

**Draft**

# **Kyrgyz Republic**

## **Regional Economic Development Project**

# **RESETTLEMENT POLICY FRAMEWORK**

**December 2019**

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## Abbreviations and Acronyms

ABCC	Agri-Business Competitiveness Centre
ACM	Asbestos-containing materials
ARAP	Abbreviated Resettlement Action Plan
CC	Civil Code
DDR	Due Diligence Report
DMS	Detailed Measurement Survey
DSEI	Draft Statement of the Environmental Impact
EHS	Environment, Health and Safety General Guidelines
EIA	Environmental Impact Assessment
ES	Environmental Specialist
ESA	Environmental and Social Assessment
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FS	Feasibility Study
GRM	Grievance Redress Mechanism
H&S	Health and Safety
HH	Household
IFIs	International Financial Institutions
IPM	Integrated Pest Management
IR	Involuntary Resettlement
IL	Inventory of Loses
LAR	Land Acquisition and Resettlement
LC	Land Code
MoAFPLR	Ministry of Agriculture, Food Processing and Land Reclamation
MoCIT	Ministry of Culture, Information and Tourism
MoH	Ministry of Health
NGO	Non-governmental organization
OHS	Occupational and Health and Safety
OP	Operational Policy
PAP	Project Affected Persons
PCR	Physical Cultural Resources
PFI	Public Finance Institutions
PIU	Project Implementation Unit
POM	Project Operational Manual
PPE	Personal Protective Equipment
RAP	Resettlement Action Plan
REDP	Regional Economic Development Project (Project)
RoW	Right of Way
RPF	Resettlement Policy Framework
SAEPF	State Agency for Environmental Protection and Forestry
SEE	State Environmental Expertise
SEI	Statement of the Environmental Impact
SIA	Social Impact Assessment
SPS	Sanitary and Phytosanitary

# Glossary of Terms

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

<b>Environmental and Social Standards</b>	ESSs set out the requirements for Borrowers/Clients relating to the identification and assessment of environmental and social risks and impacts associated with projects supported by the Bank through Investment Project Financing. 10 ESSs establish the standards that the Borrower/Client and the project should meet through the project life cycle.
<b>Project affected persons (PAPs)</b>	PAPs means persons who are impacted by involuntary resettlement as defined below.
<b>Involuntary resettlement</b>	Means the involuntary taking of land resulting in direct economic and social impacts caused by: <ul style="list-style-type: none"> <li>a) The involuntary taking of land resulting in:             <ul style="list-style-type: none"> <li>i. relocation or loss of shelter;</li> <li>ii. loss of assets or access to assets; or</li> <li>iii. loss of income sources or means of livelihood, whether or not the PAP has moved to another location.</li> </ul> </li> <li>b) The involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.</li> </ul>
<b>Land acquisition</b>	<b>Land acquisition</b> refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible.
<b>Restrictions on land use</b>	<b>Restrictions on land use</b> refers to limitations or prohibitions on the use of agricultural, residential, commercial or other land that are directly introduced and put into effect as part of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, and restrictions on land use within utility easements or safety zones.
<b>Livelihood</b>	<b>Livelihood</b> refers to the full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade and bartering.
<b>Cut-off date</b>	<b>Cut-off date</b> is the date by which PAPs and their affected assets, as relevant, have been identified and new entrants to the site cannot make claims to compensation or resettlement assistance. Persons whose ownership, use of occupancy prior to the cut-off date can be demonstrated remain eligible for assistance, regardless of their identification in the census.

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**Compensation**

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

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**Census**

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

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**Resettlement Action Plan (RAP)**

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

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**Resettlement Assistance**

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

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**Replacement cost for houses and other structures**

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

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**The Resettlement Policy Framework (RPF)**

**The Resettlement Policy Framework (RPF)** is an instrument to be used throughout project implementation. The RPF sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement, that may be necessary during project implementation. The RPF guides the preparation of Resettlement Action Plans of individual sub projects in order to meet the needs of the people who may be affected by the project.

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**Replacement cost**

Means the amount in cash or in kind needed to replace an asset in its existing condition, without deduction of transaction costs or depreciation and salvageable materials, at prevailing current market value at the time of compensation payment.

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**Voluntary Land Donation**

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

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## 1. INTRODUCTION

### 1.1. Project Background

The **Project Development Objective** is to support the Government of Kyrgyz Republic *to enhance economic and regional development through targeted tourism and agriculture interventions and enhance institutional capacity in the participating region and cities*. Through these, the project will support economic and regional development in an integrated manner and in a spatially identified area, furthering creation of job opportunities for growth and poverty reduction.

**The Regional Economic Development project (further – Project) responds to the request by the Government of Kyrgyz Republic to support their regional development efforts as outlined in the Regional Development Strategy (2019-2022)** around four priorities and three cross-cutting themes. The Strategy seeks to significantly boost economic development through simultaneous efforts in four priority areas, namely: (i) closing infrastructure gaps; (ii) creating a more attractive investment environment (including through sound macroeconomic policies, investment promotion initiatives and tax reform); (iii) implementing PPP solutions and improving public assets management; and (iv) strengthening and deepening the financial sector.

### 1.2. Project development objective and potential beneficiaries

**Consistent with the Government’s priorities, the proposed project is envisioned as a multi-sectorial project and will include core investments in local and territorial development as well as support to agriculture, transport, private sector development etc. as relevant.** Project interventions will identify a tailored package of investments/activities aimed at: (i) boosting each regions’ unique economic potential and eliminating binding constraints, while supporting the (ii) convergence of living standards; and (iii) strengthening the local capacity to provide municipal infrastructure and services.

**The project will focus support on one pilot region, Osh Oblast, and include Osh city as well as potentially other identified growth poles within the Osh region.** Based on the regional and spatial analysis, the selected pilot region– Osh is the key lagging one in terms of low GDP per capita, low skilled labor, low market accessibility and low level of infrastructure and services. Special attention will be paid to: (i) address critical gaps in public infrastructure and services for urban areas and connectivity to rural production areas to enhance integration with regional and global markets; (ii) create enabling environment for economic sectors and private business through targeted and strategic investments; and (iii) identify and enhance opportunities for local economic and livelihood development. Support to the other regions of the Kyrgyz Republic could be realized through future follow-on phases to this project once the piloted approach in Osh will be successful.

**The priority investments in selected pilot region and cities are being identified through a participatory process engaging national, regional and local level stakeholders.** Key considerations include the needs and gaps of the participating regions and localities, as well as the ability of the investments to maximize development impact and exploit synergies with existing and planned World Bank operations and as well as those supported by the Government, other development partners and the private sector.

The project will be implemented in:

- Osh city, Uzgen town - in the field of tourism and infrastructure development;
- All areas of Osh oblast for the development of tourism and agriculture.

**The primary beneficiaries** of this project are the citizens living in the participating pilot cities and their adjacent periphery (both male and female inhabitants), who will directly benefit from improved urban infrastructure, services and overall living conditions, estimated to be 150,000. Indirect beneficiaries will be the aggregated number of visitors to the cities (for work, markets, administrative, tourism and other purposes), estimated to be 200,000. The Project area is presented in the map below.



**Figure 1:** Project area

### **1.3. Project components and proposed investments**

The RED will focus on enabling regional economic development with a focus on catalyzing private sector development, and on building the capacity of urban centers to serve as the hubs for regional development. Project interventions will include a tailored package of investments and activities aimed at: (i) boosting the region’s economic potential; (ii) elevating living standards; and (iii) strengthening the institutional and private sector capacity in the target areas.

**Component 1: Strengthening Regional Economic Planning and Regulatory Functions.** Interventions proposed under this component are aimed at building capacity for regional economic development planning at the central and regional levels and enabling relevant departments of the Ministry of Agriculture, Food Industry and Melioration (MAFIM) in the Osh region to fulfill their mandate of provision of key public services, including effective regulation. This component will comprise two sub-components:

**Sub-component 1.1: Enhancing Regional Economic Planning.** This sub-component will support the development and implementation of a *Regional Economic Development Plan*. The Plan will seek to identify, *inter alia*, policies, priority actions and institutional requirements for effective integrated regional economic planning and development of the region and its main economic corridors. The plan will be developed by the subnational government and will focus on identifying opportunities to boost regional economic potential through inclusive, integrated and climate smart initiatives. Financing will also be allocated for specific capacity building opportunities for the staff of public institutions to enable them to better manage and promote the assets generated under the project and enable the private sector to offer improved services. While the focus largely will be on Osh city and region, the key staff of the relevant ministries (for example, the Ministry of Economy (MOE), the Ministry of Culture, Information and Tourism, the MAFIM) will also benefit from capacity building activities to enhance their knowledge for better regional development planning, coordination, and policy making. Support will be provided for the sustainable and long-term use of the selected assets developed and regenerated under the project by developing plans and required instruments. The sub-component will also promote sustained coordination between the center and the region through the use of appropriate technologies and practices (for example, digital platform for regional development investments prioritization and selection).

**Sub-Component 1.2: Improving basic agricultural services and regulatory functions.** This sub-component will improve the infrastructure and services that underpin agri-food marketing and trade in Osh with a focus on strengthening capacity for sanitary and phytosanitary (SPS) control, food quality, and basic services. The sub-component will upgrade facilities located in Osh city and region

relating to food safety functions, complementing on-going investments to upgrade SPS capacity to align with EEU and WTO standards. This will include financing for laboratory equipment and facilities upgrading at border control points and upgrading sampling capacity at the district/rayon level. Support will also be provided to upgrade seed certification and soil analysis functions in Osh to support investments in component 2. This will include upgrading the existing seed laboratory in Osh to achieve International Seed Testing Association (ISTA) certification and targeted investment for Osh Technological University and Osh Agricultural College to upgrade their training capacity and equipment on agricultural export markets requirements, food safety regulations, HACCP, and modern food processing technologies. A detailed feasibility assessment for upgrading existing facilities will be conducted in the first year to detail technical specifications and required infrastructure upgrades.

