Republic laws as long as it meets the requirements of WB ESS5.

### **7.2. 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 by a Valuation company 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.

### **7.3. Valuation Method**

#### **7.3.1. Compensation for Land**

In the event of permanent land acquisition of titled land, the first premise is provision of replacement land. In the case where no alternative land is available within a reasonable distance such as to minimize disruption to other aspects of socio-economic life, cash compensation at full replacement value should be provided. 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 only a portion of the land owned by the PAP needs to be acquired but the remaining land become economically unviable, 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 and if standing crop need to be damaged, the loss will be compensated at fully matured market rate or government rate, whichever is higher. The compensation will be paid to the tiller rather than the owner, where the tiller is not the owner (e.g. tenant or share cropper). 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.

### **7.3.2 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, depending on the crop 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 estimates depending on the crop. 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.

### **7.3.3. Compensation for Structures**

The preferred option is to provide alternate structures (latrines, storage facilities, fences etc.) of at least equal quality and 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 household buildings.
- 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 the acquired/ replacement land or building site.
- Estimates of construction of new buildings including labor required.
- 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.

#### **7.3.4. Compensation for Community Assets**

Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in kind and new facilities will be provided even if there are existing facilities at the new location.

#### **7.3.5. Compensation for Sacred Sites**

This policy does not permit the use of land that is defined to be cultural property by the Bank's Environmental and Social Standard 8. 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 the legislation of the Republic of Kyrgyz Republic (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. Relevant clauses will also be inserted in the civil works contracts.

#### **7.3.6. Compensation for Loss of Businesses**

Any structures will be replaced in an appropriate location as outlined above. In addition, 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.

### **8. RPF AND RAP IMPLEMENTATION ARRANGEMENTS AND PROCEDURES**

#### **8.1. Overview of the process flow**

Overall, activities for the RED-2 will be predicated on the principles of transparency, inclusiveness and responsive citizen engagement throughout the Process cycle. Citizen engagement values the right of citizens to have an informed say in the decisions that affect their lives. It is based on a two-way interaction and dialogue with government and emphasizes the sharing of power, information, and a mutual respect between government and citizens.

With regards to RPF implementation, ARIS will be supporting District/Municipal Project Commissions (i) to implement social screening and evaluation of subproject eligibility from the resettlement point of view; (ii) to communicate and coordinate with relevant government authorities (State agency on land resources and its branches); (iii) to ensure proper implementation of the RPF, requirements as well as social due diligence tasks during the subprojects' realization; (iv) to address complaints and feedback from project stakeholders and the public, including grievances regarding environmental/social impacts of subprojects; (v) to supervise mitigation measures stipulated in the RAP implementation; (vi) to monitor social impacts as part of overall monitoring of the subproject implementation; and (vii) to report on social impacts originated during implementation of sub-projects and analyzing the efficiency of mitigation measures applied



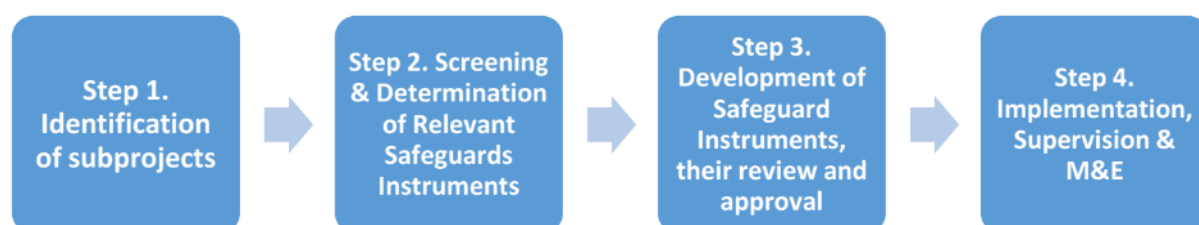
to minimize negative consequences. Together with subproject implementers and beneficiaries, ARIS is responsible for the implementation of above mentioned activities. For successful implementation of the RPF, the following project staff and structures will be required:

ARIS Project Team – 1 Engineer, 1 Social Development Specialist, 1 M&E Specialist

ARIS/Branches in Batken - 1 Engineer, 1 Social Development Specialist

Districts/Municipalities of Batken Oblast – 1-2 social screening experts assigned, GRM Committee established and a focal point assigned in each target City Administrations and Akimiat (district administration) Batken oblast – 1 GRM focal point and the GRM Committee established

To implement the RPF the project team will follow the below described Process Cycles by the components and at the subproject level.



*Figure 1. The RPF Process Cycle at the Subproject Level*

## 8.2. Screening of Project Activities

The initial screening for the eligibility of the subproject will be based on the list of excluded activities that will be not be permitted by the WB. Therefore, subproject proposals that include these activities will not be considered for financing. Non-eligible activities for Component 1 and 2 subprojects are listed in Table below.

***Table 3. List of Non-Eligible Activities for RED2 Subprojects***

Involve any kind of forceful evictions of people
Do not meet the required technical and quality specifications
Have negative environmental or social impacts that are irreversible, create cumulative impacts and/or cannot be adequately mitigated;
Exclude the poor/marginalized population or otherwise vulnerable groups;
Do not provide equal pay for equal work for women and men;
Are financed, or scheduled to be financed, by the government or other development partners;
Include the payment of compensation for land or asset loss from the proceeds of the World Bank financing or other government sources;
Finance the construction of any new dams or the rehabilitation of existing dams including structural and or operational changes;
Finance private goods, government offices or religious buildings;

Involve activities that use forced /child labor
Involve activities that cause or lead to child abuse, child labor exploitation or human trafficking; No child under the age of 18 should work on the construction, rehabilitation or maintenance of a sub project.
Entail the purchase or use of drugs, military equipment or other potentially dangerous materials and equipment, including chain saws, pesticides; insecticides; herbicides; asbestos (including asbestos containing materials); or other investments detrimental livelihoods including cultural resources;
Involve development of new settlements or expansion of existing settlements in critical habitats, protected areas or areas proposed for certain levels of national protection (e.g., reserved forests).

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 ARIS which is given the responsibility to manage and oversee the construction process under both Components. Completed screening forms will be verified by the ARIS Social Development Specialist based in the in Batken. No design will be finalized unless it is clearly determined that every effort has been made to minimize resettlement impacts.

The Bank classifies all projects into one of four classifications: High Risk, Substantial Risk, Moderate Risk or Low Risk. The subprojects' category based on resettlement impacts will be determined and the subprojects with a high risk category will not be financed by the Project. The Bank will review the risk classification assigned to the project on a regular basis, including during implementation, and will change the classification where necessary, to ensure that it continues to be appropriate. Any change to the classification will be disclosed on the Bank's website.

***Table 4. Screening Steps for Tourism and Agribusiness Investment projects***

- |   |
|---|
| <p>a) ARIS or FP (engineers and social specialists) supported by Contractor and PFI conduct screening of the subproject with regard to prohibited/excluded activities;</p> <p>b) If the subproject passes the screening for the list of prohibited/excluded activities, ARIS specialists assisted by PFI and Contractors will complete the Social Screening table;</p> <p>c) Based on the Social Checklist, the subproject risk category and the type of SA to be conducted is determined– either a RAP or an ARAP;</p> <p>d) The results of the screening, including potential negative impacts and possible measures to mitigate impacts, are presented to community representatives during subproject prioritization meetings held at the District/Cities level by LFPs.</p> |
|---|

Should the screening process show that land acquisition will be required, the next step will be the socioeconomic 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.

