***Draft for appraisal***

**KYRGYZ REPUBLIC**

**Regional Electricity Market**

**Interconnectivity and Trade (REMIT) Multiphase Programmatic Approach (MPA)**

**Resettlement Policy Framework (RPF)**

**Bishkek 2025**

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# LIST OF ABBREVIATIONS AND ACRONYMS

|  |  |
| --- | --- |
|  |  |
| [AO](#bookmark2) | [Aiyl Okmotu](#bookmark2) |
| [CC](#bookmark2) | [Complaints Commission](#bookmark2) |
| [DES](#bookmark2) | [Design and evaluation documentation](#bookmark2) |
| [DMS](#bookmark2) | [Detailed monitoring survey](#bookmark2) |
| [DP](#bookmark2) | [Displaced persons](#bookmark2) |
| [DRI](#bookmark2) | [Detailed review of indicators](#bookmark2) |
| [ESS](#bookmark2) | [Environmental and social standard](#bookmark2) |
| [FM](#bookmark2) | [Feedback mechanism](#bookmark2) |
| [GRM](#bookmark2) | [Grievance redress mechanism](#bookmark2) |
| [IL](#bookmark2) | [Inventory of losses](#bookmark2) |
| [IA](#bookmark2) | [Implementing agency](#bookmark2) |
| [KG](#bookmark2) | [Kyrgyz Republic](#bookmark2) |
| [LC](#bookmark2) | [Land Code](#bookmark2) |
| [LG](#bookmark2) | [Local governments](#bookmark2) |
| [M&E](#bookmark2) | [Monitoring and evaluation](#bookmark2) |
| [MoE](#bookmark2) | [Ministry of Energy](#bookmark2) |
| [NEGK](#bookmark2) | [National Electric Grid of Kyrgyzstan](#bookmark2) |
| [PAPs](#bookmark2) | [Project Affected Persons](#bookmark2) |
| [PAP](#bookmark2) | [Project Affected Person](#bookmark2) |
| [PDO](#bookmark2) | [Project Development Objective](#bookmark2) |
| [PIU](#bookmark2) | [Project implementation unit](#bookmark2) |
| [RAP](#bookmark2) | [Resettlement Action Plan](#bookmark2) |
| [RPF](#bookmark2) | [Resettlement policy framework](#bookmark2) |
| [SEA](#bookmark2) | [Sexual exploitation and abuse](#bookmark2) |
| [SH](#bookmark2) | [Sexual harassment](#bookmark2) |
| [CC](#bookmark2) | [Civil Code](#bookmark2) |
| [WB](#bookmark2) | [World Bank](#bookmark2) |

# DEFINITIONS

**Environmental and social standards**

The World Bank's ESS Standards set out requirements for borrowers/clients to identify and assess environmental and social risks and impacts associated with projects supported by the Bank through investment project financing. Ten ESS Standards set standards that the borrower/client and the project must meet throughout the project life cycle.

**Resettlement policy framework**

The Resettlement Policy Framework (RPF) is the tool that will be used throughout the project. The RPF sets out the objectives, principles, organizational arrangements and financing mechanisms for any resettlement that may be required during the project. The RPF informs the resettlement action plans for selected subprojects to address the needs of people who may be affected by the project.

**Project Affected Person (PAPs)**

A person or household experiencing direct economic and social impacts caused by:

a. Involuntary land acquisition that results in (i) displacement or loss of home; (ii) loss of assets or access to assets; or (iii) loss of income sources or livelihoods, regardless of whether the affected persons must relocate.

b. Forced restriction of access to legally designated parks and protected areas, resulting in spillover effects on the livelihoods of displaced persons.

**Involuntary resettlement**

Involuntary resettlement is the removal of land that results in economic and social impacts caused by:

a) Involuntary land acquisition resulting in: relocation or loss of housing; loss of property or access to property; loss of sources of income or livelihood (whether or not RAPs are forced to relocate)

b) Forced restriction of access to legally created park areas and specially protected natural territories, resulting in the deterioration of the lives of displaced persons.

**Land acquisition**

Land acquisition 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 vacant or unused land, regardless of whether the landowner uses such land for income or livelihood; (b) taking public land that is used or occupied by individuals or households; and (c) project impacts that result in land being flooded or otherwise rendered unusable or inaccessible.

**Land use restrictions**

Land use restrictions refer to limitations or prohibitions on the use of agricultural, residential, commercial, or other lands that are directly brought into use by the project. This may include limited access to officially designated parks and protected areas, limited access to other common property resources, and limited use of land within easements or safety zones.

**Livelihood**

Livelihoods refer to the full range of means that individuals, families and communities use to earn a living, such as wage labor, agriculture, fishing, gathering, other natural resource activities, petty trade and barter.

**Cut-off date**

The **cut-off** date is the date by which the PAP and affected assets, if applicable, have been identified and new entrants to the area are not eligible for compensation or resettlement assistance. Persons whose possession or use of housing prior to the cutoff date can be demonstrated are still eligible for assistance, regardless of their identification in the census.

**Compensation**

Compensation means payment in kind, cash, or other assets provided in exchange for loss of land, other types of assets (including fixed assets), or loss of livelihood as a result of project activities.

**Census**

The census is a complete count of the project-affected population, including the collection of demographic and property information. It will identify and quantify the number of persons affected by the project (PAP) and the nature and levels of impacts.

**Resettlement Action Plan**

Resettlement Action Plan (RAP) is a resettlement instrument (document) to be prepared when identifying subproject implementation sites. RAPs contain specific and legally binding requirements that must be met for resettlement and compensation of the affected party prior to implementation of project activities causing adverse impacts.

**Relocation assistance**

Resettlement assistance refers to measures taken to ensure that project affected persons who may require physical relocation receive assistance such as resettlement grants, housing, or rent, as feasible and appropriate, to facilitate their resettlement.

**Replacing the value of houses and other buildings**

Replacement cost of homes and other structures means the prevailing cost of replacing damaged structures on the open market in the neighborhood and of a quality equal to or better than the damaged structures. Such costs include (a) the cost of materials, (b) transportation of building materials to the site, (c) any labor and contractor fees, and (d) any recording or transfer costs.

**Replacement cost**

The amount in cash or in kind required to replace the asset with an amount to be determined as compensation for: (a) agricultural land, based on market prices reflecting recent sales of land that occurred prior to the start of the project or resettlement; if such recent sales have not been observed, the amount shall be based on production values; (b) residential land, based on market prices reflecting recent sales of land that occurred prior to the start of the project or resettlement; if such recent sales have not been observed.

**Vulnerable Households/Group**

A separate group of people, which include: (1) Single parent households (headed by divorced or widowed women) with dependents and low income; (2) households with disabilities; (3) households with persons falling under the poverty line or without land plots; (4) households with elderly people without means of support and (5) ethnic minorities

**Voluntary donation of land**

This means that communities or individuals can agree to voluntarily donate land for subprojects in the public interest. Voluntary land donation is currently based on the principle of "informed consent and choice". Informed consent means that participants are fully aware of the project, its conditions and consequences and freely agree to participate in the project. Choice means that participants have the ability to agree or disagree without adverse consequences formally or informally imposed by others.

**Economic assistance during the rehabilitation period**

Assistance provided in addition to compensation, such as preparing land, providing training or employment to RAPs, improving income earning potential and productivity levels, or at least bringing RAPs' standard of living up to pre-project levels.

# 1.0. GENERAL INFORMATION ABOUT THE PROJECT

## 1.1. Project purpose and basic data

The Regional Electricity Market Interconnectivity and Trade (REMIT) project represents a key step towards establishing and ensuring the efficient functioning of a regional power market in Central Asia. An improved regional electricity market will reduce the cost of electricity for consumers, improve the reliability of supply and contribute to the economic growth of the region and individual Central Asian countries. The market will create a favorable environment to facilitate commercial transactions and attract investment in the energy sector of Central Asian countries, while ensuring that the region's energy system is sufficient to support trade growth.

The project aims to meet the growing demand for energy in the region by optimizing the use of available and more affordable energy sources and improving the security and reliability of energy supply. These efforts will contribute to economic growth by expanding existing transmission infrastructure, including the addition of new transmission corridors for seamless exchange of electricity to meet the ever-increasing demand for power.

## 1.2. Components of the project

The proposed project (MPA) consists of the following three components:

(i) Component 1: Pilot Regional Electricity Market; (ii) Component 2: Strengthening interconnections and system resilience; and (iii) Component 3: Strengthening the enabling environment and institutional capacity.

**Component 2:** Strengthening and digitalization of regional intersystem linkages.

The REMIT MPA will support regional market development through soft and hard infrastructure. This component will finance critical investments to enhance regional electricity trade at regional and national levels. In parallel, a list of potential critical investments to strengthen regional systems has been identified based on country initiatives and priority investment programs. Specific investments will be selected based on the following key criteria: (i) contribution to achieving the PDO and expanding energy trade in the region; (ii) technical and economic feasibility in terms of urgency and potential impact; and (iii) readiness for implementation, including environmental and social aspects. Phase 1 of this component identified three sites in Jalal-Abad Oblast as the highest priority for project start-up:

1. reconstruction of the Kristall substation in Tash-Kumyr,
2. reconstruction/modernization of Torobaeva substation in Suzak village, Suzak district,
3. reconstruction of the 220 kV Kristall-Yulduz 220 kV power transmission line in Uch-Korgon ail aimak of Aksy district.

The implementation of energy infrastructure rehabilitation or new construction projects may entail land use restrictions and land acquisition issues that may have negative impacts on communities and individuals. The Project recognizes the importance of and adopts the World Bank's Environmental and Social Standards (ESS) to identify, assess and manage environmental and social (E&S) risks and impacts associated with the Project.

The planned project activities cannot result in forced land acquisition or resettlement, as they will be carried out at existing facilities. These are reconstruction and modernization of two substations - Kristall and Torobaeva. In the case of the options of replacing poles or new construction of the Kristall-Yulduz transmission line, there is a risk of land acquisition, restrictions on land use or risk of involuntary resettlement. If only replacement of wires on existing poles is proposed, there will be no land acquisition or resettlement. However, in case of unforeseen circumstances during implementation of project activities involving any social or economic harm to the community or individual, this RPF has been prepared accordance with World Bank EES5: Land Acquisition, Land Use Restrictions and Involuntary Resettlement.

## 1.3. Project Area

This section presents the socio-economic characteristics of Jalalabad Oblast as the Project area, which is the second largest region of the Republic in terms of population (1,238,800) and the fourth largest in terms of area (33,700 km²). Together with neighboring Osh and Batken oblasts, this relatively developed region forms an important part of southern Kyrgyzstan in terms of ethno-cultural and economic characteristics. Jalal-Abad province consists of 8 districts, 7 cities and 68 rural districts. It borders Uzbekistan to the southeast, Talas oblast to the north and Naryn oblast to the east. The capital of the oblast is the city of Jalal-Abad.