**Component 2: Strengthening Agri-Food Supply Chains and SMEs.** This component will facilitate the development of partnerships between agri-businesses and small agricultural producers to finance targeted investments that improve quality and expand production/processing volumes. The component will utilize a value chain development approach (productive partnerships) that is based on facilitating and organizing producer groups to meet specific market requirements and link with buyers/aggregators or processing enterprises. The aim of investments will be to: (a) improve access to markets and increase quality and consistency in the supply of relevant outputs; (b) stimulate cooperation within the value chain; and (c) reduce risk and transaction costs for value chain participants.

The project will facilitate the development of productive partnerships on a demand-driven basis during implementation. A productive partnership would cover multiple producer groups in and across one value chain – including farmers, collectors, processors, traders, and exporters. Each productive partnership will be expected to target a specific market opportunity; be managed by a lead farmer group, producer organization or cooperative; identify an investment program targeting critical constraints; and include *bona fide* market opportunities with identified buyers/partners. Each partnership will be governed by a framework agreement between ARIS, the lead producer group and the buyer/aggregator or processing enterprise.

Financing for activities within a partnership will take place through two windows. The first window is a public investments window that will finance public services and infrastructure critical to improving the functioning of the value chain targeted in the partnership:

- Window 1 will finance: technical assistance and training for producers and other services around quality assurance, pest and disease control and food safety improvements and public infrastructure rehabilitation (i.e. access road repairs, electricity infrastructure, and other agriculture related infrastructure) critical to functioning of the value chain.
- Window 2 will finance matching grants for productive investments that introduce the adoption of innovative technologies (particularly climate resilient or resource efficient technologies) including appropriate equipment, new crop or livestock varieties and farm inputs; and post-harvest facilities (such as facilities for storage, washing, grading, packing, pre-cooling, cold storage) for specific producer groups.

A productive partnership may define an investment program including both windows or only one. The sequence of implementation of activities will be determined by the specific partnership proposal. Investments under the public investment window (window 1) will be 100 percent project financed. Matching grants (window 2) will be governed by additional grant agreements signed with beneficiaries and will require co-financing by farmers/producer groups at the level of 25 percent. In the case of larger agri-business participants in the partnership (for example, processors or trade and logistic centers), cooperation will be in line with best practice principles for public-private cooperation and participants will be required to develop formal supply chain linkages to producers within the partnership.

The detailed criteria for selection of the value chain and the productive partnership will be defined in the Productive Partnerships Manual. Key criteria for selection include existence of a market or buyer, potential for job creation or engagement of many small-scale farmers, sustainable comparative advantage or competitiveness, inclusion of women and youth. The selection and award process will also include a feasibility study that will inform the development of business plans and detailed proposals. Given that many farmers are women, productive partnerships are expected to generate positive impacts for women and the criteria for selection will prioritize those demonstrating inclusion of youth, women and vulnerable groups.

**Component 3: Catalyzing investments for tourism and urban development.** This component will leverage the unique natural and cultural assets of the Osh region and its cities and finance foundational and enabling investments supporting: (i) integrated packages of improvements of priority touristic sites and clusters; (ii) regional infrastructure, services and amenities to address key bottlenecks for improved tourism quality and conditions; (iii) urban amenities that will enhance the livability of urban centers to attract tourists and retain residents, and (iii) pilot public-private cooperation to attract private investments in the tourism sector. The sub-components are:

**Sub-component 3.1: Upgrading Osh and Uzgen Urban Cores and Tourism Circuits.** The Osh region has untapped potential to attract domestic and international tourists to visit the many natural and cultural attractions it has to offer. Osh is the second largest city in the country and the gateway to the south and the Fergana Valley, while Uzgen has been identified as one of the growth poles in the region with recognized potential to grow its incipient tourism sector. For tourism development and urban regeneration, the project will finance infrastructure investments in the participating cities (e.g. Osh and Uzgen) and tourism circuits (e.g. Kara-Shoroo, Kyrgyz-Ata, Abshyr-Ata) to improve the tourism image of these areas and address the need for targeted, area-based urban upgrading and complementary infrastructure, services and connectivity, to improve livability.

The component will also initiate and support a Public-Private Cooperation (PPC) mechanism, which will finance public infrastructure to attract private investment in tourism in towns and villages across the region, where private sector entities are willing to invest but require complementary public infrastructure to make their investment viable (e.g., public infrastructure within vicinity of the investments, road/sidewalk, water/sanitation, etc.). Investments under this initiative will be limited to the determined ratio (e.g. 1 to 4) of the investments provided by the private sector. The PPC initiative will follow a specified screening and selection process, which will be set out in the Project Operations Manual, developed by the PIE and acceptable to the Bank.

**Sub-Component 3.2: Tourism Product Development, Marketing and Promotion.** This sub-component will provide support to public entities at both the national and subnational levels for improved monitoring and evaluation, marketing and promotion of the Kyrgyz Republic and the Osh Region as an emerging destination at the targeted international markets. It will provide support with investment attraction, organization of cultural events and e-governance initiatives. The sub-component will finance the development of sustainable site management plans for cultural and natural heritage sites and relevant workforce development and capacity building for public and private sector.

**Component 4: Supporting Tourism and Rural SME Development through Small Grants.** The project will support SME development through a training and small grant program targeting tourism and rural SMEs and startups. The small grants program will aim to support the launching of new enterprise activities in rural areas and diversification and expansion of tourism services. In tourism, small grants will be expected to improve the capacity, and the quality and range of services offered, which could result in inter-linked activities, *inter alia*, in the areas of gastronomy tourism and eco-tourism. The program will follow a phased approach, where the accommodation managers/staff, tour operators and tour guides will undergo a robust training program and those who will complete it successfully will be eligible to apply for financing. Other services providers and SMEs will be required to submit a sound business plan for their proposed activities. Technical support in business plan development will be provided by the project. Start-ups financed under the program will be

eligible for financing to scale-up their activities after the proven record of successful utilization of funds (presenting books, payment of taxes, generating employment, etc.).

To address the issues of low rates of women participation in the labor and in access to finance, described in paragraph 6, the small grants program will give preferences to women. Female applicants for the training program will be given a priority at the selection stage as well. This will give women an opportunity to gain practical knowledge and skills in doing business in the hospitality sector or rural entrepreneurship. When scoring business-plans for financing, women applicants will be given additional points. The same approach will be used for youth to promote young entrepreneurs at the local level.

**Component 5: Implementation Support, Monitoring and Evaluation.** This component will support project implementation, including the project’s monitoring and evaluation system, communication strategy, application of safeguard instruments, training and financing of incremental operating costs of the PIE.

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

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

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

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

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

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

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

#	Component/subcomponent	Activities planned	Possible type of LAR impact
<b>Component 1. Strengthening Regional Economic Planning and Regulatory Functions</b>			
1	Sub-Component 1.2. Improving basic agricultural services and regulatory functions	Financing will be provided to upgrade (i) facilities located in Osh city and the region relating to food safety functions, (ii) facilities at border control points, (iii) food safety quality infrastructure in Osh city/region within GosStandard, Food Laboratory (Sanepidnadzor), Veterinary Service and small food safety laboratories in local markets and (iv) the existing lab in Osh.	Land acquisition and restriction on land use, if activity will require a new constructions or additional land for updrading of infrastructure improvements
<b>Component 2. Strengthening Agri-Food Supply Chains and SMEs</b>			
Financing for activities within a partnership will take place through two windows			
2	Public investments window	Window 1 will finance public infrastructure rehabilitation (i.e. access road repairs, electricity infrastructure, and other agriculture related infrastructure) critical to functioning of the value chain.	Land acquisition and restriction on land use, if activity will require a new constructions or additional land for upgrading of infrastructure rehabilitation
3	Matching grants window	Window 2 will finance investments related to the adoption of innovative technologies (particularly climate resilient or resource efficient technologies) including appropriate equipment, new crop or livestock varieties and farm inputs; and post-harvest facilities (such as facilities for storage, washing, grading, packing, pre-cooling, cold storage) for specific producer groups	Land acquisition and restriction on land use, if activity will require a new constructions or additional land for upgrading of infrastructure rehabilitation
<b>Component 3: Catalyzing investments for tourism and urban development</b>			
4	Sub-component 3.1: Upgrading Osh and Uzgen Urban Cores and Tourism Circuits	The project will finance infrastructure investments in the participating cities (e.g. Osh and Uzgen) and tourism circuits (e.g. Kara-Shoroo, Kyrgyz-Ata, Abshyr-Ata). This will include investments in, <i>inter alia</i> , (1) enhancement of public spaces and upgrading of street networks and associated infrastructure; (2) adaptation and rehabilitation of selected cultural heritage and public buildings; (3) improvements in urban mobility and other urban infrastructure upgrading; (4) improvements in selected basic infrastructure and services; (5) upgrading of vehicular, pedestrian and multi-modal accesses, including upgrading of bridges to reduce congestion points; (6) rehabilitation and improvements/modernization of trunk	Land acquisition and impacts on livelihood (economic) depending on type of activities.

		infrastructure, including water supply and sewage networks, where required; (7) support to solid waste management systems; (8) upgrading of storm water drainage systems, if necessary.	
5		The component will also initiate and support a Public-Private Cooperation (PPC) mechanism, which will finance public infrastructure (e.g., public infrastructure within vicinity of the investments, road/sidewalk, water/sanitation, etc.).	Land acquisition and impacts on livelihood (economic) depending on type of activities.