If it is determined that the land or non-land assets will be acquired based on voluntary donations, the procedures provided in Section 6.4 on Voluntary Donations will be followed, and Voluntary Land Donation Form will be prepared using the standard form and following the criteria provided in the Annex 6.

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 the ARIS representatives and officials from the District Administration and Municipal Structures in case of cities 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 and will be consulted throughout the resettlement process. This will include sharing a copy of the grievance redress procedure and the entitlement matrix.

### **8.3. Socio-Economic Profiling and Inventory of Losses**

Should the screening process show that land acquisition will be required, the next step will be the socioeconomic 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 the ARIS representatives and officials from the District Administration and Municipal Structures in case of cities 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 and will be consulted throughout the resettlement process. This will include sharing a copy of the grievance redress procedure and the entitlement matrix.

### **8.4. Due Diligence Review of Linked Activities**

The local community driven interventions and socioeconomic infrastructures supported by the project may or may not be part of the Government and local government development activities. The initial review of some of the proposed interventions revealed that some other development activities may be planned or on-going in areas where the project will be implemented and which may be considered to be associated with the project per definition of “Associated Facility” in ESS1.<sup>8</sup> Therefore, in addition to above mitigation measures, some protocol should be established to review any infrastructure activities planned and/or implemented by other donors and/or government institutions, which may be associated or linked to the sub-projects to be supported under the RED-2 will be reviewed by the ARIS and the WB social development team members. Due diligence review report will be prepared to assess if such associated activities social and reputation risks and to propose mitigation measures.

### **8.5. Estimates of affected population and assets in the project affected areas**

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<sup>8</sup> See para 11 of ESS1 in the ESF.

Cases of temporary or permanent acquisition of individual land plots cannot always be avoided as suitable public land may not be available for the construction of infrastructure projects to be identified through communities engagement approach. The extent to which any temporary or permanent land acquisition will be necessary or whether the access and use of land will be constrained on a temporary or permanent basis is not yet known and can only be fully determined after each sub-project design is completed. 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 the impact on affected populations and/or assets are not yet clear, estimates will be produced when the project commences.

## **8.6. Valuation of assets/losses**

A valuation process will involve a specialized valuation company together with ARIS to conduct socio-economic survey of the DPs. Valuation of assets and losses shall consider the following:

- (i) Applicable current regional schedules for land values obtained from municipal land commissions, if available
- (ii) Applicable current schedules for valuing structures, crops, and trees from local municipalities, if available
- (iii) Applicable current market prices

The calculation of unit value will be done keeping in consideration the current market rate so as to meet with the replacement cost of the land and lost assets etc. An experienced and registered independent authorized auditing company shall be employed to do the valuation of land, structures, buildings, trees, and crops. The PAP has an option to choose the valuation company at his or her own expense. The approach of the evaluator will consider the assessment for each type of land and assets by location. The valuation should be done when the census and DMS (detailed measurement survey) are conducted by the surveying company who prepares the map of affected plots with demarcation of cut-off areas. The valuation company will engage experts for respective areas who will undertake site visits for physical verification of each category of the losses. The expert team will also consider the reference of previous valuation if available and use latest release of market survey.

## **8.7. Roles and Responsibilities**

This section describes the roles and responsibilities to implement resettlement plans addressing physical and/or economic displacement described ESS5. The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures. The outline of the resettlement plans is enclosed in Annex 5.

A site-specific assessment will be conducted in accordance with the WB ESS5, and site-specific resettlement plan will be prepared as a result of such evaluation. These will be the responsibility of ARIS or FPs, however they will be supported by District Administration and Municipal Structures. Table 5 indicates the process flow for the resettlement plans development:

**Table 5: Resettlement Plans Development Process Flow for Tourism and Agri-business Investments**

Step 1.	<p>a) ARIS or FPs (engineers or technical specialists) conduct screening of the subproject with regard to prohibited/excluded activities;</p> <p>b) If the subproject passes the screening for the list of prohibited/excluded activities, ARIS specialists assist Districts to complete Social Screening Checklist;</p> <p>c) Based on the Social Checklist to determine the risk category;</p> <p>d) The results of the screening, including potential negative impacts and possible measures to mitigate impacts, are presented to community representatives during subproject prioritization meetings held by Districts and Municipalities at the their level.</p>
Step 2.	<p>a) If the subproject requires a complete socio-economic profiling of Project Affected People (PAPs) and inventory of losses, it should be referred to ARIS or FPs for further action.</p> <p>b) For <i>Substantial and Moderate Risk subprojects</i>, ARIS or FPs specialist notes potential social risks and indicates how they will be prevented/mitigated in the Social Screening Table</p>
Step 3.	If the subproject is selected for funding, ARIS or FPs supported by Districts will prepare Resettlement Action Plans. 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.
Step 4.	Implementing Agency assist the contractors to organize its disclosure of the draft resettlement plans and organizes a public consultation, involving NGOs, community representatives, affected groups, etc. Formal minutes will be prepared to record inputs provided by the participants.
Step 5.	Contractors and PFIs can proceed to implementation once the final resettlement plans are completed, updated based on community consultations, approved and disclosed before subproject appraisal.
Step 6.	<p>a. The subproject applicant will submit the full set of resettlement documents for consideration and further decision on funding;</p> <p>b. Upon approval of sub-projects, ARIS or FPs will complete subproject appraisal and proceed with signing of the financing agreement with respective sub-project beneficiaries.</p>

The implementation arrangements of the RPF build on implementation arrangements for resettlement and compensation activities in line with the WB's ESS 5 outlined in this document. Distribution of the responsibilities of all parties involved in the resettlement plans implementation is given in Table 6.

**Table 6: Roles and Responsibilities during Resettlement Plans Implementation**

Responsible Party	Responsibilities
ARIS	<ul style="list-style-type: none"> <li>• Approve the resettlement plans with the WB and disclose them at the ARIS website</li> <li>• Arrange for the government funding approval and disbursements for the resettlement plans implementation</li> <li>• Implement resettlement plans on site and provide regular reporting on implementation to the WB</li> </ul>

	<ul style="list-style-type: none"> <li>• Summarize the resettlement issues related to project implementation to WB in regular progress reports.</li> <li>• Be open to comments from affected groups and local authorities regarding resettlement issues of project implementation. Meet with these groups during site visits, as necessary.</li> <li>• Provide guidance to the construction contractor and engineering supervision firm to follow the resettlement plans requirements on site together with District Administration and Municipal Structures.</li> <li>• Coordinate and liaise with WB supervision missions regarding environmental and social safeguard aspects of project implementation.</li> <li>• Conduct regular monitoring activities for the implementation of site specific resettlement plans;</li> <li>• Manage GRM (BFM) database and provide regular reporting on the number and substance of grievances.</li> </ul>
Facilitating Partner Consultant Organization	<ul style="list-style-type: none"> <li>• Hold consultation meetings, and prepare and distribute leaflets or other informative documents to inform communities, and its impacts and construction schedule as well as rights and entitlements of PAPs</li> <li>• Set up a multi-level GRM, monitor and address grievances related to the project under specified timelines</li> <li>• Design and implement training and tools for building capacity of districts and Municipalities in social screening and community monitoring</li> <li>• Manage the grievance mechanism at the district level and communicate grievances to ARIS regularly through RPF/Resettlement Plans monitoring reports.</li> <li>• Monitor site activities on a regular basis (daily, weekly monthly etc.)</li> <li>• Prepare the resettlement plans progress reports for the review of ARIS.</li> </ul>
District Administration and Municipal Structures	<ul style="list-style-type: none"> <li>• Organize its disclosure of the final resettlement plans and organizes public meetings, involving NGOs, community representatives, affected groups, etc. Formal minutes will be prepared to record inputs provided by the participants.</li> <li>• Manage the grievance mechanism at the Districts and Municipal levels;</li> <li>• Implement social screening of project sites during project implementation; and</li> <li>• Facilitate community monitoring;</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>• Comply with the resettlement plans requirements;</li> <li>• Compensate or fix all damages occurred during construction (i.e. damages to crops, infrastructure) as set out in Resettlement plan/RPF and cleared with ARIS or FP.</li> <li>• Manage GRM at the contractor's level</li> </ul>
World Bank	<ul style="list-style-type: none"> <li>• Review the site-specific Resettlement Plans and provide no objections to ARIS.</li> <li>• Disclose final Resettlement plans on WB's official website</li> <li>• Conduct implementation support and supervision missions in order to ensure that the Project is in compliance with WB ESS5.</li> </ul>

The above table 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.