The region covered by this study is rich in water, land, energy, minerals, recreational and human resources. Jalal-Abad region has significant deposits of gold (Chatkal mine), construction raw materials and other resources, which makes this area very promising for the development of mining and construction materials.

**1.4. Project beneficiaries**

All electricity consumers, including industrial, commercial and residential customers will benefit from the project. Reconstruction and modernization of substations and reconstruction of the transmission line with replacement of wires will increase line capacity, improve reliability and continuity of power supply, and ensure stability of the power system for integration of traditional and renewable energy sources. Increased reliability of power supply will allow the development of local industries, small businesses and other income generating activities. In addition, local communities are expected to benefit from employment opportunities during the construction and reconstruction phases. It will also be ensured that in the event of adverse impacts of the Project, all affected persons will be provided with appropriate benefits such as compensation at replacement cost to all PAPs, including vulnerable, marginalized and disadvantaged groups, for any adverse impacts in accordance with the RPF and RAP developed for specific households or facilities.

## 1.4.1. Institutional beneficiaries

The activities supported by the project target staff of NEGK and related agencies. Staff of these agencies are expected to benefit from improved technical and operational capacity to perform their functions, modern equipment, and better and more accessible data to make timely and user-oriented decisions to maintain energy systems.

This RPF will assist the PIU, NEGK staff and local government authorities (aiyl okmotu, district) involved in the project and conduct with due diligence the identification, compensation and livelihood restoration procedures for persons affected by the project.

project impacts (RAPs).

## 1.5. Project implementation mechanisms

**The Implementing agency**

The Project will be implemented and coordinated by the Ministry of Energy of the KR, and the responsibility for the Project implementation will be assigned to Implementing Agency (IA) (NEGK) and its regional structures (within the limits of their institutional authority and production capacity).

The IA will establish a Project Implementation Unit - PIU, which will identify units that will perform specific functions (expenditures, financial management, procurement, environmental and social standards, monitoring and evaluation). An environmental and monitoring specialist and a sociology specialist will be hired, who will be responsible for the compliance of the project with the ESS WB and KR legislation. All project activities will be implemented in accordance with environmental and social policy requirements, including health and safety standards.

***Project Management***

Three reconstruction/modernization sites have been identified under Phase 1 Component 2: two substations "Kristall" and "Torobaeva" and a 220 kV transmission line "Kristall-Yulduz". Reconstruction works will be carried out (1) in Tash-Kumyr city for the Kristall substation, (2) in Suzak village of Suzak district for the Torobaeva substation, and (3) reconstruction/new construction or replacement of wires on existing poles of the Kristall-Yulduz transmission line in Uch-Korgon aiyl aimak of Aksy district. All facilities are located in Jalal-Abad oblast.

More detailed information on potential impacts will only be available once design and construction/restoration activities have commenced. At this stage, we cannot rule out the possibility of land acquisition, restricted access to land or loss of assets of affected communities or businesses, hence the framework approach in this RPF.

The NEGK PIU will have primary responsibility for preparing project progress reports for the World Bank, including environmental and social risk monitoring reports and consolidated financial statements. Community engagement, voice and participation activities will be assessed using public consultations and will be discussed and reviewed along with financial and project implementation issues during social audit meetings. Feedback and complaints received through the Beneficiary Feedback Mechanism - (FM) will also be included in the semi-annual reports. PIU will collect and analyze these semi-annual perception-based outcome evaluations and include them in the quarterly and annual reports submitted to the World Bank.

# 2.0. RATIONALE AND SCOPE OF THE RESETTLEMENT POLICY FRAMEWORK

The Resettlement Policy Framework (RPF) sets out guidelines for developing appropriate mitigation and compensation measures for land acquisition and resettlement impacts resulting from planned Project activities, the exact location of which is yet to be determined. The RPF also details the legal basis for land acquisition and defines mechanisms for providing compensation or assistance, as well as resettlement procedures.

The RPF defines entitlement to compensation for all types of losses (land, crops/trees, buildings, businesses and wages). All PAPs, including undocumented persons or informal users, will be compensated for lost assets (crops, buildings, trees and/or commercial losses), as well as (i) compensation (if necessary to the extent of replacement value) and (ii) replacement of land, buildings, seedlings, other resettlement assistance such as resettlement allowance, building rehabilitation assistance, compensation for loss of income.

The RPF applies to all subprojects that may have implications in the form:

- relocation or loss of home,

- loss of assets or access to assets, or

- Loss of income sources or livelihoods, regardless of whether PAPs are resettled.

Sub-projects have not yet been developed, so specific areas of rehabilitation/construction activities have not yet been identified. Thus, we will have more information on potential impacts only when we prepare the design and evaluation documents (DEC) and start construction/rehabilitation works. At this stage, we cannot rule out the possibility of land acquisition, restricted access to land, or loss of assets of project-affected communities or businesses. In this context, it was important to develop the RPF

The RPF identifies the potential impacts of project activities, the magnitude of such potential impacts (temporary or permanent) on access to land, buildings/facilities and sources of income. It details the legal framework governing land acquisition and defines compensation or assistance mechanisms, resettlement procedures, eligibility criteria for compensation for resettlers, assessment methods, compensation procedure, compensation eligibility matrix, and describes implementation, publication and dissemination of information and consultation procedures. It also provides mechanisms for grievance redress, monitoring and evaluation of land acquisition and resettlement activities.

The RPF will be used as a tool to determine whether impacts will occur as a result of Project activities. It will be developed as a practical tool for preparing Resettlement Action Plans (RAPs) for subprojects during project implementation.

## 2.1. Objectives of the resettlement policy framework

The main objectives of the RPF are:

(i) guide the PIU and local authorities in the proper identification, compensation and restoration of PAP livelihoods,

(ii) serves as a binding document to ensure the payment of compensation and assistance to the PAP,

(iii) provide advice on the preparation, updating, implementation and monitoring of the Project.

RPFs include measures to ensure that PAPs are:

1. informed about resettlement options and rights
2. consulted, had the opportunity to choose from technically and economically feasible resettlement alternatives provided to them;
3. and (iii) provided with prompt and effective compensation at full replacement cost for losses of assets directly attributable to the Project.

The RPF is based on the following principles:

* Involuntary resettlement should be avoided or at least minimized
* PAPs should, at a minimum, be provided with adequate assistance to improve or at least restore the living conditions they had before the project.
* PAPs should be fully informed and counseled about compensation options.
* Lack of title/land ownership should not be a barrier to compensation or alternative forms of assistance,
* Socially vulnerable segments of the population (such as ethnic minorities, female-headed households, the elderly, etc.) should receive special attention in the resettlement process and adequate assistance to improve their standard of living
* Land acquisition and resettlement should be considered and implemented as an integral part of the Project, where the full cost of compensation is included in the total costs and benefits to local authorities
* Compensation/rehabilitation assistance will be paid prior to relocation as well as prior to demolition and, in any event, prior to project impacts.
* Compensation shall be paid to the PAP at full replacement cost without deduction for depreciation or any other purpose
* "Voluntary donation of land" will only occur if supported by the protocols outlined in this RPF.

It should also be noted that no changes to the RPF eligibility matrix, eligibility criteria, reimbursement rates or other eligibility requirements can be made without prior approval of the World Bank. Any RPF-based RAP is also subject to the prior approval of the World Bank.

# 3.0. POLICY AND LEGAL FRAMEWORK

This section of the RPF provides an overview of the policies/legal framework and procedures for land acquisition and resettlement assessment in the Kyrgyz Republic, as well as relevant World Bank environmental and social standards applicable to project activities. Each area of activity selected within the project will be checked, classified and evaluated according to the Environmental and Social Management Framework and the legislation of the Kyrgyz Republic, and is to be reviewed and approved by the WB as appropriate.

The project's legal and policy principles are based on national laws and regulations on land acquisition and compensation policy in the Kyrgyz Republic and ESS5 Land Acquisition, Restrictions on Land Use and Involuntary Resettlement.

**APPLICABLE NATIONAL LAWS**

The ownership of land/real estate is governed by the following laws and regulations, rules and procedures for transfer of private land plots to public ownership based on the public needs associated with the project activities.

**The Constitution of the Kyrgyz Republic** establishes:

1. The Kyrgyz Republic recognizes the diversity of forms of ownership and guarantees equal legal protection of private, state, municipal and other forms of ownership (Article 15, paragraph 1).
2. Land, except for pastures and forests, may also be privately and municipally owned (Article 16, paragraph 3).
3. Property is inviolable. No one may be arbitrarily deprived of his property. The right of inheritance is guaranteed. Seizure of property against the will of the owner is permitted only by court decision in accordance with the procedure established by law (art. 15, para. 2).
4. Alienation of property for public and State needs, as defined by law, shall be carried out by court decision, with the provision of preliminary and fair compensation for the value of this property, as well as other losses caused by such alienation (Article 15, paragraph 2).

**Civil Code of the Kyrgyz Republic** (dated May 8, 1996, No. 15; as amended by the Law of the Kyrgyz Republic dated August 5, 2022, No. 81)

The Civil Code establishes that a person whose right has been violated may claim full compensation for the losses caused to him, unless otherwise provided for by law or a contract corresponding to the law (Article 14, paragraph 1).

Under the Civil Code, compensable damages also include:

1. expenses that the injured party has incurred or will incur to restore his or her violated right or to compensate for losses or damage to his or her property (real damage), as well as

* unearned income that the person would have received under normal conditions of civil turnover if his right had not been violated (lost profit).
* If the person who has violated the right has received income as a result of the violation, the injured party shall be entitled to claim compensation for lost profit in an amount not less than the income received and other losses (Article 14, paragraph 2).

Lost benefits that a person would have received under normal conditions if his rights had not been violated (opportunity costs) (Article 14, paragraph 2). With regard to compensation for losses caused by state and local self-government bodies, Article 15 establishes that losses caused to a citizen or a legal entity by illegal actions (inaction) of state bodies, local self-government bodies or officials of such bodies, including the issuance by a state body of a legal act that does not comply with the law, are subject to compensation by the state, as well as by local self-government bodies in cases provided for by law.

Land plots may be alienated or transferred from one person to another to the extent that the turnover of such plots is allowed by the land legislation of the Kyrgyz Republic (Article 23, paragraph 4).