Given the planned work under Components 1, 2 and 3, the impact on involuntary resettlement will be limited by small scale land acquisition, temporary impact on land use, restriction of access and economic impact. Physical relocation of households is not expected. It is expected that the construction works will be carried out within the footprint of existing infrastructure or on available lands that are publicly owned. However, land may be required for small scale infrastructure sub-projects in Osh and Uzgen Cities, as well as for expansion of water supply and sewerage systems, waste management, public transportation improvements, etc. that may be selected by beneficiary tourism SMEs. The presence of informal users or structures and associated economic impacts covered under ESS5 also cannot be ruled out. While public land is expected to be made available in case of expansion of new infrastructure, the project allows voluntary land donations by the community or individuals and this process will be closely managed during implementation in line with the protocols included in this RPF. Individual land donation will be subject to strict scrutiny and approved by the World Bank, prior to accepting donation. Land donation cannot result in a person or household being worse off than pre-project levels and must receive benefits from the project.

The RPF identifies the possible impacts from project activities, describe the range of potential impacts (temporary and permanent) to land use/access and structures and describes how compensation rates will be determined and procedures for the same. Where there is a gap between national and World Bank procedures, the latter will prevail for all activities financed under this project. The RPF will serve as a screening device to ascertain if there will be any impacts resulting from project activities. The RPF is intended as a practical tool to guide the preparation of safeguards instruments such as RAPs and necessary due diligence for activities during implementation of the comprehensive project. If any impacts are identified, the Government of the Kyrgyz Republic will develop safeguards instruments for each sub project based on the guidelines and procedures highlighted in the RPF document.

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

### 3. OBJECTIVES AND PRINCIPLES OF RESETTLEMENT PLANNING

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

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

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

The basic objectives of the RPF are to: (i) guide ARIS, the national and local self-government (District, Municipal) in properly identifying, compensating, and restoring the livelihoods of Project Affected Persons (PAPs), (ii) serve as a binding document to ensure payment of compensation and assistance to PAPs, and (iii) provide direction in preparing, updating, implementing and monitoring subproject Abbreviated RAPs and RAPs. The RPF includes measures to ensure that PAPs are (i) informed about their options and rights pertaining to resettlement; (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the Project.

The RPF is based on the following principles:

- Involuntary resettlement is to be avoided or at least minimized.
- PAPs are to be suitably assisted in their efforts to improve, or at least restore, incomes and living standards.
- PAPs are fully informed and consulted on compensation options.
- Lack of formal legal land title is not a barrier to compensation or alternative forms of rehabilitation assistance.
- Particular attention is paid to socially vulnerable groups, such as ethnic minorities, female headed households, elderly households, etc. and appropriate assistance is provided to help them adapt to project-related changes.
- Land acquisition and resettlement is conceived and executed as a part of the project, and the full costs of compensation are included in project costs and benefits.

- Compensation/rehabilitation assistance will be paid prior to displacement and prior to ground leveling, demolition, and in any case, before an impact occurs.
- Compensation is to be paid at full replacement cost to PAPs, without deductions for depreciation or any other purpose.
- “Voluntary land donations” will only be allowed when protocols provided in this RPF are followed.

It should be further noted that no changes to the RPF entitlement matrix, eligibility criteria, compensation rates or other entitlements to assistance can be made without prior approval of the World Bank. Any RAPs prepared on the basis of the RPF will also be subject to prior approval of the World Bank.

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

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

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

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

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

4.1.1. The Constitution of the Kyrgyz Republic (June 27, 2010), Article 12 provides that:

- (i) the Kyrgyz Republic recognizes diversity of ownership forms and guarantees the equal legal protection to private, state, municipal and other types of ownership (article 12, clause 1);
- (ii) Land can be in private, municipal and other types of ownership with an exception of pasturelands that cannot be held in private ownership (article 12, clause 5);
- (iii) Ownership is inviolable, and no one can be dispossessed of property arbitrarily. Property can be acquired by the state against the person's (party's) will only on the basis of a court ruling (article 12, clause 2); and
- (iv) Acquisition of property for the public purposes, as defined in the national laws, can be carried out only through court ruling and with fair and prior payment of compensation for the affected property, as well as for other costs (article 12, clause 2).

4.1.2. Civil Code (8 May 1996, # 15; last amended 06 August 2018 #88)

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

I. Costs that the party concerned has incurred or was going to incur in order to reinstate the party's right (article 14, clause 2);

II. Losses or damages of the property (article 14, clause 2); and

Lost profit that the party was supposed to receive under normal conditions, if the party's rights were not violated (opportunity costs) (article 14, clause 2). In regard the compensation for losses caused by the state agencies and local self-government, article 15 states that the losses incurred on a citizen or legal entity as a consequence of illegal actions (or inactivity) of state agencies, bodies of local self-government or officials of these bodies, including issuance by a state body of an act that does not comply with legislation, are subject to compensation by the state, as well as local self-government authorities in the cases foreseen under the law.

4.1.3. Land Code (2 June 1999, # 45; last amended 30 July 2019 No. 107)

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

- Land can be acquired (purchased) for state and public purposes based on agreement

between the authorized body and landowner or land user. In case the land owner or land user disagrees with the acquisition (purchase), the authorized body can, within two (2) months, turn to the court with the request to carry out the acquisition with the payment to the owner or land user of the compensation for the land from the date of official denial of landowner/land-user (article 68, clause 1);

- When determining compensation for the land being acquired, it should reflect the market value of the right to the land and associated structures, losses that the land owner or land user incurs, and liabilities to third parties (article 68, clause 3); and
- When acquiring land for the state or public purposes with the consent of the land owner or land user, the owner/user can be allocated replacement land with the value of this land to be counted towards compensation for the land acquired.

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

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

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

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

#### 4.1.4. Law on State Registration of Rights of Immovable Properties and Associated Transactions 22 December 1998 #153, last amended 6 August 2018 #88)

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

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

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

- Access rights to the communication lines, pipelines, geodesic localities, and other pieces of infrastructure meant for public use;
- Rights of spouses, children, and other individuals;
- Temporary rights, lease or sub-lease for a period of under 3 years;
- Actual use rights for the primary or preferential use of the property;
- Rights arising from the taxation requirements;
- Encumbrances arising from the common rules on healthcare, public safety, environmental protection etc.

#### 4.1.5 Regulation on Assets Valuation

The valuation of the assets is carried out on the basis of the Temporary rules for the valuers and valuation companies (Government Resolution, as of 21 August 2003, # 537), Valuation standards for the valuers (Government Resolution, 03 April 2006, # 217) and other provisions of national legislation.

#### 4.1.6. Law on Grievances

The Law on Grievances (4 March 2007, No.67 last amended on 27 July 2016, No. 151) provides that the grievance from the Kyrgyz Republic citizens should be registered, given due consideration, and addressed in an equitable, timely and accountable manner (article 2 and 4). Every citizen has the right to apply personally or through his representative to state authorities, local authorities and their officials, who are obliged to provide a reasoned response within the time period established by law (article 4). The grievance registered with the state agency or the local government should be processed within 14 working days, it can be prolonged exceptionally for no longer than 30 days (article 8).

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

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

#### **ESS5 Requirements**

##### *Project design*

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

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

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

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

##### *Community engagement*

The Borrower will engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10 on Stakeholder Engagement and Information Disclosure. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant information

and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs, and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.

#### *Grievance mechanism*

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

#### *Planning and implementation*

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

To address the resettlement impact, this ESS requires preparation of a RAP for the land acquisition process, once the extent of the direct impact is known. Where an impact is minor (less than 200 people, no person is physically displaced, and less than 10 percent of their productive assets are lost), an Abbreviated RAP can be prepared. For projects with significant impacts, a full RAP is required. The ESS5 requires that special attention is to be paid to the needs of vulnerable groups of the impacted population, especially to the residents living below the poverty line, the residents without land rights, the elderly, women, children, and ethnic minorities. Where no private lands or non-land assets are expected to be lost but voluntary land donations are expected, a Voluntary Land Donation Form will be prepared as part of the subproject proposal in line with the criteria and form provided in Annex 7.

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

To clarify these issues and reconcile eventual gaps between Kyrgyz Republic legislation and World Bank Policy, this RPF has been drafted for the Project, ensuring compensation at replacement cost of all items, the rehabilitation of non-titled people and informal settlers, and the provision of subsidies or allowances for PAPs who may be relocated, suffer business losses, or may be severely affected. The main provisions affording reconciliation of the differences between legislation of the Kyrgyz Republic and World Bank's policy include:

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

It must be especially noted that under the WB ESS5, status of those without legal title is clearly defined. In accordance with this policy, those people who do not possess official legal title or judicial rights for the land use, but still use the state land are entitled to receive compensation, taking into account the investments they made into the state land, their labor and lost assets, but not for land ownership as in the case of a titled owner. Instead, alternative sites are allocated for their use, or other forms of assistance in lieu of land compensation, are provided to those informally using or occupying land to the project cut-off date.

In case of disparity of the laws of the Kyrgyz Republic with the requirements of the WB ESS5 provisions on involuntary resettlement, the principles and procedures of ESS5 should be applied. This priority of WB norms over the national legislation is required for World Bank financed projects.

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

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

The assessment will be carried out according to the established RAP process detailed in Annex 1 and will be documented in the form of a report on screening (see Annex 2) of the expected social impacts, following the adoption of main technical solutions or detailed sub-projects.

The design will not be completed until it is clearly established that all attempts have been made to minimize the impacts of resettlement. If the assessment indicates the need for physical displacement, land acquisition, impact on assets or negative impact on economic resources, whether or not there is physical displacement, the next step will be a social and economic census and inventory of the land resources and assets in order to determine the extent of the need for resettlement. This will be followed by the development of the RAP for the Project, following the steps outlined below.

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

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

The purpose of the baseline socio-economic survey of affected persons is to capture the socio-economic characteristics of the affected persons and to establish monitoring and evaluation parameters. The key socio-economic indicators will be used as a benchmark for monitoring the socio-economic status of project affected persons. The survey shall cover all PAPs and the survey shall also collect gender disaggregated data to address gender issues in resettlement. PAP census and inventory of the land fund, Inventory of PAP's land assets forms are given in the annexes 3 and 4.