## **8.8. Monitoring and Evaluation Arrangements**

Component 5 will support Monitoring and Evaluation (M&E) activities to track, document, and communicate the progress and results of the project. An M&E team within ARIS will be responsible for overall compilation of progress and results. This Component will finance ARIS to prepare project reporting—semi-annual reports and quarterly unaudited IFRs—that will be submitted to the World Bank.

This Component will also finance an MIS, which ARIS will establish and utilize for project monitoring, automatic generation of project reports, project transparency (sub-project information will be publicized on maps), and citizen feedback.

The ARIS M&E team will quality of the community mobilization and other inclusion, voice, and agency activities with communities will be measured through community scorecards, which will be discussed and verified, along with financial records and project implementation records, in social audit meetings. Feedback and grievances received through the Beneficiary Feedback Mechanism will also be included in the semi-annual reporting. ARIS's M&E team will collate and analyze these semi-annual assessments of outcomes and perception based results and enter them into the MIS and include them in semi-annual reports. Results measurements will focus primarily on the outcomes defined in the results framework and the set of output indicators defined in the POM. This Component will also finance midline and endline project monitoring surveys to assess the PDO-level results indicators. ARIS will be responsible for producing a completion report which draws on the MIS data and surveys prior to project completion.

### **8.8.1 Monitoring plans**

The social issues included within the mitigation measures are monitored and supervised by the local specialists appointed by the ARIS. Although the social impacts are expected to be low, the potential negative social impacts are planned to be prevented or mitigated during the construction and operation stages.

Environmental and social monitoring system starts from the implementation phase of the project through the operation phase in order to prevent negative impacts of the project and observe the effectiveness of mitigation measures. This system helps the WB and the Client to evaluate the success of mitigation as part of project supervision and allows taking an action when needed. The monitoring system provides technical assistance and supervision when needed, early detection of conditions related to mitigation measures, follows up on mitigation results, and provides information of the project progress. Environmental and social monitoring to be implemented by the ARIS has to provide information about key environmental and social aspects of the subprojects, particularly the project environmental and social impacts and the effectiveness of taken mitigation measures. Such information enables to evaluate the success of mitigation as part of project supervision and allows corrective action(s) to be implemented, when needed. In this regard the Monitoring Plan identifies monitoring objectives and specifies the type of monitoring, and their link to impacts and mitigation measures. Specifically, the monitoring section of the RAP provides: (a) a specific description and details of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements; and, (b) monitoring and reporting procedures.

### **8.8.2 Monitoring and Reporting Responsibilities**

Through its Social specialist in Batken, the ARIS will monitor all sub-projects that it finances to ensure conformity to ESSs requirements during construction, operation and maintenance. They will ensure full compliance with the contract conditions to the RPF/Resettlement Plans. Final payment to the contractor should be contingent on the final inspection, with particular attention to the requirement to restore the site to its original condition upon completion of rehabilitation activities.

The ARIS's Social specialist will visit to sub-project sites as and when necessary. Based on safeguard performance of different sub-projects, the ARIS's Social specialist will advise on the subsequent disbursements that should be done for the contractors awarded a contract to implement sub-projects under the RED- 2. If it is found that there is no RPF and/ESSs compliance, further disbursements will be stopped until ESSs compliance is ensured. In addition, in the project areas the ARIS will be responsible for the environmental and social monitoring activities identified above as part of the preventive actions and mitigation measures proposed to address potential adverse impacts. This monitoring will be incorporated into the overall project monitoring plan required by the World Bank as part of project performance.

As part of its environmental and social monitoring activities, the ARIS will conduct random inspections of project sites to determine the effectiveness of measures taken and the impacts of sub

project activities on the surrounding environment. The ARIS are also responsible for processing, addressing and monitoring complaints and other feedback, including that on environmental and social issues.

The ARIS will be responsible for RPF/Resettlement Plans reporting and will:

- Record and maintain the results of project supervision and monitoring throughout the life of the project. It will present summary progress reports on RPF/Resettlement Plans implementation and the ESS aspects of subprojects on a semi-annual basis to the World Bank,
- Prepare biannual reports on the progress of implementation of measures proposed by the RPF/Resettlement Plans for selected sub-projects, and as part of this reporting, provide updates on any RED-2 related as grievances/feedback that was received, that has been addressed and that may be pending;
- Prepare biannual reports on the social impacts originated during implementation of sub-projects and analyze the efficiency of mitigation measures applied to minimize negative consequences;
- Prepare outlines and requirements for Contractors' reports on resettlement mitigation measures, and review Contractor's monitoring plan and reports
- Present the impact of mitigation and environmental and social protection measures for general public via specific publications or/and by annual public seminars.

### **8. 9. Implementation Schedule, Linking Resettlement Implementation to Civil Works**

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 which is 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, where applicable, resettlement sites and moving allowances have been provided to displaced persons. PAPs who need to be physically relocated should be able to either complete construction of their houses at the replacement land plots or the rental fees for temporarily placing them in an alternative housing/apartment to be covered by the compensation budget. A written agreement regulating the specific terms and conditions should be signed between the parties. The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each activity involving resettlement or compensation. The schedule for the implementation of activities must be agreed by the ARIS, Municipalities/LSGs and the PAPs.

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 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 Project Coordinator (Ministry of Economy and Commerce of the KR), 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.

#### **8.10. RAP 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 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 socioeconomic 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 budget for each RAP will be prepared by ARIS. Each RAP will include a detailed budget, which will provide costs of the following:

- Compensation may include, for example: costs for land, structures, crops; restoring structures; community structures and services.
- Relocation costs may include, for example: costs of resettling PAPs, administrative costs of resettling PAPs.
- Income restoration costs may include, for example: temporary income support for PAPs.

Payments of compensation will be done through the budget of participating cities and local self-governments (municipalities).

ARIS will be responsible agency for implementing RAP and the administrative costs related to staff costs, training and capacity building costs, monitoring and evaluation will be covered by the project.

## **9. PUBLIC CONSULTATION AND PUBLICATION OF INFORMATION**

### **9.1 Publication of RPF**

The draft environmental and social management framework (ESMF), RPF, were published on the ARIS website ([www.aris.kg](http://www.aris.kg)). RPF details such as ESS5 Principles, Compensation Rights, GRM were presented and discussed during public consultations. The final RPF will be formally submitted to the World Bank for publication in English on the WB's external web page. The final versions in English and Russian will also be posted on ARIS web page. The final version of this document will be used by relevant government authorities and other stakeholders of the Project during the project implementation.

### **9.2 Public consultation**

The public consultations for RED-2 were held on November 18, 2021 in Batken.