**Land Code of KR** (dated June 2, 1999, No. 45, as amended by the Law of KR dated August 5, 2022, No. 85)

Article 68 of the Land Code defines the alienation of land plots for state and public needs and establishes that:

1. Land plots may be acquired (redeemed) for state and public needs by agreement between an authorized body and the owner of a land plot or land user. If the owner of a land plot or land user is unwilling to make a transaction for the acquisition (redemption) of a land plot, the authorized body shall have the right within 2 (two) months to apply to court with an application for the compulsory withdrawal of a land plot, including the payment to the owner of the land plot or land user of compensation for the land plot, which shall be paid from the date of receipt of the official refusal of the owner of the land plot or land user (Article 68, paragraph 1);
2. The amount of compensation for the alienated land plot shall be determined in such a way as to reflect the market value of the rights to the land plot and related structures, losses incurred by the landowner or land user, and obligations to third parties (Article 68, paragraph 3); and
3. In the event of withdrawal of land plots for state or public needs, with the consent of the owner (land user) of the land plot, the owner (land user) of the land plot may be provided with a land plot of the same value, which is counted as compensation for the withdrawn land plot (Article 68, paragraph 4).

According to the Land Code, the right to a land plot and structures located on it may be terminated, including in cases where the land plot is required for state or public needs (Article 66, paragraph 1, subparagraph 2).

Withdrawal of a land plot for state and public needs may be carried out only after payment of the value of the right to the land plot and compensation for losses (paragraph 4 of Article 66).

The owner of land (land user) shall have the right to claim compensation in an order established by legislation of the Kyrgyz Republic (Article 49, paragraph 1, subparagraph 5).

Finally, the Land Code (Article 78, paragraphs 1 and 2) also defines the regime of utilization of public lands. Thus, lands of common use in settlements, towns and villages (roads, streets, squares, sidewalks, passages, park strips, boulevards, squares, ponds, etc.) may not be privately owned, and in exceptional cases may be leased to authorized state bodies, legal entities and individuals for a period of up to 5 years. An authorized state body may permit the construction of light structures on public lands (Article 3, paragraph 78).

**Law of KR "On State Registration of Rights to Real Estate and Transactions with It"** (dated December 22, 1998 # 153, in the edition of the Law of KR dated December 22, 1998 # 153) #21 dated February 25, 2021)

According to this Law, state registration of rights to immovable property and transactions therewith is formalized by a legal act by means of which the state recognizes and confirms rights to immovable property, relevant encumbrances (restrictions) and transactions with immovable property, as well as ensures protection of registered rights and encumbrances (restrictions), except in cases provided for by this Law (Article 1).

A normative or other document on rights or restrictions subject to mandatory registration in accordance with Article 4 of this Law shall be submitted to the registration authority not later than thirty days from the date of conclusion of this document (Article 7).

* + Rights of access to communication lines, pipelines, surveyor's marks and other parts of infrastructure intended for public use,
  + Rights of spouses, children, etc...,
  + Temporary rights, lease or sublease for up to 3 years,
  + Actual rights of use for priority or preferential use of the property,
  + Rights arising from tax assets,
  + Encumbrances related to general health, public safety, environmental protection, etc

## 3.1. Asset valuation regulations

Asset valuation is regulated by the Provisional Rules of Activity of Valuers and Valuation Organizations (Government Resolution No. 537 of August 21, 2003), Valuation Standards for Valuers (Government Resolution No. 217 of April 3, 2006) and other provisions of national legislation.

**KR Law "On the Procedure for Consideration of Citizens' Appeals" (No. 67 of May 4, 2007; as amended by KR Law No. 151 of July 27, 2016).**

The Law "On the Procedure for Consideration of Citizens' Appeals" requires that appeals of KR citizens be registered, considered properly and resolved fairly, timely and responsibly (Articles 2 and 4). Every citizen has the right (in person or through a representative) to appeal to state bodies, local self-government bodies and their officials, who in turn are obliged to provide a reasoned response within the time limit established by law (Article 4, paragraph 1). A complaint registered with a State or local government body must be considered within 14 working days; in exceptional cases, the period of consideration may be extended for no more than 30 days (Article 8, paragraphs 2 and 3).

**Proposed Process of Land Acquisition/Procurement for project**

Processes to be followed for taking land for proposed project are as presented in following table.

| Land Ownership | Processes to be followed |
| --- | --- |
| Government land (revenue land) Or Public land (Government/ Municipality land) | • Requiring local municipality to apply for transfer of land to the Rayon/Oblast Land Cadaster of the concerned village/rayon with all requisite documents;  • Permission from the Cabinet of Ministers by issuing the law on land transformation;  • Conduct social screening to understand the magnitude of social impacts;  • Conduct census & socio-economic survey of PAPs, consultations & prepare RAP as per impacts. |
| Direct Land Purchase from Landowners / Willing buyer-willing seller basis particularly for substation. | • Consent of the Land owner;  • Drawing up an agreement on the purchase and sale of a land plot on negotiated rate;  • Conduct social screening to understand the magnitude of social impacts;  • Conduct census & socio-economic survey of PAPs, consultations & prepare RAP;  • Pay compensation as per Entitlement. |

***World Bank environmental and social standard on land acquisition, land use restrictions and involuntary resettlement (ESS5)***

ESS5 recognizes that project-related land acquisition and land use restrictions may have adverse impacts on communities and individuals. Project-related land acquisition or land use restrictions may result in physical displacement (resettlement, loss of development land or loss of housing), economic displacement (loss of land, assets or access to assets resulting in loss of livelihoods), loss of income or other livelihoods, or both. The term "involuntary resettlement" refers to these impacts. Resettlement is considered involuntary if affected individuals or communities located in the project area do not have the right to refuse the transfer of land rights that results in their resettlement.

***ESS requirements 5***

*Project Design*

The Borrower must demonstrate that mandatory land acquisition or land use restrictions are expressly required by the Project for strictly defined Project purposes within strictly defined timeframes.

The borrower will consider possible alternatives to avoid or minimize land acquisition or land use restrictions, especially if this may result in physical or economic displacement, balancing environmental, social and financial costs and benefits, paying particular attention to gender implications and impacts on the poor and vulnerable.

*Compensations and benefits for persons with disabilities*

If land acquisition or land use restrictions (permanent or temporary) cannot be avoided, the Borrower will offer PAPs compensation commensurate with the cost of replacing the land, as well as other assistance that may be required to help PAPs improve or at least restore their standard of living or livelihood. Compensation standards for land and property, plant and equipment will be disclosed and applied consistently. If negotiation strategies are used, compensation rates may be adjusted upward. In all cases, the Project will prepare documents that provide a clear basis for calculating compensation and will distribute compensation according to transparent procedures.

*Grievance mechanism*

In accordance with ESS 10, the Borrower shall ensure that a project grievance mechanism (GRM) is established at the earliest stage of Project design to ensure that specific issues related to compensation, resettlement, or livelihood restoration measures raised by resettled persons (or others) are addressed in a timely manner. Where possible, the Project should ensure that a grievance mechanism consistent with the Project objectives is utilized; where necessary, such mechanism may be supplemented by specific subproject agreements for impartial dispute resolution.

*Planning and implementation*

In cases where land acquisition or land use restrictions are unavoidable, the Borrower will, as part of the Environmental and Social Assessment, conduct a census to identify those who will be affected by the Project to create an inventory of affected lands and assets, identify those eligible for compensation and assistance, and exclude those ineligible (e.g., opportunistic settlers) from claiming any benefits. The social assessment will also take into account the needs of communities or groups that may be absent from the Project area at the time of the census for a valid reason (e.g., seasonal resource users). The borrower will set a deadline for participation in the census. Information on the census completion date will be appropriately documented and disseminated throughout the Project area at regular intervals in written and (if necessary) oral form and in appropriate local languages. This will include posted warnings that persons settling in the project area after the cut-off date may be evicted.

Once the extent of direct impacts is known, ESS 5 requires preparation of a RAP to guide land acquisition to mitigate resettlement impacts. If the impact is minor (less than 200 people are affected; people are not resettled and less than 10 percent of their productive assets are lost), an abbreviated RAP can be prepared. High-impact projects require a full-scale RAP. ESS5 requires special attention to the needs of affected vulnerable groups (especially those living below the poverty line, residents without land rights, the elderly, women, children, and ethnic minorities). Where alienation of private land or non-land assets is not expected and land acquisition is expected to be accomplished through voluntary land donation, a voluntary land donation form will be prepared in accordance with the criteria and format acceptable under this RPF.

In principle, the KR Land Code and ESS5 provide for compensation based on replacement cost. Under the RPF, all PAPs will be eligible for both compensation and necessary deductions, subject to specifying the type of property or assets lost, the extent of the loss, the impact on livelihoods and the degree of socio-economic vulnerability of the PAPs. PAPs who do not own land or other assets but have economic interests and suffer loss of income or livelihood will be assisted. To clarify these issues and address possible differences between Kyrgyz law and World Bank policy, this RPF provides for compensation of all assets at their replacement value, rehabilitation of landless persons and informal settlers, and the provision of subsidies or benefits to PAPs who, as a result of resettlement, may suffer business losses or other.