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

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

The results of DMS will produce: (a) number, ownership and type of affected land plots; (b) type and area of crops affected (c) number, ownership type of the structures that will be affected, (d) type of

construction materials used and (e) other assets such as utility connections etc.

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

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

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

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

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

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

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

### **5.3. Disclosure and approval**

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

- The draft RAP shall be subject to discussion with PAPs who will receive a copy of the RAP a week before the discussion. Public consultations shall be attended by PAPs, LSG representatives, and ARIS representatives.
  - After the discussion, comments and proposals shall be reflected in the RAP.
  - The RAP shall include a section of the consultation process with the matrix of comments and proposals for the inclusion and implementation thereof.
  - The Safeguards Specialists shall submit the RAP to the Project Coordinator for approval.
  - After inclusion of the comments received as a result of disclosure of the RAP and after approval thereof by the Project Coordinator (MoE), the RAP shall be officially sent to the WB for review and confirmation on the compliance with ESS5 and other applicable policies/procedures.
  - Once the World Bank confirms the acceptability of the quality of each RAP, it shall be disclosed on the WB website, published as a final RAP on the ARIS website and re-shared with all stakeholders. Private information about PAPs shall not be made publicly available.
- No changes shall be made to the compensation entitlement matrix, eligibility criteria, compensation rates, or provisions for assistance without the prior World Bank's consent.

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

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

### **6.1. Principles**

The involuntary taking of land can result in relocation or loss of shelter; and/ or loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance.

#### *ESS5 Eligibility Classification*

Affected persons may be classified as persons:

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

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

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land. It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land or had use of it, before the entitlement cut-off date. Eligibility for assistance under World Bank ESS5 also applies for project affected persons even if it is deemed that Kyrgyz Republic legal provisions provide for temporary or permanent acquisition of private land immediately adjacent to existing public roads without compensation.

### **6.2. Eligibility Criteria and Entitlements**

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

The criteria for eligibility is based on PAPs belonging to one of three groups: (a) those who have title or formal legal rights to land; (b) those who do not have formal legal rights to land at the time of the Inventory of Losses (IOL) / Detailed Measurement Survey (DMS) or census begins but have a claim to such land or assets—provided that such claims are recognized under the laws of the country or become recognized through a process identified in the RAP;<sup>8</sup> and, (c) those who have no recognizable legal right or claim to the land they are occupying (i.e. non-titled users or informal settlers).

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

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

Where land is to be acquired, titled or legalizable PAPs will receive compensation for land acquired by the Project at replacement cost. This will be in cash at replacement value or land-for-land with a combination of productive potential, location advantages, and other factors of which is at least equivalent to the advantages of the land taken to the satisfaction of the PAP (of equal size and/or productive value and be satisfactory to the PAP). Non-titled PAPs are not eligible for compensation for land but will receive compensation for assets attached to land and other assistance as required, in lieu of land compensation.

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

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

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

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

**Table 2. Entitlement matrix**

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

Crop impacts	Owner (Farmer with land title)	Crops	In addition to land compensation, the PAP will be allowed to take standing crop and receive a cash compensation at highest market value for loss of 1 year of agricultural harvest or according to the rates of the Ministry of Agriculture and Land Reclamation of KR, whichever is higher. For temporary use of land, when sowing time is lost, compensation will be paid for lost harvest based on market value of previous crop.
Crop impacts	Land user (Formal leaseholder and informal farmer)	Crops	Allowed to take standing crop and cash compensation for loss of agricultural harvest for 1 year, or according to the rates of the Ministry of Agriculture and Land Reclamation of KR, whichever higher at highest market rate. For temporary use of land, when sowing time is lost, compensation will be paid for lost harvest based on market value of previous crop.
Impact on trees	Owner (regardless on the legal status of land where three is planted)	Fruit tree	Price of a sapling and cash compensation for the value of the harvest multiplied by number of years it will take for the sapling to reach maturity.
		Non-fruit trees	Timber or cash equal to timber value.
Permanent acquisition of structure	Owner of structure	Any structure including fence, sanitation structure etc.	Replacement with structure of equivalent value or compensation in cash at replacement value and the right for usable materials.
	Leaseholder	Any structure	New lease or compensation for loss of right-to-use structure
Restriction of access to houses	Tenant or house owner	Section of residential compound temporarily affected or access to house affected by works	Recovery of lands to its initial condition. In-kind compensation for affected person's need such as alternative car parking facility. Disturbance allowance set on the basis of minimum wage for each week (7 days) of disturbance calculated on a pro rata basis (a specific formulation of the allowance would be established in the relevant RAP).

Business impacts	Owner of business (vendors or business entrepreneur)	Temporary loss of business due to works	Cash compensation of estimated business loss assessed for the period of impact based on records of preceding 3 months period or equivalent business (if no records).
		Restriction of access to business structures	Disturbance allowance equivalent to 7 days of business profit, or, if the disturbance is longer, disturbance allowance is paid for the assessed disturbance
Loss of income /employment	Business owner Unregistered business Loss of employment	All PAPs regardless of their legal status	<b>Owner:</b> (i) (permanent impact) cash indemnity of 1-year net income or in the absence of income proof, or in cases where PAPs have paid tax based on a flat rate, they will receive compensation equal to 1 week to 12 months minimum national salary (depending on time needed to restore business operation). (ii) (Temporary impact) cash indemnity of net income for months of business stoppage. Assessment to be based on tax declaration or, in its absence, minimum national salary for months of business stoppage; Permanent worker/employees: indemnity for lost wages equal to actual wage for 3 month or in case of absence of tax declaration, one-time minimum national salary in cash for 3 months. For all the above, some acceptable official documents need to be presented, ie salary payment document, financial statement.
Severe Impacts	Physical relocation or loss of >10% of productive assets	All severely affected households including informal settlers	<b>Agricultural income:</b> 1 additional crop compensation for 1 year's yield of affected land or an allowance covering 3 months of minimum national salary, whichever is higher - or, for <b>other incomes:</b> an allowance covering 3 months of minimum national salary.
Livelihood restoration	PAPs losing more than 10% of their agricultural productive assets	All severely affected households AHs including informal settlers	<b>Agricultural livelihood restoration:</b> Two times annual harvest yields (at verified market rates) for all types of crops (inclusive of fodder) and trees from the area affected by the land take, for all severely affected households. If this amount is less than 3 months minimum national salary, 3 months minimum national salary will be paid instead.

	Ps losing more than 10% of their non-agricultural productive assets	All severely affected households including informal settlers	<b>Non-agricultural livelihood restoration:</b> A livelihood restoration package of 3 months of minimum national salary.
Relocation/Shifting	Transport/transition costs	All AHs to be relocated	An allowance covering transport and livelihood expenses for the transitional period.
Vulnerability allowance	Identified on the basis of social assistance payments (disability payments, pensioners, widows, female-headed households, and registered poor households) as determined by the legislature of KR and WB ESS requirements.	Any land or assets affected.	<ol style="list-style-type: none"> <li>1. In addition to compensation for assets lost, a vulnerability allowance set to be one year of supplemental social assistance payments.</li> <li>2. Support rendered in removal and transportation of salvageable materials.</li> <li>3. Special attention will be paid to the livelihood restoration of vulnerable households.</li> </ol> <p>The packages will be determined and described in the RAP/s</p>
Loss of common property resources	Community/Public assets	Community/ Local authority /Government	Reconstruction of the loss of resource/asset in consultation with community and restoration of their functions.
Unforeseen impacts during construction, including temporary impacts and impacts on livelihoods not otherwise assessed.	Impacts during construction to properties or assets out of the corridor of impact or RoW	All PAPs	Due compensation to be assessed and paid when the impacts are identified based on the above provisions and on the requirements of WB ESS.

If the PAPs are liable for any taxes and eventual transaction fees related to LAR, such taxes or fees will be paid by the implementing agency from the resettlement budget to be contributed by the Government of the Kyrgyz Republic. Besides, the amount to cover bank service fees will be added on top of the amount of cash compensation to be received by PAPs at the banks.

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

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

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

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

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

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

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

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

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

### **7.1. Type of Compensation Payments**

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

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

In addition, disturbance allowance, storage of goods, replacement of lost services and other assistance will be given, as outlined in the Entitlement Matrix above. However, this is *for guidance only and it is essential that at the time of detailed RAP preparation current market values and replacement cost values are used to establish actual compensation*. All cash amounts will be adjusted to reflect any economic changes and buying power of currency since the preparation of this RPF. The ARIS will evaluate the compensation amounts recommended in the RAP and ensure that they reflect market reality and that it is consistent with the Kyrgyz Republic laws as long as it meets the requirements of WB ESS5.

### **7.2. Preparation of Asset Inventory**

During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out by a Valuation company using the principles and guidance of the RPF. The total list of affected assets and their assigned values including any additional compensatory measures will be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. The document will indicate when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

### **7.3. Valuation Method**

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

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

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

Where only a portion of the land owned by the PAP needs to be acquired but the remaining land become economically unviable, the compensation provided should be calculated based on the total land affected (i.e., the actual land lost plus the remaining unusable land).

Where land is temporarily acquired and if standing crop need to be damaged, the loss will be compensated at fully matured market rate or government rate, whichever is higher. The compensation will be paid to the tiller rather than the owner, where the tiller is not the owner (e.g. tenant or share

cropper). There will hence be no adjustment in the terms of the rent of share cropping agreement. Aside from the payment for standing crop, the project will ensure that the land is returned to its original form so it is suitable to resume its former use.

### **7.3.2 Calculation of Crops and Fruit Trees Compensation Rate**

The current prices for the crops will be determined taking into account the Government recommended rate and the highest market price, whichever is higher. Where land is rented, 2 seasons or annual crop estimate, depending on the crop will be compensated. Where land is owned, aside from the replacement land or cash compensation for land, the owner will also get compensation for 2 seasons or annual crop estimates depending on the crop. The crops used will be the ones that are currently or have most recently been cultivated on that land. In addition, PAPs will be encouraged to harvest their produce before loss of land. In order to ensure that this is possible, and that appropriate market prices are received for yields, there needs to be sufficient consultation beforehand so that harvesting can be properly planned. The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation should be updated to reflect values at the time compensation is paid.