The main topics are as follows: Description of the project and its components; potential project planning activities, national environmental, social legislation (notably acquisition and resettlement) and related WB ESS requirements, identified social and environmental impacts and mitigation measures, ESSs documents to be developed under RED-2 for each subproject, type of land acquisition and resettlement impact, contents of RPF/RAP; persons eligible for compensation, impacts and losses subject to compensation; GRM; assistance to vulnerable and affected households; further stages of the final preparation of the RAP, if any; compensation assessment; further stages of the project.

Participants noted the importance of environmental and social assessment for each sub-project. The minutes of the public consultation are given in Annex 7.

## **10. Grievance Redress Mechanism**

### **a) Introduction**

In order to receive and facilitate addressing issues, appeals and complaints from affected people regarding the social performance of the project, the existing GRM – Beneficiary Feedback Mechanism (BFM) of ARIS - was proposed for the project. This mechanism will be used to address complaints that may arise during project implementation. The GRM quickly resolves the concerns and grievances of affected people using an understandable and transparent process that is gender-sensitive, culturally appropriate and easily accessible to all segments of affected people, free of charge and without any burdening. The mechanism does not prevent access to judicial or administrative remedies for the Kyrgyz Republic. The proponent of the project will properly inform the affected persons about the mechanism prior to any construction work.

There are two options for stakeholders and citizens to submit a complaint related to RED-2, namely the Project GRM - ARIS BFM and the Grievance Redress Service (GRS) of the World Bank.

### **10.1 World Bank Complaints System**

Communities and individuals who believe they are affected by the project supported by the World Bank may submit complaints to existing project-level grievance mechanisms or to the World Bank's Grievance Redress Service (GRS). The GRS ensures that received project-related complaints are resolved in a timely manner. Affected communities and individuals can file a complaint with the World Bank's Independent Inspection Panel, which determines if the impacts

have been caused or may have resulted from World Bank's noncompliance with its policies and procedures. Complaints can be filed at any time after issues have been brought directly to the attention of the World Bank and the Bank's management has been given the opportunity to respond. For more information on how to file a complaint with the World Bank's Corporate Grievance Redress Service (CSR), see <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>.

Information on how to file complaints with the World Bank Inspection Panel can be found at [www.inspectionpanel.org](http://www.inspectionpanel.org).

## **10.2 Grievance Redress Mechanism - Beneficiaries' Feedback Mechanism (BFM)**

The project will adopt a Beneficiary Feedback Mechanism (BFM) to enable the project beneficiaries and the citizens of the Kyrgyz Republic to provide feedback on the project. The BFM is a process of receiving prompt, objective information, evaluation and consideration of appeals (claims, suggestions, complaints, requests, positive feedback) related to all ARIS projects, and will include the RED-2. This BFM/GRM includes a grievance redress mechanism for any resettlement complaint as required by WB ESS5.

In accordance with the Law on Grievances and internal regulations of ARIS work with the appeals, citizens/beneficiaries may send any appeals on the issues related to the implementation of ARIS projects at all implementation stages, including the Resettlement Program issues (to identify resettlement needs); follow the procedures of involuntary resettlement in accordance with the laws and regulations of the Kyrgyz Republic and WB ESS 5.

**Principles.** Project stakeholders are those who are likely to be directly or indirectly affected positively or negatively by the project. Project stakeholders have, among others, the following rights under the project:

- Right to information
- Right against inappropriate intervention by an outside party
- Right to a project free of fraud and corruption.

Any stakeholder (including village residents, contractors, project staff, authorities and other parties involved) can file a grievance, if he/she believes that one or more of the rights mentioned above, or any of the project principles or procedures have been violated,

- a. Information about the BFM/GRM, including contact details, is distributed in all participating villages at public meetings through brochures/pamphlets in local languages to the extent possible, and posted at the Ayil Okmotu (AO) boards.
- b. The BFM/GRM offers a number of different channels for providing feedback. Villagers and stakeholders themselves decide on the best ways to file complaints.
- c. Grievances are disclosed publicly, but no one who files a grievance is identified unless they self-identify. The identity of all those who have filed grievances is treated with confidentiality.
- d. There is no charge for filing a grievance.
- e. The grievance registered should be processed within 14 working days, it can be prolonged exceptionally for no longer than 30 days.

- f. Grievances are resolved locally, at the lowest level, if possible. If not, they are “escalated” or sent up to a higher level.

Anyone may convey comments or suggestions about any aspect of the project through the BFM/GRM. Comments, suggestions, appreciations, or questions should be recorded and submitted to the BFM/GRM handling officer of the ARIS Central Office to provide an answer in coordination with relevant project staff, ensuring that responses are in line with the Operations Manual.

**Channels for feedback.** Within the framework of RED-2, the following channels will be established through which citizens / beneficiaries can apply at various stages of RED-2 implementation:

- a. Hotline (calls are received 24-hours; conversations will be recorded)
- b. WhatsApp (a system of immediate text messaging for mobile devices with voice and video connections)
- c. Social media (Facebook)
- d. ARIS web-site: [www.aris.kg](http://www.aris.kg)
- e. Verbal or written appeal received during the on-site working meetings
- f. Incoming correspondence via ARIS reception
- g. Incoming correspondence via e-mail.

Information online-platform is on the official ARIS website, and there is the information about BFM/GRM on the site, where beneficiaries and other project stakeholders can leave their appeals or grievances. (link: <https://kyrgyz-demo-republic-village-covid-19.yrpri.org/post/25458>)

ARIS information online-platform, was created during the period of coronavirus infection dissemination and coping the pandemic in the Kyrgyz Republic, plays significant role in receiving of feedback from beneficiaries and other project stakeholders. This platform can receive the information or leave the comment in BFM/GRM about project objects construction progress, environmental and social standards , research and surveys results, conducted by project, that contributes the objectives of the project and beneficiaries needs.

Beneficiaries Feedback Mechanism shall ensure flexibility and availability of using above-mentioned channels to the citizens/beneficiaries, anyone wishing to submit an appeal. The work with citizen’s/beneficiaries’ appeals is carried out by ARIS specialists responsible for the implementation of Beneficiaries Feedback Mechanism.

## **Steps for Processing and Responding to Feedback**

**Step 1. Logging of feedback.** For the purpose of consolidating, analyzing and providing unified data (reports to donors, ARIS Executive Director and project coordinators), all appeals are logged.

*a. Appeals received by written correspondence or verbal report* are included in the log of BFM/GRM and are entered into GRM configuration in 1C program to analyze and monitor incoming correspondence with the following information (depending on what is provided):

- Name and surname
- Registration and residential address or telephone number
- Contents of the request

- Other background information.

The appeals may be submitted anonymously. In cases where the appeals were received in the absence of any of the above data, it is recorded in the log of incoming correspondence of the BFM, and the results of the appeal will be published in the media at the local level, on the ARIS website.

*b. Appeals received electronically* (around the clock) through the BFM/GRM channels (e-mail, hotline, social networks, etc.) are automatically registered in the BFM configuration in the 1C system. The privacy shall be ensured in all cases including the case when the identity of a person submitting the request is known to avoid a conflict between the interested parties.

**Step 2. BFM/GRM Categories Sorting / distribution by category.** When appeals are received, the BFM specialist distributes them by categories in the BFM configuration in the 1C system.