Table 1. Differences between the legislation of the KR and ESS5

| Provisions of the Land Code of the Kyrgyz Republic | ESS 5 WB requirements | Actions for implementation |
| --- | --- | --- |
| Compensation for acquired land should be paid to  only to a landowner with an official land deed | Lack of legal title to land will not prevent PAPs from being granted entitlements. People who have no legal title to the land and/or assets they occupy or use are eligible for different assistance options based on the Resettlement Entitlement Matrix, provided that they have cultivated/occupied the land in the period prior to the cut-off date. | Under the RPF, regardless of the existence or absence of legal land rights, PAPs are entitled to compensation for structures, crops and trees, and rehabilitation activities in accordance with ESS5 |
| No need to consult with PAPs or communities regarding land confiscation  or assets | PAPs should be fully informed and consulted about compensation, benefits, and resettlement options, including the locations of new resettlements. This includes consultation, participation of PAPs, awareness campaigns and opportunities to participate in monitoring. Resettlement plans should be developed and drafted through consultation with PAPs and other stakeholders through information disclosure. Grievance redress mechanisms should be established. A separate consultation on gender issues is required. The consultation process should ensure that women's positions are sought and their concerns are taken into account in all matters relating to resettlement planning and organization. | Mandatory consultation on resettlement options for PAPs prior to project commencement. |
| No separate grievance mechanism for resettlement issues | The RPF and RAP set out procedures for handling grievances. | The RAP provides procedures for filing and resolving grievances |
| Lack of disclosure procedures | Disclosure of information is a mandatory requirement. RPF and RAP should be published on the website of the project implementing agency, on the WB website. Copies of these documents should be submitted to local self-governments, directly to PAPs, project affected households. | Disclosure procedures and information are presented in the RAP |
| Compensation for land is made at replacement cost by providing another plot of land or paying in money. The normative value of land is established on the basis of coefficients established by the KR legislation. Paragraph 4 of Article 66 of the Land Code of the Kyrgyz Republic states that withdrawal of a land plot for state and public needs shall be made after payment of the value of the right to the land plot and compensation for losses. | Provision of land to replace the seized plot is preferred and the proposed plot must be acceptable to the RAPs and must match the area and fertility of the seized plot. If no suitable land can be found, compensation will be paid in cash, or by providing another plot with additional payment, at current market value, without of any operational costs (administrative costs, taxes, fees for registration or titling), or depreciation for depreciation and amortization. | However, if it is not possible to replace the land with an equivalent piece of land, compensation will be made in cash at the full replacement cost. |
| Compensation for other assets (plantations, crops and trees, and business income), shall be at replacement cost. There are no provisions for assistance to vulnerable PAPs in case of severe impacts. No provision is made for transportation and relocation payments/costs | The amount should be paid in cash or provide the lost asset in kind (if available) at current market value, without deduction of any transaction costs (administrative costs, taxes, registration or title fees), without reducing the amount of compensation by depreciation or salvaged materials. Cash allowances transportation and relocation are also provided for | Compensation for any other assets affected by the project (structures, crops and trees, and commercial losses / loss of income) will be made in cash or in kind at full value to all PAPs, regardless of ownership documents. |
| At the planning stage of infrastructure projects proposals for agricultural or high-yielding land or land with high human density, if other land is available, are discouraged | Any acquisition of land and resettlement should be avoided, or implemented on a minimal scale, after studying and analyzing all technically feasible alternatives for project implementation | Consideration of siting alternatives and technical options without land acquisition and resettlement. |
| No provision for income/ livelihood compensation for rehabilitation activities, benefits for affected PAPs and vulnerable groups, or resettlement costs | Requires restoration of income/livelihoods, losses and expenses incurred by PAPs during land acquisition or resettlement processes. Includes provision for relocation or relocation allowances, per diem expenses, technical and financial support for crop production, resumption of production, alternative employment training, job creation, linkage to existing development projects in the area. Requires special measures to improve the situation of the poor and vulnerable, including strategies to create new income-generating opportunities. Includes restoring access to public spaces and infrastructure, cultural assets and community resources. | Vulnerable and poor PAPs have the right to o appropriate additional measures,  that will help prevent  further negative consequences during the implementation of the RAP. Additional assistance can be provided in the form of allocation of  land and other property, payments of cash allowances and compensations,  employment, etc. - depending on the specific context. Gender issues will also be taken into account. In addition, impact will be monitored to determine whether,  Whether the proposed additional measures to prevent  adverse impact  adequate and whether other measures are required. |

The following are the main provisions that address the differences between Kyrgyz legislation and World Bank policies:

* Any PAPs, regardless of whether they have legal title to the land, will be entitled to compensation (for buildings, crops and trees) and rehabilitation measures under the Project. This includes people who do not own land but still use it, as well as squatters (settlers on unoccupied or public land).
* Resettlement-affected communities and affected PAPs will be counseled on the options available and any impacts of land acquisition and resettlement.
* Social screening will be conducted to determine the level of potential impact and appropriate mitigation measures.
* If compensation for land is technically or socially infeasible, compensation will be paid in cash at full replacement cost according to current market value.
* Compensation for any other affected assets (buildings, crops and trees, and loss of business/income) will be paid in cash or in kind at full replacement cost according to current market value.
* Vulnerable and poor PAPs will be eligible for additional measures. Gender aspects will also be taken into account.
* The need for land acquisition and resettlement will need to be avoided or minimized to the extent possible prior to construction activities.
* Temporary loss of land or property or temporary loss of income will be compensated.

It should be emphasized that ESS5 clearly defines the status of persons without legal title. According to this policy, those persons who do not have formal legal/legal or judicial rights to use land, but still use public land, are entitled to compensation based on the investments they have made in that public land, as well as their labor and lost assets. In lieu of compensation for land, they receive alternative plots or other forms of assistance that are provided until the end of the Project to people who informally use or occupy land.

In case of discrepancies between the KR legislation and ESS5 requirements, ESS5 principles and procedures should be applied. Such priority of WB norms over national legislation is necessary for projects financed by the World Bank.

# 4. PREPARATION, APPROVAL AND PUBLICATION OF THE RESETTLEMENT ACTION PLAN (RAP)

The first step in preparing the RAP should be an assessment to identify land and assets that may be affected by the Project. This assessment of potentially affected land should be carried out by independent risk assessors in conjunction with local authorities. The assessment will be used to determine the types and nature of potential impacts associated with proposed Project activities so that appropriate mitigation measures can be implemented. Such assessment also demonstrates that avoidance or minimization of resettlement is considered a key criterion in the preparation of the RAP prior to Project (construction) implementation.

The assessment will take place after major technical decisions have been made and will be documented in the form of a verification report (see Annex 1) of the expected social impacts.

Design is not complete until it is clearly established that every attempt has been made to minimize the impacts of resettlement. If the results of the assessment indicate that physical displacement, land acquisition, asset impacts, or adverse impacts on economic resources are imminent (regardless of whether physical displacement occurs), then the assessment will be followed by a socio-economic census and inventory of land and assets to determine the extent of resettlement. This will be followed by the design of the project RAP according to the steps described below.

## 4.1. Census, socio-economic surveys, inventory and loss assessment

A census and socio-economic survey should be conducted using a structured questionnaire to record the current owners of acquired land, their ownership status (primary land user or secondary land user), and the amount of land required for the proposed improvements. assess the magnitude of impacts on private assets and the extent of physical and/or economic displacement, as well as living standards, asset inventory, sources of income, debt levels, household demographics, health and This information will be used by the RAP to mitigate adverse impacts.

The purpose of the socio-economic baseline survey of affected persons is to collect socio-economic characteristics of affected persons and to establish monitoring and evaluation parameters. Monitoring of the socio-economic status of project affected persons will be based on key socio-economic indicators. The survey should cover all PAPs and collect sex-disaggregated data to address gender issues with respect to resettlement. Annexes 3 and 4 contain templates for a census of PAPs and for an inventory of land and land ownership forms.

The socio-economic survey should include a wide range of consultations with various affected groups as well as other stakeholders to ascertain their views and preferences. Based on such consultations, the plan and mitigation measures can be modified as necessary. The consultation will target women and address their concerns (particularly issues such as land tenure, livelihood impacts, compensation and RAP), which will be addressed through appropriate mitigation measures.

A Detailed Monitoring Survey (DMS) based on an approved detailed technical design is conducted to complete and/or verify the inventory of losses, severity of impacts and list of PAPs. The final cost of resettlement can be determined after the DMO is completed.

Upon PIU requests, the State Institution "Cadastre" of the Land Resources Service under the Ministry of Agriculture of the Kyrgyz Republic will provide information on: (a) number, ownership and types of affected land plots; (b) types and areas of affected crops; (c) number and type of owned buildings to be affected; (d) type of construction materials; (e) other assets (such as utilities, etc.).

A cut-off date will be set, which will be the date by which PAPs and their affected assets, whichever is applicable, will be identified and new occupants in the plot will not be eligible for compensation or resettlement assistance. If a person can prove that he/she owned/occupied the house prior to the cut-off date, he/she becomes eligible for assistance, regardless of whether they were identified during the census.

The assessment process involves an individual assessor or an assessment company who will work with the PIU to conduct a Resettled Persons (RP) socio-economic survey that will include, but not limited to: (a) household demographics by age, education, employment, gender; (b) household income and sources of income; (c) inventory of assets including land, crops, trees; (d) access to social services (such as schools, hospitals, mosques, etc.); and (e) household vulnerability status. The census will help identify loss of business income and potential relocation of workers employed in affected commercial stores. Special attention will be given to identifying vulnerable households. The results of the impact assessment will determine compensation and other livelihood restoration measures for PAP.

Following the census, a census action plan will be developed based on the data collected on impacts and affected individuals.

## 4.2. Preparation of resettlement action plans

The RAP will be compiled based on the socio-economic census and additional efforts to identify affected parties. The RAP will be prepared in consultation with project stakeholders. Such consultations will focus on the right to compensation as well as new barriers to economic activities and livelihoods, methods of assessment, compensation, potential assistance, incentives for PAP, grievance redress mechanisms, and timelines for implementation. The final version of the RAP will include comments/observations from the PAP.

Project impacts on affected persons are not expected to be significant (i.e., it is unlikely that PAPs will be physically displaced or lose their productive assets).

## 4.3. Disclosure and approval of the resettlement action plan

Once a full-scale or abbreviated RAP has been prepared, the following steps should be followed:

* + The draft RAP is subject to discussion with PAPs, who must receive a copy of the RAP one week prior to the discussion. PAPs, local governments and PIU representatives must participate in public consultations.
  + Comments and suggestions made during public consultations should be reflected in the Resettlement Action Plan.
  + The resettlement action plan should include a section on the public consultation process with a matrix consolidating comments and suggestions for inclusion in the plan.
  + PIU social specialists must submit the RAP to the project director for approval.
  + Once additional comments received after the RAP disclosure have been considered and approved by the PIU Director, the RAP should be formally submitted to the World Bank for review and confirmation of its compliance with ESS5 and other applicable policies/procedures.
  + Once the World Bank has confirmed that the RAP meets an acceptable quality standard, the RAP will be published on the World Bank website and the project website and made available to other stakeholders. Personal information on the PAP should not be publicly available.

No changes to the eligibility matrix, eligibility criteria, compensation or assistance rates may be made without the prior approval of the World Bank.

# 5.0. ELIGIBILITY CRITERIA AND PROCEDURES FOR DIFFERENT CATEGORIES OF PROJECT-AFFECTED PERSONS

This section sets out the eligibility criteria for determining eligibility for resettlement and compensation, and for rejecting applications from ineligible persons.

## 5.1. The Entitlement matrix

In accordance with the principles of the RPF, all displaced households and persons who meet the requirements onf the cut-off date will be eligible for a combination of compensation packages and resettlement benefits, depending on the nature of ownership of lost assets, the scale of impacts, socio-economic vulnerability and measures to support the restoration of livelihoods, if such impacts are envisaged. Unforeseen consequences will be mitigated in accordance with the principles of this RPF.

The table below provides a entitlement matrix recognizing different issues, their categories and and the corresponding entitlement. This table is consistent with national legislation and ESS5.