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

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

The preferred option is to provide alternate structures (latrines, storage facilities, fences etc.) of at least equal quality and of improved quality where possible. The second option is provision of cash compensation at full replacement value.

Replacement values will be based on:

- Measurements of structures and detail of materials used.
- Average replacement costs of different types of household buildings.
- Structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. poles, bricks, rafters, bundles of straw, corrugated iron sheets, doors etc.).
- Prices of these items collected in different local markets.
- Costs for transportation and delivery of these items to the acquired/ replacement land or building site.
- Estimates of construction of new buildings including labor required.
- Compensation will be made for structures that are (i) abandoned because of relocation or resettlement of an individual or household, or (ii) directly damaged by subproject activities.

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

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

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

This policy does not permit the use of land that is defined to be cultural property by the Bank's Environmental and Social Standard 8. Sacred and genocide war memorial sites include but not restricted only to museums, altars, initiation centres ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by the legislation of the Republic of Kyrgyz Republic (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any project activity, is not permitted under this project. Relevant clauses will also be inserted in the civil works contracts.

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

Any structures will be replaced in an appropriate location as outlined above. In addition, compensation will be paid for the lost income and production during the transition period (time lag between losing the business and re-establishment). This will be estimated based on the daily or monthly income of the affected parties.

## 8. RPF AND RAP IMPLEMENTATION ARRANGEMENTS AND PROCEDURES

### 8.1. Overview of the process flow

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

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

ARIS project team – 1 engineer, 1 social development specialist, 1 M&E Specialist  
 ARIS/Branches in Osh - 1 engineer, 1 social development specialist  
 Districts/Municipalities of Osh and Uzgen – 1-2 2 social screening experts assigned, GRM committee established and a focal point assigned in each target City Administrations and Akimiat (district administration) Osh oblast – 1 GRM focal point and the GRM Committee established.

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

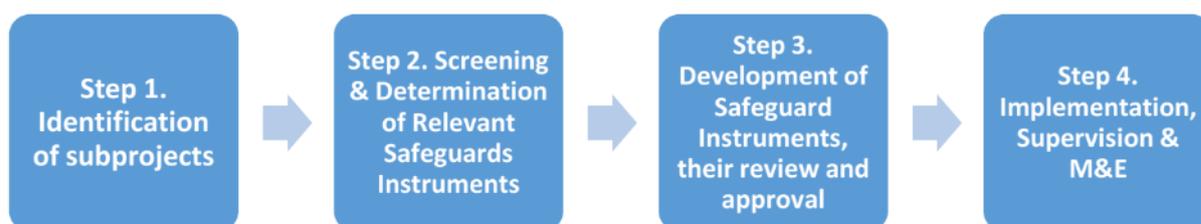


Figure 1. The RPF Process Cycle at the Subproject Level

### 8.2. Screening of Project Activities

#### 8.2.1 List of Non-Eligible Activities for RED Subprojects

The initial screening for the eligibility of the subproject will be based on the list of excluded activities that will not be permitted by the WB. Therefore, subproject proposals that include these activities will not be considered for financing. Non-eligible activities for Component 1, 2 and 3 subprojects are listed in Table 3 below.

Table 3. List of Non-Eligible Activities for RED Subprojects

Involve any kind of forceful evictions of people
Do not meet the required technical and quality specifications
Have negative environmental or social impacts that are irreversible, create cumulative impacts and/or cannot be adequately mitigated;
Exclude the poor/marginalized population or otherwise vulnerable groups;

Do not provide equal pay for equal work for women and men;
Are financed, or scheduled to be financed, by the government or other development partners;
Include the payment of compensation for land or asset loss from the proceeds of the World Bank financing or other government sources;
Finance the construction of any new dams or the rehabilitation of existing dams including structural and or operational changes;
Finance private goods, government offices or religious buildings;
Involve activities that use forced /child labor
Involve activities that cause or lead to child abuse, child labor exploitation or human trafficking; No child under the age of 18 should work on the construction, rehabilitation or maintenance of a sub project.
Entail the purchase or use of drugs, military equipment or other potentially dangerous materials and equipment, including chain saws, pesticides; insecticides; herbicides; asbestos (including asbestos containing materials); or other investments detrimental livelihoods including cultural resources;
Involve development of new settlements or expansion of existing settlements in critical habitats, protected areas or areas proposed for certain levels of national protection (e.g., reserved forests).

The first step in the process of preparing individual RAPs is the screening process to identify the land/ areas that may result in resettlement impacts. This screening is used to identify the types and nature of potential impacts related to the activities proposed under this project, and to provide adequate measures to address them. It also ensures that the avoidance or minimization of resettlement is a key criterion when designing project activities.

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

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

<p>a) ARIS or FP (engineers and social specialists) supported by Contractor and PFI conduct screening of the subproject with regard to prohibited/excluded activities;</p> <p>b) If the subproject passes the screening for the list of prohibited/excluded activities, ARIS specialists assisted by PFI and Contractors will complete the Social Screening table;</p> <p>c) Based on the Social Checklist, the subproject risk category and the type of SA to be conducted is determined— either a RAP or an ARAP;</p> <p>d) The results of the screening, including potential negative impacts and possible measures to mitigate impacts, are presented to community representatives during subproject prioritization meetings held at the District/Cities level by LFPs.</p>
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Should the screening process show that land acquisition will be required, the next step will be the socioeconomic identification and profiling of Project Affected Persons (e.g. their age, asset dependence, income, family status etc.). This is the equivalent of a census conducted for large-scale resettlement. Similar to a census, 100% of PAPs will be profiled. This step should take place at the same time as the inventory and valuation of all assets affected for each individual PAP.

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

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

The screening process will involve direct consultation with the PAP(s) who will work with the ARIS representatives and officials from the District Administration and Municipal Structures in case of

cities on-site to verify the affected assets and discuss their socio-economic situation. Before the process begins, the PAP(s) will be advised in writing and verbally of their rights and will be consulted throughout the resettlement process. This will include sharing a copy of the grievance redress procedure and the entitlement matrix.

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

Should the screening process show that land acquisition will be required, the next step will be the socioeconomic identification and profiling of Project Affected Persons (e.g. their age, asset dependence, income, family status etc.). This is the equivalent of a census conducted for large-scale resettlement.

Similar to a census, 100% of PAPs will be profiled. This step should take place at the same time as the inventory and valuation of all assets affected for each individual PAP. Once these steps are completed and there is evidence of resettlement issues, a Resettlement Action Plan (RAP) will be developed on the basis of the data collected. This RPF provides a framework for the preparation of RAPs to address resettlement associated with the activities of this project.

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

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

The local community driven interventions and socioeconomic infrastructures supported by the project may or may not be part of the Government and local government development activities. The initial review of some of the proposed interventions revealed that some other development activities may be planned or on-going in areas where the project will be implemented and which may be considered to be associated with the project per definition of “Associated Facility” in ESS1.<sup>1</sup> Therefore, in addition to above mitigation measures, some protocol should be established to review any infrastructure activities planned and/or implemented by other donors and/or government institutions, which may be associated or linked to the sub-projects to be supported under the RED Project will be reviewed by the ARIS and the WB social safeguards team members. Due diligence review report will be prepared to assess if such associated activities social and reputation risks and to propose mitigation measures.

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

Cases of temporary or permanent acquisition of individual land plots cannot always be avoided as suitable public land may not be available for the construction of infrastructure projects to be identified through communities engagement approach. The extent to which any temporary or permanent land acquisition will be necessary or whether the access and use of land will be constrained on a temporary or permanent basis is not yet known and can only be fully determined after each sub-project design is completed. ARIS does not expect any demolition of capital structures during implementation of the Project, though the destruction of smaller-scale structures (fences etc.) cannot be fully precluded at this stage. Given that the impact on affected populations and/or assets are not yet clear, estimates will be produced when the project commences.

However, discussions with the officials from the Governors’ administrations, ARIS and State Land Resources reveals that the impacts on the entire displaced population will be minor (i.e. affected

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<sup>1</sup> See para 11 of ESS1 in the ESF.

people are not likely to be physically displaced and less than 10% of their productive assets will be lost) and fewer than 200 people would be affected in any activity.

**8.6. Valuation of assets/losses**

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

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

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

**8.7. Roles and Responsibilities**

This section describes the roles and responsibilities to implement resettlement plans addressing physical and/or economic displacement described ESS5. The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional arrangements required for effective implementation of resettlement measures. The outline of the resettlement plans are enclosed in Annex 6.

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

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

Step 1.	<p>a) ARIS or FPs (engineers or technical specialists) conduct screening of the subproject with regard to prohibited/excluded activities;</p> <p>b) If the subproject passes the screening for the list of prohibited/excluded activities, ARIS specialists assist Districts to complete Social Screening Checklist;</p> <p>c) Based on the Social Checklist to determine the risk category;</p> <p>d) The results of the screening, including potential negative impacts and possible measures to mitigate impacts, are presented to community representatives during subproject prioritization meetings held by Districts and Municipalities at the their level.</p>
Step 2.	<p>a) If the subproject requires a complete socio-economic profiling of Project Affected People (PAPs) and inventory of losses, it should be referred to ARIS or FPs for further action.</p> <p>b) For <i>Substantial and Moderate Risk subprojects</i>, ARIS or FPs specialist</p>

	notes potential social risks and indicates how they will be prevented/mitigated in the Social Screening Table
Step 3.	If the subproject is selected for funding, ARIS or FPs supported by Districts will prepare Resettlement Action Plans. It will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes.
Step 4.	Implementing Agency assist the contractors to organize its disclosure of the draft resettlement plans and organizes a public consultation, involving NGOs, community representatives, affected groups, etc. Formal minutes will be prepared to record inputs provided by the participants.
Step 5.	Contractors and PFIs can proceed to implementation once the final resettlement plans is completed, updated based on community consultations, approved and disclosed before subproject appraisal.
Step 6.	a. The subproject applicant will submit the full set of resettlement documents for consideration and further decision on funding; b. Upon approval of sub-projects, ARIS or FPs will complete subproject appraisal and proceed with signing of the financing agreement with respective sub-project beneficiaries.