**Step 3. Action/Response.** Once sorted, cases categorized as a grievance are assigned to a responsible individual for investigation if needed. The staff handling the complaint gathers facts and clarifies information in order to generate a clear picture of the circumstances surrounding the grievance. Verification normally includes site visits, a review of documents, a meeting with the complainant (if known and willing to engage), and meetings with those who could resolve the issue (including formal and informal Ayil Aimak leaders). For grievances related to the misuse of funds, it may also require meetings with suppliers and contractors. The responsible individual will agree an action plan with the BFM Officer and set a deadline for resolving the issue.

- If the grievance relates to an AA, the BFM specialist forwards it to the respective Oblast Coordinator.
- If the grievance relates to an Oblast issue, the BFM specialist forwards it to the RED -2 Coordinator.
- If the grievance relates to a Central Office issue, the BFM specialist forwards it to the Executive Director.
- The relevant officer and the BFM specialist decide on a course of action .

**Step 4. Notification.** If the person sending feedback is not anonymous, they will be sent a notification via telephone or other BFM/GRM channels that their grievance is being investigated. The notification will be registered in the log of outgoing correspondence. The BFM/GRM Officer will provide the following information:

- Name and surname of the executor (project specialist) to which the appeal was forwarded.
- Deadlines for the execution (14-30 days).
- Deadlines and actions are determined in accordance with the ARIS BFM instructions on handling grievances.

**Step 5. Follow Up.** Once the investigation is complete, the beneficiary will be notified of the decision made by ARIS regarding their case. The citizen/beneficiary has a right to appeal is not satisfied with the resolution of the case. Instructions on appeal will be provided with the response.

**Step 6. Appeals.** Appeals are considered by the ARIS special Review Committee. The Executive director of ARIS will form the Review Committee from project managers and head of departments that will conduct appeal hearings. The Review Committee will consist of [X] people including [X]

people from BFM and [X] people independent from project implementation unit and the Government of the KR. After review of the appeal the citizen/beneficiary unsatisfied with the solution received has a right to appeal against the decision in court.

**Public Awareness-building on BFM/GRM.** Information on the BFM will be disseminated to all beneficiaries and people having been influenced by ARIS projects via regular information channels (for instance, TV and radio companies, printed media, radio stations, news agencies, social media) including organization of meetings, roundtables, public hearings (including on resettlement or compensation), working meetings at all stages of ARIS projects implementation; and through ARIS BFM/GRM training module and other awareness sources.

ARIS will provide information on the scope of Beneficiaries Feedback Mechanism, eligibility criteria for submission of the appeals, procedure of appeal submission (where, when and how), deadlines of response, as well as the privacy principle and the right to submit anonymous appeals.

Awareness building will be conducted annually. They will be designed by the ARIS communications team to encourage the use of the BFM/GRM and publish information on complaints received and resolved. The campaigns will use local media (e.g. TV, newspaper, radio). When organizing and conducting these campaigns, special efforts shall be made to reach vulnerable groups.

The campaigns should include information on the scope of the BFM/GRM, the eligibility criteria to make a complaint, the procedure to make a complaint (where, when and how), the investigation process, the timeframe(s) for responding to the complainant, principle of confidentiality and right to make anonymous complaints.

**Publication of the Appeals.** After the APPEAL (applications, suggestions, complaints, requests, positive feedback) is resolved to encourage BFM/GRM use, measures taken to resolve the appeal will be published in mass media at the local level. Upon request the identity of an appealing person will be kept in secret.

**Handling sensitive grievances.** Taking into account the standards regarding the prevention of sexual exploitation and abuse /sexual harassment (SEA/SH), which, in accordance with the requirements of the World Bank, must be observed in all projects financed by the World Bank, these standards will be observed and responsibilities take action to raise awareness on the prevention and suppression of SEA/SH. At all stages of the project implementation, all project staff and contractors will be informed about the understanding of the principles of control and prevention of risks of SEA/SH. The BFM / GM will ensure the access and confidentiality of the complaint mechanism, and will allow the complainant not to fear retaliation.

The project will utilize additional mitigation measures proportional to risk. The contractor will be responsible for developing the workforce management procedure, health, and safety plans as well as SEA/SH protocols which will apply to their own and subcontractor employees who work on the Project. These procedures and plans will be submitted to ARIS for review and approval before the contractors are allowed to mobilize to the field of construction. All contractors will be required in the contract to commit against the use of child and forced labor, introduce mitigation measures against SEA/SH, and ARIS staff in charge of contractor supervision will monitor and report the absence of forced labor and cases of SEA/SH. All personal data and complaints received by the GM will be treated in a confidential manner, unless the complainant consents to the disclosure of their personal information. Specially, confidentiality of sensitive issues and complaints related to SEA/SH raised by communities will be followed.

**Reporting on BFM Progress.** Quarter and annual reports of ARIS projects shall include Section related to Beneficiaries Feedback Mechanism which provides updated information on the following:

- Status of BFM/GRM formation (procedures, training, population awareness campaigns, budgeting etc.);
- Qualitative data on number of received appeals (applications, suggestions, complaints, requests, positive feedback), of them the appeals related to the WB ESS5 on Involuntary Resettlement and number of resolved appeals;
- Quantitative data on the type of appeals and responses, issues provided and remained unsolved;
- Level of satisfaction by the measures (response) taken;
- Any correction measures taken.

**Monitoring BFM Effectiveness.** In addition, the following measures will be taken to monitor whether the BFM/GRM is functioning as intended:

- During the social audit open meetings, villagers discuss the effectiveness of the grievance handling system and gather suggestions on how to improve it.
- In its regular supervision visits, the Central Office will assess the functioning of the grievance handling system at local level.
- The RED-2 team and World Bank jointly review BFM/GRM monitoring data as part of regular implementation support missions.

## ANNEXES

### Annex 1. Form of screening report on the expected social impacts

*(Report must be brief)*

Sub-project \_\_\_\_\_

location of the Sub-project implementation \_\_\_\_\_

(Indicate location of the implementation with the designation on the map-scheme with photos)

Type of Activity: \_\_\_\_\_

(new construction, reconstruction, rehabilitation, repair)

Estimated cost \_\_\_\_\_

Estimated date of commencement: \_\_\_\_\_

technical drawings / specifications discussed:

\_\_\_\_\_

Date of screening: \_\_\_\_\_

Checklist:

№	Possible Involuntary Resettlement/Social Impacts	Yes	No	Not Known	Details
1.	The sub-project requires the acquisition of private land				
2.	Necessary physical or economical relocation of local residents or businesses? Compulsory acquisition of land? Impact on assets?				
4.	Is it required to determine the level of assessment of institutional resources required for protection measures?				
5.	Any third party assets at the project site?				
6.	Any disputed territories and / or border areas?				
7.	Will there be access roads and footpaths to residential buildings, commercial structures, public services, natural resources during construction?				
8.	Will construction lead to a change in the social environment, will the incomes				



	of commercial structures and the population decrease?				
9.	Will the planned construction affect public health or harm anyone?				
10.	Will the subproject cause protests and concerns among residents?				
11.	Will the activity adversely affect the living conditions of the population, its values and standard of living?				
12.	Will the subproject cause inequality between population groups?				
13.	Is there a high degree of public interest in the subproject?				
14.	Is there any evidence of past impacts of involuntary resettlement in the area that requires corrective action for the past non-mitigated movements?				
15	Is this sub-project related to any other infrastructure development project?				

_____	_____	_____	_____
<i>ARIS representatives</i>	<i>position</i>	<i>Full Name</i>	<i>Signature</i>

_____	_____	_____	_____
<i>LSG representative</i>	<i>position</i>	<i>Full Name</i>	<i>Signature</i>

_____	_____	_____	_____
<i>Initiator of SP</i>	<i>position</i>	<i>Full Name</i>	<i>Signature</i>

Based on the above checklist, it will be determined if RAP is required.