Table 3.. Entitlement Matrix:

| Project impact | Category | Affected assets | Compensation |
| --- | --- | --- | --- |
| Temporary withdrawal of land for work and  construction | landowner | Land | Land rent based on market value for the estimated period of temporary impact with rates for the current period, restoration of the land and all assets on the land to their former condition. |
| Tenant / Leaseholder | Land | Restoration, replacement or compensation for all non-land assets damaged or removed. In case of loss of income, compensation is paid in the amount of confirmed lost income. The amount of compensation will be assessed by the independent valuator/valuation company. |
| Non titled / user | land | Restoration, replacement or compensation for all damaged or removed non-land assets. The amount of compensation will be assessed by the independent valuator/valuation company. |
| Permanent alienation of land for work and construction. | landowner | land | The priority option should be to locate the land plot with a plot of equivalent market value located in the same area and having similar fertility characteristics (if possible).  In the absence of such a plot, monetary compensation at replacement cost includes the costs of registration and re-registration of rights. (if necessary.  If the balance land area of the plot is not economically viable, efforts shall be made to acquire the entire plot at the market/replacement value. |
| Tenant / Leaseholder | land | In addition to compensation to the landowner, reimbursement of rent for the remainder of the contract term plus 3 months of rent or 3 months of the market value of the sharecropper's produce as a disturbance allowance.  In addition, support for those affected by the project will include assistance in finding another rental/leasing option. |
| Non titled / user | land | There is no compensation for land. However, if the land was used as a means of earning livlihood, the amount of compensation must take into account all investments, the value of the crop and all improvements made during the use of the land.  Plus compensation in the amount of 3 months' rent as restitution of means of subsistence. |
| All PAPs | cash payments | Cash compensation for assets associated with the affected land at replacement cost except for land for land if found feasible. |
| Impact on yield | Owner (farmer with legal title to the land) | Crops | In addition to land compensation, PAPS will be allowed to harvest their crops at the root and receive cash compensation at the maximum market value for crop loss for 1 year or at the KR Ministry of Agriculture rates, whichever is higher.  Costs associated with transplanting perennials, including seed and planting costs, will be paid in the event of relocation.  For temporary use of land in case of loss of sowing time, compensation is paid for the lost crop, based on the market value of the previous year's crop. |
| Land user (formal tenant and informal farmer) | Crops | It is allowed to withdraw crops at the root and receive monetary compensation at the highest market value for the loss of crop yield for 1 year or at the rates of the Ministry of Agriculture of the Kyrgyz Republic, whichever is higher.  Costs associated with transplanting perennials, including seed and planting costs, will be paid in the event of relocation.  For temporary use of land in case of loss of sowing time, compensation is paid for the lost crop, based on the market value of the previous year's crop. |
| Impact on trees | Owner (regardless of the legal status of the land with trees) | Fruit trees | The price of a seedling and cash compensation for the value of the crop multiplied by the number of years it will take the seedling to reach maturity. |
| Non-fruit trees | Wood or cash equal to the value of the wood. |
| Permanent acquisition of the building | Building owner | Any structure, including a fence, sanitary structure, etc. | Replacement with a structure of equivalent value or cash compensation for the replacement cost and the right to usable materials. |
| Tenant | Any construction | A new lease or compensation for loss of use of the structure equivalent to 3 months rent for the loss of the right to use the structure and one month prior notice to vacate the rental premises. |
| Limited access to homes | Resident or homeowner | Part of the dwelling house is temporarily damaged or access to the house is restricted due to ongoing works. | Restoration of land to its original condition.  Compensation in kind to meet the needs of the affected person, such as providing alternative parking.  The inconvenience allowance is based on the minimum wage for each week (7 days) of inconvenience calculated on a pro-rata basis (the specific formula for the allowance will be set forth in the applicable RAP). |
| Serious impacts and restoration of livelihoods | Physical relocation or loss of 10% of production assets | All severely affected households, including informal settlers | In addition to compensation, an allowance of three months' minimum wage is paid. |
| Relocation/Moving | Transportation/accommodation costs | All affected households must be resettled. | An allowance to cover transportation and living expenses during the transition period. |
| Advantages of vulnerability | Eligibility for benefits is determined on the basis of social parameters (including benefits for persons with disabilities, pensioners, widows, women, families headed by women, and officially registered low-income families) in accordance with the current legislation of the Kyrgyz Republic. | Any affected land or assets | 1. In addition to compensation for lost property, a vulnerability allowance of one year of additional social assistance payments has been established. 2. Support for the removal and transportation of materials to be disposed of. 3. Special attention will be given to restoring the livelihoods of vulnerable households.   Packages will be defined and described in the RAP. |
| Loss of common property resources | Public assets/public assets | Community/ Local Government /  Government | Reconstruct lost resources/assets in consultation with the community and restore their functions. |
| Unforeseen impacts during construction, including temporary and livelihood impacts not covered by other assessments | Impacts to construction sites or assets during construction outside the impact corridor or right-of-way | All PAPs | Where impacts are identified, an assessment and appropriate compensation shall be made based on the above provisions and World Bank environmental standards requirements. |
| If the market value does not cover the replacement value of the RAP assets. | All PAPs | All PAPs | If the market value of the assets of the PAPs does not reflect the full replacement value, additional amounts may be added to the compensation amount to maintain or improve the standard of living of the PAPs that existed prior to the implementation of the project, in accordance with World Bank standards. |

If PAPs are liable for any taxes and possible transaction fees associated with the LAR, such taxes or fees will be paid by the project from the resettlement budget to be contributed by the Borrower. In addition, an amount to cover bank charges will be added to the amount of cash compensation that PAPs will receive from banks.

## 5.2. Voluntary donation of land

A voluntary contribution means an action taken with informed consent. The entity responsible for implementing the project shall ensure that voluntary contributions are made with awareness of other options, including the possibility of receiving compensation in kind, and that the contribution is made without coercion or pressure. PAPs have the right to refuse voluntary transfer of assets and to receive compensation for lost land and assets. PAPs must be fully informed of their rights and of access to the grievance mechanisms described in these PRFs. The legality of the transfer of land without compensation must be documented in the sub-project investment justification report, including, at a minimum, the following: confirmation and documentary evidence that the land required for the project is being provided voluntarily and that there are no disputes over ownership or other disagreements regarding the land being transferred without compensation; confirmation that the transfer of land without compensation will not result in the ruin of individual households (i.e., no more than 5% of the total land area may be voluntarily provided). In this regard, the department responsible for implementing the project shall discuss with the persons concerned ways of compensating them for their livelihoods and confirm that the transfer of land free of charge will not result in the eviction of persons living on that land or the cessation of their economic activities, if any. In particular, the following protocol will regulate voluntary contributions under the project:

• Voluntary contributions are an act of informed consent, and affected people should not be coerced into donating land or other assets through coercion or pressure, or misled into believing that they are obliged to do so, regardless of the legal status of their land tenure.

• Alienation of land shall not result in physical or economic displacement.

• Impacts should be insignificant. Households providing land or other assets are direct beneficiaries of the subproject; the impact is less than 5% of the total productive assets owned by the said household.

• Facilities requiring land need not be tied to a specific location.

• The land under consideration must be free of squatters (settlers on vacant or public land), encroachers, or other claims or encumbrances.

• The land should be determined by the municipality and not by the PIU or other line agencies or project management authorities. However, the project technical authorities must ensure that the land is suitable for the purpose of the subproject and that the subproject does not pose a health or environmental hazard.

• Voluntariness will be confirmed by a PIU document signed by a superior officer. A process in this regard will be developed by the PIU and submitted to the Bank for approval.

• Confirmation of the voluntariness of land donations must be obtained from each person/household donating land. This should be done in the form of signed statements.

• PIU will also raise awareness among communities to develop mechanisms to express gratitude to those households that provide land donations. This will be reflected in the statements.

• Other things being equal, donations of land from female-headed households and the elderly are not accepted.

• PAPs are fully informed that they have the right to refuse to donate land or other private assets and instead be compensated at replacement cost, and that a grievance mechanism is available to them through which they can express their unwillingness to donate. In addition, people are encouraged to utilize the grievance mechanism if they have questions or requests, either in writing or verbally.

## 5.3. Methods of determining the cut-off date

Once project design is finalized and legal procedures are completed, a RAP for the project will be prepared. As part of the RAP, a census will be conducted to identify all PAPs and corresponding impact levels. The date of completion of the census 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 media in the project impact area, with sufficient time for these people to ensure their readiness for the census.

Such communication will be done through the PIU and in accordance with the consultation procedures outlined in this document. Potential PAPs will be informed both through formal notification, including through local and national media, and in writing, as well as through oral notification in the presence of community leaders or their representatives.

# 6.0. VALUATION TECHNIQUES FOR AFFECTED ASSETS

This section provides guidance on determining the value of affected assets.

## 6.1. Types of compensation payments

Compensation for all land uses and assets in kind or cash is made in accordance with the rights matrix.

In addition, disruption allowance, storage of goods, replacement of lost services and other assistance will be provided as outlined in the Rights Matrix above. However, this is *for reference only and it is important that during the detailed preparation of the RAP, current market values and replacement cost values are used to establish actual compensation.* All monetary amounts will be adjusted for any economic changes and currency purchasing power since the preparation of this RPF. The PIU will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and are in accordance with Kyrgyz Republic laws, as long as they meet the requirements of the ESS5.

## 6.2. Preparation of asset inventory

During the survey, each asset will be listed and inventoried and the asset will be valued by a valuation company using RPF principles and guidelines. A complete list of the affected assets and their assigned value, including any additional compensatory measures, will be recorded in a register and shown to the PAP for agreement. The register will be signed and a copy issued on site to the PAP. The document will indicate when the PAP will be notified and that the inventory will not be official until a second signed copy, verified by project oversight staff, is returned to the PAP. At that time, a copy of the grievance procedure will also be given to the affected person as outlined in the grievance mechanism.

## 6.3. Evaluation methods

***Compensation for land***

In the case of permanent acquisition of titled land, the first prerequisite is the provision of replacement land. Where alternative land is not available within a reasonable distance, e.g. to minimize disruption to other aspects of socio-economic life, monetary compensation at full replacement cost should be provided. This should be assessed on the basis of the prevailing market value in the locality to purchase an equivalent piece of land in the same locality. In addition, any associated costs of land purchase, i.e. taxes, registration fees, should be included in the compensation.

In addition, PAP will be compensated for any permanent improvements made to the land (e.g., irrigation facilities). This will be calculated based on the price to create the permanent improvement at current prevailing market rates for labor, equipment, and materials.

In the event that only part of the land owned by the PAP needs to be alienated and the remaining land becomes uneconomic, the amount of compensation should be calculated based on the total area of land affected (i.e., the actual land lost plus the remaining unusable land).

If the land is temporarily alienated and if standing crops are to be damaged, the loss will be compensated at the fully matured market rate or the government rate, whichever is higher. Compensation will be paid to the landowner, not the owner, if the landowner is not the owner (e.g., tenant or sharecropper). Thus, there would be no adjustment to the terms of the sharecrop lease. In addition to payment for standing crops, the Project will ensure that the land is returned to its original form so that it is suitable to resume its former use.