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

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

<b>Responsible Party</b>	<b>Responsibilities</b>
ARIS	<ul style="list-style-type: none"> <li>• Approve the resettlement plans with the WB and disclose them at the ARIS website</li> <li>• Arrange for the government funding approval and disbursements for the resettlement plans implementation</li> <li>• Implement resettlement plans on site and provide regular reporting on implementation to the WB</li> <li>• Summarize the resettlement issues related to project implementation to WB in regular progress reports.</li> <li>• Be open to comments from affected groups and local authorities regarding resettlement issues of project implementation. Meet with these groups during site visits, as necessary.</li> <li>• Provide guidance to the construction contractor and engineering supervision firm to follow the resettlement plans requirements on site together with District Administration and Municipal Structures.</li> <li>• Coordinate and liaise with WB supervision missions regarding environmental and social safeguard aspects of project implementation.</li> <li>• Conduct regular monitoring activities for the implementation of site specific resettlement plans;</li> <li>• Manage GRM database and provide regular reporting on the number and substance of grievances.</li> </ul>
Facilitating Partner Consultant Organization	<ul style="list-style-type: none"> <li>• Hold consultation meetings, and prepare and distribute leaflets or other informative documents to inform communities, and its impacts and construction schedule as well as rights and entitlements of PAPs</li> <li>• Set up a multi-level GRM, monitor and address grievances related to the project under specified timelines</li> <li>• Design and implement training and tools for building capacity of districts and Municipalities in social screening and community monitoring</li> <li>• Manage the grievance mechanism at the district level and communicate</li> </ul>

	<p>grievances to ARIS regularly through RPF/Resettlement Plans monitoring reports.</p> <ul style="list-style-type: none"> <li>• Monitor site activities on a regular basis (daily, weekly monthly etc.)</li> <li>• Prepare the resettlement plans progress reports for the review of ARIS.</li> </ul>
District Administration and Municipal Structures	<ul style="list-style-type: none"> <li>• Organize its disclosure of the final resettlement plans and organizes a public meetings, involving NGOs, community representatives, affected groups, etc. Formal minutes will be prepared to record inputs provided by the participants.</li> <li>• Manage the grievance mechanism at the Districts and Municipal levels;</li> <li>• Implement social screening of project sites during project implementation; and</li> <li>• Facilitate community monitoring;</li> </ul>
Contractors	<ul style="list-style-type: none"> <li>• Comply with the resettlement plans requirements;</li> <li>• Compensate or fix all damages occurred during construction (i.e. damages to crops, infrastructure) as set out in Resettlement plan/RPF and cleared with ARIS or FP.</li> <li>• Manage GRM at the contractor’s level</li> </ul>
World Bank	<ul style="list-style-type: none"> <li>• Review the site-specific Resettlement Plans and provide no objections to ARIS.</li> <li>• Disclose final Resettlement plans on WB’s official website</li> <li>• Conduct implementation support and supervision missions in order to ensure that the Project is in compliance with WB ESS5.</li> </ul>

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

### 8.8. Monitoring and Evaluation Arrangements

Component 3 will support Monitoring and Evaluation (M&E) activities to track, document, and communicate the progress and results of the project. An M&E team within ARIS will be responsible for overall compilation of progress and results. This Component will finance ARIS to prepare project reporting—semi-annual reports and quarterly unaudited IFRs—that will be submitted to the World Bank.

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

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

#### 8.8.1 Monitoring Plans

The social issues included within the mitigation measures are monitored and supervised by the local specialists appointed by the ARIS. Although the social impacts are expected to be low, the potential

negative social impacts are planned to be prevented or mitigated during the construction and operation stages.

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

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

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

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

As part of its environmental and social monitoring activities, the ARIS will conduct random inspections of project sites to determine the effectiveness of measures taken and the impacts of sub project activities on the surrounding environment. The ARIS are also responsible for processing, addressing and monitoring complaints and other feedback, including that on environmental and social issues.

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

- Record and maintain the results of project supervision and monitoring throughout the life of the project. It will present summary progress reports on RPF/Resettlement Plans implementation and the safeguards aspects of subprojects on a semi-annual basis to the World Bank,
- Prepare biannual reports on the progress of implementation of measures proposed by the RPF/Resettlement Plans for selected sub-projects, and as part of this reporting, provide

updates on any IRDP related as grievances/feedback that was received, that has been addressed and that may be pending;

- Prepare biannual reports on the social impacts originated during implementation of sub-projects and analyze the efficiency of mitigation measures applied to minimize negative consequences;
- Prepare outlines and requirements for Contractors' reports on resettlement mitigation measures, and review Contractor's monitoring plan and reports
- Present the impact of mitigation and environmental and social protection measures for general public via specific publications or/and by annual public seminars.

### **8.9 Implementation Schedule, Linking Resettlement Implementation to Civil Works**

Before site-specific civil works for sub projects begin implementation, PAPs will need to be compensated in accordance with the provisions of a disclosed and approved Resettlement Action Plan which is based on this Resettlement Policy Framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement. Taking of land and related assets may take place only after compensation has been paid and, where applicable, resettlement sites and moving allowances have been provided to displaced persons. PAPs who need to be physically relocated should be able to either complete construction of their houses at the replacement land plots or the rental fees for temporarily placing them in an alternative housing/apartment to be covered by the compensation budget. A written agreement regulating the specific terms and conditions should be signed between the parties. The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each activity involving resettlement or compensation. The schedule for the implementation of activities must be agreed by the ARIS, Municipalities/LSGs and the PAPs.

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

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the designated authority - the Project Coordinator (MoE), the RAP should be sent to the World Bank for final review and approval. Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

### **8.10 Implementation Budget**

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of this project. However, when these locations are known, and after the conclusion of the site-specific socioeconomic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for each RAP will be prepared by ARIS. Each RAP will include a detailed budget, which will provide costs of the following:

- Compensation may include, for example: costs for land, structures, crops; restoring structures; community structures and services.

- Relocation costs may include, for example: costs of resettling PAPs, administrative costs of resettling PAPs.
- Income restoration costs may include, for example: temporary income support for PAPs.

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

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

## **9. PUBLIC CONSULTATIONS AND DISCLOSURE**

### **9.1 RPF Disclosure**

The draft ESMF, including RPF basic provisions was posted on the ARIS website on 23 October 2019 (www.aris.kg). RPF details as LAR policy principles, entitlements, GRM were presented and discussed during Public consultations. The final version of the RPF will be officially submitted to the World Bank for disclosure in English on the WB external webpage. The English and Russian final versions will be also posted on the web page of the ARIS. The final version of this document will be used by respective government agencies and other Project stakeholders during the project implementation.

### **9.2 Public Consultations**

As mentioned above, public consultations was conducted on 6 November 2019. The main topics discussed are the following: Project description and its components; potential planning project activities, national environmental, social legislation (in particular land acquisition and resettlement) and relevant WB ESS requirements, identified social and environmental impacts and mitigation measures, safeguards documents needed to be developed under the RED for each sub-project, type of land acquisition and resettlement impacts, the content of RPF and RAP; eligible for compensation people, impacts and losses subject for compensation; GRM; assistance to vulnerable and severally affected households; further stages of the final RAP preparation if any impact; evaluation of compensation; further stages of the Project implementation.

The participants noted the importance of Environmental and Social Assessment for each subproject. The minute of public consultations is provided in **Annex 8**.

## **10. Grievance Redress Mechanism**

### **a) Introduction**

In order to receive and facilitate the resolution of affected peoples' concerns, complaints, and grievances about the project's environmental performance an environmental GRM is proposed for the project. When and where the need arises, this mechanism will be used for addressing complaints that may arise during the implementation of project. The GRM addresses affected people's concerns and complaints promptly, using an understandable and transparent process that is gender responsive, culturally appropriate, and readily accessible to all segments of the affected people at no costs and without retribution. The mechanism is not impeding access to the KR judicial or administrative remedies. The project proponent will appropriately inform the affected people about the mechanism before the commencement of any civil works.

There are two options for Project stakeholders and citizens to submit complaints regarding the IRDPREDP, i.e. the Project Grievance Redress Mechanism - **Beneficiary Feedback Mechanism (BFM)** and the World Bank Grievance Redress Service (GRS).

### **10.1 World Bank Grievance Redress System**

Communities and individuals who believe that they are adversely affected by a World Bank (WB) supported project may submit complaints to existing project-level grievance redress mechanisms or the WB's Grievance Redress Service (GRS). The GRS ensures that complaints received are promptly reviewed in order to address project-related concerns. Project affected communities and individuals may submit their complaint to the WB's independent Inspection Panel which determines whether harm occurred, or could occur, as a result of WB non-compliance with its policies and procedures. Complaints may be submitted at any time after concerns have been brought directly to the World Bank's attention, and Bank Management has been given an opportunity to respond. For information

on how to submit complaints to the World Bank’s corporate Grievance Redress Service (GRS), please visit <http://www.worldbank.org/en/projects-operations/products-and-services/grievance-redress-service>.

For information on how to submit complaints to the World Bank Inspection Panel, please visit [www.inspectionpanel.org](http://www.inspectionpanel.org).

**10.2 The Project Grievance Redress Mechanism - Beneficiary Feedback Mechanism (BFM)**

ARIS uses the Beneficiary Feedback Mechanism (BFM) which is an information system for management of grievances put forward by the Program affected persons or any other person from the Program communities.