Recommendations:

Taking into account the responses to questions related to monitoring, it will be determined whether further action is required and whether ESS5 procedures will be applied WB \_\_\_\_\_

## Annex 2. PAP Census Form

### Household interviews

	Name	Gen der	Age	Marital status and level of education	Family provider		Employment		Level of family income	Rented or owned housing	Does the family receive social assistance?
		m/w			yes	no	yes	No			
1											
2											
3											

Consultant's full name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Annex 3. Inventory of land Assets of PAPs

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

№ Of interview	Full name of household head	Amount of households	Total land area owned by the family, incl. the ownership rights, irrigated land and rain-fed land	Land area to be withdrawal m2 / ha	Total loss %	Loss of assets % (m <sup>2</sup> , m, pcs, etc.) (specify the type and number of assets: structures, fences, wells, etc.)		The area of Loss of housing stock, (m <sup>2</sup> )	Loss of harvest			Other losses, (specify the type of loss: rented housing, building, etc.)
						Permanent	Temporary		Fruit trees, type and quantity, (pcs.)	Loss of crops	Other (specify)	
1.												
2.												

INTERVIEWER NAME \_\_\_\_\_ Signature \_\_\_\_\_ / Date \_\_\_\_\_ /

#### Annex 4. PAPs' rights to obtain compensation

№ Of interview	Full name of household head	Compensation for land			Compensation for construction			Compensation for crop and trees			Compensation for other assets and losses (wells, business, etc.)		
		amount (m² or hectares)	Unit price per (m² or ha)	Right	Number (m² or ha)	Unit price per (m² or ha)	Right	Number (m² or ha)	Unit price per (m² or ha)	Right	Number (m² or ha)	Unit price per (m² or ha)	Right
1.													
2.													

INTERVIEWER NAME \_\_\_\_\_ Signature \_\_\_\_\_ / Date \_\_\_\_\_

## **Annex 5. Summary of the Resettlement Action Plan and the Abbreviated Resettlement Action Plan**

**Content of the resettlement action plan.** The volume and level of detail of the resettlement plan depend on the scale and complexity of the resettlement. The plan is based on updated and reliable information on: (a) the proposed resettlement and its impact on displaced persons and other disadvantaged groups, and (b) legal issues related to resettlement. The resettlement plan covers the elements below, as appropriate. If any element is not relevant to the project conditions, this should be noted in the resettlement plan.

1. *Description of the project. General description of the project and definition of the project area.*

2. *Potential impacts. Identification*

- (a) project component or activity that results in resettlement;
- (b) the area affected by such component or activity;
- (c) alternatives considered to avoid / minimize resettlement; and
- (d) mechanisms established to minimize resettlement as much as possible during project implementation.

3. *Objectives. The main objectives of the resettlement program.*

4. *Socio-economic research.* Results of socio-economic research to be carried out in the early stages of project preparation and with the participation of potentially displaced persons, including

(a) census results covering

- (i) the current residents of the affected area to create a basis for the development of resettlement program and exclude the subsequent influx of people seeking for the right to receive compensation and assistance in resettlement;
- (ii) standard characteristics of displaced households, including description of production systems, labor and household organization; and baseline information on livelihoods (including, as appropriate, levels of production and income from both formal and informal economic activities) and living standards (including health status) of the displaced population;
- (iii) the magnitude of the expected loss of assets, in whole or in part, as well as the degree of displacement, physical or economic;
- (iv) information on vulnerable groups or individuals for whom special provisions may be envisaged; and
- (v) provisions for regular updating of information on livelihoods and living standards of displaced persons, so that the latest information is available during their displacement.

(b) Other studies describing the following:

- (i) land tenure and land transfer systems, including an inventory of natural resources of common property from which people derive their livelihoods and necessities, non-ownership usufruct systems (including fishing, grazing, or use of forest land) are regulated by local arrangements for land allocation, including any issues arising from the different systems of ownership in the project area;
- (ii) patterns of social interaction in affected communities, including social media and social support systems, and how they will be affected by the project;
- (iii) government infrastructure and social services to be affected; and

- (iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (eg community organizations, ritual groups, non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to the design and implementation of resettlement activities.

5. *Legal framework.* The results of the analysis of the regulatory framework covering

- (a) the scope of authority for the expropriation of property and the nature of compensation associated with it in terms of evaluation methodology and timing of payment;
- (b) applicable legal and administrative procedures, including a description of the remedies available to displaced persons in legal proceedings and the time frame adopted for such procedures, as well as any available alternative dispute resolution mechanisms that may be relevant to resettlement under project;
- (c) relevant law (including customary and traditional law) governing land use, valuation of assets and losses, compensation and rights to use natural resources; customary personal law related to movement; and environmental and social security laws;
- (d) laws and regulations concerning the agencies responsible for the implementation of resettlement activities;
- (e) gaps, if any, between local laws on forced foreclosure and resettlement and the Bank's resettlement policy and mechanisms to bridge such gaps; and
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, where appropriate, a process for recognizing legal claims to land, including customary and customary claims.

6. *Institutional framework.* The results of the analysis of the institutional structure covering

- (a) identifying institutions responsible for resettlement activities and NGOs that can play a role in project implementation;
- (b) an assessment of the institutional capacity of such institutions and NGOs; and
- (c) any steps that are proposed to improve the institutional capacity of the agencies and NGOs responsible for implementing resettlement.

7. *Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant deadlines before termination of eligibility for compensation.

8. *Evaluation and Reimbursement of Damages.* The methodology to be used in assessing losses to determine their replacement cost; and description of the proposed types and levels of compensation in accordance with local legislation and such additional measures that are necessary to achieve the replacement value of the lost assets.

9. *Resettlement measures.* Description of compensation packages and other resettlement measures that will help each category of eligible displaced persons achieve policy objectives (see ESS5). In addition to being technically and economically feasible, resettlement packages must be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

10. *Choice of location, preparation of location for resettlement.* Alternative relocation sites considered, and explanation of the selected sites, including

- (a) institutional and technical arrangements for the identification and preparation of resettlement sites, whether rural or urban, for which the combination of production potential, location advantages and other factors is at least comparable to previous assets,

with estimation of timing required for the acquisition and transfer of land and auxiliary resources;

- (b) any measures necessary to prevent speculation on the land plot or the influx of ineligible persons into the selected sites;
- (c) procedures for physical relocation within the project, including the timeline for the preparation and handover of the facility; and
- (d) legal mechanisms for the regulation of tenure rights and transfer of rights to displaced persons.

11. *Housing, infrastructure and social services.* Plans to provide (or fund displaced persons') housing, infrastructure (eg water supply, access roads) and social services (eg schools, health services); plans to provide comparable services to hosting population; any necessary development of sites, engineering and architectural projects for these facilities.

12. *Environmental protection and management.* Description of boundaries of the resettlement zone; and environmental impact assessment of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as necessary with the environmental assessment of major investments requiring resettlement).

13. *Community Participation.* Attracting immigrants and hosting communities,

- (a) description of strategy for consultation and participation of displaced persons and hosting community in the design and implementation of resettlement activities;
- (b) summary of views expressed and how these views were taken into account in the preparation of the resettlement plan;
- (c) review of presented resettlement alternatives and decisions made by displaced persons regarding their options, including those related to: forms of compensation and resettlement assistance; resettling as separate families or as part of pre-existing communities or kinship groups; maintaining existing models of group organization and maintaining access to cultural values (for example, cultural buildings of worship, pilgrimage centers, cemeteries); and
- (d) Institutionalized mechanisms through which displaced persons can communicate their concerns to project management during planning and implementation; and measures to ensure adequate representation of vulnerable groups such as indigenous peoples, ethnic minorities, landless people and women.