***Calculation of compensation rate for crops and fruit trees***

Current cereal prices will be determined by considering the government's recommended rate and the highest market price, whichever is higher. If land is leased, seasonal or annual yield estimates will be compensated depending on the crop. If the land is owned, in addition to land replacement or cash compensation for the land, the owner will also be compensated for 1 season or annual yield estimate depending on the crop. The crops used will be those currently or very recently grown on the land. In addition, PAPs will be encouraged to harvest before the land is lost. To ensure that this is feasible and that appropriate market prices are received for the crop, sufficient prior consultation should be undertaken to allow for proper harvest planning. The cost of labor invested in preparing farmland will be offset by the average wage in that location for the same time period. The rate used for land compensation should be updated to reflect the value at the time of compensation.

The owner of the fruit trees will be compensated based on the price of the replacement sapling and the annual value of the fruit from that tree for the number of years it will take the sapling to reach full maturity, using the state or the highest market price, whichever is higher.

***Compensation for buildings***

Compensation for real estate should take into account not the value of the existing house, but the cost of building a new similar (functionally equivalent) house in the same area and include the costs of state registration of rights to real estate, connection to utilities, engineering infrastructure, etc.

The preferred option is to provide alternative facilities (toilets, storage/warehouses, fencing, etc.) of at least equal quality and improved quality where possible. The second option is to provide cash compensation at full replacement cost.

The replacement cost will be calculated on the basis of:

* + Measurements of structures and detailing of materials used.
  + Average replacement cost of different types of outbuildings.
  + Type of structures based on information collected on the quantity and type of materials used to build different types of structures (e.g. poles, bricks, rafters, straw bales, corrugated iron sheets, doors, etc.).
  + The prices of these items are collected from different local markets.
  + The cost of loading and delivery of these items to the purchased/replaced site or construction site.
  + Estimates for new building construction, including labor costs.

Compensation should be paid for structures that are (i) abandoned due to displacement or resettlement of an individual or household, or (ii) directly damaged as a result of subproject activities.

**Compensation for holy sites**

This policy does not allow the use of land that is identified as cultural property by the Bank's Environmental and Social Standard 8. Sacred and genocidal war memorials include, but are not limited to, museums, altars, dedication centers, ritual sites, tombs and cemeteries. It includes other similar sites or places/objects that are accepted by Kyrgyz law (including custom), practice, tradition and culture as sacred. In order to avoid possible conflicts between individuals and/or communities, the use of sacred sites for any project activities under this project is not allowed. Relevant provisions will also be included in the construction contracts.

***Compensation for loss of business***

Any structures will be replaced at the appropriate location as indicated above. In addition, compensation will be paid for lost income and production during the transition period (the time lag between the loss of business and its recovery). This will be estimated based on the daily or monthly income of the affected parties.

# 7.0. PROCEDURE AND PROCEDURES FOR IMPLEMENTING RPF AND RAP

## 7.1. Technical process overview

In general, Project activities will be based on the principles of transparency, inclusiveness and responsive citizen participation throughout the entire cycle of the Process. Citizen participation values the right of citizens to have an informed opinion on decisions that affect their lives. It is based on two-way interaction and dialogue with the government and emphasizes the sharing of power, information and mutual respect between government and citizens.

Step 1

- Project Identification

Step 2

- Verification and compliance tools

Step 3

- Development of environmental and social protection instruments management mechanisms, their review and approval

Step 4

- Implementation, oversight, monitoring and evaluation

## 7.2. Verification of project activities

The first step in the preparation of individual RAPs is a screening process to identify lands/territories that are likely to result in resettlement. This screening is used to identify the types and nature of potential impacts associated with the activities proposed under this project and to provide adequate measures to address them. It also ensures that avoidance or minimization of resettlement is a key criterion in the design of project activities.

Verification will be carried out in accordance with the established verification criteria and procedures of the PIU, which has the responsibility to manage and supervise the construction process of both components. Completed verification forms will be verified by the Social Development Specialists. No project will be completed unless it is clearly established that all efforts have been made to minimize resettlement impacts.

If the screening process indicates that land acquisition will be required, the next step is socio-economic identification and profiling of project-affected persons (e.g., their age, asset dependency, income, marital status, etc.). This is equivalent to a census conducted for large-scale resettlement. Similar to a census, 100% of PAPs will be profiled. This step should be conducted simultaneously with an inventory and valuation of all affected assets for each individual PAP.

If it is determined that land or non-land assets will be acquired through voluntary donations, the procedures in Section 5.4, Voluntary Donations, will be followed and a Voluntary Land Donation Form will be prepared using a standardized form and in accordance with criteria acceptable to the World Bank.

Once these steps are completed and evidence of resettlement issues is obtained, a Resettlement Action Plan (RAP) related to the activities of this Project will be developed based on the data collected.

The verification process will include direct consultation with PAPs, who will work with PIU representatives and local government officials on site to verify affected assets and discuss their socio-economic situation. PAPs will be informed in writing and verbally of their rights before the process begins and will be consulted throughout the resettlement process. This will include provision of a copy of the grievance procedure and rights matrix

## 7.3. Socio-economic profiling and inventory of losses

If the screening process indicates that land acquisition will be required, the next step is socio-economic identification and profiling of project-affected persons (e.g., their age, asset dependency, income, marital status, etc.). This is equivalent to a census conducted for large-scale resettlement.

Similar to a census, 100% of the PAPs will be profiled. This step should occur simultaneously with the inventory and valuation of all affected assets for each individual PAPs. Once these steps are completed and evidence of resettlement issues is obtained, a RAP will be developed based on the data collected. This RPF provides the basis for preparing a RAP to address resettlement issues related to the activities of this project.

## 7.4. Due diligence review of related activities

Local interventions and socio-economic infrastructures supported by the Project may or may not be part of the Government and local government development activities. Therefore, in addition to the above mitigation measures, some kind of protocol should be established to verify any infrastructure interventions planned and/or implemented by other donors and/or government agencies that may be related or linked to the Project. These measures may be reviewed by the PIU and members of the World Bank Social Safeguards Unit. A due diligence report will be prepared to assess whether such related activities cause social and reputational risks and to propose mitigation measures.

## 7.5. Estimating the size of the affected population and assets in project-affected areas

Cases of temporary or permanent withdrawal of individual land parcels cannot always be avoided, as suitable public land may not be available for construction of infrastructure projects that need to be identified through a public participation approach. The extent to which temporary or permanent land acquisition will be necessary, or whether access and use of land will be restricted on a temporary or permanent basis, is not yet known and can only be fully determined once the design of each subproject is finalized. Given that impacts on affected people and/or assets are not yet clear, estimates will be made when the project begins.

## 7.6. Valuation of assets/losses

The assessment process will involve an independent appraiser or valuation company in conjunction with the PIU to conduct a socio-economic survey of the resettled persons. The valuation of assets and losses should take into account the following:

* Current regional land value scales from municipal land commissions, if available.
* Current assessment schedules for structures, crops, and trees from local municipalities, if available.
* Current market prices apply.

The unit value calculation will be based on the current market rate to match the replacement cost of the land and lost assets, etc. An independent appraiser or appraisal company will be hired to conduct the appraisal of land, structures, buildings, trees and crops. PAPs have the option to select an independent appraiser or appraisal company at their own expense. The independent appraiser or appraisal company's approach will consider a location-based valuation of each type of land and asset. The valuation should be carried out when a census and DMS (detailed measurement) is carried out by a surveying company, which prepares a map of the affected areas delineating the cut-off areas. The independent assessor or surveying company will engage experts for the affected areas who will conduct field visits to physically verify each category of loss. The independent appraiser or appraisal company will also consider the recommendations of the previous appraisal, if any, and will utilize the latest version of the market research.

## 7.7. Roles and responsibilities

This section describes the roles and responsibilities for implementing a RAP that addresses the physical and/or economic displacement described in ESS5. The scope of requirements and level of detail of the RAP depends on the scale and complexity of the resettlement. The plan is based on relevant and reliable information on (a) the proposed project and its potential impacts on displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) legal and institutional measures required for effective implementation of resettlement measures.

A site-specific assessment will be carried out in accordance with ESS5 and a site-specific resettlement plan will be prepared based on the results of such assessment.

**Table 3: Roles and Responsibilities in Implementing Resettlement Plans**

| Responsible party | Responsibilities |
| --- | --- |
| Implementing Agency  PIU | * Development and implementation of the RPF/RAP * Conducting surveys and consultations * Organizing land acquisition and resettlement * Financing compensation payments * Preparing and submitting reports * The PIU prepares a resettlement plan. It approves resettlement plans in consultation with the World Bank and publishes them on the project website. * Complete the preparation and submit a report on the progress of the resettlement action plan, which is subject to approval by the World Bank, before the start of any construction work in the subproject implementation area. * Implement resettlement plans on the ground and report regularly to the World Bank on progress. * Be open to comments from affected communities and local authorities on resettlement issues during project implementation. Meet with these groups during site visits as necessary. * Provide advice to the construction contractor and the technical supervision company on compliance with the requirements of the resettlement plans on site, in cooperation with the district administration and municipal structures. * Coordinate the work of the World Bank missions monitoring the environmental and social aspects of project implementation and interact with them. * Regularly monitor the implementation of resettlement plans in specific areas. * Manage the GRM database and provide regular reports on the number and content of complaints. * Hold consultation meetings, prepare and distribute leaflets or other information documents to inform communities about the impact and schedule of construction, as well as the rights and benefits of persons eligible to participate in the project. * Establish a multi-level relationship management system (GRM), track and resolve project-related complaints within the specified time frame. * Regularly (daily, weekly, monthly, etc.) monitor activities at the site. |
| District and local level structures | * Re-registration of land rights * Participation in legal procedures * Engagement with affected persons * Organize public disclosure of final resettlement plans and organize public meetings with NGOs, community representatives, affected groups, etc. * Official minutes will be prepared to record the views provided by the participants. * Manage GRM at the district and local levels. * Facilitate public monitoring. |
| Independent Valuers | * Appraisal of market value of property and land * Preparing valuation reports for compensation calculations |
| Land Registration Authorities | * Registration of new property rights * Verification of transfer of rights from affected persons to the state/project |
| Contractors | * + Comply with RAP requirements.   + Compensate for or repair all damage incurred during construction (i.e., crop damage, infrastructure) as specified in the RPF/RAP and agreed to by the PIU or its representatives.   + Manage GRM at the contractor level. |
| World Bank | * Ensuring compliance with ESS5 standard * Approving the RPF/RAP * Supervising implementation * Conducting monitoring missions and providing technical support * The bank reviews the prepared RAP and, if approved, the PIU implements it. * Publish the final RAP on the World Bank's official website |

The table above describes optimal arrangements that build on existing responsibilities to ensure that the requirements of this RPF are met for each project activity. These are based on the institutional structures at the time the RPF is written. If these institutional structures change, this will need to be reflected in the arrangements outlined.