The main objective of the beneficiary feedback mechanism is obtaining prompt, objective information, evaluating and reviewing grievances (applications, proposals, complaints, requests, positive feedbacks), at all stages of program implementation. In addition, the BFM strengthens communication with program beneficiaries, provides channels for feedback, identifies and address issues and increases transparency and accountability.

The tools and approaches used for dissemination of information about the BFM are as follows:

- presentation of information by the BFM specialists to local city and village authorities, AO, deputies of the local kenesh;
- presentation of information at public hearings, trainings conducted by ARIS staff, the BFM team conducts an entire information campaign in the communities;
- banners in district administrative buildings in cities and villages;
- BFM section at the official program website.

All grievances and appeals received from citizens are delivered to the corporate system for further processing and follow-up.

**Channels for submitting grievances**

<p>1. Hotline: +996(550)70-05-22, (calls are received around the clock, the conversation will be recorded);</p> <p>2. WhatsApp: +996(770)70-05-22, (instant messaging system for mobile devices with voice and video support);</p> <p>3. Social networks (Facebook MOC APIC);</p> <p>4. Web-site address: <a href="http://www.aris.kg">www.aris.kg</a>.</p> <p>5. Verbal or written grievance received during the on-site working meetings;</p> <p>6. Incoming correspondence via courier to ARIS reception;</p> <p>7. Incoming correspondence by e-mail: <a href="mailto:bfm@aris.kg">bfm@aris.kg</a></p> <p>8. CO ARIS tel.: +996 (312) 301805 (reception)</p>	<p>1. Grievances are recorded in the BMF logbook under incoming correspondence and are considered if the following information is present:</p> <ul style="list-style-type: none"> <li>• Full name;</li> <li>• address of registration and residence or telephone number;</li> <li>• content of the grievance;</li> <li>• other reference information.</li> </ul> <p>If a grievance lacks any of the above data, it is recorded in the logbook under incoming correspondence of the BFM and the results of the grievance will be published in the media at the local level, on ARIS website or made public at the session of the Village and City Keneshs (Councils).</p> <p>2. Grievances are entered into the BFM configuration in the 1C system for analysis and monitoring.</p>
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9. CO ARIS address: 102 Bokonbayeva St., Bishkek, Kyrgyz Republic	3. Grievances may be submitted anonymously. Confidentiality shall be insured in all cases.
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### **Receiving Grievances**

When receiving a grievance, the following points are determined:

- Type of grievance;
- Category of the grievance;
- Persons responsible for review and execution of the grievance;
- Deadline for grievance resolving;
- Agreed actions.

After the type of action is determined, the BFM specialist registers details regarding the actions in the incoming correspondence journal, and then in the BFM configuration of the 1C system. The applicant will receive a notification by the BFM specialist by phone or through other BFM channels:

- Full name of the executor (Program officer) to whom the grievance was forwarded;
- Deadline for execution (minimum 10 days, maximum 30 days from the registration date);
- The deadline and actions are determined in accordance with the ARIS instructions for handling the grievance.

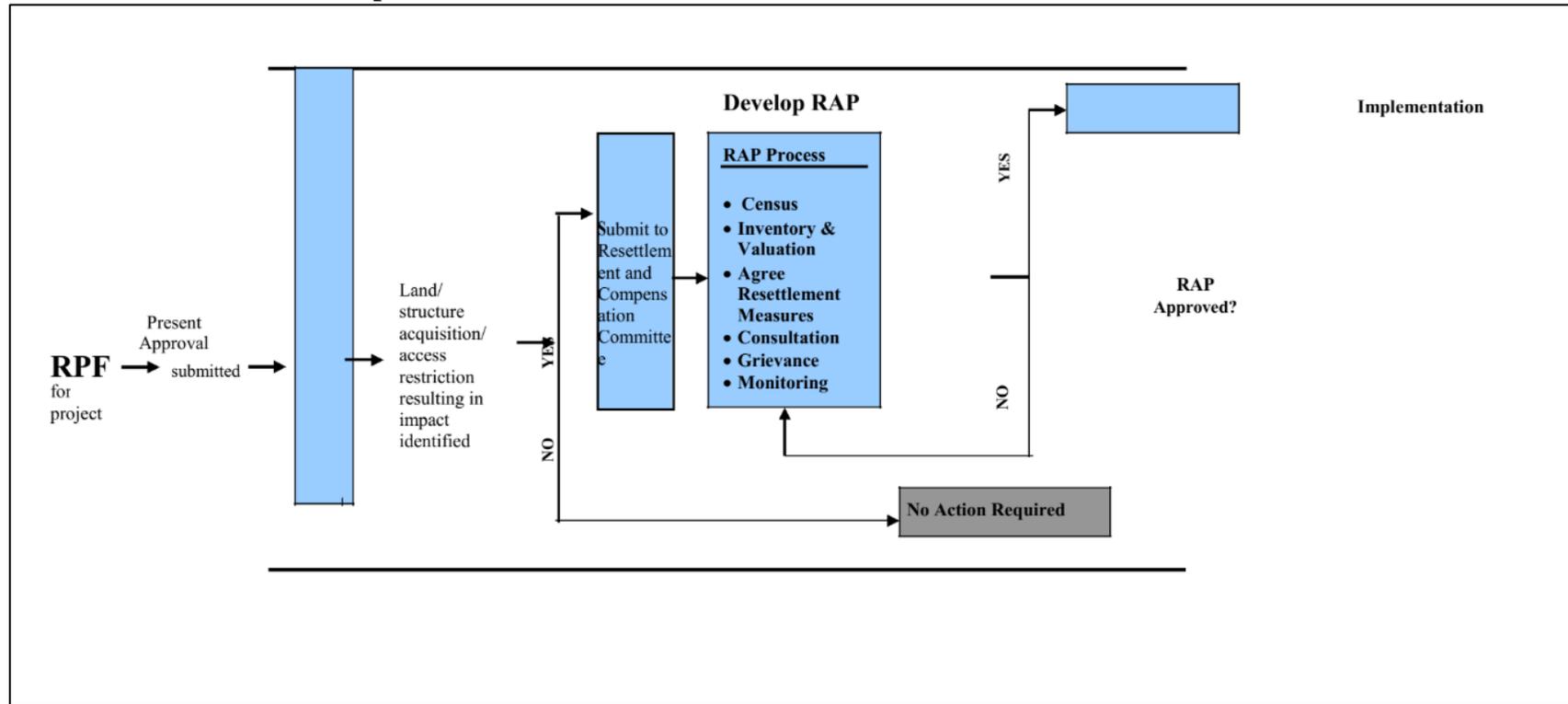
*Notification.* Notification will be registered in the outgoing correspondence logbook. The BFM specialist will assist the applicant at all stages of his grievance and ensure that his grievance is properly handled.

In case the affected person is not satisfied with the decision resulting from the consideration of grievance, he / she has the right to appeal. Appeal claim is considered by the special ARIS Review Committee on consideration of appeals. ARIS Executive Director will form the Review Committee for consideration of appeals from Program managers and heads of departments, who will conduct hearings of appeal. The Appeals Review Committee will consist of 15-17 persons, of which, two are BFM members and two are persons independent from the Program implementation units and the Government of the Kyrgyz Republic.

After review of the appeal, if the citizen / beneficiary is unsatisfied with the solution, he/she has the right to appeal the decision in a judicial procedure. General information on reported grievances (reference number, type of a grievance), their status and evolving problems will be included in regular Program reports submitted.

# ANNEXES

## Annex 1. Outline of the RAP process.



## Annex 2: Screening report form of expected social impacts

(The report should be brief)

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

Sub-project implementation location \_\_\_\_\_

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

Kind of activity: \_\_\_\_\_

(new construction, reconstruction, rehabilitation, maintenance)

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

Estimated start date: \_\_\_\_\_

Technical drawings / specifications discussed: \_\_\_\_\_

Checklist:

№	Possible impact factor	Availability (Yes/ No)
1.	Does the sub-project fall into private land?	
2.	Is it necessary to physically or economically displace local people or businesses? Will there be involuntary acquisition of land? Will there be impact on assets?	
4.	Is it required to determine the level of assessment of institutional resources necessary for protection measures?	
5.	Are there any third party assets at the project site?	
6.	Are there any disputed territories?	
7.	Will there be access roads and pedestrian paths to residential buildings and commercial structures during construction?	
8.	Will the construction lead to changes in social environment, will the incomes of commercial structures and the population decrease?	
9.	Will the planned construction affect the health of the population and harm somebody?	
10.	Will the sub-project cause protests and concerns among residents?	
11.	Will activities cause unfavorable impact on the living conditions of the population, its values, and way of life?	
12.	Will the sub-project cause inequality between population groups?	
13.	Is the degree of public interest in the sub-project high?	
14.	Are there any facts of the past impact of involuntary resettlement in a given territory, which require corrective actions for not mitigated past relocations?	
15.	Is this subproject linked with any other infrastructure development project	

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

*Recommendations:*

Taking into account responses to monitoring questions, it will be determined whether further actions are required or not to apply procedures of the WB ESS5 \_\_\_\_\_

Completed by (full name and contacts): \_\_\_\_\_

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

**Annex 3: PAP census form and inventory of the land fund  
Household interviews**

	Name	gender	age	Marital status and educational level	supporter		employment		family income level	Rented or own housing	Does the family receive social assistance?
		m	f		yes	no	yes	no			
1.											
2.											
3.											

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

### Annex 4: Inventory of PAP's land assets

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

# of interview	Full name of household head	Number of household members	Total land area owned by the family, incl. with the right of ownership, irrigated or bogharic	Land area to be seized m2 / ha	Total loss %	% Loss of assets, (m <sup>2</sup> , m, pcs, etc.) (specify type and number of assets: structures, fences, wells, etc.)		Loss of housing stock, (m <sup>2</sup> )	Loss of harvest			Other losses, (specify type of loss: rented housing, building, etc.)
						Permanent	Temporary		Fruit trees, species and quantity, (pcs.)	Loss of crops	Other (specify)	
1.												
2.												