14. *Integration with the host population.* Measures to mitigate the impact of resettlement on any hosting communities, including

- (a) consultation with host communities and local authorities;
- (b) arrangements for conducting prompt biddings for any payments due to landlords for their land plots or other property provided to the resettled population;
- (c) measures to resolve any conflict that may arise between displaced persons and host communities; and
- (d) any measures necessary to expand services (eg education, water supply, health care and manufacturing) in host communities to make them at least comparable to those available to displaced persons.

15. *Grievance redress procedures.* Acceptable and accessible procedures for addressing third-party complaints arising from resettlement; such grievance mechanisms should take into account the possibility for communities to go to court, as well as traditional dispute resolution mechanisms.

16. *Organizational responsibilities.* An institutional framework for resettlement implementation, including the identification of institutions responsible for implementing resettlement measures and providing services; mechanisms to ensure proper coordination between institutions and jurisdictions involved in project implementation; and any measures (including technical assistance) required to strengthen capacity of implementing agencies that design and implement resettlement activities; provisions for transferring responsibility for the management of facilities and services provided by the project to the local governments or displaced persons themselves, and other such responsibilities from agencies that deal with resettlement issues, when necessary.

17. *Implementation Schedule.* An implementation timeline covering all resettlement activities from preparation to implementation, including target dates for achieving the expected benefits for displaced persons and hosts and for discontinuing various forms of assistance. The timeline should indicate how the resettlement activities relate to the implementation of the overall project.

18. *Costs and budget.* Tables showing detailed cost estimates for all resettlement activities, including adjustments for inflation, population growth and other contingencies; expense schedules; sources of funds; and mechanisms for the timely flow of funds and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agency.

19. *Monitoring and evaluation.* Measures to monitor resettlement activities by the implementing agency, complemented by independent monitors, as necessary in the Bank's opinion, to ensure complete and objective information; performance monitoring indicators to measure costs, services provided and outcomes of resettlement activities; involving displaced persons in the monitoring process; resettlement impact assessment within a reasonable period of time after completion of all resettlement and development activities; using the results of resettlement monitoring to guide subsequent implementation.

### **Contents for abbreviated RAP**

The abbreviated plan covers the following minimum elements:

- (a) survey of displaced persons and assessment of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultation with displaced persons on acceptable alternatives;
- (d) institutional responsibility for implementation and grievance procedures;
- (e) mechanisms for monitoring and implementation; and
- (f) schedule and budget.



## Annex 6. Summary and form of voluntary donation of land

Oblast:				
Local authority				
Rayon / City:				
Subproject:				
Date of public heating				
Name of land plot owner:	Land property right:	Subproject beneficiary: yes / no		
Age:	Gender:	Occupation:		
Address:				
Description of land to be received under SP:	Affected area:	Total area of land property:	Correlation between affected land to total area of property land:	Map codes, if any:
Description of annual current crop production on lands, description of project impact:				
	Details		number	
–trees to be mowed down				
–Fruit trees				
- trees used for other agricultural or domestic purposes				
- Mature forest trees				
–...				
Describe any other assets to be lost or resettled for the purpose of project implementation:				
Cost of donated assets:				
Will the donated land /asset be less than 5% from land/property?				
Appreciation from municipality:				

By signing this form, ARIS representative confirms that land donations are voluntary and comply with the protocol agreed with the World Bank.

By signing this form, the City Council (Representative) hereby confirms that the land donation is acknowledged and agreed with the expression of gratitude as described above. By signing this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary. If the

land user or owner does not want to contribute their assets to the project, he or she should refuse to sign or provide a thumbprint and instead ask for compensation.

Date: .....  
Signature of affected  
persons (both man and wife)

Date: .....  
Signature of ARIS  
representative

Date: .....  
Signature of City  
representative

## **Annex 7. Minutes of public consultations with stakeholders**

### **Social and environmental risk management under the Regional Economic Development Project in Batken Oblast.**

Venue: Batken city, conference hall of the administration of the Plenipotentiary Representation of the Government in Batken oblast.

Date: November 18, 2021, 02:00 p.m.-4:00 p.m.

Public hearings were held in order to comply with the requirements of the environmental and social standards of the World Bank and the national legislation of the Kyrgyz Republic and inform the population of the Batken oblast about the main goals of the Second Regional Economic Development Project in the Batken oblast (RED2), its possible negative impact on the environment and social environment and the current WB environmental and social standards aimed at mitigating and addressing these impacts.

RED2 is funded by the World Bank and will support the Government of the Kyrgyz Republic to enhance regional economic development through targeted interventions in Batken oblast. Project activities will include a specialized package of investments / activities aimed at: (i) increasing the region's unique economic potential and removing mandatory constraints, while maintaining (ii) improving living standards; and (iii) strengthening institutional and private sector capacity in targeted sectors.

The total project budget will amount to \$ 50 million and consists of the following components:

Component 1: Supporting municipal infrastructure and basic public services;

Component 2: Strengthening Agri-Food Clusters;

Component 3: Promoting local economic development through the Small Grants Program;

Component 4: Contingent Emergency Response Component (CERC);

Component 5: Operational Support .

Agenda: Discussion of the Social and Environmental Risk Management Framework Document of the Regional Economic Development Project in Batken Oblast.

The public hearings were attended by:

Chairman - Zh.M. Isakov - Deputy Plenipotentiary Representative of the President of the Kyrgyz Republic in Batken region

ARIS consultants: Chonoev U.K, Kydyralieva N.N.

Participants: Representatives of urban and rural municipalities, quarter villages of Batken oblast, as well as representatives of territorial bodies of the Ministry of Natural Resources, the Ministry of Culture, the Ministry of Agriculture, architecture, NGOs, an international organization and the media. A total of 84 people took part. (The list is attached)

LISTENED:

1. Isakov Zh.M.: He provided information on the planned activities within the framework of the Economic Development Project of Batken Region, on the goals of holding public hearings with the

participation of representatives of all municipalities of the region, as well as representatives of the public, so that you can ask questions, and also submit your suggestions and comments on the planned activities. He also informed about the progress of work within the framework of the PDER-2 with the participation of the mayors of the three cities of Isfana, Kadamjay, Batken with representatives of the World Bank to assess, discuss the problems of the region, prepare a long list of social facilities for inclusion and implementation within the framework of the project.

1. Chonoev U.K. - familiarized the participants with the history of the project, goals and Components, including information on the budget, approaches, implementation mechanisms. Provides information on the current social and environmental standards of the World Bank. Further, it was stated in detail what risks / impacts are planned during the implementation of subprojects within the framework of each component of the project and how it is supposed to manage these negative impacts on the environment.

2. Kydyralieva N.N. I drew the attention of the participants that the World Bank pays great attention to ensuring that environmental and social standards are strictly observed in countries implementing projects financed by the World Bank. It further elaborated on social risks such as impacts on forced land acquisition, restricted access and involuntary resettlement, as well as the health and safety of workers and local communities during the construction period, gender-based violence, forced labor, child labor, and disclosure and accessibility of information for vulnerable groups: women, people with disabilities, ethnic minorities, poor households.

3. Then the participants moved on to discussions:

Question. Isakov Zh.M.: I know that a similar project is currently being implemented in the Osh region. What is the main lesson ARIS learned so that we avoid such mistakes in implementation?