## 7.8. Monitoring and evaluation activities

The project will support monitoring and evaluation (M&E) activities to track, document and report project progress and results. M&E specialists in the PIU will be responsible for the overall compilation of progress and results. These activities will be financed by the Project to prepare semi-annual project reports and quarterly unaudited financial reports to be submitted to the World Bank.

PIU M&E specialists will assess the quality of community mobilization and other PIU community engagement activities will be measured/evaluated, analyzed and verified along with financial documentation and project implementation reports by the M&E specialists in conjunction with PIU. Feedback and complaints received through the Grievance Redressal Mechanism will also be included in quarterly and annual reports. The PIU M&E team will collect and analyze evaluation results and perception-based results and include them in quarterly and annual reports. The PIU will be responsible for preparing the final report before project completion.

### 7.8.1. Monitoring plans

Social issues included in the mitigation measures are monitored and controlled by the PIU. Although social impacts are expected to be lowthe risk may be substantial, potential adverse social impacts are planned to be avoided or mitigated during the construction/rehabilitation and operational phases. Appropriate indicators will be developed for effective monitoring (Table 4).

**Table 4.** **Monitoring Indicators in the Resettlement Policy Framework**

|  |  |
| --- | --- |
| **Indicator Category** | **Examples of Monitoring Parameters** |
| **Process Indicators** | - Number of consultations with affected parties  - Share of households informed about their rights  - Number of signed compensation agreements  - Number of grievances addressed through the GRM  - Timeliness of compensation payments and restoration measures |
| **Output Indicators** | - Number of resettled households  - Number of land plots/housing units provided  - Number of vulnerable people receiving additional support  - Level of beneficiary satisfaction |
| **Outcome Indicators** | - Comparison of income levels before and after resettlement  - Employment rate (before/after)  - Access to basic services (water, school, etc.)  - Social integration in the new location |
| **Management and Reporting Indicators** | - Frequency of monitoring (monthly/quarterly)  - Reporting formats and submission deadlines  - Responsible parties for data collection and analysis  - Presence of independent monitoring |
| **Vulnerable Groups Indicators** | - Number of vulnerable persons receiving support  - Participation of women and persons with limited mobility in the resettlement process |

The environmental and social monitoring system starts from the project implementation phase and will continue until the end of the project to prevent negative impacts of the project and monitor the effectiveness of mitigation measures. This system helps the WB and the Client to assess the success of mitigation measures as part of project supervision and enables necessary actions to be taken. The monitoring system provides technical assistance and oversight as needed, early identification of conditions associated with mitigation measures, tracks mitigation results, and provides information on project progress. The environmental and social monitoring conducted by the PIU shall provide information on key environmental and social aspects of the subprojects, in particular the environmental and social impacts of the project and the effectiveness of the mitigation measures taken. This information will provide an assessment of the success of the mitigation measures as part of project supervision and enable necessary corrective actions to be taken. In this regard, the Monitoring Plan defines the objectives and types of monitoring and their relationship to impacts and mitigation measures. Specifically, the monitoring section of the RAP contains: (a) a specific description and details of monitoring measures, including parameters measured, methods used, sampling locations, and frequency of measurements; and (b) monitoring and reporting procedures.

### 7.8.2. Monitoring and reporting responsibilities

Through its social and environmental specialists, PIU will oversee all subprojects financed by the Project to ensure compliance with ESS requirements during construction, operation and maintenance. They will ensure full compliance with the terms and conditions of the RPF/RAP contract. Final payment to the contractor should be subject to final inspection, with particular attention to the requirement to restore the site to its original condition upon completion of rehabilitation works.

PUI social specialists will visit subproject sites as needed. If it is found that RPF requirements are not being met and implementation of activities is not being implemented, further disbursements will be suspended until ESS compliance is achieved. In addition, in the project areas, PIU will be responsible for the environmental and social monitoring activities identified above as part of the preventive and mitigation measures proposed to address potential adverse impacts. This monitoring will be included in the overall project monitoring plan required by the World Bank as part of project implementation.

As part of its environmental and social monitoring activities, PIU will conduct spot checks of the project sites to determine the effectiveness of measures taken and the environmental impacts of subproject activities. The PIU is also responsible for processing, reviewing and monitoring grievances and other feedback, including on environmental and social issues.

The Project Development team will be responsible for RPF/RAP reporting and will:

* Record and retain the results of project supervision and monitoring throughout the life of the project. It will submit quarterly summary reports to the World Bank on the progress of implementation of the RPF/RAP and ESS aspects of the subprojects.
* Prepare a report on RAP implementation and submit it to the World Bank for review and approval.
* Prepare quarterly and annual progress reports on the implementation of the measures proposed by RPF/RAP for the selected subprojects, and as part of this reporting, provide updates on any complaints/feedback received that have been addressed or may be pending.
* Preparation of quarterly reports on social impacts arising from subproject implementation and analysis of the effectiveness of mitigation measures applied to minimize negative impacts.
* Prepare a framework and requirements for contractor reports on resettlement mitigation measures, and review the monitoring plan and contractor reports.
* Provide information to the general public on the impact of mitigation measures and environmental and community protection measures through special publications and/or annual public workshops.

## 7.9. Implementation schedule linking resettlement implementation with construction works

Prior to the implementation of site-specific construction activities for subprojects, PAPs must be compensated in accordance with the provisions of the disclosed and approved RAP, which is based on this RPF. For activities involving land acquisition or loss, abandonment or restriction of access, it is additionally required that these measures include the provision of compensation and other assistance necessary for resettlement prior to relocation. Removal of land and related assets can only take place after compensation has been paid and, where applicable, resettlement sites and relocation allowances have been provided to resettled persons.Implementing Agency (PIU)

organizes the acquisition of land and resettlement, as well as the financing of compensation payments.

PAPs subject to physical resettlement should be able to either complete the construction of their houses on the replaced land parcels or the rent for their temporary accommodation in alternative housing/apartment will be covered for from the implementing agency's budget. A written agreement governing the specific terms and conditions must be signed between the parties and include target dates for the implementation and completion of RPF measures prior to the commencement of construction activities. Measures to fulfill these RPF requirements will be included in the RAP to be prepared for each activity involving resettlement or compensation. The schedule for implementation of the measures shall be agreed upon with the PIU, local authorities and the PAP. The parties should also agree on how these activities relate to the implementation of the entire subproject. The verification process shall ensure that the RAP contains acceptable measures linking resettlement activities to construction activities in accordance with this policy.

The term mechanism for these measures should ensure that no person or affected household is displaced (economically or physically) due to construction activities before compensation is paid and resettlement sites with adequate facilities for the person or affected household are prepared and provided. Once the RAP has been approved by the authorized body - the Director of PIU - the RAP should be sent to the World Bank for final review and approval. Compensation will be paid to individual PAP persons only after written consent of the PAP, including both husband and wife.

In case of disputes, the legislation of the Kyrgyz Republic and the WB ESS5 standard will be applied.

**Table 5. Dispute resolution procedures**

|  |  |  |
| --- | --- | --- |
| **Step** | **Procedure Description** | **Timeline / Notes** |
| **1. Grievance Redress Mechanism (GRM)** | Submission of grievances by affected persons either orally or in writing. Grievances can be submitted to the project office, local authorities (Akimats), or via hotline. | Review: within 5 working days at Level 1.  Response: verbal or written |
| **2. Grievance Review Committee** | If the grievance is not resolved at Level 1, it is referred to the committee under the implementing agency. | Review: within 15 working days  Decision must be documented |
| **3. Mediation / Alternative Resolution** | Upon mutual agreement, an independent mediator may be engaged to reach an out-of-court settlement. | Flexible timeline  Informal procedure |
| **4. Judicial Appeal** | If the dispute remains unresolved, the affected person may take the case to court. Land acquisition and resettlement are suspended pending court decision. | As per the Civil Procedure Code of the Kyrgyz Republic.  The project provides access to legal support and information |
| **5. “No Resettlement Before Compensation” Principle** | Even if a grievance is ongoing, resettlement cannot proceed until it is fully resolved and compensation is paid. |  |

## 7.10. Implementation budget

At this stage it is not possible to estimate the exact number of people that may be affected as technical designs and details have not yet been developed. Therefore, it is not possible to provide an estimated budget for the total resettlement cost that may be associated with the implementation of this project. However, when these locations are known, and once the site-specific socio-economic study is completed, information on specific impacts, individual and family income and number of people affected, and other demographic data is available, PIU will prepare a detailed and accurate budget for each RAP. Each RAP will include a detailed budget that will include costs for the following:

* Compensation may include, for example: costs of land, structures, crops; rehabilitation of structures; public facilities and services.
* Resettlement costs may include, for example: costs of resettling persons with priority rights to resettlement, administrative costs of resettling persons with priority rights to resettlement.
* Income restoration costs may include, for example: temporary income support for people with disabilities.

As indicated in Table 4, the PIU makes compensation payments based on reports from licensed independent appraisers indicating the amounts of compensation. Compensation payments will be made through local branches of the implementing agency.

The PIU will be the responsible agency for the implementation of the RPF and administrative costs related to staff costs, training and capacity building, monitoring and evaluation will be borne by the Project.

# 8.0. PUBLIC CONSULTATION AND PUBLICATION OF INFORMATION

## 8.1. Publication of RPF

Details of the RPF, such as principles of involuntary resettlement policy, compensation rights, general principles, are to be presented and discussed during public consultations. The final RPF will be officially submitted to the World Bank for publication in English on the World Bank's external webpage. The final versions in English and Russian, Kyrgyz,will also be posted on the Client's website (NEGK) and then on the project webpage. The final version of this document will be used by the relevant government authorities and other project stakeholders during project implementation.

## 8.2. Public consultations

Public consultations are to be held prior to the Project. The main topics to be covered in such consultation are as follows: Description of the Project and its components; potential project planning activities, national environmental, social legislation (particularly acquisition and resettlement) and relevant World Bank ESS requirements, identified social and environmental impacts and mitigation measures, ESS documents to be developed under the Project for each subproject, type of land acquisition and resettlement impacts, content of RPF/RAP; persons eligible for compensation, impacts and losses to be compensated; and any other queries related to project.

# 9.0. GRIEVANCE REDRESS MECHANISM (GRM)

In accordance with the requirements of the World Bank's Social and Environmental Standard 10 (ESS 10), a Grievance Redress Mechanism (GRM) has been developed for the Project. The GRM is a process for receiving prompt and objective information, assessing, reviewing, addressing, resolving and resolving grievances (applications, proposals, complaints, requests and positive feedback) related to Project implementation. The GRM will optimize the process of receiving, addressing and resolving grievances that may arise in connection with the implementation of Project activities. A feedback mechanism will also be implemented as one of the main tools for preventing social risks/conflicts.