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

### Annex 5: PAP rights for compensation

# Of interview	Full name of household head	Compensation for land			Compensation for construction			Compensation for crop and trees			Compensation for other assets and losses (wells, business, etc.)		
		amount (m <sup>2</sup> or hectares)	Unit price per (m <sup>2</sup> or ha)	Title (Yes/ No)	Number (m <sup>2</sup> or ha)	Unit price per (m <sup>2</sup> or ha)	Title (Yes/ No)	Number (m <sup>2</sup> or ha)	Unit price per (m <sup>2</sup> or ha)	Title (Yes/ No)	Number (m <sup>2</sup> or ha)	Unit price per (m <sup>2</sup> or ha)	Title (Yes / No)
1.													
2.													

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

## **Annex 6: Outline of the Resettlement Action Plan and Abbreviated Resettlement Action Plan**

**Table of content Resettlement Action Plan.** The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

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

2. *Potential impacts.* Identification of

- (a) the project component or activities that give rise to resettlement;
- (b) the zone of impact of such component or activities;
- (c) the alternatives considered to avoid or minimize resettlement; and
- (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

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

4. *Socioeconomic studies.* The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including

(a) the results of a census survey covering

(i) current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

(ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;

(iii) the magnitude of the expected loss--total or partial--of assets, and the extent of displacement, physical or economic;

(iv) information on vulnerable groups or persons as provided for whom special provisions may have to be made;

(v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(b) Other studies describing the following:

(i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;

(ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;

(iii) public infrastructure and social services that will be affected; and

(iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

5. *Legal framework.* The findings of an analysis of the legal framework, covering

(a) the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;

(b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;

(c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;

(d) laws and regulations relating to the agencies responsible for implementing resettlement activities;

(e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps; and

(f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land--including claims that derive from customary law and traditional usage.

6. *Institutional Framework.* The findings of an analysis of the institutional framework covering (a) the identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation; (b) an assessment of the institutional capacity of such agencies and NGOs; and (c) any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

7. *Eligibility.* Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

8. *Valuation of and compensation for losses.* The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

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

10. *Site selection, site preparation, and relocation.* Alternative relocation sites considered and explanation of those selected, covering (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources; (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites; (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and (d) legal arrangements for regularizing tenure and transferring titles to resettlers.

11. *Housing, infrastructure, and social services.* Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

12. *Environmental protection and management.* A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

13. *Community participation.* Involvement of resettlers and host communities, (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities; (b) a summary of the views expressed and how these views were taken into account in preparing the resettlement plan; (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and (d) institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

14. *Integration with host populations.* Measures to mitigate the impact of resettlement on any host communities, including (a) consultations with host communities and local governments; (b) arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers; (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and (d) any measures necessary to augment services (e.g., education, water, health, and production services) in

host communities to make them at least comparable to services available to resettlers.

15. *Grievance procedures.* Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

16. *Organizational responsibilities.* The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

17. *Implementation schedule.* An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

18. *Costs and budget.* Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

19. *Monitoring and evaluation.* Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

#### **Table of Content for Abbreviated RAP**

An abbreviated plan covers the following minimum elements<sup>9</sup>:

- (a) a census survey of displaced persons and valuation of assets;
- (b) description of compensation and other resettlement assistance to be provided;
- (c) consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) arrangements for monitoring and implementation; and
- (f) a timetable and budget.

**Annex 7: Voluntary Land Donation Criteria and Form**

Province:					
Local Authority:					
District/City:					
Sub-project name:					
Date of Public Meeting					
Name of land title owner:		Land Title Number:	Beneficiary of the sub-project: Y/N		
Sex:		Age:	Occupation:		
Address:					
Description of land that will be taken by the sub-project:		Area affected:	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact:					
			Details		Number
– Trees that will be destroyed					
– Fruit trees					
– Trees used for other economic or household purposes					
– Mature forest trees					
– ...					
Describe any other assets that will be lost or must be moved to implement the project:					
Value of donated assets:					
Will the donated land/asset is less than 5% of the land/property owned?					
Gratitude by the Municipality:					

By signing this form, ARIS representative here by affirm that land donations are voluntary and that it confirms to the protocol agreed with the World Bank.

By Signing this form, City Municipality (representative) hereby affirm that land donations are acknowledged and agreed on extending the gratitude as described above.

By signing this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumb print, and ask for compensation instead.

Date:.....  
Affected persons' signatures (both husband and wife)

Date:.....  
ARIS representative's signature

Date:.....  
City representative's signature

## Annex 8. Minutes of Public Consultations with Stakeholders on draft RPF

Place and Date: Osh Oblast Administration, 6 November 2019

Agenda of the Consultation Workshop: Draft Environmental and Social Management Framework and Resettlement Policy Framework

### Discussed main topics:

Project description and its components; potential planning project activities, national environmental, social legislation (about Land acquisition and resettlement) and relevant WB ESS requirements, identified social and environmental impacts and mitigation measures, safeguards documents needed to be developed under the RED for each sub-project, type of land acquisition and resettlement impacts, the content of RPF and RAP; eligible for compensation people, impacts and losses subject for compensation; GRM; assistance to vulnerable and severely affected households; further stages of the final RAP preparation if any impact; evaluation of compensation; further stages of the Project implementation.

It is very good that you will request to conduct ESA for the sub-loans

What organization is responsible for covering the independent valutors services cost? Who will cover compensation costs? As stated, before the valuation will be carried out based on defined entitlement matrix in accordance with requirements of ESS5 and national legislation. PIU will involve independent licensed appraisal company for the valuation of compensation and allowances for all type of losses, and the cost of appraisal will be covered by the Project. Compensation costs of land acquisition or involuntary resettlement will be covered from the Municipalities budget.

### Raised issues and provided answers:

Question/comments	Answer
Due to the nature of tourism and city infrastructure improvement activities I suspect there will be a lot of complaints from the population.	Yes, you are absolutely right that we may expect complaints from the participating cities population. As we presented, the Beneficiaries Feedback Mechanism (BFM) will be established by Implementing Agency – ARIS in order to manage grievances from the population.
Project works related to internal roads construction or placement of water and sewerage pipes may force to cut the trees and will project consider any trees replantation?	Sure, during the any project activity road construction or water pipes route design stage an inventory of all trees will be conducted and replacement will be done with ration 1:2.
Are there any cost-sharing requirements for the country or for the project beneficiaries? Are there any sub-loans or grants requirements?	Yes, surely project has cost-sharing element for the country. Currently Project Administration Manual (PAM) is under preparation and it will stipulate necessary requirements for loans and grants co-financing elements, since any proposal submitted for funding have to be economically feasible, since you will apply for loan. In any case, when this project will be launched you can discuss your proposal with Agency and FIs specialists and try to apply for the sub-loan.
Regarding the project components, what are the priority directions within the components?	As it was presented, the project will have three components. Component 1 will support capacity building activities that would strengthen the role of the local, regional and central governments in tourism, urban development and agriculture. Components 2 aims to strengthening agri-food supply chains and improve access to finance and Component 3 will support stimulation of investments for tourism and urban development.
Will this project pay attention to the environmental side of the agricultural sub-loans? Since population may complain on location of livestock farms.	Yes, this impact was also reviewed during ESMF development and ESMF document has certain section on impacts from agricultural activities of the projects and necessary mitigation actions were also provided. As a mitigation measure it was proposed to check of potential sub-loans on meeting environmental protection

	requirements. Also, project will train and provide adequate instruments for participating PFIs on screening and monitoring agricultural sub-loans.
It is very good that you will request to conduct ESA for the sub-loans. We had evident in the near past, when big enterprises were built without proper EA, as a result the enterprise negatively impacted on the people living in surrounded area. Finally, the enterprise had to be moved to another place.	Yes, environmental screening and ESA will be mandatory for all sub-loans.
What is the project implementation period?	It is expecting that project will start in 2021 and duration of the project so far is planned for six years. But this will be clear after finalization of the project.
Will this project only be implemented in Osh oblast or in the whole country?	This project is designed for implementation only for Osh oblast within the frame of Regions Development Program. However, after successful implementation it can be replicated in Batken and Naryn Oblasts as well.
Representative of Disabled Society of Osh oblast, will this project finance business project on establishment of sewing shop by our Society?	Unfortunately, project is designed to finance tourism and agriculture related projects and project may consider if your society will propose projects related to tourism sector, i.e. handicrafts shops or something else.
Representative of Disabled Society of Osh oblast, one more question, will this project consider provision of comfort conditions for disabled people in the rehabilitated tourism and city infrastructures, since there are no such conditions available in the city infrastructures at the moment not talking about tourist sites.	The aim of this event today was to hear all stakeholders' questions and suggestions. Surely, project designs of the cities' tourism and transport infrastructures for rehabilitation will consider creation of favorable conditions for disabled people.
We have problem with hills erosion in Alay district and in the oblast well, so will this project finance plantation of trees which require less irrigation water in order to diminish erosion issues in the oblast. Will it be possible?	It is unlikely, since the project will support entrepreneurship development. For the sub-project that you mentioned you may apply for other environmental funds such as GEF and others.
What are the requirements on collateral on sub-loans?	Now the project is on preparation stage. The procedure of sub-loans application and approval will be established by PFIs. More clarifications you can later get from Agency.
What organization is responsible for covering the independent valuator's services cost? Who will cover compensation costs?	As stated, before the valuation will be carried out based on defined entitlement matrix in accordance with requirements of ESS5 and national legislation. PIU will involve independent licensed appraisal company for the valuation of compensation and allowances for all type of losses, and the cost of appraisal will be covered by the Project. Compensation costs of land acquisition or involuntary resettlement will be covered from the Municipalities budget.

**Photos:**



**List of participants:**

Регистрационный лист  
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