Answer. Chonoev U.K.: it is still difficult to say, since the work on the implementation of the components has not yet begun on PRER-1. To date, documentation is being developed for PRER-1, that is, terms of reference for the selection of consultants, companies for concept development, feasibility studies, design estimates, etc.

Question. Orozov Akylbek 1st Vice Mayor: Component 2 - who will issue loans and at what% rate? Offer to reduce% below the existing bank rates of Aiyl Bank.

Answer. Chonoev U.K.: For component 2, in order to receive assistance in the form of a loan, it is necessary to create a group for a specific cluster (for example, a value chain to increase and expand rice production). This group prepares a business plan in accordance with the requirements of the project. Lending will be carried out through the State Agency for the Management of Budget Credits. Interest rate to be clarified.

Question. Madaminov Avazbek: Children's rehabilitation center "Nur" - our center has a land plot that was given to us by the Batken City Hall, but there is no money to build a building. The existing building is outdated and in need of renovation. Are we eligible to apply?

Answer. Chonoev U.K.: yes, if this center belongs to the municipality. But the municipality itself must decide and determine the list of objects and their priorities.

Question. Madumarov Bekbolot is a farmer / entrepreneur: as everyone knows, farmers do not have sufficient collateral to receive loans, for example, from the Kyrgyz-Russian Development Fund. How will this issue be resolved in the project?

Answer. Chonoev U.K.: as it was said above, according to component 2, in order to receive a loan, it is necessary to create a group for a cluster; individual farmers will not be given a loan. Loans are issued specifically to help create a "value chain", that is, to create a stable market from the production of goods to the receipt by the end consumer. The procedure and mechanisms of lending will be determined by separate guidelines.

Question Mamatisaev Mansurbek - 1st vice-mayor. Under Component 1, funds are allocated in the amount of \$ 24 million. How will the funds be distributed between the cities of the region? Proportionally or otherwise?

Answer. Chonoev U.K.: I think that everything depends on the priority of the selected objects, which should be determined by the municipalities.

Question: Tazhibaev Asylbek - representative of the Kadamzhai city library: can we apply for the construction of the library. Funding is provided from the republican budget.

Answer: yes, you can.

Question: A participant from Kadamjai (did not introduce himself): from what funds will the design of design estimates for infrastructure projects be paid? Because city halls often spend a lot of money on the preparation of design estimates, and the project does not work.

Answer. Chonoev U.K.: Design and estimate documentation, as well as, if necessary, a feasibility study will be developed from the project funds. But if earlier design estimates were developed, you can use them, but after adapting them to the current legislation and analyzing the market value of materials and services.

Question-proposal: BOOST, project manager in Batken region, Firuiza: Our organization works in the Fergana Valley in all three regions of the Kyrgyz Republic and in three regions of Uzbekistan. We have gained experience and have developed training modules and trainers. How can we cooperate?

Answer. Chonoev U.K.: We will take into account your suggestions. Training will be provided in the preparation of business plans for small grants and for productive partnerships in accordance with the relevant Guidelines.

Offers:

Participant (did not introduce himself): it was said that component 4 will start acting in the event of an emergency, but we propose to consider, within the framework of the project, the construction of mudflow protection dams and diversion channels to prevent and protect territories from flooding.

Rakhmatullaeva Kayyrgul: I propose not to dissipate funds on small infrastructure projects, but to invest in the construction of a factory or plant in order to create more jobs in order to reduce migration and poverty of the population.)

End of the public discussion.

Isakov Zh.M. thanked the participants for their active participation, and expressed the hope that the project will come into force soon and contribute to regional economic development by improving agricultural production and the quality of municipal services. He noted that during the implementation of the project, all municipalities, as well as the parties involved, must comply with the social and environmental standards of the World Bank and national legislation regulating issues of environmental protection, sanitation and public health.

Secretary of the meeting: Kydyralieva N.N.

# Annex 8. List of participants in public hearings

## СПИСОК

участников общественных слушаний по обсуждению социально-экологических документов по второму проекту «Региональное экономическое развитие Баткенской области»

г. Баткен

18 ноября 2021 г.

№ п/п	Ф.И.О. участника	Подпись
1	Джамбоева Махмуд Клычабековна	
2	Мадинара Абдухалил	
3	Мадинара Соорбаева	
4	Алиев Н. Т.	
5	Ташенбаев Асанбек И.	
6	Мурзакматов Нурали	
7	Кудайкушев Т. Р.	
8	Шукуров Б. Т.	
9	Эмангулов А. К.	
10	Бакиров А.	
11	Султамбаев Ш. М.	
12	Мамедалимов Асанбек	
13	Курбанов Ш. А.	
14	Бегалиев Б.	
15	Темалиев Т.	
16	Пазенов И.	
17	Мурзакматов Д. Архитектура сунжикта	
18	Калиев, зам. гл. о/о Чайран	
19	Жаримов Асанбай	
20	Жаримов Касымбай	
21	Асанов Асанбай	
22	Мамикова Чамора	
23	Маманисаев Мамаурбек	
24	Маматкунов Даврагбек	
25	Турсунов Курбанович	
26	Берикбаев Сагдулла	



№ п/п	Ф.И.О. участника	Подпись
1	Нурмаганов И.Д.	
2	Акимбеков У.И.	
3	Тукбаев Т.А.	
4	Байжолд Д.	
5	Мисиралиев Р.А.	
6	Наврузов К.Б.	
7	Козубов Т.М.	
8	Тукбаев С.	
9	Бажалиев Р.	
10	Акимбеков А.	
11	Джумабаев И.О.	
12	Султанов Р.	
13	Ахмедов А.	
14	Мусатов А.	
15	Орозов А.К.	
16	Мамедов	
17	Мамедов А.	
18	Баматов Р.	
19	Мамедов А.	
20	Мамабаев Р.А.	
21	Тукбаев К.Б.	
22	Сатыбалдыев С.З.	
23	Бактабаева С.М.	
24	Наврузов У.	
25	Бондобов А.	
26	Фисанов А.	
27	Тайганова Б.А.	
28	Курмабаев Б.А.	
29	Мамедов А.	
30	Калишев К.Т.	
31	Исабеков А.С.	

№ п/п	Ф.И.О. участника	Подпись
1	Аманбаев Асан	
2	Абдымомулов Зейнулла	
3	Мурзаев Абдрахман	
4	Шафиев Бекболот	
5	Тимбаев Айбек	
6	Раков Сангазбек	
7	Татаров Шайлоотбек	
8	Аманжолбеков Абдрахман Мурзаев	
9	Айтматов Тимур	
10	Амарботоева Айнура	
11	Самиев Авазбек	
12	Саматов Абдулло. Ак-сану А/О	
13	Султанов Дюбек Рай. ой. кундур	
14	Фудиева Тимайяр, проект РРПР 0721418151	
15	Амидекова Фабрика проект Кост 0721418151	
16	Мамитов Айнура Батманов 0705555514	
17	Аманжолбеков Абдрахман Мурзаев	
18	Матиев Айнура М. ак. ишкер	
19	Досаев С. Совет а/о м. ак. ишкер	
20	Жураев Азамат Совет а/о ВУС	
21	Садиев А. АРПС. ЭПРО	
22	Момунов Руслан Марин а/о	
23	Тимурбеков Мэр	
24	Каримтулеева Г. Рахмат.	
25	Экенов Саид. Бердиев Т.К.	
26	Абдрахманов Айнура А. Самиев. ак. ишкер	
27	Уч-Коргон айыл өкмөтү - Мурзаев Ш.П	



## Annex 9. Photo report of public hearings