The objectives of the GRM are to:

* Register, verify, review, monitor and respond to complaints or appeals received related to social, environmental and any other issues related to the Subproject activities;
* Come to mutually agreed/agreed solutions that satisfy the (sub)project and those affected by it, and resolve any complaints and appeals on the spot, in consultation with the stakeholder;
* Facilitate the local development process while maintaining transparency, and establish a degree of accountability to applicants;
* Establish feedback;
* Enable vulnerable individuals and/or groups to express their views.

**Grievance resolution process**

Detailed information on the levels and timelines and persons responsible for review of appeals and complaints is provided in the matrix of review of appeals and complaints.

**Table 6**. **Matrix for managing complaints and complaints**

|  |  |  |  |
| --- | --- | --- | --- |
| To whom the complaint is filed | Form of submission | Grievance procedure | Complaint resolution time |
| FIRST / LOCAL LEVEL  Territorial subdivision of NEGK  Address:  Tel:  Email address:  Representative responsible for keeping the GRM log  Must be included in all information materials/notifications | Orally  In writing  In electronic format | 1. Registration in the complaints log with the date, time, name of the complainant;  2. the NEGK territorial representative registers the complaint;  3- The complaint is reviewed and feedback is provided to the complainant within 5 days;  4. If the grievance is not resolved, the grievance is redirected to the second central level. | 5 days |
| SECOND / CENTRAL LEVEL  Project Implementation Unit - PIU to the Grievance Redressal Commission (GRC)  Address:  Tel:  Email address:  Social specialist responsible for keeping the GRM log: | Orally  In writing  In electronic format | 1. The PIU social specialist registers complaints/suggestions in the Grievance Log;  2. Supports and monitors the grievance process and responses to grievances;  3. Grievance Redressal Commission (GRC) consists of: NEGK representative, PIU, one community leader;  4. The grievance is considered by the GRC within 14 days  5. Consideration of the complaint may require additional verification of the issue, including the collection of additional documents....;  6. On a monthly basis, the PIU social specialist reports on the status of grievance redressal to the management NEGK and the World Bank.  6. A grievance at this level should be resolved to the maximum extent possible.  7. If the complainant is not satisfied, he/she may appeal to the WB Grievance Redressal Service (GRS) or to the KR judicial system | 14 days  Then according to the legislation of the KR it is considered within 30 days |
| WB Grievance Redressal Service (GRS) or the judicial system of the KR | In writing  In electronic format | 1. The WB Grievance Redressal Service (GRS) shall review according to WB procedures;  2. If the applicant is not satisfied with the GRS WB decision, he/she can apply to the court according to the KR legislation. | as quickly as possible |
| Comments | In writing | The applicant has the right to apply directly to the Court of the Kyrgyz Republic, where the complaints will be resolved in accordance with the legislation of the Kyrgyz Republic |  |

**First / Local Level**: The first step in the grievance process will be an oral or written appeal to the local NEGK territorial unit. The complainant has the right to submit a grievance or appeal on a matter related to the project activity verbally or in writing to the responsible person from the NEGK territorial unit. The complaint or appeal shall be registered in the complaints review log. The term for consideration of complaints by the commission is 5 working days. If the complaint is not satisfied at the first level, the complaint will be considered at the central level.

**Second / Central level**: if the complainant is not satisfied with the decision of the responsible person of the NEGK territorial subdivision, the representative will submit the complaint or appeal in writing to the Grievance Redress Committee (GRC) in the PIU with the conclusion and supporting documents prepared at the local level. The received documentation will be registered in the grievance and appeal log by the PIU Social Specialist. At this level, the Project Social Specialist will be in direct contact with the complainant. The PIU will determine the validity of the grievance, notify the complainant that assistance will be provided. A response will be provided within 14 working days, during which time meetings and discussions will be held with the claimant. The project will assist the complainant at all stages to resolve the complaint and ensure that it is dealt with in the best way possible. If resolution of the complaint requires special verification (review), additional materials or other measures, the timeframe for resolution may be extended, but not more than 30 calendar days, in accordance with the Law of the Kyrgyz Republic "On the Procedure for Consideration of Citizens' Appeals" No. 67 of May 4, 2007. Anonymous complaints will also be considered by the Project and appropriate measures will be taken.

In case of an objection to the decision of the central level committee of the CC, the complainant may appeal to the WB Grievance Redressal Service (GRS), which handles grievances according to the WB procedures. If the complainant is not satisfied with the decision of the WB GRS. The Project's GRM does not preclude recourse to the courts in accordance with Kyrgyz law at any stage of GRM. The grievance process is described in the Grievance Matrix.

**Figure1. Grievance redress scheme**

The complaint closed

problem solved / complaint resolved?

The final resolution shall be based on outcome of Court order/GRS resolution

Third level: WB Grievance Redressal Service (GRS)

or the Court of the Kyrgyz Republic

**Statements and complaints**

Local level

Territorial division of NEGK

(5 days)

The complaint closed

problem solved / complaint resolved?

Central level

Complaints commission (CC) PIU

(14 days)

**Complaint Registration Log**

All incoming complaints, requests and suggestions are subject to registration in the Complaints Registration Log. Information from the log is copied and included in the electronic database. The electronic database should contain, at a minimum, up-to-date information on the date of submission, registration number, nature of the issue, responsible person, period for resolution of the complaint and feedback (positive or negative). The specialist will track the progress of the complaint by its registration number. Provisions for unhindered access and confidentiality on sensitive issues, especially those related to **SEA/SH**, have also been included in the GRM to avoid fear and retribution for filing a complaint. The Contractor will be responsible for developing personnel procedures, health and safety plans and **SEA/SH** protocols that will apply to its own employees and the employees of subcontractors working on the Project. These procedures and plans will be submitted to the PIU for review and approval before contractors are allowed to mobilize to the construction site.

In addition to seeking resolution of their grievances through the GRM, communities and individuals affected by a World Bank (WB)-supported project such as this operation can also file complaints with the Grievance Redress System (GRS) established by the World Bank. The GRS ensures that complaints received are promptly addressed to resolve project-related issues.

**Monitoring and reporting of complaints**

The PIU will be responsible for:

* Analysis of qualitative data on the number, content and status of complaints, and inclusion of complaints in the project database;
* Monitoring unresolved issues and proposing measures to solve them;
* Prepare GRM reports as part of the project progress reports submitted to the World Bank. Regular reports (quarterly, semi-annually, annually) submitted to the World Bank should include a GRM section that provides updated information on the following:
* Status of GRM implementation (procedures, training, public awareness campaigns, budgeting, etc.);
* Qualitative data on the number of complaints received (applications, proposals, complaints, requests, positive responses) indicating the number of complaints resolved;
* Quantitative data on the types of complaints and responses provided, issues and queries that remained unresolved;
* Level of satisfaction with the measures taken (reaction);
* Checking whether any corrective actions have been taken.

**WORLD BANK GRIEVANCE REDRESSAL SERVICE**

Communities and individuals who believe they are being adversely affected by a World Bank-supported project may file complaints with existing project-level services or with the World Bank’s Complaint Redress Service (GRS). The GRS ensures that complaints are addressed in a timely manner to resolve project-related issues. Affected communities and individuals may also file a complaint with the World Bank’s independent Inspection Panel, which determines whether harm has occurred or is likely to occur because the World Bank has failed to comply with its policies and procedures. Complaints may be filed at any time after the issue has been brought to the attention of the World Bank and the Bank has had an opportunity to respond.

Project workers may submit complaints through existing grievance mechanisms offered at the project level or directly to the World Bank’s Grievance Redress Service (GRS). The GRS will review complaints received as quickly as possible to resolve project-related issues. Project workers may submit complaints to the World Bank’s independent Panel of Experts, which will then determine whether harm has been or could be caused by the World Bank’s failure to comply with its own policies and procedures. Complaints may be submitted to the Panel of Experts at any time after concerns have been brought to the attention of the World Bank and after Bank management has had an opportunity to take appropriate action. The complaints may be filed online on following web-based portals:<http://www.worldbank.org/GRS> and <https://accountability.worldbank.org> respectively.

# APPENDICES:

## APPENDIX 1. CHECKLIST: #

|  |  |  |
| --- | --- | --- |
|  | **Possible impact** | **YES/NO** |
| 1. | The project affects private lands. |  |
| 2. | The necessary physical or economic displacement of local residents or businesses. Forced removal of land. Impact on assets. |  |
| 4. | Is it necessary to determine the level of assessment of institutional resources needed for protection measures? |  |
| 5. | Are there any third-party assets at the project site? |  |
| 6. | Are there disputed territories? |  |
| 7. | Will access roads and walkways to residences, commercial properties be developed during the construction phase? |  |
| 8. | Will the construction lead to changes in the social environment, will the income of commercial structures and the population be reduced? |  |
| 9. | Will the planned construction affect public health or harm anyone? |  |
| 10. | Will the project cause protests and concerns among residents? |  |
| 11. | Will this activity have a negative impact on the population's living conditions, values and standard of living? |  |
| 12. | Will the subproject lead to inequality between population groups? |  |
| 13. | Is there a high degree of public interest in the subproject? |  |
| 14. | Is there any evidence of past involuntary resettlement impacts in the area requiring corrective actions for past unmitigated displacement? |  |
| 15 | Is this project related to any other infrastructure development project? |  |

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

*Recommendations:*

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

Filled out (full name and contacts): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

## APPENDIX 2: POPULATION CENSUS AND LAND INVENTORY FORM

**Interviews with households**

|  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Name** | Paul | Age | Marital status and level of education | Family supplier | | Working | | Family income level | Rented or owned housing | Does the family receive social assistance? |
|  |  | Male/.  Female | Yes | No | Yes | No |
| **1** |  |  |  |  |  | | | |  |  |  |
| **2** |  |  |  |  |  | | | |  |  |  |
| **3** |  |  |  |  |  | | | |  |  |  |
|  |  |  |  |  |  | | | |  |  |  |
|  |  |  |  |  |  | | | |  |  |  |

***The full name of counselor is: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_***

## APPENDIX 3. INVENTORY OF LAND ASSETS PAP

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Venue \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ No. of interviews | Full name of head of household | Number of family members | Total area of land owned by the family, including property rights, irrigated land and rainfed land | Area of alienated plot m2/ha | Total losses, % | % of assets to be lost (m², m, pcs, etc.) (specify type and number of assets: structures, fences, wells, etc.) | Losses of housing stock, (m2) | Crop losses | Other losses, (specify type of loss:  rented housing, building, etc. |
| permanent | | Temporary | | Fruit trees, type and quantity (pcs.) | | Crop loss | | Other (specify | |
| 1. | | | | | | | | | |
| 2. | | | | | | | | | |

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